



**MEETING RESULTS - ZIONSVILLE BOARD OF ZONING APPEALS AUGUST 5, 2020, 6:30 p.m. (Local Time)**

**MEETING WAS FACILITATED BY REMOTE ATTENDANCE**

**NO IN PERSON PARTICIPATION BY THE BOARD OF ZONING APPEALS OR THE PUBLIC OCCURED**

The following items are scheduled for consideration:

- I. Approval of the July 1, 2020 Meeting Minutes - **approved 5-0**
- II. New Business

<b>Docket Number</b>	<b>Name</b>	<b>Address of Project</b>	<b>Item to be considered</b>
2020-17-DSV	A. Dane	5457 S 700 East	<b>Approved as presented &amp; filed w/exhibits – 5 in Favor, 1 Opposed</b> Petition for Development Standards Variance in order to provide for the construction of a detached barn which: 1) Exceeds the allowable accessory square footage; and 2) Deviates from the required maximum permissible height associated with an accessory structure in the Rural Low-Density Single-Family and Two-Family Residential Zoning District (R2).
2020-18-DSV	R. Lamb	11301 E 300 South	<b>Approved as presented &amp; filed w/exhibits &amp; per staff report – 5 in Favor, 0 Opposed</b> Petition for 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).

2020-19-UV	F. Knez	3850 E Whitestown Parkway	<b>Continued by the Board to the September 2, 2020 Meeting – 5 in Favor, 0 Opposed</b> 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.
2020-20-DSV	L. Simon	1669 S 900 East	<b>Approved as presented &amp; filed w/exhibits &amp; per staff report – 5 in Favor, 0 Opposed</b> Petition for 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 Rural Low-Density Single-Family and Two-Family Residential Zoning District (R2).
2020-21-DSV	A. Buibish	1025 S 900 East	<b>Approved as presented &amp; filed w/exhibits &amp; per staff report – 5 in Favor, 0 Opposed</b> Petition for Development Standards Variance in order to allow a lot split of 10 acres, into a 3+/- and 7+/- acre lots, in which: 1) One lot will not meet the Lot Width to Depth Ratio of 3:1 in the Low-Density Single-Family Residential Zoning District (R1).
2020-22-SE	C & J Well Co	7601 S Indianapolis Road	<b>Approved with Commitments as presented &amp; filed w/exhibits &amp; per staff report – 5 in Favor, 0 Opposed</b> Petition for a Special Exception to allow for existing building(s) to be utilized for Contractor – Storage in an Industrial One Rural Zoning District (I-1).

III. Other Matters to be considered:

Docket Number	Name	Address of Project	Item to be considered
			Unsigned Findings of Fact
2018-19-DSV	Wildwood Designs	2720 S 875 East	<b>Variance Void &amp; Closed – petitioner made board aware changes have occurred with the land, and the project will no longer be pursued</b> Status of Commitments

Respectfully Submitted:

Wayne DeLong AICP, CPM

Town of Zionsville

Director of Planning and Economic Development



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

**TRANSMITTAL**

**TO: Town of Zionsville Board of Zoning Appeals  
FROM: Wayne DeLong Director of Planning and Economic Development  
RE: Materials for consideration: August 5, 2020**

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

1. Board of Zoning Appeals Meeting Agenda
2. July 1, 2020 Draft Meeting Minutes
3. Petition #2020-17-DSV A. Dane – Letters of Interest
4. Staff Reports and Packets for your consideration

**NOTE:**



**MEETING NOTICE & AGENDA- ZIONSVILLE BOARD OF ZONING APPEALS AUGUST 5, 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/86467219946>

Or iPhone one-tap :

US: +13126266799,,86467219946# or +16465588656,,86467219946#

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: 864 6721 9946

International numbers available: <https://us02web.zoom.us/u/kdAxkdfLBN>

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 (EMEA)

103.122.166.55 (Australia)

209.9.211.110 (Hong Kong SAR)

64.211.144.160 (Brazil)

69.174.57.160 (Canada)

207.226.132.110 (Japan)

Meeting ID: 864 6721 9946

SIP: 86467219946@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).

The following items are scheduled for consideration:

- I. Pledge of Allegiance
- II. Attendance
- III. Approval of the July 1, 2020 Meeting Minutes
- IV. Continuance Requests
- V. Continued Business

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

VI. New Business

Docket Number	Name	Address of Project	Item to be considered
2020-17-DSV	A. Dane	5457 S 700 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; and 2) Deviates from the required maximum permissible height associated with an accessory structure in the Rural Low-Density Single-Family and Two-Family Residential Zoning District (R2).
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2020-22-SE	C & J Well Co	7601 S Indianapolis Road	Petition for a Special Exception to allow for existing building(s) to be utilized for Contractor – Storage in an Industrial One Rural Zoning District (I-1).

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			Unsigned Findings of Fact
2018-19-DSV	Wildwood Designs	2720 S 875 East	Status of Commitments

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

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

Staff attending: Wayne DeLong, Chrissy Koenig, Kent Minnette, attorney.  
A quorum is present.

Wolff [inaudible] --ask for a continuance tonight at this point?

DeLong I am not aware of any continuance requests, but certainly we can, if any, I mean, certainly two moments here. The, certainly, if there is any parties that would like to request a continuance tonight, please raise your hand and we can promote you to a panelist to speak to that point.

Wolff And, Wayne, may now also be a good time for us to acknowledge any of our audience members, or members of our community, who want to be recognized as in attendance.

DeLong Yes. Certainly. And that same manner, if any parties are online here or viewing that would like their attendance noted for the record, please raise your hand, and we will read your name for the record. I see Mr. Lamb, Mr. Johnson and Mr. Walters have all raised their hands, so we note their attendance for the record. Thank you.

Wolff Thank you, Wayne.

DeLong I do see another hand raised. It's Richardson Home. I do not have a name currently associated with that, but I do note that information here for the record.

Wolff Very good. The next item on our agenda is new business, which brings us to Docket # 2020-12-SE for the property of 7465 South 475 East. Wayne, will you assist the petitioner in getting brought forward? Wayne, you're on mute, if you intend to be.

DeLong Certainly. Just making the promotion here.

Wolff Wayne, you're still on mute.

DeLong I was going to tell you the Sharps are here, and they're not muted.

Wolff Okay. Thank you. Sharps, welcome. Please state your name and address for the record.

C. Sharp Tim and Chelsey Sharp, 7557 North County Road 150 East, Pittsboro, Indiana 46167.

Wolff Thank you, Mr. And Mrs. Sharp. So, we have two petitions for us, and I think we should probably discuss them in order, but in your, if you would prefer, you can kind of paint us the whole picture of what you're asking for tonight. So, why don't we start with the first petition, which is the special exception to allow a new residential building in an agricultural zoning district. So, can you describe

what your project is, what you're building and just give us any details that you have about that?

C. Sharp Yes. We are petitioning to build a single-family, two-story home on a section of a piece of land that our family owns, and the entire piece of property was originally zoned agriculture.

Wolff And, can you describe the house a little bit? Square footage? Is there a garage? What are you proposing?

C. Sharp Yes. Absolutely. And, the Richardson Home, that you mentioned before, is actually our builder, who is on the call with us, with TK Construction. It's a TK Construction-built home. The model is a St. Petersburg. It is about 2400 square feet of finished space. It also includes about a 1600-square foot basement, and will have a 2-car garage.

Wolff Very good. And, this is going to sound ridiculous, and it always does, but are you familiar with the Right to Farm Act, and that your neighbors may have the right to farm in that area, and sometime farming comes with noises and smells and things like that?

C. Sharp Yes.

Wolff Okay. Very good. There is another note as I look through the staff documentation that there is a legal open drain in the property, and so as we discuss things tonight, and if things move forward with an approval, we don't have any jurisdiction over that legal open drain, so there may be some other parties you have to work with, including the State of Indiana and those types to accommodate that. So, our discussion doesn't, we want to make sure you're aware of it, that we don't have any jurisdictions over that. Does that make sense?

C. Sharp Yes.

Wolff Very good. Okay. With that, I'll turn it over to my Board members. Are there any questions for the petitioners about the, the first petition we have in front of us tonight? Seeing none, Wayne, we would typically ask for remonstrators at this point. Are there any remonstrators that you see queued up, for or against?

DeLong Certainly if there is any parties here that have interest in this petition, # 2020-12-SE, 7465 South 475 East, please raise your hand and we're happy to promote you to panelist to speak to your points you'd like to share. I am not seeing any hands raised asking for a promotion.

Wolff Okay. Thank you, Wayne. And while we have you, would you please provide the staff report?

DeLong Certainly. Speaking to the petition, the special exception petition that's on file, certainly, Mr. Chairman, you reference two very specific points that are very valid. This is an agricultural area that certainly has activities in it that can, at times, give concern to certain parties and I just want folks to be aware that those activities do happen, and certainly there is a Right to Farm Act, Right to Farm

language that the Town acts upon and has included in all actions if this petition were to be approved this evening. Staff is supportive of the petition as it's filed. The main, one of the main points of this type of action is to consider the location of the home, the preservation of farm land for future productivity. Certainly, the land use pattern in this area shows homes sited on parcels of land along the county road, if you will. It's very typical. Certainly, this project does not render the other remaining land to not be actively farmed in the future. With all that said, staff is supportive of the petition as filed, and I'm happy to answer any questions.

Wolff Thank you, Mr. DeLong. Any questions for staff? Any discussion amongst the group? Mr. and Mrs. Sharp, I would note that I believe it's Exhibit 3 that I'm looking at. It looks like the intent is to place the home pretty much in the center of the parcel. Is that correct?

T. Sharp It's more towards the west end of the parcel, but yes, it's about the middle.

Wolff Yes, let me re-phrase that. So, if you look at the whole parcel, it's on the west side. There is, on Exhibit 3 there is a box that looks like maybe appropriate for development for a home, and inside that box it looks like you've placed it towards the center. Is that correct? So, it's kind of the southwest, or let's see, northwest corner of the property?

T. Sharp Yes. Correct.

Wolff Very good. If there is no discussion amongst the group, or any other questions, I would certainly entertain a motion.

Papa I have a motion. I move that Docket # 2020-12-SE special exception petition in the agricultural district for the property located at 7465 South 475 East be approved based on the staff report and proposed findings as presented. Do we need to make this notation about the right to farm as part of the motion, or is that just understood?

Wolff Yes. Let's go ahead and do it. Include it please.

Papa If approved, if motion is approved, it should be required the petitioner execute the Right to Farm acknowledgement document.

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

Jones Second.

Wolff Thank you, Mr. Jones. Wayne, can we have a roll call vote please?

DeLong Certainly. Mr. Jones?

Jones Yes.

DeLong Ms. Campins?

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- Campins Yes.
- DeLong Mr. Papa?
- Papa Aye.
- DeLong Mr. Mundy?
- Wolff Steve, you're muted.
- Mundy Aye.
- Wolff Thank you.
- DeLong Mr. Wolff?
- Wolff Aye. Motion carries. Mr. and Mrs. Sharp, don't go anywhere. We've got one more to discuss. The next item on our agenda is Docket # 2020-15-DSV for the property located at 7465 South 475 East. Okay. So, would you please, in your words, describe your building process, because I believe what your asking for is one for the accessory structure may be completed before the primary structure, and two, there is a little bit of questions regarding the total size of the accessory structure. So, would you please, in your words, describe what you're doing?
- T. Sharp It is a simple pole barn, just to house a partial workshop in about a quarter of the space, and the rest is just to be storage for my antique tractor collection.
- Wolff And, is the intent to build the two structures at the same time?
- T. Sharp If at all possible, yes. That would be correct.
- Wolff Okay. And, then, I have another question about that, but I want to move on to the other point, which is the allowable accessory square footage. I note further in the staff's report that we don't believe thats necessary at this time. Is that correct? Because, when we made a more thorough calculation of the total square footage of the home, you are compliant with that ordinance. Is that accurate?
- T. Sharp Yes. That's correct.
- Wolff Okay. To be specific, you are not asking for an accessory structure to exceed the allowable square footage?
- T. Sharp Correct.
- Wolff Okay. You are not asking for that. So, we really only have one thing in front of us, which is that the accessory structure may be completed before the primary structure?
- C. Sharp Correct.

- Wolff Okay. Very good. And, I think we're appropriate to act on that because typically if you add things to a petition, we can't, we need to notice those, but you have noticed this, but we don't need it, so I think we're okay there. I guess, further on the first point, with the primary structure, would you be amenable if we were to say that the primary structure be complete within, what is your, let me ask this, what is your timeline for starting construction?
- C. Sharp So, the starting of the construction can happen as soon as hopefully our petitions are approved. We received a driveway permit, so they can start as soon as everything takes place.
- T. Sharp And obviously applying for the house permit.
- C. Sharp Yes. The building permit. As soon as the building permit is approved.
- Wolff So, one concern we have is that we end up making an approval here, and that there is an accessory structure or a barn that sits out there without a primary structure for years to come, so would you be amenable if we added a timeline to say that the primary structure be complete within a couple years? Is that agreeable?
- T. Sharp Yes, absolutely.
- C. Sharp Absolutely.
- Wolff Okay.
- C. Sharp And, again, if there is question about the exact timeline and the number of days that that house, the primary structure will be completed, Richardson Home can address that. He is our builder.
- Wolff If you can find a builder that will give you an exact timeline, you have found the right builder.
- C. Sharp We think so.
- Wolff We won't pin you in too much on that, but we just want to make sure that we do get into compliance, and that we do get a primary structure in place.
- T. Sharp Absolutely.
- C. Sharp Absolutely.
- Wolff With that, do any of my other Board members have any questions?
- Jones Just real quick, will you be using the same builder for the accessory building as the house?
- T. Sharp No.

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- Jones Okay. So, hence there is a good reason why the accessory building could get done well before the house, just because of the complex, whatever, the complexity of the work.
- C. Sharp Yes.
- Mundy I could not determine if there is a location for the barn that's been specified. I saw where the house is to be located. The barn, where is it going to be?
- T. Sharp It will be to the northeast of the house, probably roughly 60 feet away from the back, the east end of the house.
- Mundy Thank you.
- Wolff Any other questions for Mr. and Mrs. Sharp? Wayne, are there any other community members that wish to remonstrate for or against this particular petition?
- DeLong Any parties in the audience that have anything to share either for or against related to this specific petition, # 2020-15-DSV, please raise your hand and we'll promote you to panelist. I do not see any, Mr. Chairman.
- Wolff Thank you, Mr. DeLong. Will you please at this time provide the staff report?
- DeLong Certainly. Staff, as well, is supportive of this petition as filed. These are certainly great points that have been raised about the timeline. Certainly, staff in offering a number to focus on a possible two years. At a minimum, your building permits are valid for 18 months. Certainly, that's, and to give a little bit more flexibility with the start and stop, whatever the case may be, with the little bit different world we live in today. But staff is supportive of the petition as it's been filed. Certainly, noting the amendments and certainly noting the recommended motion can strike the second part of the petition simply because it's been indicated that the accessory square footage is not an issue. But, again, simply because the petitioner is pushing forward with a home build, and out here, this is certainly something that staff is supportive of, and happy to answer any questions related to the petition filing.
- Wolff Thank you, Wayne. I noted, just now saw it, that the staff has a recommendation of the primary structure being complete within 6 months. Is staff agreeable to 2 years from, you know, what is your preferred strategy on that?
- DeLong Certainly the way staff structured the comment is it's either timed related to the buildings being finished in proximity, or you know, timing being close together, or just the overall package being 2 years from basically today's hearing date. I think whatever date is easier to manage is what staff would support both for the family and certainly for the Town. I think just, you know, throwing a number, a timeline from today of 2 years, I think, is a broad enough envelope to facilitate the entire project. Certainly, if the Sharps have any other comments or questions on that, that's certainly open for discussion.

Wolff Thank you, Mr. DeLong. So, Mr. and Mrs. Sharp, does that seem appropriate if we, I know that you still have to get some building permits and things like that, but does 2 years seem like an appropriate timeline to wrap this up?

C. Sharp/T. Sharp Yes. Absolutely.

Wolff Okay. Any discussion amongst the group?

Papa Mr. President?

Wolff Yes, sir.

Papa Sorry. I got booted for a couple minutes there. I might have missed something, but I had the same idea that you had about putting a time limit on building the main structure. But, my question about that is how would that be enforced if it wasn't? Nothing against the Sharps, but if someone were to not comply with that, then what's, what would happen as a consequence?

Wolff Mr. DeLong, can you make a comment on that?

DeLong Certainly. We have had that in the past. There is a couple petitions out there where a timeline has been established, and I can think of one particular case where the petitioner had to come back to the Board of Zoning Appeals and request an extension of time. So, uniquely, we manage this simply as setting an Outlook calendar invite to ourselves that in 2 years it reminds us to check in to where this process is at. Certainly, there are permit databases, as well, tracking the progress of the permit. Certainly they'll be reporting back as far as inspections go, but certainly the action would be if no action has been taken to build a home, a single-family dwelling, we would be following up with the petitioner, and honestly, what actually we'll be doing is checking in before the 2-year expiration to give them the opportunity to come in and ask for an adjustment, a new variance, if you will, to remedy the situation. But it would be coming back the Board.

Papa Again, I'm not talking about the Sharps, but if someone was to do that and just never build the house, would they have any consequence to having the barn? I mean, at some point, would they be told they're out of compliance with zoning? Or what happens?

DeLong Yes. Well, they would be asked to come back to the Board to adjust the prior variance, and if they were unable to come back to the Board, ultimately it would be a legal pursuit where the property would be out of compliance and be ordered to come into compliance either to tear down the barn, or build a compliant dwelling to where the barn would become an accessory use. I would suspect the first action would be for the party to pursue an additional variance to deal with the situation.

Papa Okay. Thanks.

DeLong Certainly.

- Mundy Wayne, does this require two separate building permits, and are there any time constraints on the building permit itself?
- DeLong Correct. Two separate building permits would be issued. The time constraints are on the far side of this conversation where the permits are valid for a total of 18 months. Each permit will be, there is a one-year and then a six-month extension, but currently the Town of Zionsville has no regulations related to the minimum time to start your project. You can wait almost the entire time of one year, and then quickly try to wrap things up if you say so.
- Jones I've got a question now we're going down this line. So, currently this is zoned agricultural, correct? One of the variances their asking for is to build a home in an agriculturally-zoned use property. If they don't build the home, they lose the variance. So, you've got a barn on a piece of agricultural land.
- DeLong Correct. I mean, you would have, I mean, a barn as a permissible land use for a farm, or agricultural purposes if the property is 20 acres or over. So, you, without fulfilling, I mean, the two are related, as you're getting at, Mr. Jones. I mean, these two petitions are inter-related. The barn has to be associated with a dwelling, and right now they're asking, this particular case, even though that's not the characteristics, but certainly in this particular case, the party is looking to build the barn. Is asking for relief to do that temporarily. Staff is supportive of that. The Board is focused on seeing that done within a 2-year window, and if it's not done within the 2-year window, there will be a follow-up to allow the petitioner to, any petitioner, to remedy the situation where they will be asked to come into compliance.
- Jones I guess my point was they would lose the variance to build the house. You're talking about what is recourse.
- DeLong Right. Well, the special exception as it's currently structured does not go away, so you're, so in all special exception petitions there is no expiration date. So, what you're talking about potentially is establishing an expiration date on special exceptions if a home is, somebody never follows through on building the house. But, in this particular case, you have that stop-gap established by establishing a time-frame on the variance of the barn. But, in future cases this is a great point.
- Jones What I'm saying is, the, you know, you're looking for what recourse is, is that the variance to build the house in an agricultural-zoned property would expire. It would go away. Is one option we have out there.
- DeLong So, you could establish that as a condition on a special exception, yes. That's very true.
- Jones Okay. Not that we're going to do that. We're just talking. We put people through this all the time.
- Campins I have a question. It was noted that the property is within proximity to a special flood hazard area. Are you aware of any flooding in that area now where the structures are going to be built?

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- T. Sharp Not where the structures will be built. No.
- Campins Okay.
- T. Sharp And, we are planning on building the house above, well-above grade, to not have any issues with flooding.
- Campins Okay. Thank you.
- Jones Just for reference, are there sewers out there, or do you need a septic field?
- T. Sharp No, there will be a septic field.
- Jones Okay. So, at some point, you'll have to go through the process to get, have you gotten approved for the septic field?
- T. Sharp Yes.
- Jones All right. Okay.
- Wolff Any other discussion amongst the group? If not, I would entertain a motion. I would make a note that the second bullet-point in the recommended motion is not valid and doesn't need to be stated, and I'd also make a note that we amended the motion to include a 2-year sunset window on it from today's date.
- Papa I'll make a motion. Is that 2-year window completion?
- Wolff Yes. Occupancy permit.
- Papa I move that Docket # 2020-15-DSV, design standards variance, in order to provide for the construction of a detached barn which is installed before the primary structure provided that the primary structure is completed within two years of today's date for the property located at 7465 South 475 East in the agricultural zoning district be approved based on the staff report and the proposed findings and the time-limit amendment that we included.
- Wolff Thank you, Mr. Papa. Is there a second to that motion?
- Mundy Second.
- Campins I second.
- Wolff Thank you. All those in favor, Wayne, will do a roll call vote. I will never not learn to do that.
- DeLong Very good. Mr. Jones?
- Jones Yea.
- DeLong Ms. Campins?

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Campins Yes.

DeLong Mr. Papa?

Papa Aye.

DeLong Mr. Mundy?

Mundy Aye.

DeLong Mr. Wolff?

Wolff Aye. Motion carries. Mr. and Mrs. Sharp, good luck with your project.

T. Sharp Thank you very much.

C. Sharp Thank you very much, we appreciate it.

Wolff Okay. The next item on our agenda is Docket # 2020-16-DSV for the property located at 4560 South 975 East. Will the petitioner, we'll work on getting the petitioner brought forward.

M. Walters Did we make it?

Wolff I think you're there.

M. Walters All right.

Wolff Mr. and Mrs. Walters, will you please state your name and address for the record?

M. Walters Mitch and Stephanie Walters. Address is 4560 South 975 East, Zionsville, Indiana 46077.

Wolff Very good. And, in your words, will you please describe what is in front of us tonight?

M. Walters Sure. Jerome Graber is also on this call. He's with Milmar Builders. He's our builder that we'll be using. I know he'd like to talk a little bit, at some point, about the product that he'd be building and all the details that surround that. But, first a little background on us. We lived in Colony Woods for about 8 years, and we had 3 little boys. And, being kind of somewhat across the street from Colony Woods when this property hit the market 3 years ago, we felt it was a perfect opportunity for us to move here with our active 3 children and raise a great family here. So, prior to us buying this property, there was a large field out in front that was used as a horse barn, and I think they did some equestrian out here and things of that nature. So, this property is very unique as it relates to what we have left in Zionsville today. I don't think there is a lot out there that is like this. We have over 5 acres. I think it's 5.18 acres, is what we have. And, so we purchased this 3 years ago, and when we purchased it, we knew the barn that was out there that it stored the horses, was in really bad shape. And, so as we moved

here and as things progressed, we found out that that barn was dangerous. The barn was falling down. I knew our neighbors weren't thrilled about it, and our plan all along was to build something beautiful out there. Something that our boys could use. That our family could use. Something for the kids to burn off energy. And something, honestly, for us to have as storage. Being back down a long lane, we have to take our trash cans down the lane every day. So, we had to get a golf cart in order to drag those down the lane. We have 2 cars, as well. So altogether, you know, that takes up our 3-car garage. And we don't have any room for our mowers or anything of that nature, and so the old horse barn stored that stuff until we came up with this idea that we were ready and we had the funds to build a new barn to improve the quality of what it looks like from Spring Knoll, and things of that nature. So, on April 30, I reached out to all 3 of my neighbors that live on our long lane, and explained to them specifically what Jerome and his builder group was going to do. It was detailed. The size was detailed. The price was detailed. And I had shared with Chrissy all the feedback that I got from all of those folks, and everything was positive from all of my neighbors. Everybody knew exactly what we were doing. Everybody was on board. And, so with that, over the course of probably the last couple months, we've spent about \$6000 tearing down the old barn. There were dumpsters out there. The barn got tore down, out of the way. We had Jerome put plans and specs together, and everything moved forward to get ready for this variance meeting here today.

So, we're looking to build an awesome barn out there. It's, I know pole barn sometimes has the connotation of, oh, that's going to be something that's just, you know, an eye sore, and stuff, and it's anything but that. I know Jerome had shared some pictures of what their work looks like, and I'd like him to detail a little bit, all the details that we're going to put into this barn. I mean, it's going to be anything but that. I think the total price-tag that we're going to be spending on it is like \$115,000 to build this barn. So, by no means is it just a run-of-the-mill, something we're throwing up. We're heating it. We're insulating it. We're doing a patio off of it. It's a wrap-around patio. We're going to build a fire pit. I mean, it's going to be a wonderful addition to this entire lane, and no doubt will add tremendous value to all of our neighbors' property values versus what was sitting out there before. So, right now, I have no barn. I tore the barn down. I was heading full-force into this project. All of our stuff that was out there, our mowers and things, are being stored at Mr. Shafer's property, which is just directly in front of us right now, until we get the new barn built. Where inside of the barn, you know, I mean, to be blunt, like, it's for my kids to run off steam. We're going to store stuff out there. It's going to keep my kids from playing Fortnite. It's for the neighbor kids to come over and play basketball inside of it. Put a gym up. It's going to be something that's, you know, that I'm open to allowing this entire little area around here for kids to come over and enjoy. So, that's kind of what it's going to look like.

The builders can start in 3 weeks, and you know, we're here for a variance, because it's a little bigger than what our property allows based on our house square footage, but I kind of feel like, and I've been back and forth, that you know, we live on over 5 acres. We don't live on 1 acre. So, you know, it's my understanding that the same rules apply for 1 acre as it does for 5+ acres, and I don't think that's really fair. I think with as much land as we have, if you came

out here and looked, I mean, it's a huge, massive field, and a barn of this size would look perfect there.

Wolff Thank you, Mr. Walters. A couple questions, and maybe your builder would be appropriate to answer, but if you want to take a stab at them, we can go there. And, if not, if you want to defer to him, that's fine too. But what is the siding of the barn? What is the walls? The exterior walls of the barn? Is that steel?

M. Walters Yes. It is. You might want to call him in. I mean, he's the expert on that. Can he talk on this?

Wolff Yes. Wayne, is there a way to promote- -

M. Walters Jerome Graber is his name.

DeLong Currently being promoted.

Wolff Thank you.

DeLong Currently being promoted.

Wolff Thank you.

DeLong I've never actually seen this before. We hit the promote button. He still shows as an attendee by number, but he is no longer listed as any part of this webinar.

Wolff Mr. Walters. I'll go a different direction while we see if we can get your builder promoted. We did receive a letter, and I think by all definitions we caught the 11<sup>th</sup> hour from one of your neighbors that has expressed some concern about this. Do you want, and let me pull that letter up. I believe the - -

M. Walters Yes. I'm aware of it. He sent me an email late last night explaining that he sent something in, which is, I'm aware of it. I'm disappointed in it. I'm disappointed that I've had multiple conversations. I emailed him directly and on April 30 explaining exactly what I was building. You know, his emails back were very supportive of it. Obviously, I had an old barn out there that was falling down. It was an eye sore. I've heard nothing during, even my conversations while the old barn was being tore down, and dumpsters were out there, and people have walked by it. Had nothing but positive conversations about this. So, it absolutely blindsided me that at the last minute they decided to do that, and my frustration was a little bit is that if they would have had a concern, and they would have told me back, you know, on April 30 that they had a concern, I wouldn't have surely knocked my old barn down. I wouldn't have spent \$6,000 on all that stuff, and maybe I would have worked with them to go a different direction, but I'm so far down the path now to come in at the very last minute and try to kibosh what I'm doing after I fully disclosed to them everything I was doing seems a little unfair to me.

Wolff And, do you think - -

M. Walters I will say, sorry, John. Sorry to cut you off. They are not a direct neighbor of mine. So, they are on this lane, but there is 3 ½ acres between my house, of trees, woods, forest, between my house and their house. So, they are at the very, very back of the entire neighborhood. So, besides when they drive down the lane, they absolutely cannot see the barn from their property or anything.

Wolff Yes. There is a common drive, but when they're in their living room.

M. Walters Yes.

Wolff Understood. Do you think there is something you could do to adjust the plan to be accommodating to their concerns?

M. Walters Well, I mean I guess, you know, the verbiage that he sent me seemed like attorney language, to be honest with you. So, I don't know what exactly, I mean, I know they roughly say they feel like the size and the build grade is not up to their standards. I don't really know exactly what that means, and again, I've had lots of conversations with them. So, why we didn't have a face-to-face conversation before I spent a ton of money, and got on this Zoom call tonight, and talked about it, is beyond me why they would do that last minute. I think they're under the impression that this is going to be some run-of-the-mill junky pole barn. Again, to spend \$115,000 on a barn, like, this thing is going to be anything but that. And, I know you talked a little bit about the details. It is a metal siding. It's a 2-toned siding that's going to match our house perfectly. It's going to be the same color as our house, with black trim, as the other part to match all of our shutters in the home. It's going to be fully insulated up and down. We're actually putting, and I don't know what it's called, but it's a water system that goes into the floor of the concrete, that allows us to heat up the barn. All of the windows on the barn are upgraded windows. We're putting cupolas on the top of the barn. The big overhead doors, the 12 x 12 overhead doors, my wife talked me into that. They're going to be upgraded with windows in them. It's going to look like a residential structure, and I know one of the things he said in there is it's going to hurt the value of this property. I just can't absolutely fathom this hurting the value of their property. The house just in front of us sold for \$715,000 and honestly, they have a house that's half the size of ours. They built a barn that doesn't even match what their house looks like. So, I'm a realtor on the side. If somebody builds a \$115,000 barn, I know it will increase the value of not only my property, the property in front of me, the property behind me, the people on the other side. It's only going to add to the value, versus what we even had there before that was actually falling down.

Jones Mr. Walters, can you help me out real quick.

M. Walters Yes.

Jones You talk about 3 houses on your lane. So, I think you're talking about 4570, 4560, and 4550. Correct?

M. Walters So, I don't know. It's a little funny. So, the Crenshaws used to own this, and so there is, I think the house in front of me is 4570?

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- Jones 4570.
- M. Walters Now 4560, and then behind me is 3 acres that the Eckerts own, that there is no house on currently.
- Jones Okay.
- M. Walters And, then at the far back of the lane are the folks that sent the letter, at the end of the cul-de-sac, which was not originally a part of the Crenshaw estate plat. So, they are on my lane, but they're at the very, very back.
- Jones Wait a minute. So, I'm on like Google Earth. I've got like 3 computers. You know, my house is in a brown-out because I've got so many computers going. But there is a house in front of you that is closest to 975, and it looks like they just did a pretty substantial rebuild. Correct? And, they've got an outbuilding, as well.
- M. Walters That's a new build. Yes. They just built it.
- Jones And, then there is your parcel, and then there is one to the west of you that doesn't appear to have anything on it. Is that what you're talking about?
- M. Walters Yes. So, that's woods.
- Jones Okay. And, then there is 2, which I would call to the north of you, that have 2 homes on it.
- M. Walters On the other lane, it must be, is what you're talking about.
- Jones That's what I'm trying to figure out. I can't - -
- M. Walters Yes. There is 2 lanes that run right next to each other, and kind of, if you look at Google Earth, it looks like 1, but there is actually trees in-between those, and one goes to the other side to the north, and then the other one comes down our side.
- Jones Okay, so you have somewhat of a boulevard, basically. In other words, there is your neighbor, closest to 975. There is your parcel, and then it appears that there is a house, or some structure to the west of you. Is that right?
- M. Walters In the woods?
- Jones Yes.
- M. Walters Yes. That's another topic for another day.
- Jones That's all right. But there is something back there?
- M. Walters Yes. There is, but there shouldn't be.
- Jones They all share the same drive.

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- M. Walters Yes.
- Jones All right. They all share the same drive.
- M. Walters Yes.
- Jones And, then the two that are to the north of you actually are serviced off the other drive.
- M. Walters Correct.
- Jones In other words, there is this kind of thin spurt that connects everybody out to 975.
- M. Walters Yes. And, their drive, we can't access their drive, and they can't access our drive.
- Jones Okay.
- M. Walters There is no connection there. And, honestly, I don't know them very well.
- Jones That's fine. So, where are we getting the remonstrance from? In all these parcels? Is it - -
- M. Walters To the west of us is the woods, there is a structure there that shouldn't be there, and then keep going west, all the way to the back of my lane there is house that sits back there. Can you see that? It's in the end of the drive, there is like a circle drive back at their house.
- Jones All right. I hit subdivision. Is anybody else able to figure this out? Is it just me?
- Koenig Larry, I think, are you able to look at the staff report on Exhibit 2, where we're showing the Town's GIS?
- Jones Yes. I'm also clicking back to that.
- Koenig So, if you look at Mr. and Mrs. Walters' property, then the one to the west, I think what they're saying is the 3-acre vacant, it has the address 4550.
- Jones I got that.
- Koenig The one that sent the letter in is the next one west, which is 4540.
- Jones Okay. All right. So, there is a parcel of land in-between them? They've got to drive by the barn, is their complaint. Correct?
- M. Walters Yes, I guess. Apparently, they liked looking at the old one that was falling down. I don't know.
- Jones All right. I'm just trying to make sure everybody is understanding.
- M. Walters Yes. You're correct.

- Jones My bad. John, you want to go back and - -
- Wolff Yes. Certainly. I want to ask, I believe it's Mr. Graber, questions. Are you there?
- Graber I am. Can you hear me?
- Wolff We can. You sound like a robot, but I don't think that's your fault.
- Graber All right. So, Mr. Graber, I just want to start. Can you, one is, can you describe, let me give you a series of questions and then I'll let you answer them. The fit and finish of the structure. Two, is the structure going to have plumbing, HVAC, a bathroom, a kitchenette? The interior finishes of the structure? And three, can you describe the exterior finishes, including the roof, including the steel siding and those types of things?
- Graber Sure. Well, first of all, the structure is going to be a metal-sided, metal-roof building. It's not going to look like what you would think of like a traditional farm barn. It's going to have multi-tone colors on it. It's got a wrap-around porch on it. We use the metal [inaudible] get any other product very effectively. The way we fit them out, they look, they really look very suitable for residential properties. We build these more beside homes for residential purposes than we do agricultural by far, I would say. [inaudible] right beside people's houses as residential buildings. That is actually the most common use they have for them. The building is going to [inaudible] and it's going to have a metal ceiling in it. It's going to be wired for light. It's going to have in-floor hot water heat in it, so it's going to be heated in the winter time. We're putting in plumbing for a kitchenette and a bathroom in it, and it's going to be a, it really is a type of building that's designed to be for year-round use. It's going to be able to be heated just like your house would be in the winter time. We're not putting in the air conditioning. It's designed, it's got like ventilated windows and stuff for that. We're not air conditioning it, but it going to be heated essentially exactly like a house. It is going to be insulated just like a house, as well. Did I answer all your questions? I'm sorry if I missed one.
- Wolff I think you did. It was a little tough to hear some of it, but I think you did. So, I heard that it will be plumbed for a kitchenette and a bathroom. I heard the description of the features of the exterior of the barn. Another question is, one of the reasons that we're here is because, I believe the structure is intended to be 26 feet tall, 26 feet 8 inches. Can you describe why that's necessary? Jerome, Mr. Graber, you're muted. Mr. Graber, you're still muted.
- M. Walters John, you want me to try to answer that?
- Wolff Yes.
- M. Walters Okay. You know, our plan is, I coach Indy Hoops basketball. I coach Zionsville Baseball Club. I have three boys in it. Our plan is to put a, close to half-court basketball court inside of there. So, just from a trajectory standpoint of shooting. I don't know enough. That's where Jerome is going to have to talk about the trusses that go in there, and things like that, but I think just based on the ability to

shoot from the corners and things of that nature, I think that just the measurements played out that it needed to be at that height.

Wolff Fellow Board members, what questions do you have at this time for the petitioner?

Jones Do we have an idea how far back this will sit off of the common drive? I was trying to go through your site plan, and it's, what we've got is a little rough.

M. Walters Sure. So, if you look at Google, or you can see that we have a, so we have a regular drive that comes back to our house where our garage is, but there is also a gravel drive that we have, so you might be able to see that gravel drive on there. That gravel drive was there prior to us buying the property, and went out to the old barn. So, where that gravel drive ends, or maybe on Google Earth, my old barn is still there. I'm not sure if it is or not. But the new barn is going to be exactly where the old barn was, so in that exact same location, that gravel drive is going to go right up to one of the 12 x 12 doors that go up to be able to drive right into the barn. So, it will be the exact same location as it was before.

Jones If I'm looking at your site plan and understanding the property layout, the drive is really basically a shared easement. Is that a correct assumption?

M. Walters That's correct.

Jones Okay. So, the distance to the house to sit off the property line is actually much greater than what it would appear the distance from the road is?

M. Walters Correct.

Jones Okay.

Campins How many overhead doors was this going to have?

M. Walters Two overhead doors. One towards the house, which would be to the west side, and one on the east side. Just simply because, as Jerome explained, we're not putting in air conditioning. So, in the summer we can put those doors up and we'll get the west to east breeze flowing through there.

Campins Okay.

M. Walters But they're very nice. I mean, I know what you picture a garage door to look like, but they are, we upgraded with Jerome to the ones that have all the windows in it. It looks absolutely like a residential garage door you'd put on a million-dollar house.

Campins Okay. Thank you.

Jones What color will it be?

M. Walters So, the barn?

- Jones            The barn.
- M. Walters        So, the barn will be, I guess our house is probably like a really, really, really light gray. It's not white, but there is a little bit of a grayish tint to it, and so I think what we decided on, didn't we, is the bottom, I don't know how many feet that is. That's probably the bottom four feet wrapped around will be in black, because our front door is black, our shutters on our house are black. So that bottom part will be black, and then the rest of the barn will be the color that our house is, which is that very light gray.
- Jones            Okay. So, there is a lot more detail than what we're seeing in just the drawings we got provided. Well, I see it now.
- M. Walters        Sorry to cut in, but Jerome just texted me. He's having problems with his telephone connection, but he says that it's 22 feet to the top of the roof on the barn he's proposed. I think somebody said 24.
- Wolff            I think that's different than what we have in our information.
- Jones            Yes. We've got a much higher dimension.
- Mundy            Is that the inside or the outside?
- M. Walters        I don't know the answer to that. I wish he was connected properly.
- Graber            Outside.
- M. Walters        There he is.
- Wolff            Oh, we heard him. So, that changes one particular facet of this conversation.
- M. Walters        He says the outside. The outside is 22 feet to the tip of the roof.
- Campins          Okay.
- Jones            Okay. So, it's, and you're trying to get 16 feet inside clear?
- M. Walters        Is that what is says?
- Jones            Yes.
- M. Walters        I forget if it was 16 or 18.
- Jones            I'm just trying to think, because it is a wood-framed pole barn, correct? There is no metal structure to it?
- M. Walters        Yes, that's correct.
- Jones            So, I'm just thinking to get the 50-foot clear span [inaudible] side to side. Anyway.

- Campins            You mentioned a wrap-around porch. Is there an overhang over that? Does it come down?
- M. Walters        So, it will be an overhand wrap-around porch with a... So as you enter from the west there will be an entry door on the side there, and that will be underneath the wrap-around porch, and the wrap-around porch will have ceiling fans up underneath the wrap-around porch, so again, we're using this as an opportunity. And, then, there will also be, as a part of the wrap-around porch, there is like a slide-up bar door that's going to be built underneath the porch, so if you were sitting outside. I know Jerome talked about a bathroom and a bar, like, we're going to have it rough-plumbed for that. We're not going to actually do that right now. So, that's going to be a project for the future that we'll actually add those. So, the rough plumbing will be in for it, but our ultimate goal is to have some kind of little kitchenette inside of there and a restroom, and be able to have that bar door, which will be built on it slide-up so you could serve drinks and food to the outside underneath the patio.
- Campins            Okay. Thank you.
- Mundy             Can you give us a breakdown? How much of this is the basketball court versus storage and other uses inside the barn?
- M. Walters        Well, we haven't talked a lot about that. So, we're just going to initially put one basketball hoop in there. We'll probably, it's going to be a concrete floor, so we'll probably paint some lines on the floor for the kids, but in all honesty, there is going to be a lot of overlap, and I'm sure the kids aren't going to love that, but you know, we're going to have tractors in there, and some of those things that I'm storing at the neighbor's house, I'm going to have to put into the barn. So, that stuff will probably get in the way of the basketball court, so there will be times where the basketball court has storage stuff in its place, and things of that nature. We really haven't totally mapped out how that's all going to be, or if eventually we build a room inside there to store the lawn mower, or what have you. But, from day one, there will be one basketball hoop in there at the far east end of the barn, and the rest of it we're just going to store our stuff in there for the time being.
- Mundy             Have you considered reducing the size of the barn? I mean, it is a large barn, and since you haven't mapped all that out, I guess it's sure easiest to go big if that's what you want, but you are here asking for a variance largely because of the size of the barn.
- M. Walters        Sure. Yes. Honestly, we hadn't considered anything until I knew that a neighbor said something at 11 p.m. last night when something got sent to me. I mean, you know, all of our plans and sketches and everything have been around this size barn that we wanted to put out there. So, to be honest with you, we haven't considered anything smaller to this point. And, again, I don't want to, our old barn that we used to have out there, I don't know how big it was. It wasn't very big at all, and it kind of looked funny out in the middle of that enormous field that we have. You know, back then they had horses that obviously grazed the field, so that made sense for them, but we aren't horse people. We don't have any animals besides one dog. So, it seems a little funny to me to build something

super small out there right now if we're not going to use it for the purpose of animals or anything. It's a lot of wasted space, and you know, there is not really a lot else to do with that. So, that's why we thought that a barn of this size would actually look perfect. It's almost symmetrically in-between the house and barn in front of us, and our house. So, it kind of just flows as you come down the lane.

- Jones Yes, I have a question for Wayne. Probably could dig this up. So, are all these parcels out there all zoned RSF2? I mean, I could go dig it up.
- DeLong Yes. I would say generally speaking this is a predominantly - -
- Jones --I'm asking specifically. So, there is three parcels that share this lane. Are all three of those RSF2?
- DeLong I could pull up a GIS and verify that.
- Jones That's what I was, I mean, I was going to go do that. I didn't know if we just had that handy somewhere.
- DeLong Chrissy, if you want to take a look at that given that my computer is controlling the webinar.
- Jones Yes, sorry.
- DeLong Any challenges.
- Jones I've got a third computer, but the only reason it works is because I've never connected it to the internet, and I don't want to do that.
- Wolff Are there any other questions for the petitioner at this particular time?
- Mundy Yes. I have one other question, Mr. Walters. When you started planning for the barn, and looking at size of the barn, were you aware that there were limitations in the ordinance in terms of what you could put there without requesting a variance?
- M. Walters No. I wasn't, to be honest with you. Never even crossed my mind. Had I known that, I probably would have made sure we got through this meeting before I tore the old barn down. Obviously, I moved forward with taking it down because I figured I could, you know, I've got 5.18 acres, which is a ton of room. I thought it wouldn't be a problem. Or, I thought that maybe, I guess I assumed the rules were that, you know, it didn't, a 1-acre property isn't the same as 5 1/2-acre properties, but obviously that's not the case. The same rules apply. So, no, I wasn't aware of that.
- Wolff Wayne, do you want to look to see if we have any, I know we have an open question about the zoning of the neighboring, adjoining properties. Do you want to look and see if we have any remonstrators for or against who want to share something tonight with us?

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- DeLong I do not see, I mean, I see no other names. I mean, certainly we'll ask the question are there any remonstrators here related to this petition, so we can discuss # 2020-16-DSV, please raise your hand.
- Wolff Okay.
- DeLong Yes, I don't see any other parties raising their hands.
- Wolff Very good. Chrissy, were you able to find anything?
- Koenig Yes. I did find, and I tried to send a screen shot to Wayne, because I don't know how to show it to everybody else. There is RSF2 pretty much around the entire area. The school to the south is SU, and then Cedar Bend would be the closest change in zoning, which goes to RSF3.
- Jones So, Chrissy, there is the three parcels that have this common drive. I'm sorry, there is four parcels that share your drive, correct, Mr. Walters?
- M. Walters Yes.
- Jones There is three residences, and then some other thing.
- M. Walters Yes.
- Jones Okay. So, then the two to the north, are those also RSF2?
- Koenig Yes.
- Jones Okay. So, basically there is six parcels all in through here, and they're all, was that all done at a single, kind of, rezone at some point?
- Koenig I think even the neighborhoods to the north and the south, Spring Knoll and, I just lost my, the two neighborhoods on either side are also RSF2. So, I think this whole area has just all been RSF2. Is that what you're asking, Larry?
- Jones Yes. I'm just trying to see kind of the, I guess, was there an original owner that sold all the parcels that created the other subdivisions, I guess. Is that what I'm seeing? I'm just trying to get a little bit of the history of this thing.
- DeLong I don't think we know off-hand as to, I mean, it was certainly in the 90s where these actions were vehemently contemplated.
- Wolff Wayne, now may be an appropriate time for the staff report?
- DeLong Certainly. This is a very, you know, interesting petition. Certainly, the staff does not disagree with the Walters. You know, the scale of property and its improvements are certainly in a form-based code, are certainly very important features of that type of conversation. Uniquely, however, the Town of Zionsville does not have such an ordinance. The ordinance is based upon a "one-size fits all" approach. The larger your primary structure, the larger your accessory uses may be. That is the ordinance that the Town adopted in the 2000s and maintains

today. The challenge that is presented to the Board of Zoning Appeals is to consider the request based upon the findings of fact, which are outlined in state law as what is peculiar with the property that necessitates the variance or is the hardship in following the Town's ordinances. And, this is made a little bit further complicated because you have a petitioner who, indicating as part-time real estate agent, or maybe a little clarification on, maybe I'm not saying it correctly, is indicating that these improvements will increase property values, and I believe you have a remonstrator indicating that, at least in writing, that they believe that the improvements would de-value the property, which is actually a financial impact to adjacent adjoining properties, is definitely a topic of conversation for the Board of Zoning Appeals.

Specifically, to the height item, that height came from the petitioner's specifications provided by the builder. If those specifications are incorrect, and the building is only 22 feet in height, then that is a non-issue, but certainly I think that's definitely critical to the success of this building that the height itself is very, very clear. Certainly, the height is not considering the cupolas. Those are exemptions in the consideration of heights for accessory structures. But, in this particular case, the Town has the ordinance as it's been outlined tonight.

The challenge of the Town's ordinance is to look to keep accessory uses in scale with the existing primary residence. Those are, you know, of a challenge, and certainly staff, again, appreciates the approach of the forum-based code. However, that is not something the Town has currently in its wheel-house to utilize. Speaking to the features of the structure, staff isn't intimately aware of every property in this particular area, but when trying to find larger accessory structures that are of an all-steel nature that is not something that staff could run across. Certainly, looking for the Board to speak to that item if that's [inaudible] or not. But again, you have an ordinance today that speaks to very specifics as to why the regulations are as such. You have a competing thoughts being presented as to the impact, potential impact of values based upon the improvements. Certainly clarity, as indicated this evening, that you have a 22-foot barn that you're looking at not a, not the number that was listed in the notice, and I think we'll conclude comments from there. I'm certainly happy to answer any questions.

Wolff Thank you, Wayne. Any questions for staff?

Papa Wayne, is the addition of a restroom or plumbing for restroom [inaudible] accessory building?

DeLong It's certainly permissible to have the, any types of features in accessory structures. The challenge is the counter-balance of insuring that the accessory structure maintains its accessory use. Certainly, the challenge is to put the correct amount of features, such as the kitchenette as it's mentioned. It cannot be a full kitchen. If the facility is also plumbed with a full bathroom, or the bathroom has to not be a full bathroom in order to have a full kitchen. So, there is a couple different ways that conversation is managed in terms of the variance. And, equally as important in that conversation is the heating and/or cooling of the barn. Certainly, while it's an awesome feature to have, the building code itself is a bit tricky when it comes to how that's regulated. It's certainly a challenge to

meet the building code standards for heating of a building when it is a primary structure, and it's built of this fashion. I don't believe that's the intent is to not make this a primary structure, but certainly these features and conversation points will be evaluated during the review of the building permit.

Jones I've got a couple items. So, the previous project for the Sharps we just approved was basically a 2400-square foot house with a 2600-foot outbuilding. But because they were zoned agricultural all this stuff doesn't really, none of the requirements come into play, per se. Is that correct?

DeLong Right. When you have a 20-acre farm, yes, the accessory versus primary is - -

Jones --No, no. The Sharps' property was only 2 ½ [inaudible], but their accessory building was like 2600 square feet and their house was going to be a total of like 2400 square feet. The point is that is agriculturally-zoned, so it didn't - -

Koenig Larry, they also had a 1600-square foot basement. That's why.

Jones The basement figured into there? But my point is, because, but the agricultural zoning didn't call into play the 50% limit. Correct?

DeLong No, but it does call into play that in the rural portion of Zionsville, accessory uses must be subordinate to the primary. So, it's a very similar test as in the urban area with a different percentage. In the rural area, your accessory uses must be subordinate. So, if you have a 5000-square foot home, your accessory uses must be no more than 4,999 square feet, plus height limitations, accessory use, other limitations, and that's if you do not qualify as a farm.

Jones I understand. And, I guess the second thing I want to confirm is that these existing parcels, basically the 6 parcels that are anywhere from 2 acres to probably 8 acres, all kind of creates this, the RSF2 zoning and the other development that went on around it.

DeLong Well, I would say that the whole area was brought in when it was annexed. We have not researched. The assumption is when the area was brought in, it came in as RSF2 as the ordinance would stipulate, that all properties when annexed are brought in at RSF2, and so certainly when the Crenshaw property was brought in, it came as RSF2 as a 10-acre farm.

Jones So, they weren't really ever given a, so there wasn't a rezoning per se of the property? Just when it was brought in it got brought in that way?

DeLong Without researching it, it's very, per the ordinance, when a property is annexed, it automatically comes in as RSF2.

Jones Okay. So, they didn't have a choice?

DeLong Most likely, no.

- Jones Okay. And, then if I'm reading through the RSF2 and your number is correct, their existing attached garage and porches and patios all add into the accessory number that their allowed. Is that correct?
- DeLong Correct. All porches are calculated, all porches, patios, you know, that's a part of that accessory use conversation.
- Jones Okay. I guess, like I said, I was kind of running back and forth on the math, and while the building is large, you know, 50 x60, it's 3000+ square feet or whatever, it's when you start adding their attached garage and porches and patios and all that kind of stuff that really throw the numbers out of whack in terms of us granting a variance for an excessively large amount of overage.
- DeLong Correct. There is a challenge [inaudible].
- Jones And that's what makes the ask look so large.
- M. Walters Well, and I will say, if I could say something really quick. So, it does say on there "screened-in porch" for our house. I think it's 240 square feet. Prior to us moving to this property, at some point the Crenshaws had converted that into an actual room, and then we replaced it with windows. So, I had sent some pictures over, I think, that maybe she shared with the Board, but you know, that is no longer a screened-in porch, which helps the numbers to our benefit a little bit. It's actually a part of our house, but I know it doesn't cover it all, but it helps.
- Wolff Mr. Walters, you don't have a basement, correct?
- M. Walters No basement. All crawl space. Which is kind of unusual for, you know, a 5600-square foot house.
- Wolff Any other questions for staff or the petitioners?
- Mundy Mr. Walters, one of the elements that your neighbor mentioned was landscaping. Do you have a landscaping plan, and what do you intend to do in terms of landscaping around the barn?
- M. Walters Of course my wife has a landscaping plan. You know, we don't really have anything obviously drawn up at this time, but landscaping will be a huge part of what we do. We've already talked to our landscaper, who takes care of our house here, about it. We envision a, kind of a paver patio off of that wrap-around porch. Probably a fire pit out there. You know, obviously some vegetation, as well. Some plants and things. You know, this is not, and again, I think we're kind of talking about it over and over. This is not a run-of-the-mill, we're throwing up just a pole barn just so my kids can go out there and play basketball. I mean, this is going to be a beautiful structure. This is going to be something we can entertain with out there. This is something our kids can enjoy. And, it's going to look absolutely beautiful from the road. I'm just afraid that, you know, maybe my neighbors at the back think differently, and they don't understand the whole scope of what we're trying to accomplish here, but I promise you it will look very nice.

- Jones Is there the ability to add a little more screening along the, even though they don't use the drive, along the drive to maybe break up the view of this?
- M. Walters Well, the interesting thing is we have our entire drive, you probably can't see it from Google Earth, is lined with trees. I don't know what kind of trees they are, but they're scattered. One to the other side, to back and forth across the drive as you drive down the drive. So, honestly, as you're driving down our drive, it's kind of like Augusta National. It seems like, I mean, it's not that nice. But you know what I mean? You drive down this drive with these beautiful trees on each side. I just, you know, I'm sure you're going to see my barn over to the side, but for the most part, 50% of your drive down the lane, all you see is the trees on each side that look gorgeous.
- Jones Yes. Do you have any problem with removing the one other little outbuilding?
- M. Walters We just got that. We use that for storage. I mean, it cost us a couple, probably \$3000 maybe from Recreation Unlimited.
- Jones Right.
- M. Walters I guess I could sell it. I mean, that's not ideal to move it.
- Jones Right.
- M. Walters And, it's painted, it's also painted to match our house. It's the light gray with black shutters on it, and it all ties together.
- Mundy Would you consider meeting with your neighbor and discussing some of the things that he's mentioned and could be altered?
- M. Walters Yes, absolutely. And, I've talked to him. I mean, that's just why I'm kind of mind-boggled by it.
- Wolff Are you aware if your neighbor has, wow. Has your neighbor seen any renderings of the project? Drawings, papers?
- M. Walters No, the stuff I sent them on April 30 just had details of the size and things of that nature. I don't know that we've sent him any actual drawings.
- Wolff So, I'm going to try to put some thoughts around this. As I read through the staff report, I think the staff's view is that, well, there is 2 concerns. One, I think, is addressed which is the height, which I believe that's addressed because what we hear tonight was it's 22 feet, so I think we're within compliance there. The other one is the overall square footage of accessory structures. And, so one of the burdens of the petitioner is to answer three questions. So, I'm going to read you those questions, or approximation. 'The approval will not be injurious to public health.' I think we can probably work our way to that answer. I don't think it will be injurious to public health. 'The use or the value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.' I think your point earlier was, if we add a high-end luxury, luxury maybe not, but a nice barn with, you know, potential finishes of a kitchenette and

a bathroom and a porch, a wrap-around porch and those types of things, and you've made an expense to add nicer fixtures, including windows and garage doors, your point would be that it should increase the value of the property and not adversely affect it. Your neighbor said it does. I don't know. My hunch is probably to agree with you, but we probably need to talk to the neighbor. And, then the last one, the one that I think we really need to work our way through is, "The strict application and the terms of the zoning ordinance will result in unnecessary hardship." So, the way I think about this one is, the rule is the rule, and you, if we strictly adhere to the rule, you have an unfair burden. Your property is unique because of this, or it shouldn't apply to you because of this reason. So, you have to have a hardship for us to grant a variance. I think Mr. Jones was driving towards, perhaps that one of the hardships may be the fact that it's not appropriately zoned because of the size. I'm not sure if that's what he was driving to, but Mr. Walters, what do you interpret the hardship being that we should grant this variance?

M. Walters Well, I think one of the things is obviously I have no room to store my mowers and all my equipment and everything, and it was in the old barn out there. So, that's at our neighbor's house right now. I have nowhere to put that for the time-being. And, you know, I mean I think my other, I mean, I don't know if you consider it a hardship, but obviously we bought this property with the intent of doing this, and obviously the question was asked, I wasn't aware of restrictions at the time. And, I just think it's kind of unfair to compare what we have here, which is very unique in Town limits in Zionsville, over 5 acres, with a big pasture field to everything else that's being built in Zionsville on half an acre, one acre, things of that nature. I think that needs to be taken into account. And, you know, I'm just afraid of building something small out there really is going to look out of place, and I would say that building something that they would like us to build at the back that meets that criteria would actually decrease the value. It's not going to be nearly as nice as a barn as what I'm building versus what we have. And, I'll say, you know, I am a realtor. I am a member of MIBOR. I sell real estate all the time. I sell probably 15 to 20 homes in Zionsville every year. I see stuff like this go up on the market for sale all the time. All the properties around it increase in value. I've had a ton of people ask me about the property at the back where the letter came from and wanting to know when they're going to put their house on the market and they want to buy that property. I just, again, you build something as nice as we're going to build, the value is going to keep going up. People that buy their house at the back are going to know that they live on, they have more acreage than us, I think. They have 7 or 8 acres there at the back. Hey, we can build something like that back there. So, again, I just think that's a crazy thing to say, that the value is going to go down based on what we build.

Jones And, John, what I was kinda trying to figure out is, was the reason this property is zoned RSF2 because of request of the property owners, or is what Wayne said, it happened as part of bringing this area into the Town of Zionsville. Is that correct, Wayne? Am I speaking out of turn?

DeLong No. It's my assumption without researching it, that when this property was annexed into the Town, most likely annexed in when other parcels that were intended to be developed at a greater density were brought in, everything was

brought in as RSF2, because that's what the ordinance mandated the district to be, and the property owner - -

Jones --Are you able to keep horses in RSF2 property?

DeLong You can keep horses. The Town's ordinances do not regulate animals. I mean, more than chickens or dogs. But, yes, you could, in theory, have - -

Jones --So if the Walters wanted to restore their existing barn and turn that pasture into a pasture, they could have done that?

DeLong Correct.

M. Walters And, we don't want to do that.

Jones No, but what I'm driving at is - -

M. Walters --I know.

Jones You know, we've talked a lot in the Town of Zionsville about the unique charm, and some of the stuff we have is different than anywhere else, and you know, here we've got in the middle of the subdivision a series of 2, 5, 6-acre, heavily wooded lots served through a series of 2 pair of common drives created by easement. We do not allow that currently. Correct? I guess we have done it in the past. We do make exceptions when people want to divide their lots up. But we shy away from it. Correct?

DeLong Correct. But the ordinance does speak to a property when we have a minimum amount of - -

Jones --And, that's kind of the hardship is that, you know, for all the uniqueness of this, trying to figure out a way to get it to comply to current zoning, zoning they didn't have a choice in is causing a burden. Am I wrong?

DeLong I think that's attempted to be made here, is that the district that the property is within doesn't support the improvements. And this goes back to the whole comment of the form-based code, there is no relief within the Town's ordinances in the urban area for the larger the parcel, the greater the percentage of accessory uses.

Wolff Mr. Mundy, you made a comment earlier about some of the neighbors' concerns. Do you think those concerns warrant some additional conversation with the neighbor, or are you satisfied that we've addressed those?

Mundy Well, I think that, you know, I think we've always tried to have neighbors come to an agreement of acceptability by both parties when we had this sort of thing. Sometimes that happens and sometimes it doesn't, but I don't, I feel uncomfortable that we have really found that there is a hardship involved, at least in terms of size. The storage of tractors and everything else could be done in a facility that fit the current ordinance, so I don't think the, I haven't seen a demonstration of a hardship, and I think that if we could get neighbors to agree,

the one neighbor at least, that would like to see landscaping plans, and some of the detail of the proposed facility itself, we would, I would be much more inclined to be favorable to it.

- Wolff Ms. Campins, I'm going to put you on the spot. Any thoughts about our conversation so far? You're on mute by the way.
- Campins My opinion is I believe that they have supported, I support the Walters. I believe that they have a great package there. I drove by their property today. I even got lost on that little shared drive that went all the way back to the neighbor. But I think looking at their residence there, it's not going to be like right on top of the house, and it's, you know, it's kind of separate. But, again, there is that, the rules. So, I'm not sure how to go about that.
- Wolff Very good. Mr. Papa, any thoughts?
- Papa Is the discrepancy between the height and what we have in all the documentation of any concern? I mean, everything here is just 26'8" and now saying 22, but so are the other measurements correct?
- Wolff Yes. So, Jerome appears to be using sign language, and I appreciate the efforts.
- Graber I can address the height issue.
- Wolff Okay. So, could you speak to the height issue, and also, I'm going to pull up the drawings and make sure we have the other dimensions correct. But, could you speak to the height issue please?
- Graber Yes. The height issue is once I discovered that there was a height limitation, we modified the truss design on the roof to shorten it up enough so that we would get it underneath that. The original plan did have it taller. I didn't realize the height limitation. I did go back to our engineer and discovered that we could modify that design and still have the ceiling height the same, and keep the overall roof height underneath what it needed to be to meet that requirement.
- Jones So, what will be the interior concrete floor to bottom of truss number you guys are working for, towards?
- Graber It would be concrete floor to bottom of truss height?
- Jones Correct.
- Graber Sixteen feet.
- Jones Okay. So, then you'll have a 6-foot tall truss at the center, so you can clear span 50 feet with a 6-foot truss?
- Graber Yes.
- Jones Mr. Walters, are you going to be happy with 16 feet for your basketball court?

- M. Walters      You're not supposed to have too high of an arch anyway.
- Jones            Is that how you teach them. Is train them flat?
- M. Walters      That's right.
- Jones            All right.
- Wolff            Mr. Jones, have we adequately addressed your need for a hardship?
- Jones            Like I said, when I was trying to work around to figure out is how did this property end up with an RSF2 zoning, and the answer came back is that it was just kind of applied to it, and there wasn't really a specific request, like somebody creating a subdivision. In other words, it just got added in. So, you know, the fact that I think most of the hardship is a situation where you have a lot in probably many ways as non-compliant with current zoning, it's just getting caught up in its limit as to the amount of accessory structure you can have based on the square footage of the house. And the point is that this is, you know, a large lot at 5 acres, and it sits back from the road, and even the neighbor who is remonstrating against it, doesn't even share the access drive to their property.
- Wolff            They do.
- Jones            What?
- Wolff            I think they do share the drive. Is that correct, Mr. Walters?
- Jones            No, it's a parallel drive, correct? Am I hearing that?
- M. Walters      No, he's on our side of the drive. John's correct.
- Wolff            He's on the same drive.
- M. Walters      Yes. He's just all the way at the back.
- Jones            Oh, I thought there was two drives down there.
- M. Walters      There is. There is another one that goes to the north side houses. There is two houses you talked about on the north side.
- Jones            I'm sorry. I thought it was one of the two homes to the north. It's the one that's behind the project, special project. I got you. I'm sorry.
- M. Walters      Yes.
- Jones            So, on your drive, there are four parcels served?
- M. Walters      Correct.
- Jones            The one up at 975, yours, the middle parcel and then there is another resident in the back. Okay, I'm sorry. I misunderstood that.

- M. Walters Yes.
- Jones But still, they're driving by it. It's 100 feet away.
- Mundy According to the letter from the remonstrator, Larry, it's within 50 feet.
- Jones Really?
- Mundy That's what he said in his letter. I don't know, but that's what he said.
- Wolff I think it's unfortunate that we received that letter, kind of in the 11<sup>th</sup> hour. I mentioned that earlier. But Mr. Mundy is accurate. We have traditionally always tried to find an amenable solution for all parties. It doesn't always happen, but we have tried. My question for the group, and I generally don't like to, you know, if we can make a decision let's make a decision. My question for the group is, should we seek a continuance. I know it puts a burden on the Walters to store their equipment, and delay construction, but if we can find an agreeable solution for all parties, then it probably is beneficial. Or, do we have enough information to entertain a motion at this time?
- Mundy My preference would be a continuance. You know, I think that it will be best for the Walters if they have a neighbor, however close that neighbor may or may not be, that at least has the ability to look at what the product, what they hope to build, how they hope to landscape it, and answer any questions that might come up. As uncomfortable as that might be, I still think that's the best outcome.
- Wolff Mr. Mundy, if the neighbor is in good faith... Assuming Mr. Walters goes and makes an effort and tries to understand their concerns, makes potentially some changes to landscaping plans, provides details, whatever he can do to address those concerns. If the neighbor is still not supportive of this, would that, would you, is it enough for Mr. Walters and Mrs. Walters to make the effort, or do they need to have a resolution with the neighbor?
- Mundy Well, I think it ought to, I think it should be a good faith effort, and hopefully it provokes, you know, the person who has remonstrated to at least, if it doesn't satisfy them, at least they'll share with us what it is. And, as you know, we've had cases where neighbors have never come to terms, and we've still agreed that it was a worthwhile project and approved it. But I would prefer to see that happen first.
- Jones Yes. Typically, where we've ever stood our ground was, you know, drainage. Drainage, my boys, drainage. But where there is some kind of material action or feature that everyone's concerned about. Currently what we're hearing is somebody's concerned about what it's going to look like, but they are separated by another large wooded parcel, so, once again, I've said it before. You don't own the view. You want to own the view, go buy the view, but if you don't own it, you have a limited amount that you can say about it. And, driving by a structure that's, you know, it's not a reason to deny it. But what Mr. Mundy is saying, if we want to make one more attempt, and if the Walters are interested in trying to see if they can [inaudible], I can support that.

- M. Walters I'm happy to do that. We did send him back an email, and I never heard back from him. And he knows that this was happening tonight. So, I don't know how open he'll be to that discussion.
- Wolff Well, and I'm also challenged by the fact that we don't have necessarily specific information. Generally, when I would go this path, or a path of continuance, I would say that I would like you to address these three things, or these four things, or these specific concerns. I'm not sure I have enough information to do that. With that, Mr. Graber, did you have a comment you were going to make? I think I saw you using sign language.
- Graber Yes. Can you hear me?
- Wolff Yes.
- Graber Am I on? Okay. I didn't have a chance to talk to the Walters about this. I don't know if they'd be on board with this, but an idea I had is if maybe they would propose in the approval that they would agree to a minimum of maybe \$2000 or \$3000 for landscaping and make, and agree they're going to spend a minimum amount to improve the exterior, and make a good-faith effort to talk to the neighbors and make sure that all the neighbors are in agreement that they like the landscaping plan, and commit to a specific amount of money to spend on that by next spring, and also agree to make a good faith effort to get the neighbors on board with whatever sort of screen they're going to do with that money. It's just an idea that I had and maybe that would help address the concern.
- M. Walters Yes. And obviously we're going to be spending money on that, so I'm happy to do that.
- Wolff Okay. Board members? How to we move forward?
- Jones Well, we can always make a motion, and if the motion doesn't go through, there is always the ability for the Walters to ask for a continuance to go address. Is that correct? If nobody wants to support the motion?
- Wolff If there is a motion, and it's seconded, and it's, let's see here, work my way through that one. If we vote on a motion, and it's got a majority vote, then that, and we have a quorum, so we should not have a tie, then it's going to, it's going to be acted on that motion.
- Jones If it gets denied, then it gets denied. Is that correct?
- Wolff If it gets denied, it will be denied. The Walters can't bring a petition of substantial, something substantially similar, for one year. If it gets approved, it gets approved. If it gets continued, we try to get more information to have a clear understanding of the project. Kent, did I have that correct? Okay, yes.
- Minnette Yes.

Wolff I mean, the other thing that I may ask is to the Walters, if you had, you know, maybe there is hesitation amongst the group. I think I have worked my way through the hardship. I think I have found a path that is, that it's a unique RSF2 property. And, I can support that. But the Town isn't supportive of something this substantial in size. Earlier in our conversation, you mentioned that you hadn't considered something smaller because it wasn't, you didn't understand this process and didn't know that there was rules against this. You were operating under the assumption of the size of the property and not the size of the primary structure. So, the other question is, could you come back in a month with a potential agreement, or at least good faith effort to work with your neighbor, and a slightly revised plan that reduces the overall square footage that the Town may be more supportive of?

M. Walters I'm sure I probably could. I don't want that.

Jones One other comment, John. You know, once again, one of the kind of unique features of what we're working around is the fact that they have a house with a crawl space. If the Walters house had a basement, they would have substantially more livable square feet, which wouldn't mean the ratio is so out of whack. I just, it's, you know, Wayne keeps talking about form-based zoning, and yes, form-based zoning is a situation where you get features like size of lot, or you know, view shed and all that kind of stuff added into the equation. We've adopted a set of kind of hard and fast numbers that tie the amount of accessory building to your livable square footage, and what you find is that even the garage you have attached to your home works against you when you start counting new outbuildings. And that's what I keep driving back to how did this property end up RSF2, because, and maybe the hardship is that they weren't given a choice. And it predates the zoning that it's burdened with. That's why I'm like, you know, that and my you don't own the view comments.

M. Walters I will say there has been a lot of talk about talking to the neighbor, and as I mentioned, you know, I emailed them the specs. I've had multiple conversations with them about this. They've even, when I was doing the demo of the old barn, I had dumpsters out there. They were coming down here, throwing things in my dumpsters to throw away and we talked about the barn. So, you know, going to them and talking to them again about something that they sent in last night at 11 p.m. just seems silly to me when I've had discussions with them, and they have never even flinched at the idea of what I was building, or mentioned that it might be of concern to them. And, they emailed me back. I mean, I sent those emails in. They mailed me back when I sent them the specs and were making fun of goats, and you know, one of them was go big or go home. And, I mean.

Mundy Mr. Walters, I can't, you know, I certainly don't dispute that. I don't know, but just reading the letter that he sent, it doesn't appear that he had much detail in terms of what the structure was going to look like. He specifically mentions, you know, there is no landscaping plan, and so again, I don't know what you showed him if it was what we received, I think, from the company. It was very kind of black and white drawing. Almost a generic kind of drawing of the facility, and it evidently, if that's what he got, it didn't have the detail he would like to see knowing that he is going to be driving by it each day.

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- Jones One other item just to consider. So, as far as permitting and starting this project, they don't need a sewer permit. They don't need a drive permit. All they need is this approval to go pull a building permit. Correct, Wayne? And, Chrissy? I'll throw you in this too.
- DeLong I mean, yes. It's a, it would be an improvement location permit to facilitate the construction of an accessory building. There would be a storm water permit as well. With this particular parcel, certainly you mentioned sewer. I don't know off-hand if this is attached to the Town sanitary sewer system, or if this is on septic, but that's certainly, this can be as simple as a building permit.
- Jones It should be, correct?
- DeLong Should be. Correct.
- Jones So, the point is, a month delay to try to vet a little bit of the neighbor's concern isn't a particular burden to you guys getting going. Jerome, is that, are we, make the attempt to appease, I guess, is where I'm grinding away at.
- M. Walters Is that a question for me, or is that Jerome?
- Jones I'm sorry. It was a question for, sorry, Mr. Walters. A question for you and your builder.
- M. Walters I don't know what his schedule looks like. You know, we put money down with him back in April, and the earliest he could get to us just due to their schedule was the third week of July, so my only concern is I don't think that he's sitting around twiddling his thumbs waiting for us, so I think if this gets pushed back, probably our project is going to be pushed back, you know, 4+ months, which gets me into, you know, winter and I don't know what that entails. So, we've been waiting for a while. That's kind of why we tore the old barn down to get going, so we were ready for him after this meeting the third week of July.
- Jones And, then finally if we make a motion that doesn't get seconded, then it just gets automatically continued. Correct, John?
- Wolff No. If we make a motion and it doesn't get seconded, then I can entertain a different motion.
- Jones Okay. So, I'll make a motion then. I move that Docket # 2020-16-DSV, development standards variance in order to provide for the construction of a detached barn, which exceeds the allowable accessory square footage providing for 1890 square feet of additional roofed accessory structure in association with a 5660 square foot dwelling, and exceeding the allowable accessory height, all as illustrated in the exhibits attached to this report, and within the urban single-family residential zoning district RSF2, for the property located at 4560 South 975 East be approved as filed, as presented by the petitioner due to the need, wait a minute, should I read the rest of that? I guess I should. As presented as the petitioner due to the need to encourage social distancing as mailed notice via first-class mail, waiver the rules of procedure regarding notice requirements as necessary to be considered as part of this petition.

- Wolff Okay. Thank you, Mr. Jones. One point, would you be amenable to removing the comment, 'and exceed the allowable accessory height'?
- Jones Let's set the accessible height at 24 feet.
- Wolff I think they said 22 feet, and 22 feet is the ordinance, so they don't need to have that.
- Jones Right. I want to put it in at 24 feet.
- Wolff So, you would be amenable to say exceed the allowable accessory height of up to 24 feet?
- Jones Right. I don't want to put them in the [inaudible] If they are going to do a radiant in-floor heating system, we want to set that above the grade a certain distance, and I don't want to find somebody out there picking it apart because the building is 22 feet tall, but it sits higher than that above the grade. Because we never have a clear definition of what is height. Correct? Wayne?
- DeLong The Town ordinance for height in the urban area is very strict, and so to Larry's point, there would be some level of inflexibility with a change in grade due to, you know, the utilization of the in-floor radiant heat system. The rural area has a much more flexible way to measure height.
- Wolff Very good. Okay, so there is a motion on the floor. Is there a second to that motion?
- Papa Second.
- Wolff Mr. Papa seconded the motion.
- Papa Yes. I seconded because they have more than 5 acres.
- Wolff Thank you, Mr. Papa. So, Wayne, I think we need to turn this over to you for a roll call vote.
- DeLong Certainly. Mr. Jones?
- Jones Yea.
- DeLong Ms. Campins?
- Campins I approve.
- DeLong Mr. Papa?
- Papa Aye.
- DeLong Mr. Mundy?

Zionsville Board of Zoning Appeals  
July 1, 2020

- Mundy Nay.
- DeLong Mr. Wolff?
- Wolff Aye. It appears that we have enough votes. The motion carries. Mr. and Mrs. Walters, good luck with your project.
- S. Walters Thank you.
- M. Walters Thank you, so much. Appreciate it.
- Wolff Next item on our agenda is other matters to be considered. Wayne, do you have any updates for us? Or Chrissy?
- DeLong In this case, we'll turn to Chrissy. She's got an update related to the covenants. I'm sorry, the commitments, as mentioned.
- Koenig Yes. David with Wildwood Designs. We did reach out to him, and get an update from him that they are still moving forward. They are in legal disputes and trying to settle that with drainage easements with the neighbors. So, I guess I shouldn't say disputes. They are trying to finalize those, and feel like they are going to be settling in on those very soon. He did not offer a timeline of what soon meant, but point being, as I point-blank asked him if he wanted to remain on the agenda, and knowing that that meant that he was moving forward, and he said yes.
- Wolff Okay. Interesting. Wayne, or Chrissy, any other updates that we need to discuss?
- DeLong No updates that I'm aware of.
- Wolff I would share with my fellow Board members that our Mayor and our President of our Town Council has suggested, let me rephrase that, has given us the discretion to make choices on how we could have meetings going forward, I believe. Wayne, if I don't speak out of turn, this meeting was, the agenda had already been published, so we did it remotely, as we have been the past few months. So, but the note would be that potentially there may be some changes in getting back to our traditional schedule. Maybe in August, but we're just going to try to make the best decisions we can for everyone's safety. So, with that, are there any other matters to be discussed?
- Jones So, are we planning on the next meeting being at the Town Hall?
- Wolff The email that I received said that it was up to the Board's discretion.
- DeLong And, certainly I can expand somewhat on that. I mean, certainly open-door law and other statutory guidance, statutory items and/or guidance will come into play here. Certainly, the Town is taking steps to be prepared for a hybrid virtual meeting process. I can speak to specifically to the Board of Zoning Appeals, or I'm sorry, to the Redevelopment Commission that they have the statutory ability to meet, to allow for call-in participation in their meetings, and we would look to facilitate that process. Let's say we have a live meeting at Town Hall, and then we will set up a portal, if you will, where folks can participate remotely in a live

meeting. Certainly, we'll look to see these tools, as well, be made available. You know, let's say the Governor's executive order is extended an additional amount of time, and that covers over your August BZA meeting. Depending on your agenda and the technology, we may be in a position to host that in a hybrid situation. So, the answer to your question, Larry, Mr. Jones, I don't have an exact answer for you, as to how we do that. It's going to be predicated on the executive orders as they're authored, and certainly the technology, but based upon certain characteristics, the Town will be prepared to maneuver in a few different directions.

Jones Do you think we'll keep getting our packets via email? I mean, I don't know about anybody else, I kind of like it, and maybe you know, if we have, even if when we start having meetings at the Town Hall, maybe just have one packet available, so if there is some document we need to see, pass around, I don't know.

DeLong Yes. There is many, many features that have been discovered during this situation, as complex as it's been, that has allowed government to think outside the box and I would like to think going forward can be more nimble and even smarter, and part of that is moving to a digital format for the staff packets. Certainly, having other features available that are paper driven, but certainly, you know, having the technology available for attendees, as well as the Board members to view those packets electronically at their seat in the room is a great feature. So, yes, definitely there is advances that we can make based upon things that we're discovering on a daily basis.

Jones Cool.

Mundy Wayne, a statement and a question. The statement is, I agree with Larry. I kind of like getting it digitally. I don't have all that stack of paper.

Jones Yes.

Mundy However, I'm sitting here with, you know, on my desktop doing Zoom, and two laptops to look at documents. And, I know Larry's got a dual screen, even a third one if he needs it, but I don't. And, it's maneuvering on iPads is not so simple. So, if we get back to meeting at Town Hall, having really just skeleton of a documents. It's only a few of them we need to look at occasionally during the meeting, but having that skeleton of documents in a live meeting would be helpful from my perspective.

Jones Yes.

Mundy And, the question is, if we make the change back to live meetings at Town Hall, is there a cutoff that that has to be done for noticing purposes, or can it be done at last minute?

DeLong Well, I mean, the technical answer is if we have the petition that's been advertised. They would have already advertised for a public meeting, potentially occurring at Town Hall or occurring virtually. So, I want to say that we've designed the notice that's published on a monthly basis, and we started doing this

months ago, to be prepared to flex one way or the other, because the Governor's executive orders are rolling out in 30-day increments, and that generally happens at the first, in that first week of every month. So, we'll know here soon, in theory, if there is to be a change in the process, but yes, we want to do what you're describing, which is provide a skeleton of documents, and certainly, you know, stick with more of an electronic format, and certainly, to your specific question, we can go as narrow as 48-hours' notice on a meeting under certain circumstances, but I think we're well-covered with the published notices that are happening based upon the filings that are coming in.

Mundy

Okay.

Wolff

Very good. With no other matters to discuss, this meeting is adjourned, and we'll see you in August. Thank you everyone.

Campins

Thank you.

Jones

See you all.

DRAFT

Zionsville Board & Zoning Appeals Members  
C/O Chrissy Koenig  
1100 W Oak Street  
Zionsville  
IN 46077

Jim & Janice Fisher  
7086 E 550 S  
Whitestown  
IN 46075

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Dear Ms Koenig

This letter is in support of our neighbor Mr. Alex Dane for the following petition:

Petition number – 2020-17-DSV

Name & Address of Petitioner –Mr. Alex Dane. 5457 S 700 E, Whitestown, IN 46075

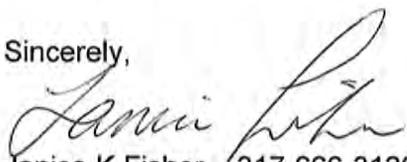
Public Hearing - August 5 2020 at 6.30 PM

We have received notification of the above petition to build a pole barn at the above address. All relevant details were provided to us along with a clear and acceptable explanation for building this pole barn.

We would like to offer our support to Mr. Dane and can confirm this would not have any impact on the local landscape/ wildlife etc. or block any views for the surrounding neighbors.

Should you require any additional information or comments, please do not hesitate to contact us.

Sincerely,



Janice K Fisher – 317-666-3126

James D Fisher – 317-666-0744



Zionsville Board of Zoning Appeals

07/23/2020

Concerning the property at 5457 S. 700 E. Whitestown, IN 46075

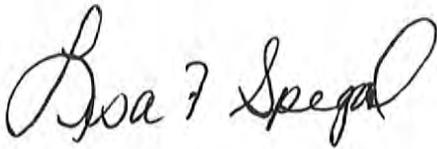
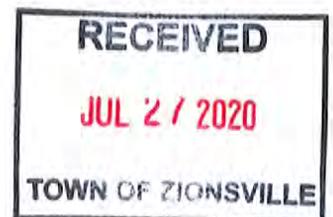
We are there neighbors at 5435 S. 700 E. Whitestown, IN 46075. Richard and Arlene Hussung Trust

We received a letter on 07/21/2020 concerning the variance for a new barn structure.

We are excited for this couple starting out in their new home. Their plans for there pole barn will not affect us in any negative way. We believe it will actually be an improvement over what was there and falling down left from the last owners. They have been here for a couple of months and continue the care and up keep of said property.

Sincerely

Lisa Hussung Spegal POA

A handwritten signature in black ink that reads "Lisa Hussung Spegal". The signature is written in a cursive style with a large initial "L" and "S".



**Petition Number:** 2020-17-DSV

**Subject Site Address:** 5457 S 700 East

**Petitioner:** Alex Dane & Emily Heckaman

**Representative:** Alex Dane & Emily Heckaman

**Request:** Petition for Development Standards Variance in order to provide for the construction of a detached barn which:  
1) Exceeds the allowable accessory square footage; and  
2) Deviates from the required maximum permissible height associated with an accessory structure in the Rural Low-Density Single-Family and Two-Family Residential Zoning District (R2).

**Current Zoning:** Rural Low-Density Single Family & Two-Family Residential Zoning District (R2)

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

**Approximate Acreage:** 1.409 acres

**Zoning History:** The parcel was consolidated into the 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 Narrative  
Exhibit 4 – Petitioners Existing Site Plan  
Exhibit 5 – Petitioners Exhibits  
Exhibit 6 – Petitioners proposed Findings of Fact

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

### **PETITION HISTORY**

This petition will receive a public hearing at the August 5, 2020 Board of Zoning Appeals meeting.

### **PROPERTY HISTORY**

The property is comprised of approximately 1.4 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 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**

The 1.4-acre parcel is currently improved with a 2,182 +/- square foot circa 1960 one-story single-family dwelling and accessory uses. Per the narrative included, an existing 1,536 square foot detached garage and a 132 square foot shed were removed from the property (total removed 1,668). The Petitioner removed these structures in association with the intention of constructing a 2,052 square foot pole barn with a 1,200 square foot 2<sup>nd</sup> floor loft, for a total of 3,288 square feet of new roofed accessory square feet in the location of the previous detached garage to 1) house daily vehicles, 2) store equipment associated with maintenance of the acreage, 3) provide room for an automotive hobby with lift space and 3) provide for additional recreation/guest space. The original attached 2-car garage was already converted to primary living space prior to the Petitioner's purchasing the property, and expansion opportunities associated with the existing residential footprint are limited due to the location of the septic and well. The proposed pole barn requires approval of a Development Standards Variance(s) as it would 1) exceed the allowable accessory square footage, and 2) would exceed the height 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: 2,182 square feet
2. Existing and proposed roofed accessory uses total **3,386** sq. ft. This total includes:
  - a) A 98 square foot front porch
  - b) A proposed 3,288 square foot detached pole barn
    - a. 2,052 square foot first floor with a 1,200 square foot 2<sup>nd</sup> floor loft

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 **1,205** square feet.

By Ordinance, properties in the R-2 (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 the dwelling is a single-story structure, a variance must be sought for the amount of the roofed accessory square footage to exceed that of the primary. While the current Zoning Ordinance requires such restrictions, a review of the development pattern found in the immediate area finds nearby home sites and improvements to the home sites which enjoy the use of detached accessory structures (with some in excess of the Zoning Ordinance square footage limitation). However, the amount of square footage the Petitioner is requesting to exceed surpasses that of other parcels in the immediate area who have exceeded their primary square footage.

A more modestly sized improvement is supportable by right. This improvement could potentially produce a roofed accessory square footage that, in part, could meet the needs of the Petitioner. In summary, Staff is not supportive of roofed accessory square footage exceeding the primary dwelling by 1,205 square feet for the lot in question for a total of 3,386 square feet of roofed accessory in relation to 2,182 square feet of primary living space. By Ordinance, the lot could be improved with a 2,083 sq. ft. accessory building. However, this area, generally comprised of ranch homes on large parcels, was platted long before the current Zoning Ordinance was adopted, and deviations exist from the Ordinance standard (some supporting accessory uses encompassing greater than 600 square feet in size than the primary use on the property). With these factors in mind, Staff could be supportive of the total roofed accessory square footage exceeding the primary by up to 300 square feet for a total of 2,482 square feet of roofed accessory, of which 98 square feet has been used by the existing roofed front porch. This would allow for 2,384 square feet of additional roofed accessory square feet to be added to the parcel. Staff feels this would allow the Petitioner to meet their needs of equipment and hobby storage with a more modestly sized improvement for the 1.4 acre parcel.

**VARIANCE REQUEST – ACCESSORY HEIGHT EXCEEDING PRIMARY**

The Petitioners have intentions of adding an approximate 3,288 square foot detached two-story pole barn enabling them to have secure storage for their vehicles and equipment to maintain the acreage, workspace for an automotive hobby (including a vehicle lift), as well as a loft for additional recreation and guest space. The Petitioners have requested that the peak of their detached pole barn be approved to exceed the peak of their one-story primary structure by up to 11'-3" for a total height of no more than

25'-7". By Ordinance, properties in the R-2 (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 the dwelling is a single-story structure, a variance must be sought for the height of the accessory to exceed the primary.

While the current Zoning Ordinance requires such restrictions, a review of the development pattern found in the immediate area finds several development configurations which are not supported by the current Zoning Ordinance (example: flag lots, percentages of accessory buildings, heights of accessory buildings, non-conforming uses, and lots with reduced road frontage). While the development pattern is atypical, Staff is supportive of the request based on 1) the location of the proposed barn being in the same location as the recently demolished barn and shed and 2) the proposed location being set further back from the primary, well over 100'-0" from the centerline of the county road.

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 approve a variance to allow an accessory structure(s) which exceeds the height of the primary structure, as proposed.

#### **STAFF RECOMMENDATIONS**

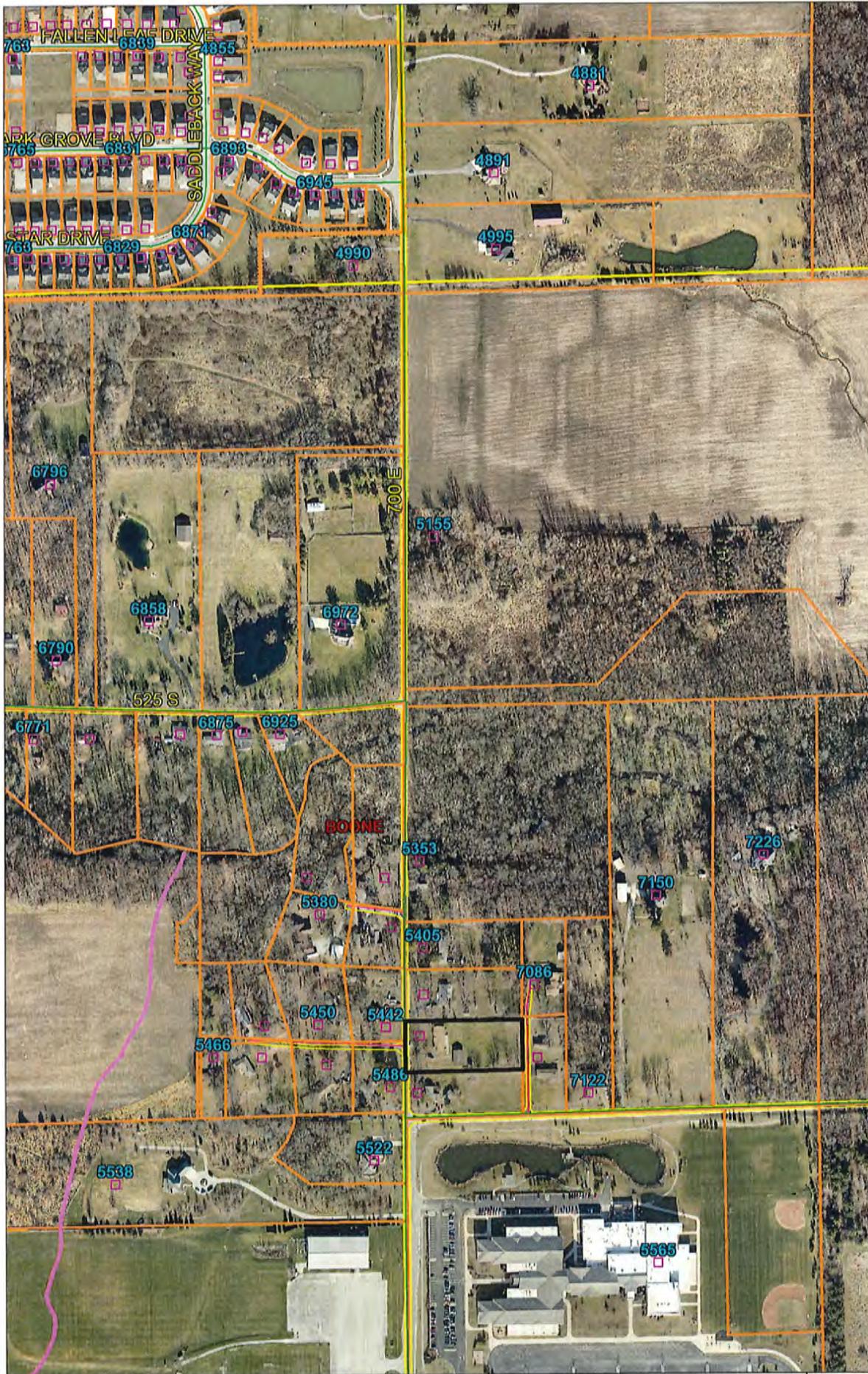
Staff recommends denial of the design standards variance request included in Docket #2020-17-DSV seeking to exceed the permissible roofed accessory square footage standard of the primary, as filed.

Staff would, however, be supportive of roofed accessory square footage exceeding the primary by up to 300 square feet for a total of 2,482 square feet of roofed accessory, of which 98 square feet has been used by the existing roofed front porch.

Staff recommends approval of the design standards variance included in Docket #2020-17-DSV related to the height of an accessory use exceeding the primary up to 11'-3", as filed.

#### **RECOMMENDATION MOTION**

I move that Docket # 2020-17-DSV Development Standards Variance in order to provide for the construction of a detached barn which 1) Exceeds the allowable accessory square footage; and 2) Deviates from the required maximum permissible height associated with an accessory structure in the Rural Low-Density Single-Family and Two-Family Residential Zoning District (R2), 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
- Boone County A
- BC Legal Drains



Exhibit 2

Fellow neighbors,

Let us introduce ourselves to those of you we haven't had the pleasure of meeting yet. My name is Alex Dane. My fiancé, Emmy Heckaman, and I just moved into the area in May.

We are in the process of petitioning the Town of Zionsville to construct a pole barn on our new property. As most of you have noticed, we have demolished the previously existing detached garage and we plan to build the new pole barn on the old garage's footprint. The new pole barn is expected to expand 3 feet out in each direction from the previous garage, resulting in a final perimeter of 38 ft. by 54 ft., and be 18 ft. in height. The official project schematics have been included in this letter. The pole barn will act as a garage for our daily drivers, storage for our lawn implements, and workspace for my automotive hobby. The increase in height is necessary for me to install and utilize a car lift which will increase the efficiency of my craft.

In addition, we would also like to add a second floor within the pole barn. Currently, our two spare bedrooms are being used for our home offices and storage. We both plan on continuing to work from home after COVID-19 is resolved so the extra space will allow us enough room to have home offices and still house guests. The second floor would also be used for additional recreational space. With both of our families and most of our friends living out of town, guest space is a necessity and is not feasible with our current space limitations. Due to the location of the well and septic system, we're not able to add-on to the house. We bought this property with the intention of adding additional space as we combine our two households into one.

As noted on the included Notice of Public Hearing, there will be a public hearing on August 5, 2020 where our petition will be reviewed by the Town of Zionsville Board of Zoning Appeals. You have the option of providing written comments either in support of or in opposition to our petition which will get factored into the Board's decision to approve or deny our request.

We would appreciate your support in our efforts! Should you have any questions about the project, feel free to reach out to us!

Sincerely,  
Alex Dane and Emmy Heckaman

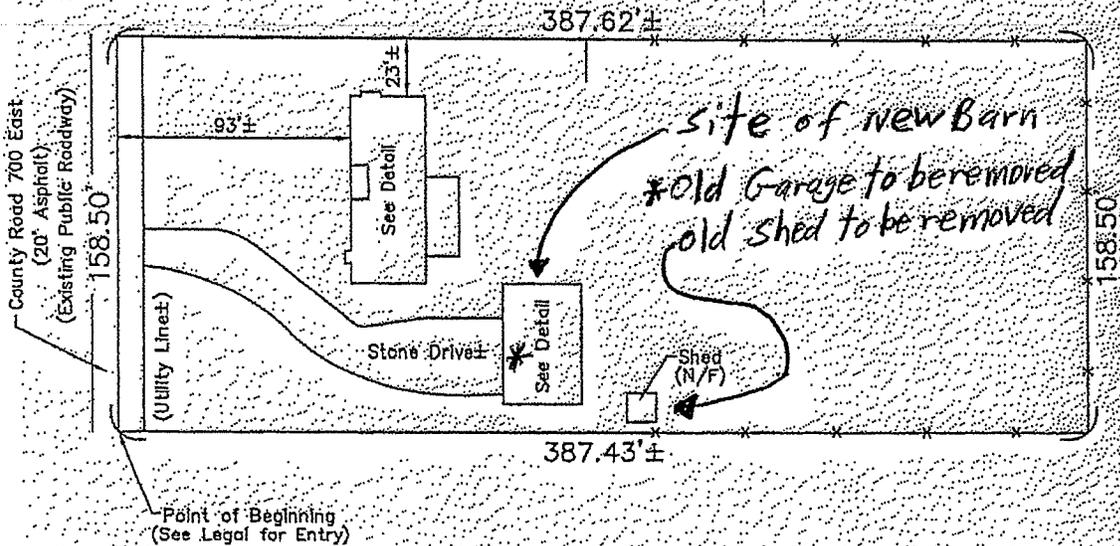
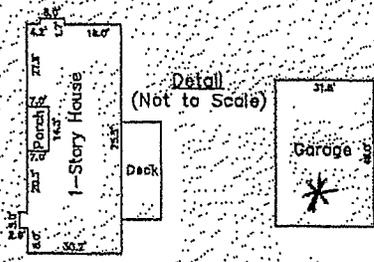
5457 S 700 E  
Whitestown, IN 46075  
217-264-7258  
alex.dane56@gmail.com

# SURVEYOR LOCATION REPORT

I hereby certify to the parties named above that the real estate described herein was inspected under my supervision on the date indicated and that to the best of my knowledge, this report conforms with the requirements contained in Sections 27 through 29 of 865 IAC 1-1-12 for a SURVEYOR LOCATION REPORT. Unless otherwise noted there is no visible evidence of possession lines found.

**Notes:**

- 1.) Fence locations shown are approximate. An accurate boundary survey is required to determine exact locations.
- 2.) Due to the lack of qualified monumentation found, the accuracy of this report is limited to 5±.



Legend	
X	Fence±
N/F	No Foundation



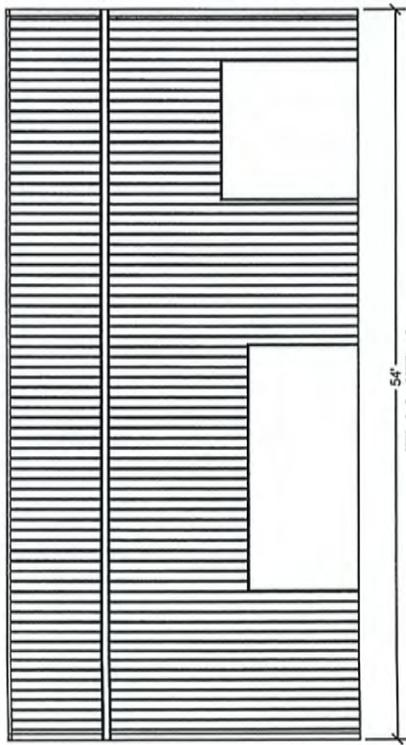
**HAHN SURVEYING GROUP, INC.**  
 Land Surveyors  
 8925 N. Meridian Street, Suite 120  
 Indianapolis, IN 46260  
 PHONE: (317) 846-0840 / (317) 846-4119  
 FAX: (317) 846-4298 / (317) 582-0662  
 EMAIL: orders@hahnsurveying.com  
 www.hahnsurveying.com



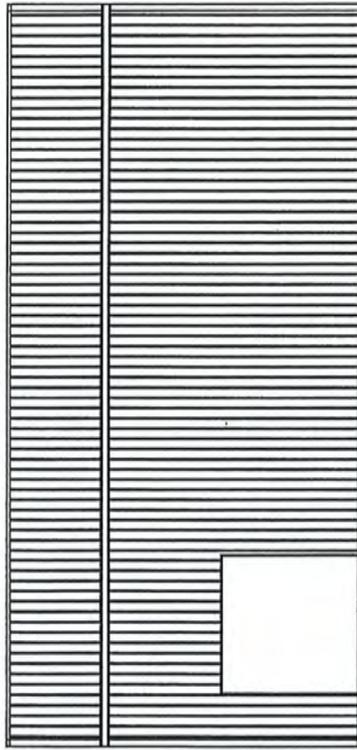
CERTIFIED: 04/08/2020

*Chad L. Brown*

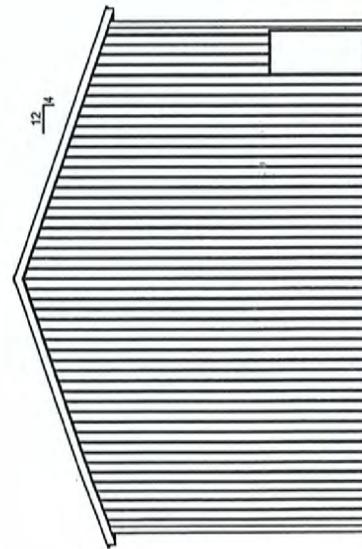
Chad L. Brown  
 Registered Land Surveyor,  
 Indiana #21100002  
 Drawn By: JBC  
 Job No.: 2020041111  
 Sheet 2 of 3



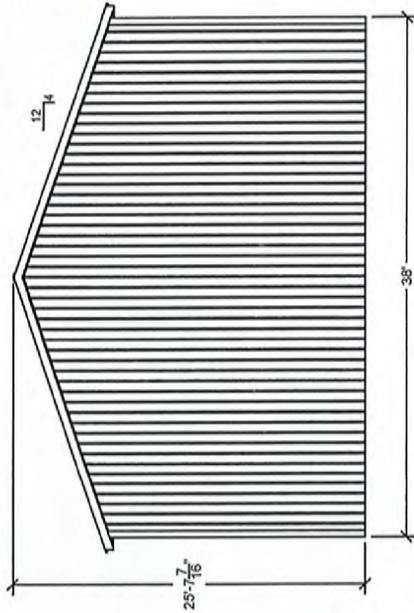
EAVE 2



EAVE 1



GABLE 1

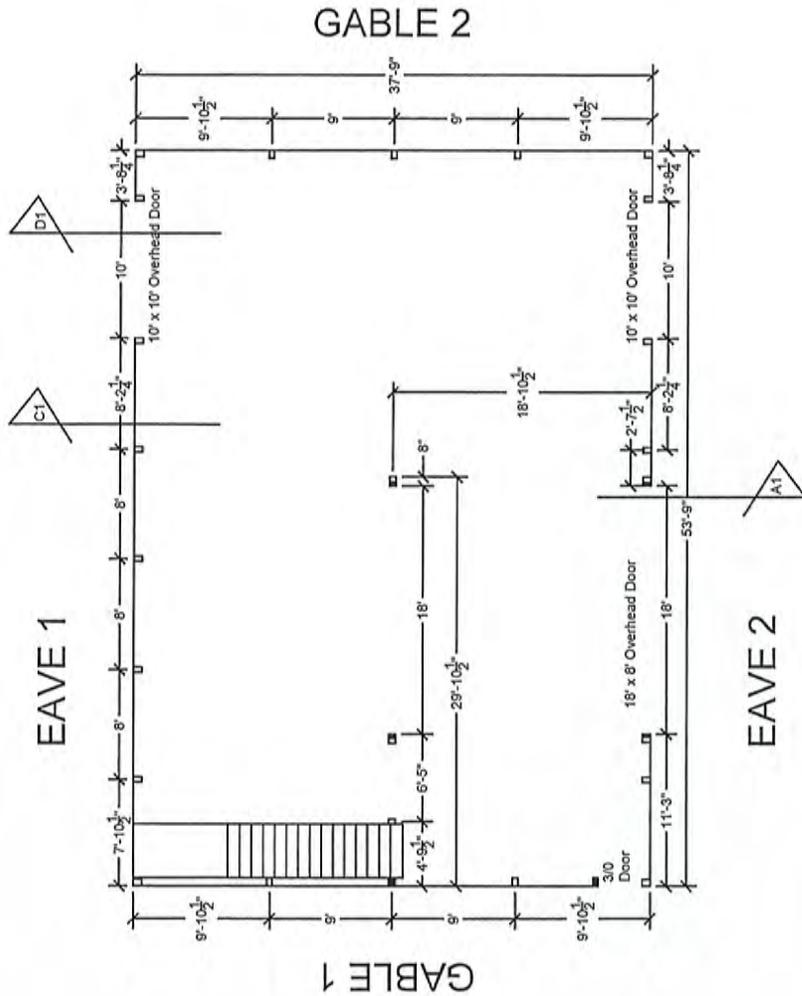


GABLE 2

DocuSigned by:  
*Alex Deme*  
 08B4180897E4D1...  
 5/15/2020

DANE 3-6361E	
38' x 54' x 18' 8" oc 4/12	
SCALE:	SHEET:
DATE: 05/08/2020	3 of 3

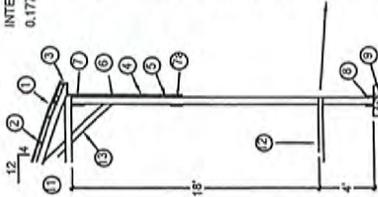




NOTE  
 ADD 2X6 BEARING BLOCK TIGHT TO TRUSS HEEL AT  
 INTERIOR BEARING POSTS. NAIL BLOCK TO POST W/ (20)  
 0.177" X 4" RS NAILS

- 1 25 GA STEEL ROOFING
- 2 2X4 #2 SP PURLINS AT 24" OC  
LAP 12" - AT SPLICES
- 3 2X6 FASCIA & TRIM
- 4 25 GA STEEL SIDING
- 5 3 Ply 2x8 LAMINATED POST
- 6 2X6 #2 SP GIRTS AT 36" OC
- 7 2X12 SP TRUSS SUPPORTS
- 8 2X10 SP OHD HEADER
- 9 2X6 FT CLEATS
- 10 28" X 8" CONCRETE PAD
- 11 SLOPE GRADE AWAY FROM BUILDING
- 12 WOOD TRUSSES AT 8' + - OC  
DESIGNED & CERTIFIED BY OTHERS
- 13 CONCRETE SLAB NOT BY BLITZ BUILDERS
- 14 2X6 SP KNEEBRACING 4" VERTICAL TO CEILING AT 45°

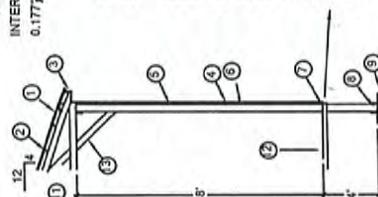
DETAIL D1



NOTE  
 ADD 2X6 BEARING BLOCK TIGHT TO TRUSS HEEL AT  
 INTERIOR BEARING POSTS. NAIL BLOCK TO POST W/ (20)  
 0.177" X 4" RS NAILS

- 1 25 GA STEEL ROOFING
- 2 2X4 #2 SP PURLINS AT 24" OC  
LAP 12" - AT SPLICES
- 3 2X6 FASCIA & TRIM
- 4 25 GA STEEL SIDING
- 5 3 Ply 2x8 LAMINATED POST
- 6 2X6 #2 SP GIRTS AT 36" OC
- 7 2X8 PT SKIRT BOARD
- 8 2X6 FT CLEATS
- 9 28" X 8" CONCRETE PAD
- 10 SLOPE GRADE AWAY FROM BUILDING
- 11 WOOD TRUSSES AT 8' + - OC  
DESIGNED & CERTIFIED BY OTHERS
- 12 CONCRETE SLAB NOT BY BLITZ BUILDERS
- 13 2X6 SP KNEEBRACING 4" VERTICAL TO CEILING AT 45°

DETAIL C1



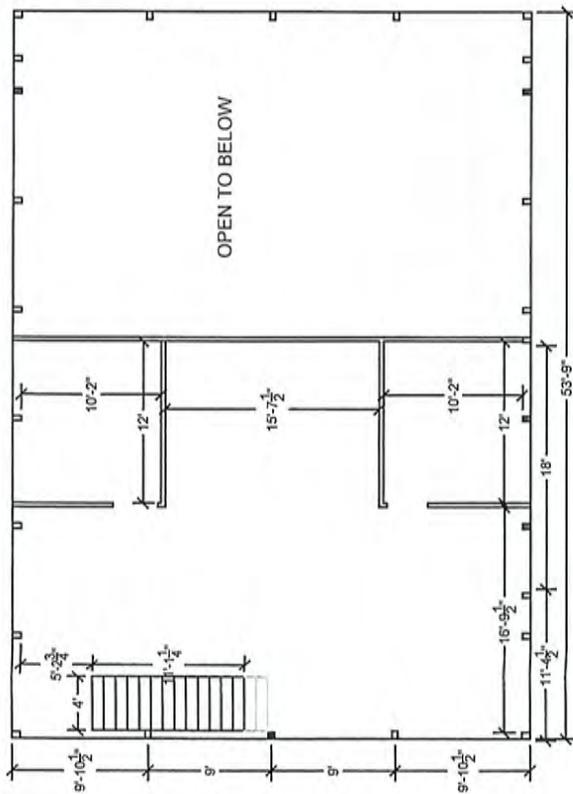
DocuSigned by:  
*Alex Dano*  
 08BB41806597E4D1...

5/15/2020

<b>DANE 3-6361E</b>	
38" x 54" x 18' 8" oc 4/12	
SCALE:	SHEET:
DATE: 05/08/2020	<b>1 of 3</b>

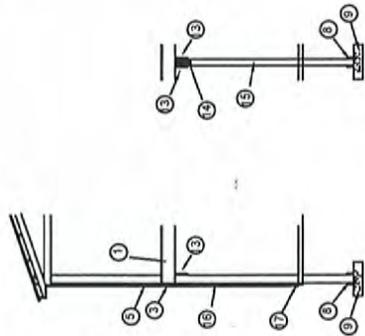


### EAVE 1



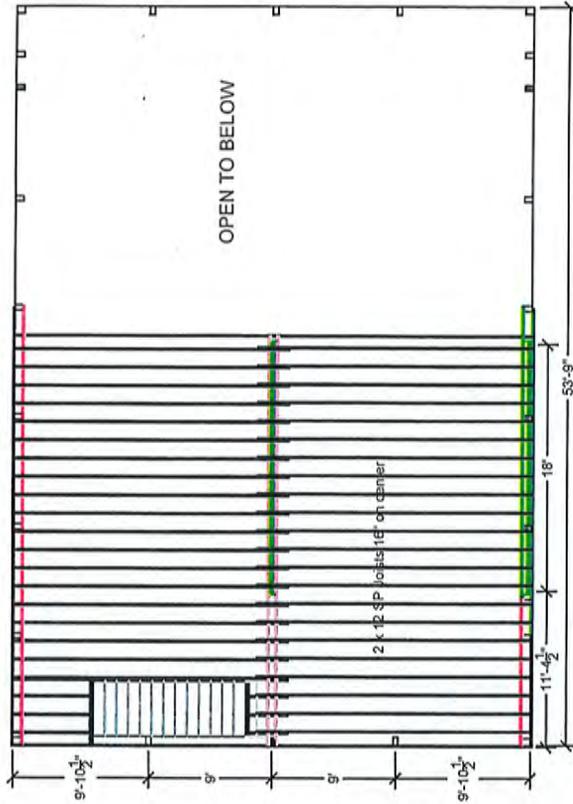
OPEN TO BELOW

### EAVE 2



DETAIL A1

### EAVE 1



OPEN TO BELOW

### EAVE 2

- ① 2X12 SP FLOOR JOISTS 16" CENTERS
- ② 1 3/4" x 11 7/8" LVL OHD HEADER
- ③ 2X12 SP BAND BOARD
- ④ 3 Ply 1 3/4" x 11 7/8" LVL
- ⑤ 3 Ply 2x8 LAMINATED POST
- ⑥ (2) 2X8 TREATED TIGHT UNDER HEADER
- ⑦ 1 3/4" x 11 7/8" LVL SUPPORTS
- ⑧ 2X6 PT CLEATS
- ⑨ 28" X 8" CONCRETE PAD
- ⑩ SLOPE GRADE AWAY FROM BUILDING
- ⑪ WOOD TRUSSES AT 8' - 0" OC DESIGNED & CERTIFIED BY OTHERS
- ⑫ CONCRETE SLAB NOT BY BLITZ BUILDERS
- ⑬ 2X12 SP SUPPORT
- ⑭ 3 Ply 1 3/4" x 14" LVL
- ⑮ 6x6 TREATED POST WITH 4x6 TREATED LEG TIGHT UNDER HEADER TO TIGHT ON FOOTER
- ⑯ 2X6 #2 SP GIRTS AT 36" OC
- ⑰ 2X8 PT SKIRT BOARD

DANE 3-6361E

38' x 54' x 18' 8" oc 4/12

SCALE: SHEET:

DATE: 05/08/2020

2 of 3

DocuSigned by:  
*Alex Dane*  
08B41808597E4D1...

5/15/2020



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

**PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**

**FINDINGS OF FACT**

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

This will be used as a private / residential garage which will house our four vehicles, yard implements, and recreation space. This will not cause any harm to the surrounding areas or cause hinderance to the neighbors and neighborhood.

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 proposed building will be an improvement to the previous garage, which was not structurally sound. The previously existing garage, which I have recently torn down, was delapidated, hazardous, unsightly, and a home to rodents. When buying the property, the inspector stated that the roof, wall paneling, electrical, garage doors, and pedestrian door all needed replaced. The proposed building will be made of completely new materials. It will also meet and exceed architectural standards and electric code. The design will aesthetically pleasing and will improve the value of the property.

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

My fiance and I bought this property with the plans of having enough garage space for our hobbies as well as additional guest space, to make up for the limited space in the existing house. We currently have four vehicles that sit outside with no protection. As an automotive enthusiast, I repair and build vehicles, and compete in motorsports. My craft is more efficient with the use of a vehicle lift. The height limits imposed on the new building prevent me from having a proper sized lift or vertical storage. My fiance and I both work from home and have converted bedrooms to home offices. When moving into this house, it was in our expectations that we would expand our recreational and guest spaces out to the pole barn. Coming from a large family from out of state, I expect to have several members of my family staying frequently, which is currently not feasible due to the cramped nature of our home. This house is in a position and state that prevent us from expanding vertically or laterally. The positioning of the well and sceptic system will not allow lateral expansion, and the old foundation would not support vertical expansion. Also with such a large lot, we need a larger lawn mower, which we feel uncomfortable leaving outdoors. The footprint of the proposed building will be expanded three feet (3') from all edges of the previous building. This foot print is still smaller than that of the house. On a 1.41 acre lot, this does not impact the building footprint percentage much.

**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 # 2020-17-DSV

**1. SITE INFORMATION:**

Address of Property: 5457 S 700 E, Whitestown IN, 46075  
Existing Use of Property: Residential home  
Proposed Use of Property: Residential home and garage  
Current Zoning: R2 Area in acres: 1.41

**2. PETITIONER/PROPERTY OWNER:**

Petitioner Name: Alex Dane  
Owner Name (if different from Petitioner): \_\_\_\_\_  
Petitioner Address: 5457 S 700 E, Whitestown IN, 46075 Owner Address: 5457 S 700 E, Whitestown IN, 46075  
Petitioner Phone Number: 217-264-7258 Owner Phone Number: 217-264-7258  
Petitioner E-Mail Address: alex.dane56@gmail.com Owner E-Mail Address: alex.dane56@gmail.com

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

<b>Attorney/Contact Person:</b>	<b>Project Engineer:</b>
Name: <u>N/A</u>	Name: <u>N/A</u>
Address: _____	Address: _____
Phone Number: _____	Phone Number: _____
E-Mail Address: _____	E-Mail Address: _____

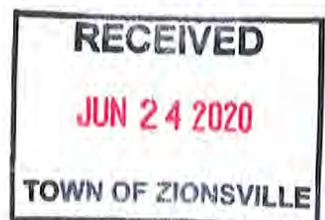
**4. DETAILED DESCRIPTION OF REQUEST** (Check all requests that apply) (Describe request and reasons for request / Indicate all applicable Zoning Ordinance Section Numbers / Attach additional pages if necessary):

- Appeal  Variance of Development Standards  Variance of Use  Special Exception  Modification

According to Section 194.097 of Rural Property Development Standards, section C(2) "Accessory structure shall be clearly subordinate in height, area, bulk, extent, and purpose to the primary structure." I am working on constructing a post frame building that exceeds the height and square footage of the main building on the property and would like to proceed with these original plans.

**5. ATTACHMENTS:**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Legal description of property<br><input type="checkbox"/> Owner's Authorization (if Petitioner is not the Owner)<br><input type="checkbox"/> Statement of Commitments (if proposed)<br><input checked="" type="checkbox"/> Application Fee | <input checked="" type="checkbox"/> Proof of Ownership (copy of Warranty Deed)<br><input checked="" type="checkbox"/> Site Plan & Exhibits<br><input type="checkbox"/> Draft of Proposed Legal Notice<br><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: [Signature] Date: 7-14-2020

Signature of Owner or Attorney for Owner: [Signature] Date: 7/14/2020

State of Indiana )  
County of Marion )  
SS:

Subscribed and sworn to before me this 14th day of July, 2020.

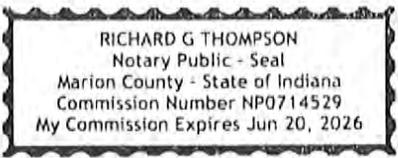
[Signature]  
Notary Public Signature

Richard Thompson  
Notary Public Printed

My Commission No: NP0714529

My Commission Expires: 06/20/2026

My County of Residence is Marion County



**WARRANTY DEED**

File No.: CTIN2003339  
CT Masters

**THIS INDENTURE WITNESSETH**, that Francis E. Walters and Janet V. Steele Walters, husband and wife (Grantor) CONVEY(S) AND WARRANT(S) to:

Alex Dane and and Emily Heckaman, as joint tenants with full rights of survivorship (Grantee) for the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the following described real estate in Boone County in the State of Indiana, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

**Property:** 5457 South 700 East, Whitestown, IN 46075

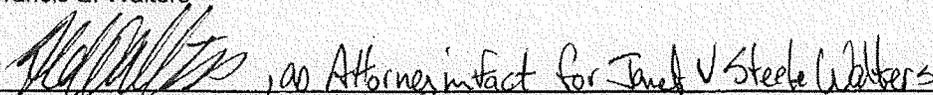
**Subject to all current real estate taxes and assessments and all subsequent taxes and assessments.**

**Subject to all easements, covenants, conditions, and restrictions of record.**

**Francis E. Walters swears and affirms the Power of Attorney under which he acts remains in full force and effect as of the date herein.**

IN WITNESS WHEREOF, Grantor has executed this deed this 1st day of May, 2020.

  
\_\_\_\_\_  
Francis E. Walters

  
\_\_\_\_\_  
Francis E. Walters, as Attorney in Fact for Janet V. Steele Walters

POA recorded: \_\_\_\_\_  
Instrument #: \_\_\_\_\_

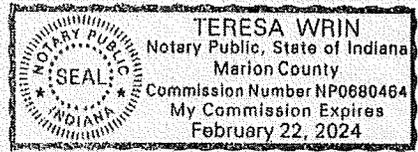
State of IN  
County of Hamilton

Before me, the undersigned, a Notary Public, in and for said County and State, personally appeared Francis E. Walters, individually, and as Attorney in Fact for Janet V. Steele Walters, who acknowledged the execution of the foregoing instrument, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 1st day of May, 2020

Signature: Teresa Wrin  
Printed: Teresa Wrin  
Resident of: Marion County  
State of: IN

My Commission expires: 2/22/24



Prepared By: J. David Clossin, for the benefit of Chicago Title Company, LLC

Grantee's Address and Tax Billing Address: 5457 South 700 East  
Whitestown, IN 46075

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: J. David Clossin.

**EXHIBIT "A"**  
Legal Description

**For APN/Parcel ID(s): 06-08-32-000-028.000-005**

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A PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 18 NORTH, RANGE 2 EAST OF THE SECOND PRINCIPAL MERIDIAN, SITUATED IN EAGLE TOWNSHIP, BOONE COUNTY, INDIANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 158.50 FEET NORTH OF THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 18 NORTH, RANGE 2 EAST; AND RUN THENCE EAST 387.43 FEET, MORE OR LESS; THENCE NORTH 158.50 FEET; THENCE WEST 387.62 FEET, MORE OR LESS; THENCE SOUTH 158.50 FEET TO THE PLACE OF BEGINNING.

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

STATE OF Indiana  
COUNTY OF Boone ) SS:

I, Alex Dane, DO HEREBY CERTIFY THAT LEGAL NOTICE TO  
(NAME OF PERSON MAILING LETTERS)

INTERESTED PARTIES OF THE PUBLIC HEARING TO BE HELD BY THE TOWN OF ZIONSVILLE  
BOARD OF ZONING APPEALS, to consider the Petition of: Alex Dane  
(NAME OF PERSON ON PETITION)

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

For property located at: 5457 S 700 E, Whitestown, IN 46075

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

OWNERS ADDRESS

*See attached List of Adjoiners*

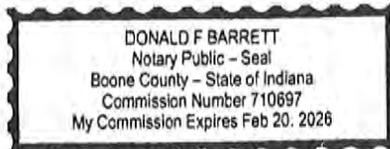
And that said Legal Notices were sent by First Class Mailed on or before the 25th day of July,  
2020, being at least ten (10) days prior to the date of the Public Hearing (Copies of "First Class Mail" attached).

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

Alex Dane Emmy Heckeman  
Name of person mailing letters

Alex Dane Emmy Heckeman  
Signature

State of INDIANA  
County of Boone ) SS:



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

[Signature]  
Notary Public Signature

Donald Barrett  
Notary Public Printed

My Commission No: 710697

My Commission Expires: Feb 20, 2026

My County of Residence is Boone County





Attribute report for active ID 1

ID name	add1	add3
✓40651 SLACK GORDON E KATELYN M & AND	7090 EAST 550 SOUTH	WHITESTOWN, IN 46075
✓40653 STATON RANDALL L ETAL	8424 E STATE ROAD 32	ZIONSVILLE, IN 46077
✓40655 WALKER GEOFFREY I & SHARON LOU	5485 S 700 E	WHITESTOWN, IN 46075-9685
✓40759 LEWIS BRAD & REBECCA	5442 S 700 E	WHITESTOWN, IN 46075
✓40805 FISHER JAMES D & JANICE K	7086 E 550 S	WHITESTOWN, IN 46075
✓40806 HUSSUNG RICHARD A & ARLENE TRU	5435 S 700 E	WHITESTOWN, IN 46075
✓40857 BOEHLE ANTHONY F & KELLY A	5405 S 700 E	WHITESTOWN, IN 46075-9684
✓40876 MELLENCAMP PHILIP & MICHAL	5390 S 700 E	WHITESTOWN, IN 46075

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Alex Dore & Emily Heckenman  
5477 S 700 E  
Whitestown, IN 46075

Phillip and Michael Pfelecamp  
5330 S 700 E  
Whitestown, IN 46075

Alex Dore & Emily Heckenman  
5477 S 700 E  
Whitestown, IN 46075

Ariene Trout  
5435 S 700 E  
Whitestown, IN 46075

Alex Dore & Emily Heckenman  
5477 S 700 E  
Whitestown, IN 46075

Brad and Rebecca Lewis  
5442 S 700 E  
Whitestown, IN 46075

Alex Dore & Emily Heckenman  
5477 S 700 E  
Whitestown, IN 46075

Geoffrey and Stacey Walker  
5485 S 700 E  
Whitestown, IN 46075

Alex Dore & Emily Heckenman  
5477 S 700 E  
Whitestown, IN 46075

Rachel Station, et al  
4124 E 54th Road 3A  
Bloomington, IN 47407

Alex Dore & Emily Heckenman  
5477 S 700 E  
Whitestown, IN 46075

Gordon and Katelyn Siskel  
7090 E 550 South  
Whitestown, IN 46075

Alex Dore & Emily Heckenman  
5477 S 700 E  
Whitestown, IN 46075

Jones and Janice Fisher  
7086 E 550 S  
Whitestown, IN 46075

Alex Dore & Emily Heckenman  
5477 S 700 E  
Whitestown, IN 46075

Anthony and Kelly Beable  
5406 S 700 E  
Whitestown, IN 46075-9999

**EXTRA WAYS WE CAN  
SERVE YOU**

**USPS TRACKING SERVICE**  
INCLUDES DELIVERY CONFIRMATION, DELIVERY POINT, DELIVERY TIME, AND RETURN MAIL SERVICES.  
— AT \$2.50 PER POUND (MAXIMUM \$100)  
— AT \$2.50 PER POUND (MAXIMUM \$100)

**MAILING LETTERS (FOR DOMESTIC ONLY)**  
WEIGHT: 1.5 OZ. MAX.  
THICKNESS: 0.006" - 0.010"  
LENGTH: 11" - 15.5"  
WIDTH: 3.5" - 6.125"  
— \$0.40 PER LETTER (MAXIMUM \$100)

**SHIPPING PACKAGES (FOR DOMESTIC ONLY)**  
WEIGHT: 15.43 LBS. MAX.  
LENGTH: 108" MAX.  
THICKNESS: 7.5" MAX.  
— \$4.50 PER POUND (MAXIMUM \$100)

**FOR MORE INFORMATION  
SEE SALES**



PLEASE PRINT  
YOUR NAME AND ADDRESS  
CORRECTLY

BOONE COUNTY

Public notices

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



Public Notices

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 legals - provide information about taxes, zoning, new business and other areas your government is involved in.

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

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

Property Taxes rising? It's your right to know...and it's the law. Indiana newspapers are the trusted source that your government uses to inform you about decisions that affect your life.

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For full public notice listings go to IndianaPublicNotices.com.

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 August 05, 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.boonecountync.com/06098051 Beer Wine & Liquor Drug Store RENEWAL HOOK SUPERX, LLC 1486 W. OAK ST, Zionsville, IN D/B/A CVS PHARMACY #6865 THOMAS S MOFFATT 29 HOMESTEAD CIRCLE Kingston, President LINDA M CIMBRON 45 BRIDGE STREET Warren, Secretary MELANIE LUKER 45 SUSAN DR Cranston, Secretary KIMBERLY DESOUSA 28 LARCHWOOD DR Cumberland, Secretary

DL0689178 Beer Wine & Liquor Drug Store RENEWAL HOOK SUPERX LLC 207 S LEBANON STREET Lebanon IN D/B/A CVS PHARMACY #6866 THOMAS S MOFFATT 29 HOMESTEAD CIRCLE Kingston, President LINDA M CIMBRON 45 BRIDGE STREET Warren, Secretary MELANIE LUKER 45 SUSAN DR Cranston, Secretary KIMBERLY DESOUSA 28 LARCHWOOD DR Cumberland, Secretary

DL0621727 Beer Wine & Liquor Drug Store RENEWAL KROGER LIMITED PARTNERSHIP 12420 N LEBANON ST Lebanon IN D/B/A KROGER #940 DL0623372 Beer Wine & Liquor Drug Store RENEWAL HOOK SUPERX LLC 6511 WHITESTOWN PARKWAY Zionsville IN D/B/A CVS PHARMACY # 4727 THOMAS MOFFATT 29 HOMESTEAD CIRCLE Kingston, President MELANIE LUKER 45 SUSAN DR Cranston, Secretary

DL0630376 Beer & Wine Dealer Grocery Store RENEWAL Moody Market Zionsville, LLC 30 E Cedar Street Zionsville, IN D/B/A Adam Moody 3999 W 950 S Waveland, President

RR0633467 Beer & Wine Retailer Restaurant BREAD BOOKS & BREWS LLC 65 BOONE VILLAGE Zionsville IN D/B/A BOOKS & BREWS

RR0635412 Beer Wine & Liquor Restaurant (210) RENEWAL JCI EQUITY LLC 1404 W SOUTH ST Lebanon IN D/B/A BACKROADS BBQ

RR0636618 Beer & Wine Retailer Restaurant TRANSFER VALENTIN ENTERPRISES, LLC 65 BOONE VILLAGE Zionsville IN D/B/A BOOKS & BREWS Nicholas Valentin 900 Eastwood Dr Apt D Secretary Nicholas Valentin 900 Eastwood Dr Apt D Darville, President

RR0636648 Beer & Wine Retailer Restaurant TRANSFER LEBANON PIZZA HUT, LLC 1707 NORTH LEBANON STREET Lebanon IN D/B/A TLR-412 7/23 hspaxip 1654554

Public Notices

Gilbert STATE OF INDIANA SS: COUNTY OF BOONE IN THE BOONE COUNTY CAUSE NO. 06C01-2007-MI-0835 IN RE THE NAME CHANGE OF MINOR: Jaiden Charles Gilbert Name of Minor: Julie Michelle Shelton Petitioner

ORDER SETTING HEARING Notice is hereby given that Petitioner Julie Michelle Shelton, pro se, filed a Verified Petition for Change of Name of Minor to change the name of minor child from Jaiden Charles Gilbert to Jaiden Charles Shelton.

The petition is scheduled for hearing in this Court on September 16, 2020 at 8:15 A.M., which is more than thirty (30) days after the third notice of publication. Any person has the right to appear at the hearing and to file written objections on or before the hearing date. The parties shall report to Boone Circuit Court.

Date: 7/16/2020 /s/ Lori Schein Judicial Officer TLR-417 7/23, 7/30, 8/6 hspaxip

LEGAL NOTICE

The City of Lebanon, Indiana Utilities has made a filing for a purchase power and energy tracking factor with the Indiana Regulatory Commission in order to implement an average change in its rates for electric service charged by its supplier, Indiana Municipal Power Agency, pursuant to the Indiana Utility Regulatory Commission Order in Cause Number 36935-S3. The filing, if approved by the Commission, will be effective for energy consumed on or after the date of approval.

Rate RS \$0.008240 per kWh Rate CS Single \$0.010130 per kWh Rate CS 3-Ph \$0.007846 per kWh Rate MS \$0.004686 per kWh Rate PPL \$3.190534 per kVA Rate SGF \$0.005565 per kWh Rate SQP \$0.004291 per kWh Rate OL & SL \$0.009490 per kWh

Applicable: October, November and December, 2020

Any objection to this filing may be addressed to the following:

Indiana Office of Utility Consumer Counselors (OUCC) 115 W. Washington St., Suite 1500 South Indianapolis, IN 46204 Toll Free: 1-888-441-2494 Voice/TDD: (317) 232-2494 Indiana Utility Regulatory Commission (IURC) 101 W. Washington St., Suite 1500 East Indianapolis, IN 46204 Toll Free: 1-800-851-4268 Voice/TDD: (317) 232-2701 Fax: (317) 232-2410 www.in.gov/iurc TLR-420 7/23 hspaxip 1654976

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

2020-17-DSV, Alex Dane requests a Development Standards Variance to provide for or permit:

Construction of a detached barn which: 1) Exceeds the allowable necessary square footage, and 2) Deviates from the required maximum permissible height associated with an accessory structure in the Rural Low-Density Single-Family and Two-Family Residential Zoning District (R2).

The property involved is more commonly known as: 5457 S 700 E, Whitestown, IN 46075, and is legally described as: A part of the southwest quarter of the northwest quarter of Section 32, Township 10 North, Range 2 East of the second principal meridian, situated in Eagle Township, Boone County, Indiana.

Public Notices

County, Indiana, and more particularly described as follows: Being at a point 158.50 feet north of the southwest corner of the southwest quarter of the northwest quarter of Section 32, Township 10 North, Range 2 East, and run thence east 387.43 feet, more or less; thence north 158.50 feet; thence west 387.62 feet, more or less; thence south 158.50 feet to the place of beginning.

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 (remote) electronic communication if indicated in the Agenda (as amended from time to time) associated with the Board of Zoning Appeals Meeting. Additionally, upon request, the Town of Zionsville will provide auxiliary aids and services in association with meetings and hearings occurring in person. Please provide advance notification to Wayne DeLong, at wdelong@zionsville.in.gov or 317-873-5108, to ensure the proper accommodations are made prior to the meeting.

Chairman: John Wolf Secretary: Wayne DeLong TLR-419 7/23 hspaxip 1654857

For full public notice listings go to IndianaPublicNotices.com.

Public hearing to discuss proposed Action Plan changes

Notice is hereby given that the Indiana Office of Community and Rural Affairs (OCRA) plans to amend its 2019 Action Plan and 2020 Action Plan for Housing and Community Development. Additionally, OCRA is holding a public comment period on proposed changes to various Minimum Plan Requirements.

The Action Plan amendments concern the Community Development Block Grant (CDBG) program that is funded through the U.S. Department of Housing & Urban Development under Title I of the Housing & Community Development Act of 1974 as amended. Proposed changes cover:

- FY 2019 Action Plan
• Receive the State's CDBG-CV2 allocation;
• Add language on partnering with other state agencies on distributing CV funds.
FY 2020 Action Plan
• Postpone the implementation of FY 2020 scoring criteria until January 1, 2021;
• Increase the maximum grant amount for Planning Grants to \$90,000.

A public hearing to discuss the draft 2019 and 2020 Action Plan amendments is scheduled for 10 a.m. ET on July 30, 2020. This hearing will be held virtually and can be accessed through:

- Event address for attendees: https://indianahancedwebex.com/join/indianahanced/onsite/g\_pjwvMTD-8c1ab08a55a13f49c537f79bb0b5b79
Event number: 161 754 8547
Event password: CDBG
US toll-free: 844-621-3956 or US toll 1-415-855-0001

Public comment for either Action Plan amendment should be sent to info@ocra.in.gov. Public comments for the FY2019 Action Plan amendment will be accepted until August 11, 2020. Public comment for the FY2020 Action Plan amendment will be accepted until 4 p.m. ET on July 31, 2020. Public

Public Notices

Rabensteine STATE OF INDIANA SS: COUNTY OF BOONE IN THE BOONE SUPERVISOR COURT CAUSE NO. 06D01-2007-ES-00081 IN THE MATTER OF THE SUPERVISED ESTATE OF DAVID L. RABENSTEINE, Deceased.

NOTICE OF SUPERVISED ADMINISTRATION Notice is given that LEE RABENSTEINE was, on July 13, 2020, appointed as PERSONAL REPRESENTATIVE OF THE ESTATE OF DAVID L. RABENSTEINE, deceased, who died on the 25th day of June, 2020. The Personal Representative is authorized to administer the 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 the Court within three (3) months from the date of the first publication of the notice, or within nine (9) months after the decedent's death, whichever is earlier, or the claims will be forever barred.

Dated: July 14, 2020 /s/ Jessica J. Fouts Clerk, Boone Superior Court ATTORNEYS FOR THE ESTATE: CHRIS L. SHELLEY, #123-06 SHELLEY LAW, PC 115 N. West St. P.O. Box 747 Zionsville, IN 46052 Telephone: (765) 482-1370 Facsimile: (765) 482-9085 TLR-418 7/23, 30 hspaxip

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

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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.

comment for the FY2020 Action Plan amendment will be accepted until 4 p.m. ET on August 23, 2020.

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

Public Notices

When governments want to change zoning rules, the law often requires them to inform you by placing notice advertisements in newspapers - 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.

PUBLIC NOTICE FOR FIRST PUBLIC HEARING

On or about November 20, 2020, the Town of Thornton intends to apply to the Indiana Office of Community Rural Affairs for a grant from the State Community Development Block Grant (CDBG) Wastewater program. This program is funded by Title I of the federal Housing and Urban Development Act of 1974, as amended. These funds are to be used for a community development project that will include the following activities: wastewater system improvements. The total amount of CDBG funds to be requested is \$700,000. The amount of CDBG funds proposed to be used for activities that will benefit low- and moderate-income persons is \$413,700. The Applicant also proposes to expend an estimated \$1,282,000 in non-CDBG funds on the project. These non-CDBG funds will be derived from the following sources: \$66,000 in the form of Sewage Utility Operating Funds and a loan in the amount of \$1,198,000 from the Wastewater State Revolving Fund (WWSRF).

The Town of Thornton will hold a public hearing on August 3, 2020 at 7:00 pm, in the Sugar Creek Art Center located at 127 S. Pearl Street to provide interested parties an opportunity to express their views on the proposed federally funded CDBG project. Persons with disabilities or non-English speaking persons who wish to attend the public hearing and need assistance should contact Kleinfelter Consulting Group, LLC at P.O. Box 37, WhiteLand, IN 46184.

continued next column

NOTICE OF PUBLIC HEARING IN EAST ALEX

Notice is hereby given that the Zionsville Board of Zoning Appeals will conduct a Public Hearing on Wednesday, August 5, 2020, at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana, on a petition for Special Exception, Petition No. 2020-17-DSV, filed by counsel, Michael J. Andreoli, on behalf of the Petitioner, C & J Well Co. Petitioner is seeking a Special Exception to allow for existing building(s) to be utilized for a Contractor's office and storage in an Industrial One Rural Zoning District (I-1). The property is located at 7601 S. Indianapolis Road, Zionsville, Indiana and consists of 5.40 acres, more or less, and is more commonly described as follows:

See attached legal description

A copy of the Petition for Special Exception, and all plans pertaining thereto are on file and may be examined prior to a 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 will be accepted 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.

Additionally, upon request, the Town of Zionsville will provide auxiliary aids and services in association with meetings and hearings occurring in person. Please provide advance notification to Wayne DeLong, at wdelong@zionsville.in.gov or 317-873-5108, to ensure the proper accommodations are made prior to the meeting.

Chairman: John Wolf Secretary: Wayne DeLong LEGAL DESCRIPTION TRACT I A part of the East Half of Section 7, Township 17 North, Range 2 East, situated in Eagle Township, Boone County, Indiana, and being more particularly described as follows, to-wit:

From a railroad rail at the Northwest Corner of the Northeast Quarter of the aforesaid Section 7, Township 17 North, Range 2 East, along said center line 175.0 feet to a point; thence deflecting 90 degrees to the right for a distance of 392.46 feet to the place of beginning, containing in all 1.40 acres, more or less.

TLR-415 7/23 hspaxip 1654795

Public Notices

37, WhiteLand, IN 46184 or 812-525-7000 no later than July 24, 2020. Every effort will be made to make reasonable accommodations for these persons.

Information related to this project will be available for review prior to the public hearing as of July 24, 2020. To review the preliminary engineering report please contact Angie Moody, Community Development Director, at 101 W. Main Street, Thornton, IN 46071, email: amoody@townofthornton.com or call (765) 436-2205. Interested citizens are invited to provide comments regarding these issues either at the public hearing or by prior written statement. Written comments should be submitted to Kleinfelter Consulting Group, LLC at P.O. Box 37, WhiteLand, IN 46184 no later than August 9, 2020 in order to ensure placement of such comments in the official record of the public hearing proceedings. A plan to minimize displacement and provide assistance to those displaced has been prepared by the Town of Thornton and is also available to the public. This project will not result in the displacement of any persons or businesses. For additional information concerning the proposed project, please contact Mike Kleinfelter at (812) 525-7080 during normal business hours Monday through Friday 9am-4pm or write to Kleinfelter Consulting Group, LLC, P.O. Box 37, WhiteLand, IN 46184.

TLR-425 7/23 hspaxip 1651229

THORNTON TOWING 302 WEST CHURCH STREET THORNTON IN

AUGUST 11 10:00 AM. 2005 CHRYSLER PACIFICIA 2C4GM8495S387190 \$1339.00 2011 HONDA ACCORD CP2F25CA042086 \$964.00 TLR-422 7/23 hspaxip 1655061

ZIONSVILLE TOWING 4901 WEST 100TH STREET ZIONSVILLE IN

AUGUST 10 9:00 AM. 2004 FORD RANGER 1F1YR10D84T19773 \$641.00 TLR-424 7/23 hspaxip 1655003

minutes 14 seconds East, for a distance of 237.95 feet to the center line of Interstate Highway 65; thence South 32 degrees 41 minutes 48 seconds East said said center line, for a distance of 3051.96 feet to a point; thence South 57 degrees 18 minutes 12 seconds West a distance of 100.00 feet to the point of beginning. From said point of beginning continue thence South 32 degrees 41 minutes 48 seconds East a distance of 68.81 feet to a point; thence South 47 degrees 19 minutes 33 seconds West a distance of 392.46 feet to the center line of U.S. #52; thence continuing North 42 degrees 40 minutes 27 seconds West along the center line of U.S. #52 a distance of 1017.32 feet to a point; thence North 47 degrees 19 minutes 33 seconds East a distance of 50.00 feet to the right-of-way line of I-865; thence South 42 degrees 40 minutes 27 seconds East with said right-of-way line a distance of 214.92 feet to a point; thence curve left with a 1383.24 foot radius for a distance of 827.94 feet (the chord of which bears South 69 degrees 26 minutes 03 seconds East for a distance of 815.64 feet) to the point of beginning, containing in all 4.00 acres, more or less.

TRACT II A part of the East Half of Section 7, Township 17 North, Range 2 East, situated in Eagle Township, Boone County, Indiana, and being more particularly described as follows, to-wit:

From a railroad rail at the Northwest Corner of the Northeast Quarter of the aforesaid Section 7, Township 17 North, Range 2 East, along said center line 175.0 feet to a point; thence deflecting 90 degrees to the right for a distance of 392.46 feet to the place of beginning, containing in all 1.40 acres, more or less.

TLR-415 7/23 hspaxip 1654795

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Category                Public Notices

Published Date        July 23, 2020

## Notice Details

**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: 2020-17-DSV, Alex Dane requests a Development Standards Variance to provide for or permit: Construction of a detached barn which: 1) Exceeds the allowable accessory square footage; and 2) Deviates from the required maximum permissible height associated with an accessory structure in the Rural Low-Density Single-Family and Two-Family Residential Zoning District (R2). The property involved is more commonly known as: 5457 S 700 E, Whitestown, IN 46075, and is legally described as: A part of the southwest quarter of the northwest quarter of Section 32, Township 18 North, Range 2 East of the second principal meridian, situated in Eagle Township, Boone County, Indiana, and more particularly described as follows: Beginning at a point 158.50 feet north of the southwest corner of the southwest quarter of the northwest quarter of Section 32, Township 18 North, Range 2 East; and run thence east 387.43 feet, more or less; thence north 158.50 feet; thence west 387.62 feet, more or less thence south 158.50 feet to the place of beginning. 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](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-419 7/23 hspaxlp 1654857

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Fellow neighbors,

Let us introduce ourselves to those of you we haven't had the pleasure of meeting yet. My name is Alex Dane. My fiancé, Emmy Heckaman, and I just moved into the area in May.

We are in the process of petitioning the Town of Zionsville to construct a pole barn on our new property. As most of you have noticed, we have demolished the previously existing detached garage and we plan to build the new pole barn on the old garage's footprint. The new pole barn is expected to expand 3 feet out in each direction from the previous garage, resulting in a final perimeter of 38 ft. by 54 ft., and be 18 ft. in height. The official project schematics have been included in this letter. The pole barn will act as a garage for our daily drivers, storage for our lawn implements, and workspace for my automotive hobby. The increase in height is necessary for me to install and utilize a car lift which will increase the efficiency of my craft.

In addition, we would also like to add a second floor within the pole barn. Currently, our two spare bedrooms are being used for our home offices and storage. We both plan on continuing to work from home after COVID-19 is resolved so the extra space will allow us enough room to have home offices and still house guests. The second floor would also be used for additional recreational space. With both of our families and most of our friends living out of town, guest space is a necessity and is not feasible with our current space limitations. Due to the location of the well and septic system, we're not able to add-on to the house. We bought this property with the intention of adding additional space as we combine our two households into one.

As noted on the included Notice of Public Hearing, there will be a public hearing on August 5, 2020 where our petition will be reviewed by the Town of Zionsville Board of Zoning Appeals. You have the option of providing written comments either in support of or in opposition to our petition which will get factored into the Board's decision to approve or deny our request.

We would appreciate your support in our efforts! Should you have any questions about the project, feel free to reach out to us!

Sincerely,  
Alex Dane and Emmy Heckaman

5457 S 700 E  
Whitestown, IN 46075  
217-264-7258  
alex.dane56@gmail.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  
(DATE OF PUBLIC HEARING)

46077 to consider the following Petition:

2020-17-DSV, Alex Dane requests a  
(PETITION NUMBER) (NAME OF PETITIONER)

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

Construction of a detached barn which: 1) Exceeds the allowable accessory square footage; and 2) Deviates from the required maximum permissible height associated with an accessory structure in the Rural Low-Density Single-Family and Two-Family Residential Zoning District (R2).

The property involved is more commonly known as: 5457 S 700 E, Whitestown, IN 46075

and is legally described as: (COMMON ADDRESS)

**A part of the southwest quarter of the northwest quarter of Section 32, Township 18 North, Range 2 East of the second principal meridian, situated in Eagle Township, Boone County, Indiana, and more particularly described as follows: Beginning at a point 158.50 feet north of the southwest corner of the southwest quarter of the northwest quarter of Section 32, Township 18 North, Range 2 East; and run thence east 387.43 feet, more or less; thence north 158.50 feet; thence west 387.62 feet, more or less thence south 158.50 feet to the place of beginning.**

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

Zionsville Board & Zoning Appeals Members  
C/O Chrissy Koenig  
1100 W Oak Street  
Zionsville  
IN 46077

Jim & Janice Fisher  
7086 E 550 S  
Whitestown  
IN 46075

---

Dear Ms Koenig

This letter is in support of our neighbor Mr. Alex Dane for the following petition:

Petition number – 2020-17-DSV

Name & Address of Petitioner –Mr. Alex Dane. 5457 S 700 E, Whitestown, IN 46075

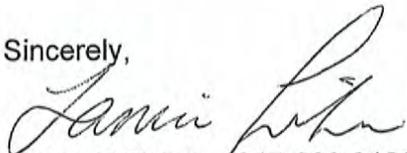
Public Hearing - August 5 2020 at 6.30 PM

We have received notification of the above petition to build a pole barn at the above address. All relevant details were provided to us along with a clear and acceptable explanation for building this pole barn.

We would like to offer our support to Mr. Dane and can confirm this would not have any impact on the local landscape/ wildlife etc. or block any views for the surrounding neighbors.

Should you require any additional information or comments, please do not hesitate to contact us.

Sincerely,



Janice K Fisher – 317-666-3126

James D Fisher – 317-666-0744



Zionsville Board of Zoning Appeals

07/23/2020

Concerning the property at 5457 S. 700 E. Whitestown, IN 46075

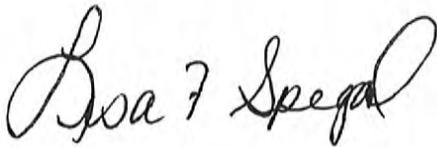
We are there neighbors at 5435 S. 700 E. Whitestown, IN 46075. Richard and Arlene Hussung Trust

We received a letter on 07/21/2020 concerning the variance for a new barn structure.

We are excited for this couple starting out in their new home. Their plans for there pole barn will not affect us in any negative way. We believe it will actually be an improvement over what was there and falling down left from the last owners. They have been here for a couple of months and continue the care and up keep of said property.

Sincerely

Lisa Hussung Spegal POA

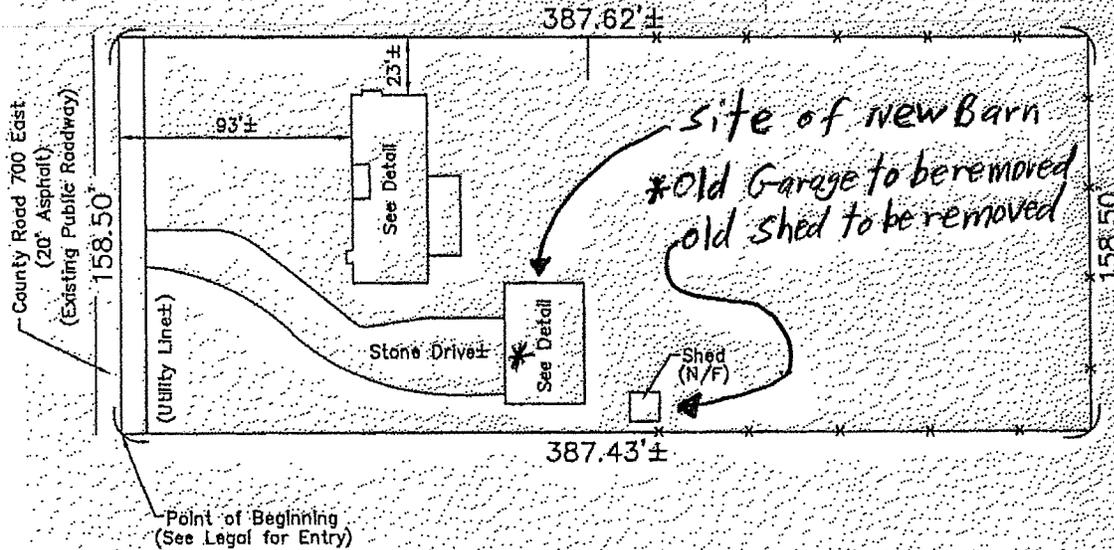
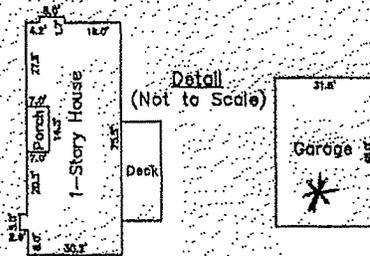
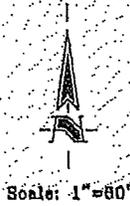


# SURVEYOR LOCATION REPORT

I hereby certify to the parties named above that the real estate described herein was inspected under my supervision on the date indicated and that to the best of my knowledge, this report conforms with the requirements contained in Sections 27 through 29 of 865 IAC 1-1-12 for a SURVEYOR LOCATION REPORT. Unless otherwise noted there is no visible evidence of possession lines found.

**Notes:**

- 1.) Fence locations shown are approximate. An accurate boundary survey is required to determine exact locations.
- 2.) Due to the lack of qualified monumentation found, the accuracy of this report is limited to 5±.



Legend	
X	Fence
N/F	No Foundation

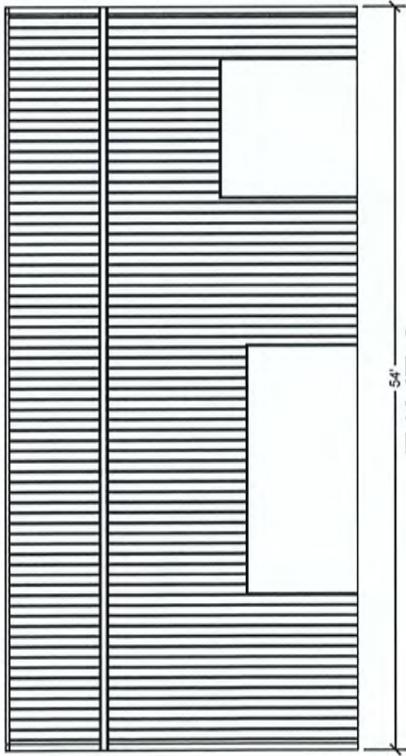


**HAHN SURVEYING GROUP, INC.**  
 Land Surveyors  
 8925 N. Meridian Street, Suite 120  
 Indianapolis, IN 46260  
 PHONE: (317) 846-0840 / (317) 846-4119  
 FAX: (317) 846-4298 / (317) 582-0662  
 EMAIL: orders@hahnsurveying.com  
 www.hahnsurveying.com

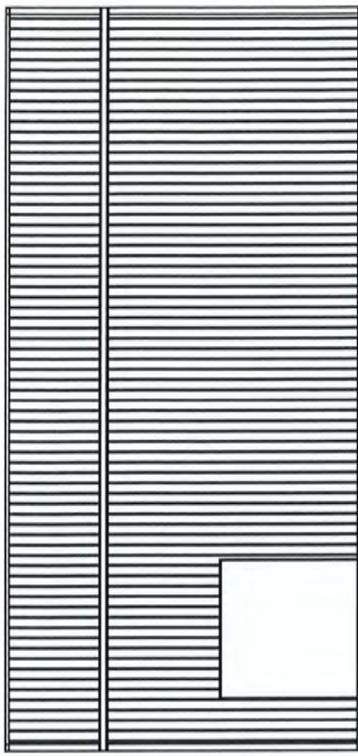


CERTIFIED: 04/08/2020

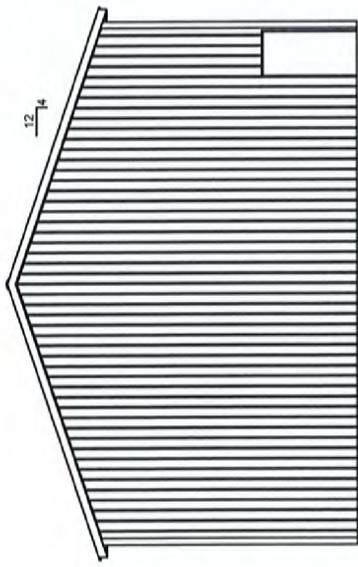
*Chad L. Brown*  
 Chad L. Brown  
 Registered Land Surveyor,  
 Indiana #21100002  
 Drawn By: JEC  
 Job No.: 2020041111  
 Sheet 2 of 3



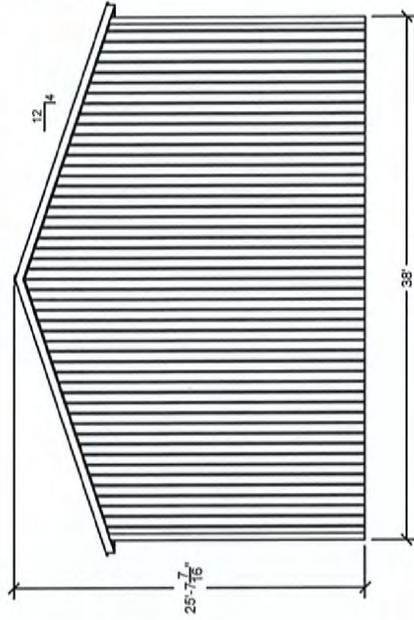
EAVE 2



EAVE 1



GABLE 1



GABLE 2

DocuSigned by:  
*Alex Dane*  
 08B41806597E4D1...

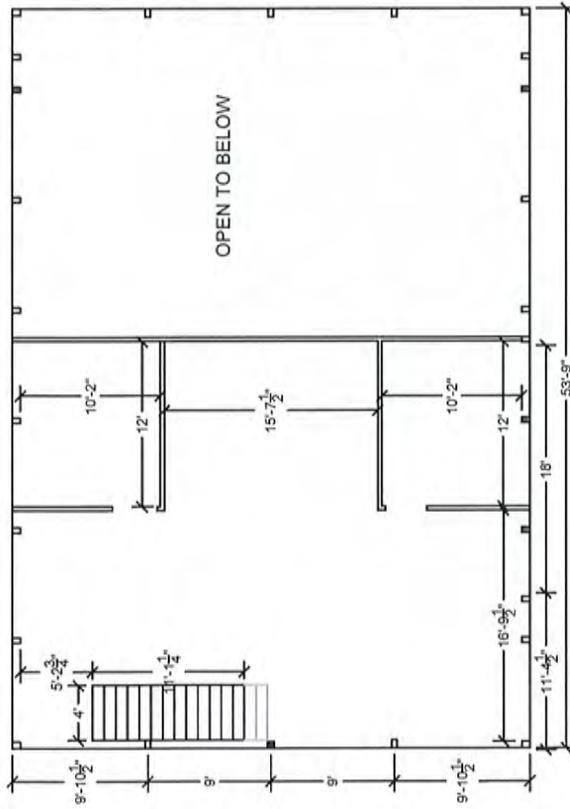
5/15/2020

DANE 3-6361E	
38' x 54' x 18' 8' oc 4/12	
SCALE:	SHEET:
DATE: 05/08/2020	3 of 3



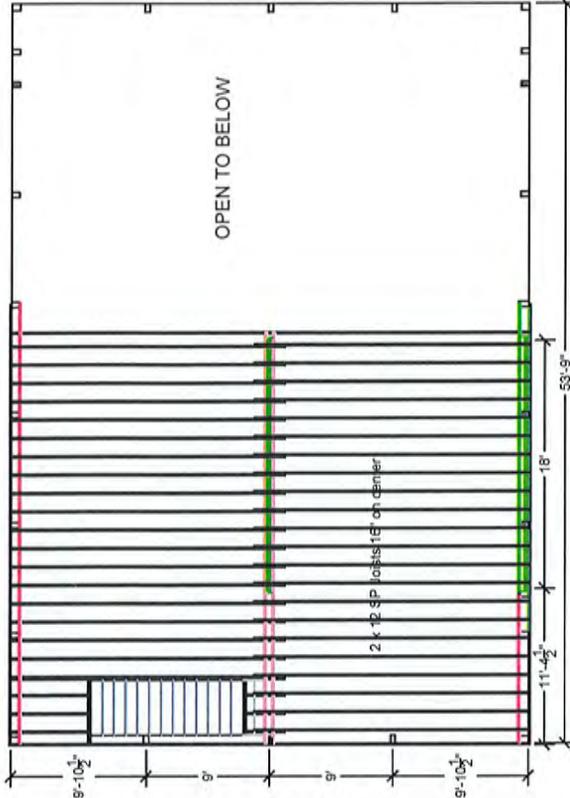


### EAVE 1



OPEN TO BELOW

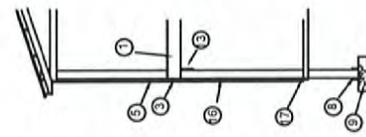
### EAVE 1



OPEN TO BELOW

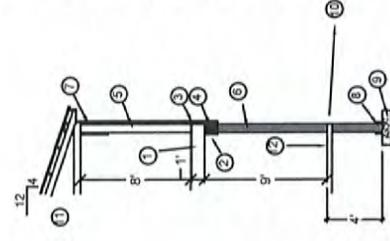
2 x 12 SP Joists 16" on center

### EAVE 2



DETAIL A1

### EAVE 2



- 1 2X12 SP FLOOR JOISTS 16" CENTERS
- 2 1 3/4" x 11 7/8" LVL OHD HEADER
- 3 2X12 SP BAND BOARD
- 4 3 Ply 1 3/4" x 11 7/8" LVL
- 5 3 Ply 2x8 LAMINATED POST
- 6 (2) 2x8 TREATED TIGHT UNDER HEADER
- 7 1 3/4" x 11 7/8" LVL SUPPORTS
- 8 2x8 PT CLEATS
- 9 28" X 8" CONCRETE PAD
- 10 SLOPE GRADE AWAY FROM BUILDING
- 11 WOOD TRUSSES AT 8' - 0" OC DESIGNED & CERTIFIED BY OTHERS
- 12 CONCRETE SLAB NOT BY BLITZ BUILDERS
- 13 2X12 SP SUPPORT
- 14 3 Ply 1 3/4" x 14" LVL
- 15 6x6 TREATED POST WITH 4x8 TREATED LEG TIGHT UNDER HEADER TO TIGHT ON FOOTER
- 16 2x8 #2 SP GIRTS AT 36" OC
- 17 2x8 PT SKIRT BOARD

DocuSigned by:  
*Alex Dane*  
 08BB41808597E4D1...

5/15/2020

DANE 3-6361E

38' x 54' x 18' 8' oc 4/12

SCALE:

DATE: 05/08/2020

SHEET:  
 2 of 3

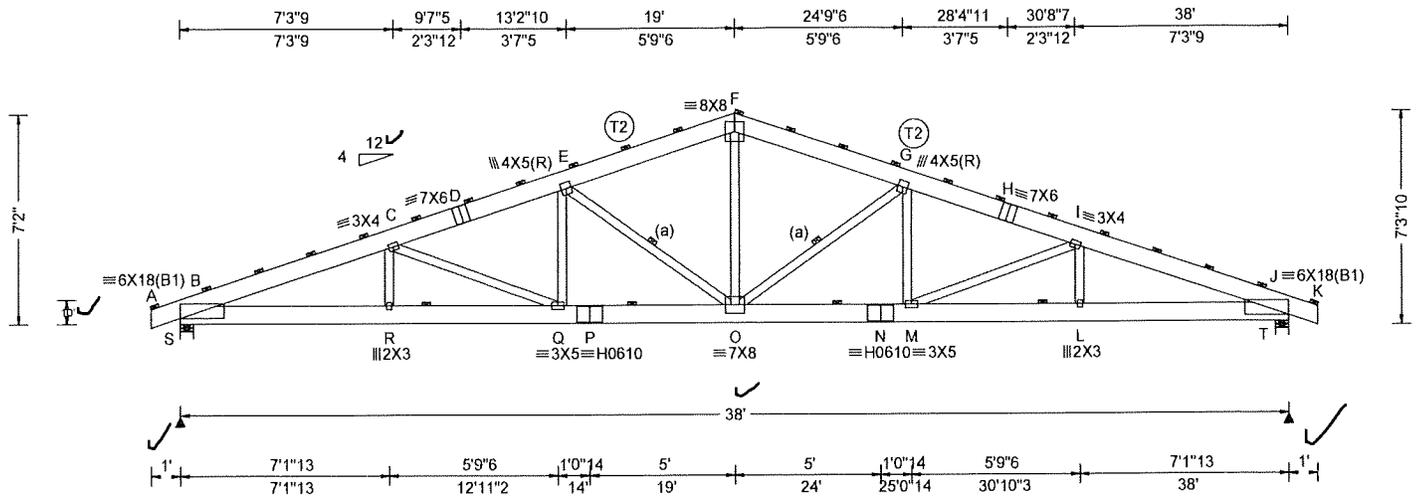


Job Number: AT-20-00789  
 Dane 3-6361E  
 Truss Label: T-1 38' Common

Ply: 1  
 Qty: 6  
 Wgt: 294.0 lbs

SEQN: 20569 / T5 / COMN  
 FROM:

DRW: ... / ...  
 05/08/2020



Loading Criteria (psf)	
TCLL:	20.00
TCDL:	4.00
BCLL:	0.00
BCDL:	8.00
Des Ld:	32.00
NCBCLL:	0.00
Soffit:	2.00
Load Duration:	1.15
Spacing:	96.0"

Wind Criteria	
Wind Std:	ASCE 7-10
Speed:	115 mph
Enclosure:	Closed
Risk Category:	I
EXP:	C
Mean Height:	15.00 ft
TCDL:	2.4 psf
BCDL:	4.8 psf
MWFRS Parallel Dist:	h/2 to h
C&C Dist a:	3.80 ft
Loc. from endwall:	Any
GCpi:	0.18
Wind Duration:	1.60

Snow Criteria (Pg,Pf in PSF)	
Pg:	20.0
Ct:	1.1
CAT:	I
Pf:	12.3
Ce:	1.0
Lu:	-
Cs:	not used
Snow Duration:	1.15

Code / Misc Criteria	
Bldg Code:	IBC 2012
TPI Std:	2007
Rep Factors Used:	No
FT/RT:	20(0)/0(0)
Plate Type(s):	
WAVE, HS	

Defl/CSI Criteria	
PP Deflection in loc L/defl L/#	
VERT(LL):	0.419 O 999 240
VERT(TL):	0.794 O 570 240
HORZ(LL):	0.121 L - -
HORZ(TL):	0.230 L - -
Creep Factor:	1.5
Max TC CSI:	0.963
Max BC CSI:	0.966
Max Web CSI:	0.916
Mfg Specified Camber:	
VIEW Ver:	17.02.02C.0211.16

Maximum Reactions (lbs)					
Loc	R	/U	/Rw	/Rh	/RL /W
S	5107	/1051	/2386	-	/545 /5.5
T	5107	/1051	/2386	-	/- /5.5
Wind reactions based on MWFRS					
S	Min Brg Width Req = 4.2				
T	Min Brg Width Req = 4.2				
Bearings S & T are a rigid surface.					

Maximum Top Chord Forces Per Ply (lbs)					
Chords	Tens.	Comp.	Chords	Tens.	Comp.
A - B	67	0	F - G	3975	-7666
B - C	5070	-11123	G - H	4654	-9625
C - D	4631	-9772	H - I	4631	-9772
D - E	4653	-9625	I - J	5071	-11123
E - F	3975	-7666	J - K	67	0

Maximum Bot Chord Forces Per Ply (lbs)					
Chords	Tens.	Comp.	Chords	Tens.	Comp.
B - R	10327	-4399	O - N	9081	-3797
R - Q	10326	-4407	N - M	9081	-3797
Q - P	9081	-3781	M - L	10326	-4398
P - O	9081	-3781	L - J	10327	-4391

Maximum Web Forces Per Ply (lbs)					
Webs	Tens.	Comp.	Webs	Tens.	Comp.
R - C	387	0	O - G	1349	-2495
C - Q	791	-1321	G - M	1017	-144
Q - E	1017	-143	M - I	791	-1321
E - O	1350	-2495	I - L	387	0
F - O	3523	-1357			

**Lumber**

Value Set: NDS 2015  
 Top chord 2x8 SP 2400f-2.0E :T2 2x8 SP #1:  
 Bot chord 2x8 SP 2400f-2.0E  
 Webs 2x4 SP #2

**Bracing**

(a) Continuous lateral restraint, equally spaced on member.

**Purlins**

In lieu of structural panels or rigid ceiling use purlins to laterally brace chords as follows:

Chord	Spacing(in oc)	Start(ft)	End(ft)
TC	24	-1.00	39.00
BC	96	0.15	37.85

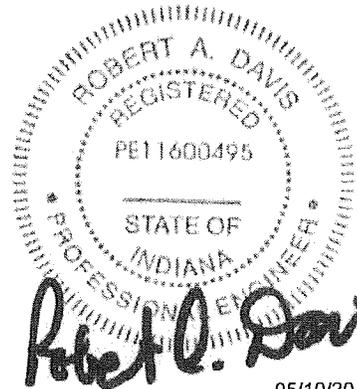
Apply purlins to any chords above or below fillers at 24" OC unless shown otherwise above.

**Loading**

Truss designed for unbalanced snow loads.

**Wind**

Wind loads based on MWFRS with additional C&C member design.



05/10/20  
 This drawing was electronically sealed  
 by Robert A Davis PE

**\*\*WARNING\*\*** READ AND FOLLOW ALL NOTES ON THIS DRAWING!

**\*\*IMPORTANT\*\*** FURNISH THIS DRAWING TO ALL CONTRACTORS INCLUDING THE INSTALLERS

Trusses require extreme care in fabricating, handling, shipping, installing and bracing. Refer to and follow the latest edition of BCSI (Building Component Safety Information, by TPI and SBICA) for safety practices prior to performing these functions. Installers shall provide temporary bracing per BCSI. Unless noted otherwise, top chord shall have properly attached structural sheathing and bottom chord shall have a properly attached rigid ceiling. Locations shown for permanent lateral restraint of webs shall have bracing installed per BCSI sections B3, B7, or B10, as applicable. Apply plates to each face of truss and position as shown above and on the Joint Details, unless noted otherwise. Refer to drawings 160A-Z for standard plate positions.

Alpine, a division of ITW Building Components Group Inc. shall not be responsible for any deviation from this drawing, any failure to build the truss in conformance with ANSI/TPI 1, or for handling, shipping, installation and bracing of trusses. A seal on this drawing or cover page listing this drawing, indicates acceptance of professional engineering responsibility solely for the design shown. The suitability and use of this drawing for any structure is the responsibility of the Building Designer per ANSI/TPI 1 Sec.2.

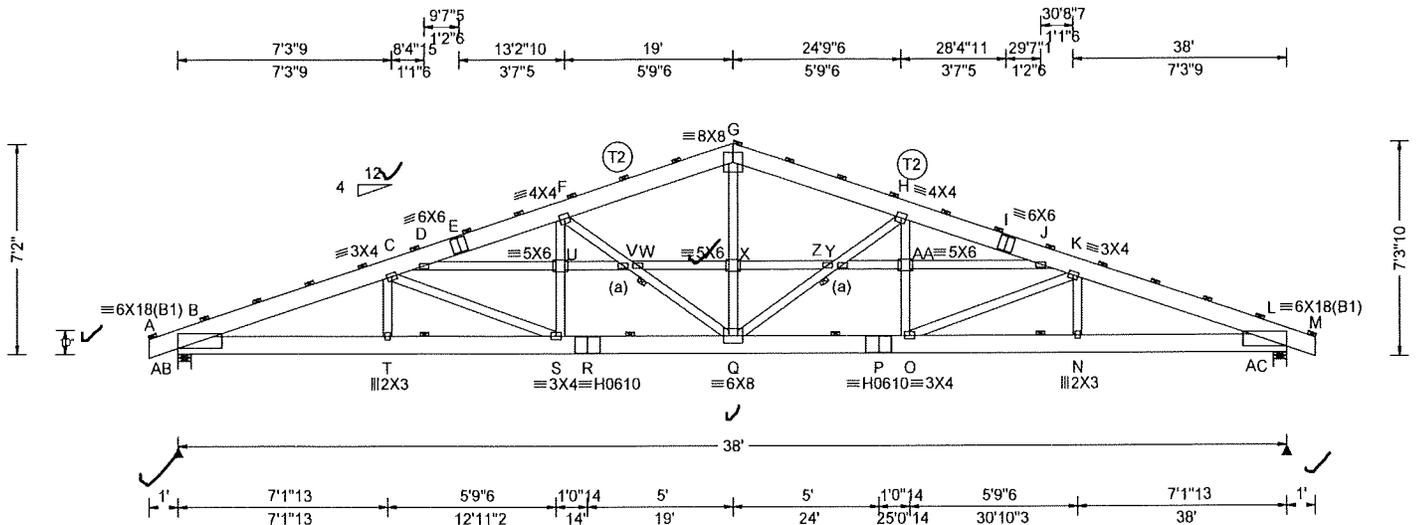
For more information see this job's general notes page and these web sites: ALPINE: www.alpineitw.com; TPI: www.tpinst.org; SBICA: www.sbicaindustry.com; ICC: www.iccsafe.org

Job Number: AT-20-00789  
 Dane 3-6361E  
 Truss Label: T-2 38' Gable

Ply: 1 ✓  
 Qty: 2  
 Wgt: 327.6 lbs

SEQN: 20571 / T6 / GABL  
 FROM:

DRW: ... / ...  
 05/08/2020



Loading Criteria (psf)	
TCLL:	20.00
TCDL:	4.00
BCLL:	0.00
BCDL:	8.00
Des Ld:	32.00
NCBCLL:	0.00
Soffit:	2.00
Load Duration:	1.15
Spacing:	96.0"

Wind Criteria	
Wind Std:	ASCE 7-10
Speed:	115 mph
Enclosure:	Closed
Risk Category:	I
EXP:	C
Mean Height:	15.00 ft
TCDL:	2.4 psf
BCDL:	4.8 psf
MWFRS Parallel Dist:	h/2 to h
C&C Dist a:	3.80 ft
Loc. from endwall:	Any
GCpi:	0.18
Wind Duration:	1.60

Snow Criteria (Pg.Pf in PSF)	
Pg:	20.0 Ct: 1.1 CAT: I
Pf:	12.3 Ce: 1.0
Lu:	- Cs: not used
Snow Duration:	1.15

Code / Misc Criteria	
Bldg Code:	IBC 2012
TPI Std:	2007
Rep Factors Used:	No
FT/RT:	20(0)/0(0)
Plate Type(s):	
WAVE:	HS

Defl/CSI Criteria	
PP Deflection in	loc L/defl L/#
VERT(LL):	0.406 Q 999 240
VERT(TL):	0.768 Q 588 240
HORZ(LL):	0.124 N - -
HORZ(TL):	0.235 N - -
Creep Factor:	1.5
Max TC CSI:	0.662
Max BC CSI:	0.981
Max Web CSI:	0.911
Mfg Specified Camber:	
VIEW Ver:	17.02.02C.0211.16

Maximum Reactions (lbs)					
Loc	R	/U	/Rw	/Rh	/RL /W
AB 5107	/ 1051	/ 2386	- /	545	/ 5.5
AC 5107	/ 1051	/ 2386	- /	545	/ 5.5

Wind reactions based on MWFRS  
 AB Min Brg Width Req = 4.2  
 AC Min Brg Width Req = 4.2  
 Bearings AB & AC are a rigid surface.

Maximum Top Chord Forces Per Ply (lbs)					
Chords	Tens.	Comp.	Chords	Tens.	Comp.
A - B	67	0	G - H	3560	-6846
B - C	5047	-11077	H - I	4062	-8455
C - D	4911	-10344	I - J	4040	-8534
D - E	4040	-8534	J - K	4912	-10344
E - F	4062	-8455	K - L	5048	-11077
F - G	3560	-6846	L - M	67	0

Maximum Bot Chord Forces Per Ply (lbs)					
Chords	Tens.	Comp.	Chords	Tens.	Comp.
B - T	10272	-4371	Q - P	9815	-4167
T - S	10270	-4378	P - O	9815	-4167
S - R	9815	-4152	O - N	10270	-4370
R - Q	9815	-4152	N - L	10272	-4363

Maximum Web Forces Per Ply (lbs)					
Webs	Tens.	Comp.	Webs	Tens.	Comp.
T - C	369	0	Q - Y	1114	-2029
C - S	356	-510	X - Q	2955	-1070
S - U	647	0	Z - H	1121	-2041
U - F	760	-14	H - AA	760	-14
F - V	1121	-2041	AA - O	647	0
W - Q	1114	-2029	O - K	357	-526
G - X	2954	-1070	K - N	370	0

Maximum Gable Forces Per Ply (lbs)					
Gables	Tens.	Comp.	Gables	Tens.	Comp.
D - U	948	-1877	X - Y	947	-1874
U - V	939	-1858	Z - AA	940	-1858
W - X	947	-1874	AA - J	949	-1877

**Lumber**

Value Set: NDS 2015  
 Top chord 2x8 SP 2400f-2.0E :T2 2x8 SP #1:  
 Bot chord 2x8 SP 2400f-2.0E  
 Webs 2x4 SP #2

**Bracing**

(a) Continuous lateral restraint, equally spaced on member.

**Plating Notes**

All plates are 2X4 except as noted.

**Purlins**

In lieu of structural panels or rigid ceiling use purlins to laterally brace chords as follows:

Chord	Spacing(in oc)	Start(ft)	End(ft)
TC	24	-1.00	39.00
BC	97	0.15	37.85

Apply purlins to any chords above or below fillers at 24" OC unless shown otherwise above.

**Loading**

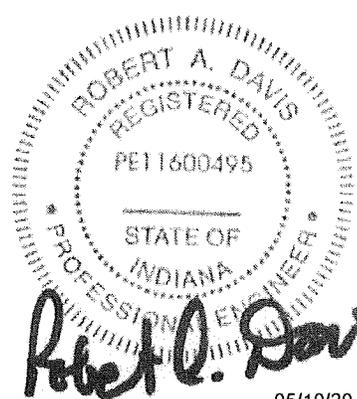
Truss designed for unbalanced snow loads.

**Wind**

Wind loads based on MWFRS with additional C&C member design.

**Additional Notes**

See DWGS A11515ENC101014, GBLLETIN1014, & GABRST101014 for gable wind bracing and other requirements.



05/10/20  
 This drawing was electronically sealed by Robert A Davis PE

**\*\*WARNING\*\* READ AND FOLLOW ALL NOTES ON THIS DRAWING!**

**\*\*IMPORTANT\*\* FURNISH THIS DRAWING TO ALL CONTRACTORS INCLUDING THE INSTALLERS**

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For more information see this job's general notes page and these web sites: ALPINE: www.alpinetw.com; TPI: www.tpinet.org; SBCA: www.sbcindustry.com; ICC: www.iccsafe.org

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

**PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**

**FINDINGS OF FACT**

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

This will be used as a private / residential garage which will house our four vehicles, yard implements, and recreation space. This will not cause any harm to the surrounding areas or cause hinderance to the neighbors and neighborhood.

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 proposed building will be an improvement to the previous garage, which was not structurally sound. The previously existing garage, which I have recently torn down, was delapidated, hazardous, unsightly, and a home to rodents. When buying the property, the inspector stated that the roof, wall paneling, electrical, garage doors, and pedestrian door all needed replaced. The proposed building will be made of completely new materials. It will also meet and exceed architectural standards and electric code. The design will aesthetically pleasing and will improve the value of the property.

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

My fiance and I bought this property with the plans of having enough garage space for our hobbies as well as additional guest space, to make up for the limited space in the existing house. We currently have four vehicles that sit outside with no protection. As an automotive enthusiast, I repair and build vehicles, and compete in motorsports. My craft is more efficient with the use of a vehicle lift. The height limits imposed on the new building prevent me from having a proper sized lift or vertical storage. My fiance and I both work from home and have converted bedrooms to home offices. When moving into this house, it was in our expectations that we would expand our recreational and guest spaces out to the pole barn. Coming from a large family from out of state, I expect to have several members of my family staying frequently, which is currently not feasible due to the cramped nature of our home. This house is in a position and state that prevent us from expanding vertically or laterally. The positioning of the well and septic system will not allow lateral expansion, and the old foundation would not support vertical expansion. Also with such a large lot, we need a larger lawn mower, which we feel uncomfortable leaving outdoors. The footprint of the proposed building will be expanded three feet (3') from all edges of the previous building. This foot print is still smaller than that of the house. On a 1.41 acre lot, this does not impact the building footprint percentage much.

**DECISION**

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

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

\_\_\_\_\_

\_\_\_\_\_



**Petition Number:** 2020-18-DSV

**Subject Site Address:** 11301 E 300 South

**Petitioner:** Richard & Carol Lamb

**Representative:** Richard & Carol Lamb

**Request:** Petition for 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).

**Current Zoning:** Rural Low-Density Single Family and Two-Family Residential Zoning District (R2)

**Current Land Use:** Residential

**Approximate Acreage:** 5.44 acres

**Zoning History:** This parcel was consolidated into the 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 Detailed Description – Exhibit A  
Exhibit 4 – Petitioners Narrative  
Exhibit 5 – Petitioners Existing Site Plan  
Exhibit 6 – Petitioners Proposed Lot Split  
Exhibit 7 – Petitioners Exhibits  
Exhibit 8 - Petitioner's proposed Findings of Fact

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

### PETITION HISTORY

This Petition will receive a public hearing at the August 5, 2020, Board of Zoning Appeals meeting.

### PROPERTY HISTORY

This property is comprised of 5.44 acres and is presently improved with two (2) single-family dwellings and accessory uses (porches). The acreage associated with this petition has historically been utilized for residential purposes 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.

### ANALYSIS

The Petitioner has been attempting to sell the parcel and existing structures but finds that buyers are not interested in a parcel of this size. Therefore, recognizing this, and that the structures are viewed as legal non-conforming (exceeding number of permissible primaries and front yard setback dimension), the Petitioner is requesting to obtain a variance in order to provide for the longevity of the existing improvements and to split the lot into two (2) lots, of which one (1) lot will not meet the 3:1 lot width to depth ratio.

The Petitioner has intentions to subdivide the parcel into two (2) residential lots, the first lot being approximately 3.2 acres supports all existing structures including both a 3,242 square foot single-family dwelling (occupied for single-family dwelling use) and a 1,506 square foot single-family dwelling. All previous accessory structures were removed from the property in June 2020 after the Petitioner obtained a demolition permit. The second lot will be approximately 2.2 acres and will not house any existing structures but would likely include the existing driveway.

### 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.

**VARIANCE REQUEST – TWO PRIMARY DWELLINGS ON ONE PARCEL**

The Petitioner is currently considering the sale of the parcel and existing structures, and, recognizing the structures are viewed as legal non-conforming (exceeding number of permissible primary uses), the Petitioner obtained an Acknowledgment Certificate for the Legal Non-Conforming Use of the circa 1960 order to support the ongoing existence of the non-conforming guest house, and seeks to establish a variance of development standards (due to the fact that a legal non-conforming use, if more than 2/3<sup>rd</sup> destroyed, must come in to compliance with current Ordinance standards).

By Ordinance, the second, smaller single-family dwelling is considered a legal non-conforming use as only one primary use is permitted per building site. While the development pattern is atypical, the request is not atypical of the immediate area. With that in mind, Staff would not oppose the request to approve a variance to bring the existing 3,242 square foot single-family dwelling (occupied for single-family dwelling use) and a 1,506 square foot single-family “guest house” dwelling into compliance as the non-conformity has existed for some time, as 1) the non-conformity (being the presence of the dwelling) is not intensifying with the actions contemplated by the Petitioner, and 2) the resulting density of the overall contemplated division does not exceed the density established by the adjacent residentially developed parcels.

**VARIANCE REQUEST - FRONT YARD SETBACK**

Per the narrative included in the petition (Exhibit A) the existing circa 1888 single-family dwelling and circa 1960 guest house were originally located approximately 70 feet from the centerline of County Road 300 South until Boone County Commissioners purchased 60 feet of frontage from the Petitioners in 2008 for the future expansion of the road. As such, this left the existing dwellings with a 20-foot front yard setback from the right of way, but the measurement did not account for the front porches on the dwellings, which extend into the front yard setback by approximately 8 feet.

By Ordinance, property in the Rural district is required to provide for a minimum front yard setback of either 70 feet from the center line of the road OR 20 feet from the right-of-way (whichever is greater). The Town’s 2010 Thoroughfare Plan assigns the Primary Arterial classification to County Road 300 South (minimum half right of way of 70 feet) and, as amended in 2016, anticipates the construction of a multi-use pathway along the frontage (12 feet in typical width and contained within the future right of way).

With the above in mind, Staff is supportive of the request to memorialize the existing eight (8) foot +/- encroachment into the required 20-foot front yard setback (when measured from the new parcel line after the county’s purchase of 60’ from the centerline of County Road 300 South) as the resulting dimension does not encroach into the recommended right-of-way width of County Road 300 South.

**VARIANCE REQUEST – 3:1 LOT WIDTH TO DEPTH RATIO**

As proposed, the new 2.25-acre vacant east lot will have approximately 165 feet of frontage, while the new 3.24-acre west lot will include the two (2) existing single-family dwellings with approximately 232 feet of frontage. The need for the variance arises as the contemplated configuration of the east parcel deviates from minimum standards found in the Zoning Ordinance related to lot depth to width ratio (requested ratio is in excess of 3:1). While this is the case, the contemplated development pattern is not atypical for the immediate area (adjacent property to the east and west enjoys 132 feet of minimum lot width and a depth in excess of 655 feet). Additionally, widening the parcel (westerly) would result in the

demolition of the existing primary dwelling the petitioner is trying to save (not a desirable option in the opinion of Staff). With the above information in mind, Staff is supportive of the variance from the required lot width to depth ratio request as filed.

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 approve a variance to memorialize the presence of two primary dwellings located on one parcel, both of which extend into the front yard setback, bringing these structures into compliance, as proposed. Additionally, Staff would not oppose a very modest deviation of the 3:1 lot width to depth ratio in order to split the lot and not sacrifice the primary dwelling, as proposed.

#### **PROXIMITY TO AIRPORT**

While the north-south runway of the Indianapolis Executive Airport is within approximately 2.7 miles of the subject site, the Zoning Ordinance does not require any special notice or restrictions associated with the proposed dwelling's proximity to the facility. It is mentioned here in this report only as a courtesy to the Petitioner. Further, Indiana Code stipulates regulatory standards, in specific cases, related to noise sensitive construction and height limitations (by example) per Sections 8-21-10-2 and 8-21-10-3. For additional information on this topic, the Petition should contact the Indiana Department of Transportation, Airport Section.

#### **STAFF RECOMMENDATIONS**

Staff recommends approval of the design standards variance included in Docket #2020-18-DSV, as filed.

#### **RECOMMENDATION MOTION**

I move that Docket # 2020-18-DSV 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), be (Approved, based on the finding and based upon staff report and presentation / Denied / Continued).



## Exhibit A

### DETAILED DESCRIPTION OF REQUEST

1. **We are requesting a variance for Setback of houses from street, to allow existing porches and their roofs, and the chimney to protrude into the setback.**

**§ 194.082 AUTHORIZED USES AND REQUIREMENTS.** Table 3 Requires 20 feet or 70 feet from the road centerline. We are 20 feet from the right of way, and 80 feet from the road centerline. However porches and their roofs protrude into the 20' setback.

The main house was built in 1888 and the guest house is of unknown date, suspected earlier than 1960. In 2008 the property was not a part of the town of Zionsville. The Boone County Commissioners purchased the frontage property under the pavement and to the centerline of 300s, as well as additional property to allow for the future expansion of 300s. This is the "exception" shown by the survey across the north side of the property by the street.

At the time, the Boone County ordinance provided for a 20' setback from the right of way. To avoid purchasing and demolishing the houses, the county purchased 60' of right of way and designed the road and drainage to allow for a future 4 lane expansion and walking path within that distance. The house was not setback from the right of way by 20 feet, the right of way was set back from the houses by 20 feet.

However, the setback at the time in Boone County was measured from the main foundation of the houses. The existing Porch (shown on the survey House Detail) did not count in the setback measurement. Both houses had roofs over the front porches, the Main house porch roof has been removed but the guest house roof remains as you can see in the survey photo. Both porches and possibly the chimney to the west of the main house porch are outside the house foundations and extend into the setback area.

The property was annexed into the Town of Zionsville, which counts the porches as part of the structure, and requires a 20' setback from those. Annexing the property has forced it to be in non-compliance with the Zionsville setback.

The porch on the main house is 8'-10" deep and 14' wide.

The porch on the guest house is 8' deep and 7' wide.

We are requesting a variance to allow us to retain the porches, their roofs, and the chimney as they currently exist, into the setback area, including the ability to rebuild them for maintenance, replacement, or expansion as long as any future modifications do not require any additional footprint within the setback area.

2. **We are requesting a variance to allow two single family dwellings on one lot.**  
**§ 194.097 RURAL PROPERTY DEVELOPMENT STANDARDS. E – Every primary structure is required to be on it's own lot.**

An Acknowledgement Certificate for Legal Non-Conforming Use has been issued for this property. See Exhibit D attached. The property has had two separate dwellings on it since prior to 1960, one is used as a guest house or rental. The property is zoned for two-family dwellings. For the reasons described the Application for the LNCU (Exhibit E attached) we are requesting a variance to allow the continued existence of two structures. It is highly likely and in character with the neighborhood that the main house will be demolished and a new larger house would be built further back on the property. We want the ability to retain the existing guest house as a standalone structure. It has also been determined that the guest house can be easily moved elsewhere on the property, and if a new larger house is built it would be retained as a guest house or pool house. The LNCU would not allow this house to be retained if a larger house is built on the property replacing the existing one.

The guest house is considered a primary structure because it has always had both a full bath and a full kitchen. It has been recently remodeled and modernized.

3. We are requesting a variance to allow dividing the property with a lot dimension that deviates from the 3:1 Length/width ratio.

**§ 194.082 AUTHORIZED USES AND REQUIREMENTS.** Table 3 Requires a lot length/width ratio no greater than 3:1

We wish to divide the property into two parcels as shown in Exhibit F The East lot would be a 2.25 acre vacant lot suitable for building with either septic or sewer connection, and the West lot would retain the existing houses and be 3.24 acres. As shown in the Road Plans exhibit G and H there are already two driveways, curb cuts in the street, and drainage culverts, one for each lot. All of the outbuildings on the survey no longer factor into side setbacks, they were demolished in June 2020, see the Demolition Permit Exhibit J. The only two remaining structures meet all setback requirements, except for the front setback variance requested as Item 1.

Dividing the property directly down the center should meet the 3:1 ratio, but almost exactly and cannot be determined without an accurate survey. That division would also run through the main house. Splitting off the East lot at a width of 165 feet retains the driveway to service that lot and will be significantly wider the lots split off for the neighbors (132.4 and 132.6 feet, at the same lot depth). We believe these neighboring lots are not only non-conforming due to the 3:1 ratio, they are also now less than 2 acres required for septic due to their sale of road expansion right of way as well.



Richard E and Carol M Lamb  
11301 East 300 South  
Zionsville, IN 46077  
[relamb@MidTechV.com](mailto:relamb@MidTechV.com)  
317-694-9488

Dear Neighbor:

As 25+ year residents of Zionsville, we have watched our surrounding neighbors' farms turn into residential neighborhoods. Our home has stood steadfast for 132 years as one of the last original homes in the area, with its guest cottage adjacent. Unfortunately, as times change, so do the rules regarding development and land use. What was once allowable even recently on our property, does not meet the rules since we have been annexed into the Town of Zionsville.

Legally, we are in non-compliance with the setback from the street now that the road has been widened. We are also non-compliant because although the zoning allows for two-family residences in our area, it cannot be two separate houses, it would need to be a duplex. These are just issues because the town laws now are different than what they were in the county, or in the past decades.

Finally, although the property has been laid out with two driveway and cross cuts through the median of the street, so it could easily be split into two parcels for two homes, that does not meet the rules for subdividing because the two lots would be deeper than allowed based on their width. We could not meet those requirements without tearing down the main home and splitting it in the exact middle. Ironically, we could instead tear down the houses and put in up to (9) homes and meet the rules without a zoning variance.

We are petitioning the Board of Zoning Appeals to allow us to "legally" retain things as they have been with the structures for decades prior, and to allow us to split the single 5.5 acre property into two parcels for residential use. The alternatives are to split it into multiple homesites which could be allowed or sell it as all one piece for whatever purpose a future buyer would deem appropriate. Splitting it into only two residential parcels would help insure that does not happen and would also retain the atmosphere and charm of rural Zionsville. We do not believe that you want to live next door to yet another subdivision.

If you have any questions or want more details on our plans, feel free to call or email us. We would appreciate your support of our petition, and if you believe (as we do) that the best use of the property is as we have proposed, please send an email of support to the Board of Zoning Appeals through Chrissy Koenig [CKoenig@zionsville-in.gov](mailto:CKoenig@zionsville-in.gov)

Thank you,

Rick and Carol Lamb

## SURVEYOR LOCATION REPORT

This report was prepared only for:  
MERIDIAN TITLE CORPORATION (#19-19235).

THIS REPORT IS DESIGNED FOR USE BY A TITLE INSURANCE COMPANY WITH RESIDENTIAL LOAN POLICIES. NO CORNER MARKERS WERE SET AND THE LOCATION DATA HEREIN IS BASED ON LIMITED ACCURACY MEASUREMENTS. THEREFORE, NO LIABILITY WILL BE ASSUMED FOR ANY USE OF THIS DATA FOR CONSTRUCTION OF NEW IMPROVEMENTS OR FENCES. THIS REPORT IS NOT INTENDED TO REPRESENT A SURVEY, NOR IS IT INTENDED TO BE USED BY AND/OR BENEFIT THE BORROWER(S).



PROPERTY ADDRESS: 11301 East 300 South, Zionsville, IN 46077

PROPERTY DESCRIPTION: See Sheet 3

This is to certify that the subject property does not lie within that Special Flood Hazard Area Zone "A" or "AE". The accuracy is subject to map scale uncertainty and to any other uncertainty in location or elevation on Community Panel Number 18011C 0332E of the Flood Insurance Rate Maps, effective date January 18, 2012.

BORROWER(S): Robert M. Backus



### HAHN SURVEYING GROUP, INC.

Land Surveyors

8925 N. Meridian Street, Suite 120

Indianapolis, IN 46260

PHONE: (317) 846-0840 / (317) 846-4119

FAX: (317) 846-4298 / (317) 582-0662

EMAIL: [orders@hahnsurveying.com](mailto:orders@hahnsurveying.com)

[www.hahnsurveying.com](http://www.hahnsurveying.com)

Job No: 2019101652  
Sheet 1 of 3

# SURVEYOR LOCATION REPORT

I hereby certify to the parties named above that the real estate described herein was inspected under my supervision on the date indicated and that to the best of my knowledge, this report conforms with the requirements contained in Sections 27 through 29 of 865 IAC 1-1-12 for a SURVEYOR LOCATION REPORT. Unless otherwise noted there is no visible evidence of possession lines found.

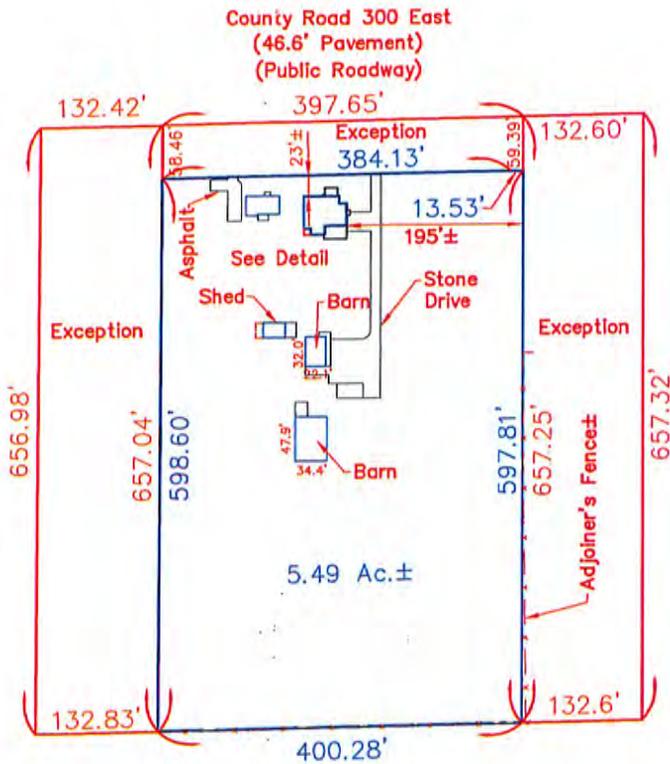
**Note:** Obtaining accurate and complete data on or near the perimeter of larger tracts is beyond the scope of the report. The location of any improvements and fences shown have been estimated. Due to the size of the tract and inadequate reference monumentation, the accuracy of this report is limited to  $\pm 5$  feet. A staked boundary retracement survey is recommended if precise locations are desired.

**Legend**

- x - x - x - Fence $\pm$

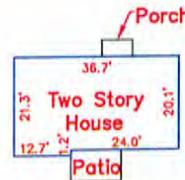


Scale: 1"=200'



**House Detail**

(Not to Scale)



**HAHN SURVEYING GROUP, INC.**  
 Land Surveyors  
 8925 N. Meridian Street, Suite 120  
 Indianapolis, IN 46260  
 PHONE: (317) 846-0840 / (317) 846-4119  
 FAX: (317) 846-4298 / (317) 582-0662  
 EMAIL: [orders@hahnsurveying.com](mailto:orders@hahnsurveying.com)  
[www.hahnsurveying.com](http://www.hahnsurveying.com)



CERTIFIED: 11/04/2019

*Chad L. Brown*  
 Chad L. Brown  
 Registered Land Surveyor,  
 Indiana #21100002  
 Drawn By: JEC  
 Job No.: 2019101652  
 Sheet 2 of 3

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 the Northwest 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 Northwest 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 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 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 200600000513 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 59.39 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.



**HAHN SURVEYING GROUP, INC.**

Land Surveyors

8925 N. Meridian Street, Suite 120

Indianapolis, IN 46260

PHONE: (317) 846-0840 / (317) 846-4119

FAX: (317) 846-4298 / (317) 582-0662

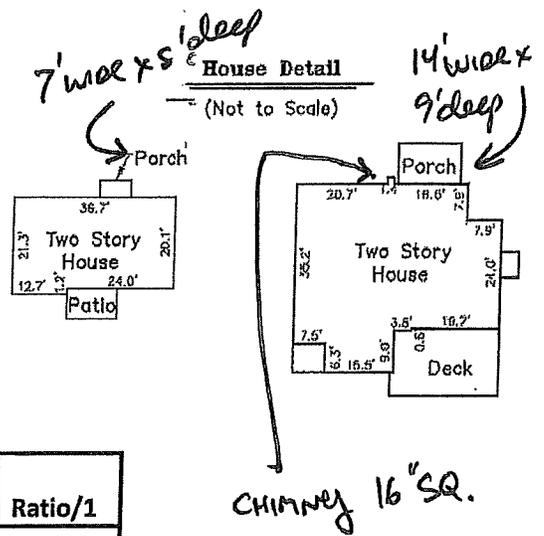
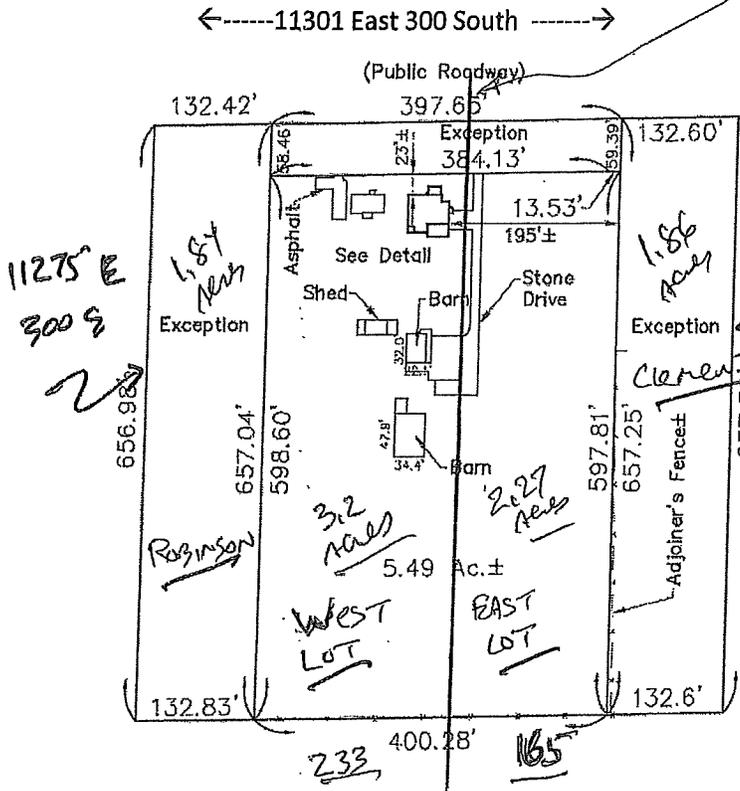
EMAIL: [orders@hahnsurveying.com](mailto:orders@hahnsurveying.com)

[www.hahnsurveying.com](http://www.hahnsurveying.com)

Job No.: 2019101652  
Sheet 3 of 3

# Appendix F – Site Plan

*Proposed split*  
 ↑ North



Lot Dimensions	Width	Depth	Sq ft	Acres	Ratio/1
Original	398.97	598.21	238662.86	5.48	1.50
New West	232.65	598.21	139172.39	3.19	2.57
Center split	199.48	598.21	119331.43	2.74	3.00
New East	165.00	598.21	98703.83	2.27	3.63
Robinson	132.63	598.21	79336.94	1.82	4.51
Clements	132.65	598.21	79351.89	1.82	4.51

Setbacks	Distance
Frontage, both houses	20' from ROW, 80' from road centerline
Rear	558 from houses to rear lot line
East lot	None, no structures
East lot, driveway to West	27' to driveway center
West lot East side	30 feet
west lot, West side	92 feet



**Proposed Split**



**Entire Property Looking South**



**East Lot Looking South**

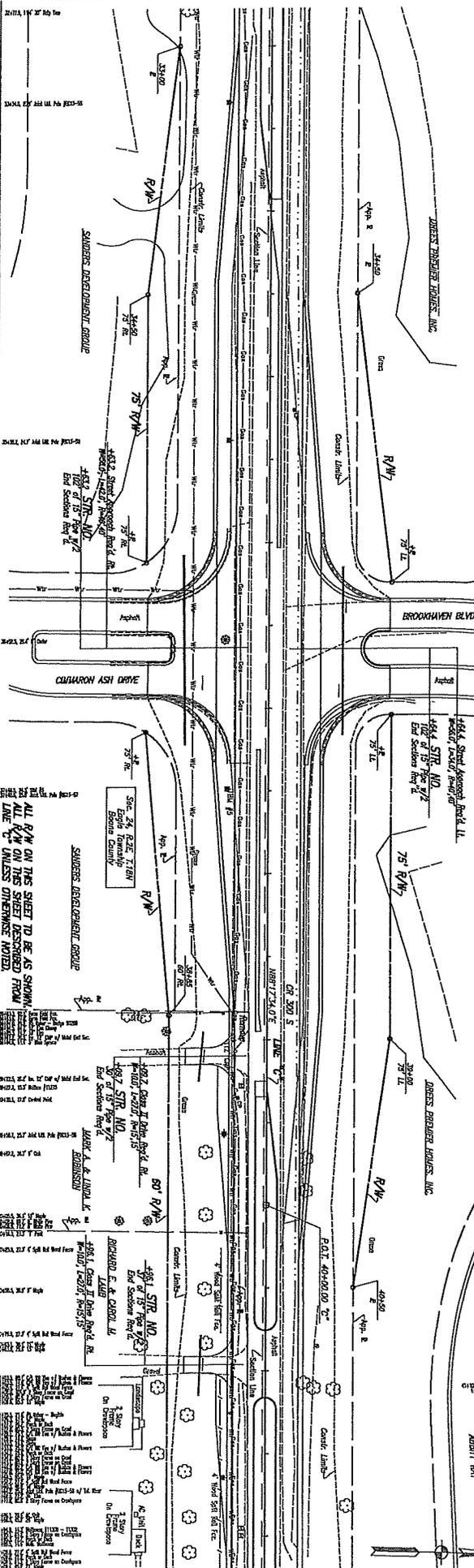


**Front Porch Main House**



**Front Porch Guest House**

33+00  
34+00  
35+00  
36+00  
37+00  
38+00  
39+00  
40+00  
41+00  
42+00



920	33+00	912.55	912.55	34+00	912.75	912.75	35+00	910.50	911.50	36+00	911.75	911.75	37+00	910.50	910.50	38+00	910.35	910.35	39+00	908.50	908.50	40+00	910.15	910.15	41+00	908.00	908.00	42+00	908.15	908.15
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**INDIANA**  
**DEPARTMENT OF TRANSPORTATION**  
**PLAN AND PROFILE**  
**BOONE CR 300 SOUTH**

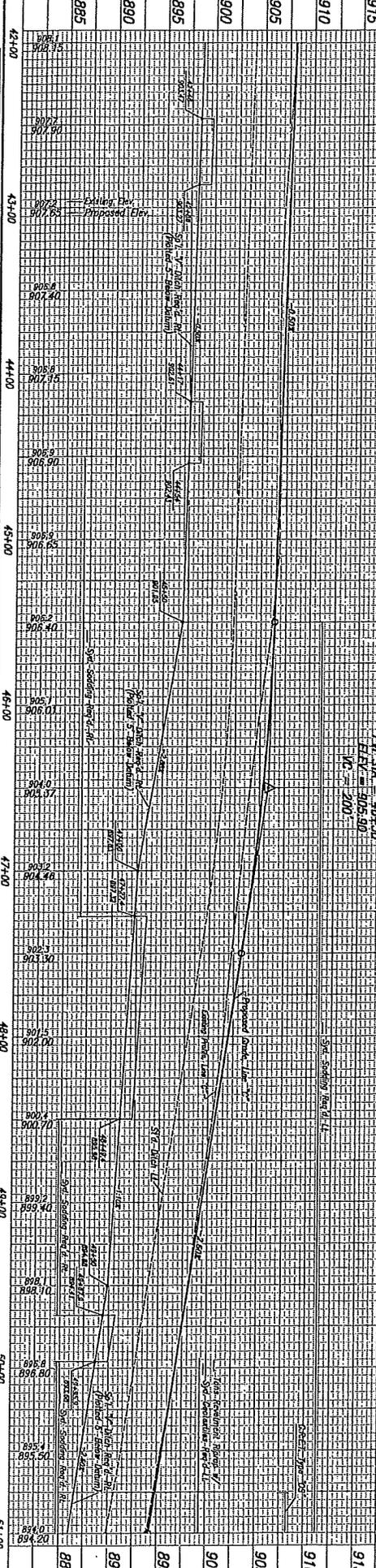
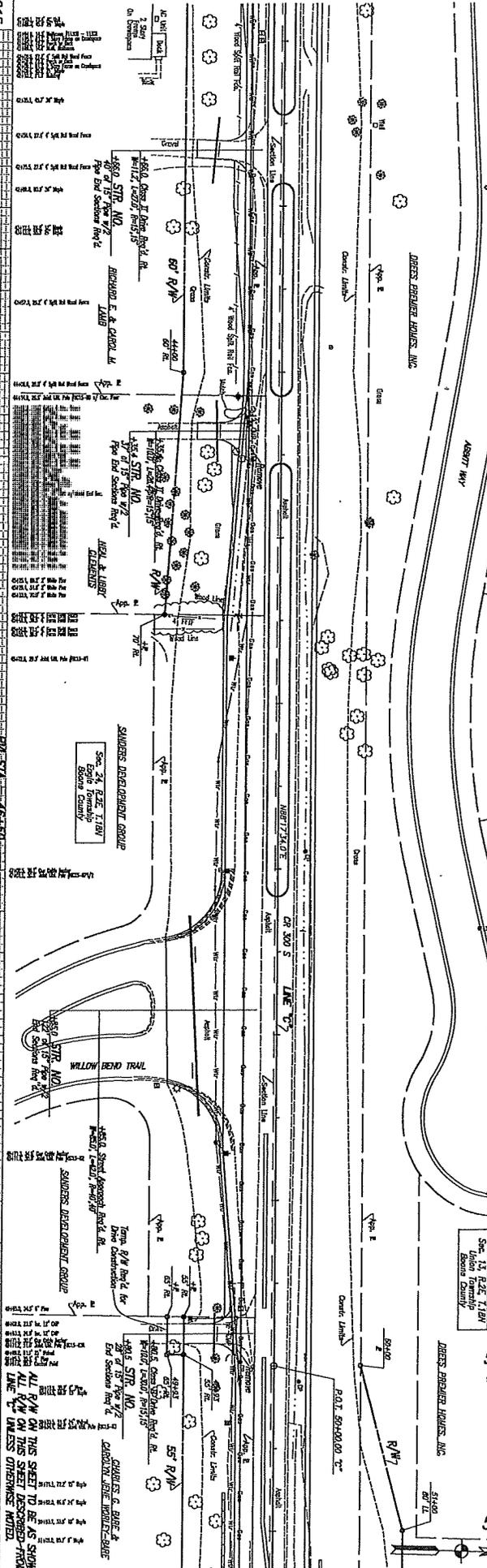
**NOT FOR CONSTRUCTION**

FOR REFERENCES SEE SHEET NO. 7

DESIGNED BY	CHECKED BY
DRAWN BY	CHECKED BY

HORIZONTAL SCALE	1" = 40'
VERTICAL SCALE	1" = 5'
DESIGNATION	SECTION
DATE	1/1/18
PROJECT	18
CONTRACT	SR-0000

42+00  
43+00  
44+00  
45+00  
46+00  
47+00  
48+00  
49+00  
50+00  
51+00



DESIGNED: JKH	DRAWN: DKS	INDIANA DEPARTMENT OF TRANSPORTATION PLAN AND PROFILE BOONE CR 300 SOUTH
CHECKED: GRW	CHECKED: JKH	
FOR REFERENCES, SEE SHEET NO. 7		HORIZONTAL SCALE 1" = 50'
NOT FOR CONSTRUCTION		
VERTICAL SCALE 1" = 5'		BRIDGE FILE DESIGNATION SHEETS 19 OF 19 SHEET NO. 7
CONTRACT		

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

**PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**

**FINDINGS OF FACT Request 1 - Setback**

- 1. The grant (**will not**) be injurious to the public health, safety, morals, and general welfare of the community because: The buildings and their porches have been in place for decades. In the evaluation by the engineering firms and the Boone County Commissioners in 2008 it was determined that a road right of way of 60 feet and the setback of the house foundations, retaining the existing porches and their roofs, was adequate for construction of a 4 lane road, drainage, and walking paths while allowing the structures to remain in place, as is. In fact, we were reassured at the time that we could rebuild the porch roof on the main house and it would not be an issue.
  
- 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: The main house was built in 1888 and the guest house was built prior to the 1960s they have not affected the use or value of the adjacent area. In fact, changes to the adjacent area have adversely affected the original property due to increased noise within the house, and encroachment of the road and right of way into the property.
  
- 3. Strict application of the terms of the zoning ordinance (**will**) result in unnecessary hardships in the use of the property because:
  - a) A future buyer may not be able to finance a known non-conforming property;
  - b) Removing the front porches to gain compliance will adversely affect the ability to use the front doors;
  - c) The appearance of the front of the houses will be adversely affected by having to remove the porch. The old farmhouse look is consistent with the characteristics of Rural Zionsville and is appreciated by the neighbors.

**DECISION**

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

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

\_\_\_\_\_

\_\_\_\_\_

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

**PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**

**FINDINGS OF FACT Request 2 – Two Dwellings**

1. The grant (**will not**) be injurious to the public health, safety, morals, and general welfare of the community because: It has been this way for decades and there has never been any indication that the two houses on one property have caused any injury whatsoever to the health, safety morals or welfare of the community. A LNCU Certificate has already been issued and those considerations were addressed in evaluating the application for that certificate.
  
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: It has not affected the value of the adjacent property because it existed before any of the neighbors were present.
  
2. Strict application of the terms of the zoning ordinance (**will**) result in unnecessary hardships in the use of the property because: While the LNCU allows the requested variance to exist now, it may not allow the retention of the second house as a guest house if the main house is rebuilt farther back, larger or different than the existing main house. A property owner would have to forfeit the value of the guest house in order to build a newer, bigger house further back on the property. The house has substantial value because it has recently been updated and modernized.

**DECISION**

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

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

\_\_\_\_\_

\_\_\_\_\_

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

**PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**

**FINDINGS OF FACT Request 3 – 3:1 Depth/Width Ratio**

1. The grant (**will not**) be injurious to the public health, safety, morals, and general welfare of the community because: The lot already exists physically, although not legally separated. There will be no changes to the street access via driveways, Public utility connections are present or available nearby, and the proposed division conforms to the large-lot characteristics of the immediate neighbors.
  
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: Approval of this variance will result in lots entirely consistent with the adjoining properties and retain the rural Zionsville character. The alternative is to divide into as many as 9 lots, which could conform to the standards without a variance, but would destroy the rural character of the area and potentially devalue the properties of the adjoining homes.
  
2. Strict application of the terms of the zoning ordinance (**will**) result in unnecessary hardships in the use of the property because: The side parcel was originally designed to be split off before the 3:1 ratio came into effect and the property was purchased with that in mind. Driveway and median cuts in the street exist already to conform to this use. The property is really too large (thus expensive) to use for just one home, and a home of that size and expense is not consistent with the neighboring houses. Several offers to purchase the property in one piece have fallen through due to the high land cost of the entire parcel.. Subdividing the property into many small lots is also impractical, due to the high cost of utility and street infrastructure needed to service the lots, the cost is impractical for the number of lots which can be obtained. Sales of the property for a subdivision have also recently fallen through. Splitting the parcel down the center may meet the ratio, but would require the demolition of the main house which would lie on the property line. Many buyers exist for homes on property of a size and price similar to those in the surrounding area, and those buyers would like some property not in a subdivision with covenants, but can be used for all the purposes that the R2 Rural Zoning Classification allows. Most neighbors would appreciate the property split into two residential lots versus another crowded subdivision with many homes.

**DECISION**

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Town of Zionsville  
Petition to the Board of Zoning Appeals**

**Application Packet**

**For  
Richard E and Carol M Lamb  
11301 East 300 South  
Zionsville, IN 46077**

**Submission Deadline  
July 2, 2020  
For BZA Meeting  
August 5, 2020**



**Town of Zionsville**  
**Petition to the Board of Zoning Appeals**

Docket # 2020-18-DSV

**1. SITE INFORMATION:**

Address of Property: 11301 East 300 South, Zionsville IN 46077

Existing Use of Property: Residential

Proposed Use of Property: Residential

Current Zoning: **§ 194.054 RURAL R-2: RURAL SINGLE- AND TWO-FAMILY RESIDENTIAL** Area in acres: 5.49

**2. PETITIONER/PROPERTY OWNER:**

Petitioner Name: Richard E and Carol M Lamb (Owners)

Owner Name (if different from Petitioner): \_\_\_\_\_

Petitioner Address: 17 E Greyhound Pass Carmel IN 46032 Owner Address: \_\_\_\_\_

Petitioner Phone Number: (317) 694-9488 Owner Phone Number: \_\_\_\_\_

Petitioner E-Mail Address: relamb@MidTechV.com Owner E-Mail Address: \_\_\_\_\_

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

**Attorney/Contact Person:**

Name: N/A

**Project Engineer:**

Name: N/A

**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

See Attached Exhibit A

**5. ATTACHMENTS:**

- Description of Request and Facts (Exhibit A)
- Legal description of property (Exhibit B - Survey)
- Proof of Ownership (Exhibit C – Warranty Deed)
- LNCU for two dwellings (Exhibit D)
- LNCU Application (Exhibit E)
- Site Plan (Exhibit F)
- Road Plan Sheet 4 (Exhibit G)
- Road Plan Sheet 5 (Exhibit H)

- Application Fee (Exhibit I – copy of check)
- Demolition Permit (Exhibit J)

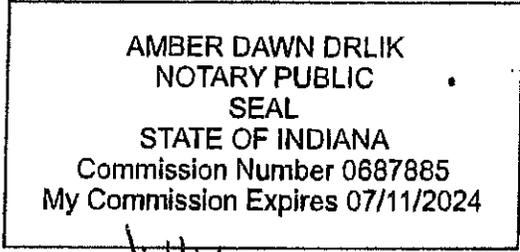
- Draft of Proposed Legal Notice
- Draft of Proposed Findings of Fact
- N/A Owner's Authorization (if Petitioner is not Owner)
- N/A Statement of Commitments (if proposed)

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: RICHARD E. LAMB Date: 7/1/2020

Signature of Owner or Attorney for Owner: Carol M. Lamb Date: 7-1-2020

State of Indiana )  
County of Hamilton ) SS:



Subscribed and sworn to before me this 1<sup>st</sup> day of July, 2020.

Amber Dawn Drlík  
Notary Public Signature

Amber Dawn Drlík  
Notary Public Printed

My Commission No: 0687885

My Commission Expires: 07/11/2024

My County of Residence is Hamilton County

Exhibit C - Proof of Ownership BZA Application

LTIC #018385

**WARRANTY DEED**

**This Indenture Witnesseth**, That Roland V. Dodd and Frances W. Dodd, husband and wife, (Grantor) of Boone County, in the State of Indiana, **Convey(s) and Warrant(s)** to Richard E. Lamb and Carol M. Lamb, husband and wife, (Grantee) of Boone County, in the State of Indiana, for the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate in Boone County, State of Indiana:

See Exhibit "A" attached hereto and made a part hereof

Subject to mortgage from Roland V. Dodd and Frances W. Dodd to TMS Mortgage, Inc., a New Jersey corporation dated January 5, 1995 and recorded January 11, 1995 in Mortgage Record 338, page 595 thru 600.

**Subject** to current taxes not delinquent, and all easements, agreements and restrictions of record and all public rights of way.  
**Property Address:** 11301 East 300 South, Zionsville, IN 46077

**In Witness Whereof**, Grantor has executed this deed this 10TH day of MARCH, 1995.

Signature Roland V. Dodd  
Printed: Roland V. Dodd

Signature Frances W. Dodd  
Printed: Frances W. Dodd

**STATE OF INDIANA**  
**SS:**  
**COUNTY OF MARION**

Before me, a Notary Public in and for said County and State, personally appeared Roland V. Dodd and Frances W. Dodd, 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 10TH day of MARCH, 1995.

My Commission Expires: 10/10/97  
My County of Residence: MARION

Signature Tamra L. McAttee  
Printed: TAMRA L. McATEE

*This Instrument Prepared By: Timothy R. Warner, Attorney at Law*  
3/9/95/018385/W



Send tax statements to: \_\_\_\_\_

L.H.  
M.F.

CASE NO. 95062316

EXHIBIT A - LEGAL DESCRIPTION

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.

ALSO, THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 18 NORTH, RANGE 2 EAST OF THE SECOND PRINCIPAL MERIDIAN.

(REF. ONLY, 10 ACRES, MORE OR LESS)

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 AND 33 SECONDS WEST 663.91 FEET FROM THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER, AND RUNNING THENCE SOUTH 00 DEGREES, 08 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 08 MINUTES AND 55 SECONDS EAST 657.25 FEET TO SAID NORTH LINE OF THE NORTHWEST QUARTER, THENCE NORTH 89 DEGREES, 09 MINUTES AND 33 SECONDS EAST 132.6 FEET TO THE POINT OF BEGINNING.

BEING PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST 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 NORTHWEST QUARTER AFORESAID; THENCE SOUTH 89 DEGREES 09 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

## EXHIBIT A - CONT'D

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 FEET TO THE POINT OF BEGINNING. SUBJECT TO THE RIGHT OF WAY OF COUNTY ROAD 3005 ON AND ALONG THE ENTIRE NORTHERN BOUNDARY AND TO ALL OTHER LEGAL RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

NOTE: The acreage indicated in this legal description is solely for the purpose of identifying the said tract and should not be construed as insuring the quantity of land.

(END OF SCHEDULE A)

## Exhibit A

### DETAILED DESCRIPTION OF REQUEST

1. **We are requesting a variance for Setback of houses from street, to allow existing porches and their roofs, and the chimney to protrude into the setback.**

**§ 194.082 AUTHORIZED USES AND REQUIREMENTS.** Table 3 Requires 20 feet or 70 feet from the road centerline. We are 20 feet from the right of way, and 80 feet from the road centerline. However porches and their roofs protrude into the 20' setback.

The main house was built in 1888 and the guest house is of unknown date, suspected earlier than 1960. In 2008 the property was not a part of the town of Zionsville. The Boone County Commissioners purchased the frontage property under the pavement and to the centerline of 300s, as well as additional property to allow for the future expansion of 300s. This is the "exception" shown by the survey across the north side of the property by the street.

At the time, the Boone County ordinance provided for a 20' setback from the right of way. To avoid purchasing and demolishing the houses, the county purchased 60' of right of way and designed the road and drainage to allow for a future 4 lane expansion and walking path within that distance. The house was not setback from the right of way by 20 feet, the right of way was set back from the houses by 20 feet.

However, the setback at the time in Boone County was measured from the main foundation of the houses. The existing Porch (shown on the survey House Detail) did not count in the setback measurement. Both houses had roofs over the front porches, the Main house porch roof has been removed but the guest house roof remains as you can see in the survey photo. Both porches and possibly the chimney to the west of the main house porch are outside the house foundations and extend into the setback area.

The property was annexed into the Town of Zionsville, which counts the porches as part of the structure, and requires a 20' setback from those. Annexing the property has forced it to be in non-compliance with the Zionsville setback.

The porch on the main house is 8'-10" deep and 14' wide.

The porch on the guest house is 8' deep and 7' wide.

We are requesting a variance to allow us to retain the porches, their roofs, and the chimney as they currently exist, into the setback area, including the ability to rebuild them for maintenance, replacement, or expansion as long as any future modifications do not require any additional footprint within the setback area.

2. **We are requesting a variance to allow two single family dwellings on one lot.**  
**§ 194.097 RURAL PROPERTY DEVELOPMENT STANDARDS. E – Every primary structure is required to be on it's own lot.**

An Acknowledgement Certificate for Legal Non-Conforming Use has been issued for this property. See Exhibit D attached. The property has had two separate dwellings on it since prior to 1960, one is used as a guest house or rental. The property is zoned for two-family dwellings. For the reasons described the Application for the LNCU (Exhibit E attached) we are requesting a variance to allow the continued existence of two structures. It is highly likely and in character with the neighborhood that the main house will be demolished and a new larger house would be built further back on the property. We want the ability to retain the existing guest house as a standalone structure. It has also been determined that the guest house can be easily moved elsewhere on the property, and if a new larger house is built it would be retained as a guest house or pool house. The LNCU would not allow this house to be retained if a larger house is built on the property replacing the existing one.

The guest house is considered a primary structure because it has always had both a full bath and a full kitchen. It has been recently remodeled and modernized.

3. **We are requesting a variance to allow dividing the property with a lot dimension that deviates from the 3:1 Length/width ratio.**

**§ 194.082 AUTHORIZED USES AND REQUIREMENTS.** Table 3 Requires a lot length/width ratio no greater than 3:1

We wish to divide the property into two parcels as shown in Exhibit F The East lot would be a 2.25 acre vacant lot suitable for building with either septic or sewer connection, and the West lot would retain the existing houses and be 3.24 acres. As shown in the Road Plans exhibit G and H there are already two driveways, curb cuts in the street, and drainage culverts, one for each lot. All of the outbuildings on the survey no longer factor into side setbacks, they were demolished in June 2020, see the Demolition Permit Exhibit J. The only two remaining structures meet all setback requirements, except for the front setback variance requested as Item 1.

Dividing the property directly down the center should meet the 3:1 ratio, but almost exactly and cannot be determined without an accurate survey. That division would also run through the main house.

Splitting off the East lot at a width of 165 feet retains the driveway to service that lot and will be significantly wider the lots split off for the neighbors (132.4 and 132.6 feet, at the same lot depth). We believe these neighboring lots are not only non-conforming due to the 3:1 ratio, they are also now less than 2 acres required for septic due to their sale of road expansion right of way as well.

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

STATE OF INDIANA  
COUNTY OF BOONE ) SS:

I, RICHARD E. LAMB, DO HEREBY CERTIFY THAT LEGAL NOTICE TO  
(NAME OF PERSON MAILING LETTERS)

INTERESTED PARTIES OF THE PUBLIC HEARING TO BE HELD BY THE TOWN OF ZIONSVILLE  
BOARD OF ZONING APPEALS, to consider the Petition of: RICHARD E AND CAROL M LAMB  
(NAME OF PERSON ON PETITION)

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

For property located at: 11301 EAST 300 South, Zionsville IN 46077

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

OWNERS

ADDRESS

*See attached List of Adjoiners*

And that said Legal Notices were sent by First Class Mailed on or before the 25<sup>th</sup> day of July, 2020,  
being at least ten (10) days prior to the date of the Public Hearing (Copies of "First Class Mail" attached).

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

RICHARD E. LAMB  
Name of person mailing letters

\_\_\_\_\_  
Signature

State of Indiana )

County of Hamilton ) SS:

Subscribed and sworn to before me this 22<sup>nd</sup> day of July, 2020.

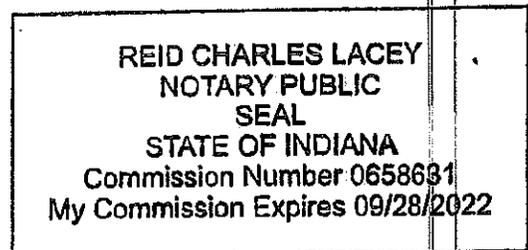
[Signature]  
Notary Public Signature

Reid Lacey  
Notary Public Printed

My Commission No: 0658631

My Commission Expires: 9/28/2022

My County of Residence is Hamilton County



# Ad Joiner MAILING LIST

GENAMAP

PAGE 1

13/07/20

Attribute report for active ID 1

ID	name	addr	addr
42580	MORTON STUART & AMY E TUBBERGEN	3214 WILDLIFE TRAIL	ZIONSVILLE, IN 46077
42588	STARRETT BRIAN	3210 WILDLIFE TRAIL	ZIONSVILLE, IN 46077
42589	HARMON GARY & SHERI	3212 WILDLIFE TRAIL	ZIONSVILLE, IN 46077 2 lots
<del>42592</del>	<del>LARGE PATRICK J &amp; KATHLEEN A</del>	<del>3204 WILDLIFE TRAIL</del>	<del>ZIONSVILLE, IN 46077 2 lots</del>
42593	KAY WILLIAM AARON	3206 WILDLIFE TRAIL	ZIONSVILLE, IN 46077 2 lots
42600	SAN BEL DEVELOPMENT LLC	PO BOX 436	ZIONSVILLE, IN 46077 2 lots
<del>42603</del>	<del>SHAO MINGHAI &amp; SHIHONG ZHANG</del>	<del>3223 CIMMARON ASH DR</del>	<del>ZIONSVILLE, IN 46077</del>
<del>42617</del>	<del>MEHTA AMIT &amp; SWATI LAKHANPAL</del>	<del>3219 CIMMARON ASH DR</del>	<del>ZIONSVILLE, IN 46077</del>
42618	ROBINSON MARK A	11275 E 300 S	ZIONSVILLE, IN 46077
42624	LAMB RICHARD E & CAROL M	11301 E 300 S	ZIONSVILLE, IN 46077 2 lots
42625	CLEMENTS NEAL & LIBBY	11353 E 300 S	ZIONSVILLE, IN 46077 2 lots
<del>42629</del>	<del>GRUBAUMS GUNAR &amp; ELEANOR</del>	<del>540 PHANOM COURT</del>	<del>ZIONSVILLE, IN 46077 2 lots</del>
<del>42639</del>	<del>LIU JUN &amp; HUANG QIAN</del>	<del>3211 CIMMARON ASH DR</del>	<del>CARMEL, IN 46032 2 lots</del>
<del>42659</del>	<del>WILLOW GLEN PROPERTIES OWNERS</del>	<del>11711 N COLLEGE AVE STE 100</del>	<del>LEBANON, IN 46052</del>
42688	BOONE COUNTY COMMISSIONERS	1955 INDIANAPOLIS AVE	

8 TOTAL ADJOINING PROPERTIES

PLUS courtesy to

Brook Haven Homeowner Association, INC

Main Street Management

PO Box 745

Cicely, IN 47902

Lamb  
17 E. Greyhound Pass  
Carmel IN 46032



Stuart Morton & Amy Tubergen-Morton  
3214 Wildlife Trail  
Zionsville, IN 46077

Legal Notice Enclosed

Lamb  
17 E. Greyhound Pass  
Carmel, IN 46032



Brian Starrett  
3210 Wildlife Trail  
Zionsville, IN 46077

Legal Notice Enclosed

Lamb  
17 E. Greyhound Pass  
Carmel, IN 46032



Gary & Sheri Harmon  
3212 Wildlife Trail  
Zionsville, IN 46077

Legal Notice Enclosed

Lamb  
17 E. Greyhound Pass  
Carmel, IN 46032



William A. Kay  
3206 Wildlife Trail  
Zionsville, IN 46077

Legal Notice Enclosed

Lamb  
17 E. Greyhound Pass  
Carmel, IN 46032



San Del Development LLC  
PO Box 436  
Zionsville, IN 46077

Legal Notice Enclosed

Lamb  
17 E. Greyhound Pass  
Carmel, IN 46032



Mark Robinson  
11275 E. 300S.  
Zionsville, IN 46077

Legal Notice Enclosed

Lamb  
17 E. Greyhound Pass  
Carmel, IN 46032



Brookhaven Homeowners Association Inc  
Main Street Management  
PO Box 745  
Lafayette, IN 47902

Legal Notice Enclosed

Lamb  
17 E. Greyhound Pass  
Carmel, IN 46032



Boone County Commissioners  
1955 Indianapolis Ave  
Lebanon, IN 46052

Legal Notice Enclosed

Lamb  
17 E. Greyhound Pass  
Carmel, IN 46032



Neal + Libby Clements  
11353 E. 300 S  
Zionsville, IN 46077

Legal Notice Enclosed



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**Source** The Lebanon Reporter

**Category** Public Notices

**Published Date** July 25, 2020

### Notice Details

**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 Northwest 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 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 200600000513 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](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-426 7/25 hspaxlp 1655144



Richard E and Carol M Lamb  
11301 East 300 South  
Zionsville, IN 46077  
[relamb@MidTechV.com](mailto:relamb@MidTechV.com)  
317-694-9488

Dear Neighbor:

As 25+ year residents of Zionsville, we have watched our surrounding neighbors' farms turn into residential neighborhoods. Our home has stood steadfast for 132 years as one of the last original homes in the area, with its guest cottage adjacent. Unfortunately, as times change, so do the rules regarding development and land use. What was once allowable even recently on our property, does not meet the rules since we have been annexed into the Town of Zionsville.

Legally, we are in non-compliance with the setback from the street now that the road has been widened. We are also non-compliant because although the zoning allows for two-family residences in our area, it cannot be two separate houses, it would need to be a duplex. These are just issues because the town laws now are different than what they were in the county, or in the past decades.

Finally, although the property has been laid out with two driveway and cross cuts through the median of the street, so it could easily be split into two parcels for two homes, that does not meet the rules for subdividing because the two lots would be deeper than allowed based on their width. We could not meet those requirements without tearing down the main home and splitting it in the exact middle. Ironically, we could instead tear down the houses and put in up to (9) homes and meet the rules without a zoning variance.

We are petitioning the Board of Zoning Appeals to allow us to "legally" retain things as they have been with the structures for decades prior, and to allow us to split the single 5.5 acre property into two parcels for residential use. The alternatives are to split it into multiple homesites which could be allowed or sell it as all one piece for whatever purpose a future buyer would deem appropriate. Splitting it into only two residential parcels would help insure that does not happen and would also retain the atmosphere and charm of rural Zionsville. We do not believe that you want to live next door to yet another subdivision.

If you have any questions or want more details on our plans, feel free to call or email us. We would appreciate your support of our petition, and if you believe (as we do) that the best use of the property is as we have proposed, please send an email of support to the Board of Zoning Appeals through Chrissy Koenig [CKoenig@zionsville-in.gov](mailto:CKoenig@zionsville-in.gov)

Thank you,

Rick and Carol Lamb

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

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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 146<sup>th</sup> 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 Northwest 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 feet to the point of beginning.

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

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

If supported by Executive Order and/or the Laws of the State of Indiana, members of the public, will be afforded the opportunity to attend the Board of Zoning Appeals Public Meetings via a form(s) of electronic communication IF indicated in the Agenda (as amended from time to time) associated with the Board of Zoning Appeals Meeting. Additionally, upon request, the Town of Zionsville will provide auxiliary aids and services in association with meetings and hearings occurring in-person. Please provide advance notification to Wayne DeLong, at [wdelong@zionsville-in.gov](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 7/25/2020



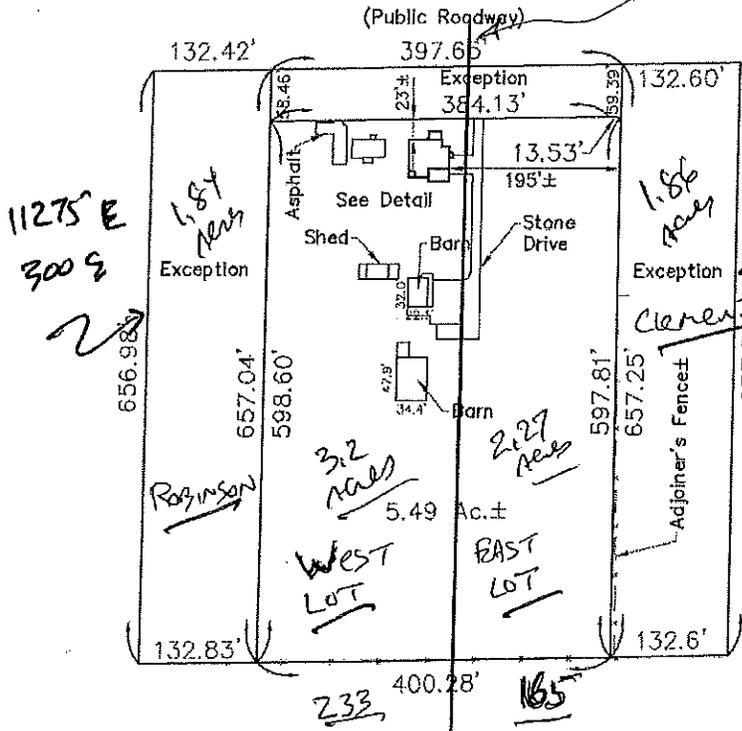
**Proposed Split (north at top)**

# Appendix F – Site Plan

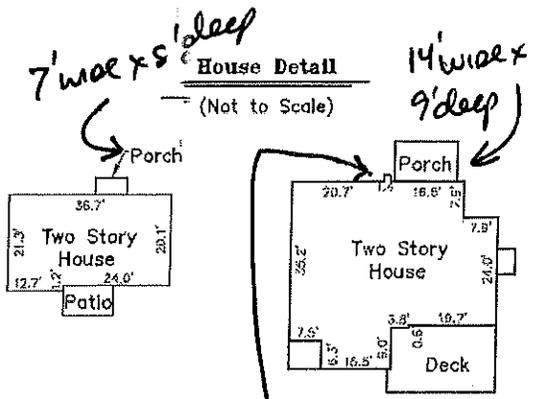
*Proposed split*

←-----11301 East 300 South----->

North



*11353 E 300 S*



*CHIMNEY 16' SQ.*

Lot Dimensions	Width	Depth	Sq ft	Acres	Ratio/1
Original	398.97	598.21	238662.86	5.48	1.50
New West	232.65	598.21	139172.39	3.19	2.57
Center split	199.48	598.21	119331.43	2.74	3.00
New East	165.00	598.21	98703.83	2.27	3.63
Robinson	132.63	598.21	79336.94	1.82	4.51
Clements	132.65	598.21	79351.89	1.82	4.51

Setbacks	Distance
Frontage, both houses	20' from ROW, 80' from road centerline
Rear	558 from houses to rear lot line
East lot	None, no structures
East lot, driveway to West	27' to driveway center
West lot East side	30 feet
west lot, West side	92 feet

# Improvement Location Permit

Town of Zionsville - 1100 West Oak St., Zionsville, IN 46077

**For Inspections Phone 873-8247**

**Permit: #** 2020-394 **Type** Res Demo – barns

**SITE ADDRESS** 11301 E 300 South **ZONING** R2

**OWNER** Richard E Lamb **SUB**

**CONTRACTOR** Richard Lamb **LOT#**

**ADDRESS** 17 E Greyhound Pass, Carmel IN 46032 **PHONE** (317) 694-9488

## POST ON SITE IN CONSPICUOUS PLACE

**BEFORE WORK STARTS – UNTIL A CERTIFICATE OF OCCUPANCY HAS BEEN ISSUED  
INSPECTIONS WILL NOT BE PERFORMED IF NOT POSTED**

**ALL PLANS MUST BE ON SITE AT TIME OF INSPECTION.**

**ALL APPLICABLE FEE'S MUST BE PAID BEFORE FINAL INSPECTION WILL BE CONDUCTED.**

GENERAL	PLUMBING	HEATING	ELECTRICAL
FOOTINGS: DATE:	UNDERSLAB: DATE:	UNDERSLAB: DATE:	UNDERSLAB: DATE:
FOUNDATION DATE:	ROUGH IN: DATE:	ROUGH IN: DATE:	ROUGH IN: DATE:
BRICK DATE:	FINAL:	FINAL:	FINAL:
ROUGH DATE:	<u>CERTIFICATE OF OCCUPANCY CONDITIONS</u>  3 Barns & Slab Being Removed  All portions of the structures shall be removed and inspected.		
ENERGY DATE:			
FINAL: DATE:			

This Building permit has been issued in accordance with the  
Comprehensive Zoning & Subdivision Control Ordinances of the Town of Zionsville.  
This Permit Will Expire 365 Days From Date of Issuance

**6-3-2020**

**DATE OF ISSUANCE:** \_\_\_\_\_

# Acknowledgment Certificate

## Legal Non-Conforming Use [LNCU]

Town of Zionsville - 1100 West Oak St., Zionsville, IN 46077

**Tracking:** ACT-2020-20 **Type:** LNCU - Use/Development Standards

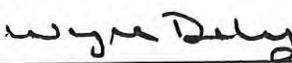
**SITE ADDRESS:** 11301 E 300 S, Zionsville, IN **ZONING:** R R-2  
**OWNER:** RICHARD E & CAROL M LAMB **SUB:** \_\_\_\_\_  
**PHONE:** 317-694-9488 **SECTION:** \_\_\_\_\_  
**E-MAIL:** relamb@midtechv.com **LOT#:** \_\_\_\_\_  
**STATE PARCEL ID:** 06-08-24-000-007.000-029 **ISSUED:** 6/17/2020

**LEGALLY ESTABLISHED NON-CONFORMING:**

**USE:**

**DEVELOPMENT STANDARDS:**

**BOTH:**

<b>GENERAL</b>		
<b>ESTABLISHED:</b>  DATE: 1960	<b>ANNEXED:</b> Reorg of Eagle Township DATE: January 14, 2010	<b>INCORPORATED:</b> DATE: 1/14/2010
<b>DESCRIPTION</b> NON-CONFORMING USE: Two single-family dwellings on one lot	<b>CONDITIONS</b> - § 194.019 NON-CONFORMING LOTS, USES, BUILDINGS OR STRUCTURES.	
<b>NON-CONFORMING</b> SPECIFIC ORDINANCE SECTION(S):  § 197.097 RURAL PROPERTY DEVELOPMENT STANDARDS.  (E) Every primary structure hereafter erected shall be located on an individual lot which fronts on a street or private drive.	<b>APPROVAL</b>  <div style="text-align: center;"> _____ Wayne DeLong, Building Commissioner</div>	

This Acknowledgment Certificate has been issued in accordance with the language found in the Comprehensive Zoning of the Town of Zionsville.



# Town of Zionsville, Indiana

1100 West Oak Street, Zionsville, Indiana 46077

**ZIONSVILLE**  
FOR ALL THE RIGHT REASONS

## Application for Certificate of Legally Established Non-Conforming Use [LNCU]

1. SITE INFORMATION:  Urban [Kaki]  Rural [Blue]

Address of Property: 11301 EAST 300 South, Zionsville IN 46077	
Subdivision/Development: N/A	Lot/Suite Number:
Zoning: R2	Section:
State Parcel ID: 029-04670-00	Existing Use of Property: Residential

2. APPLICANT

3. PROPERTY OWNER

Contact Name: RICHARD LAMB	Contact Name: RICHARD E & CAROL M. LAMB
Company:	Company:
Address: 17 E. Graywood Pass Carmel IN 46032	Address: ←
Phone: 317-694-9488	Phone:
E-mail: RELAMB@M.I.TECH.V.COM	E-mail:
<input type="checkbox"/> IF Different from Owner, Fill out Owner Authorization Form	

4. LNCU INFORMATION

a. Legally Established Non-Conforming:  Use  Development Standards  Both

b. Is property the subject of any Code Enforcement action?:  Yes  No

c. Specific ordinance section(s) not conforming to. Attach additional pages/documentation as necessary. [Example ordinance sections include "§ 194.059(B) Permitted uses" or "§ 194.047(C)(6)(b) Side yard"];  
 § 194.097 (E) LOTS - Every "PRIMARY STRUCTURE" could be located on an individual lot

d. Name use of property and/or development standards on the property sought to be legally established [Example use include "Blacksmithing" or "three-unit apartment building"]; Example of development standards include "side yard setback" or "lot coverage";  
 GUEST HOUSE: Accessory Structure has full path and kitchen but is adjacent to main residence and used as a guest house since built. IT IS NOT ON A SEPARATE LOT

5. LEGAL DESCRIPTION (check one)

Complete Metes & Bounds legal description attached. PTEV2NW 24-18-2E S145

Platted site within recorded subdivision, copy of plat map attached.

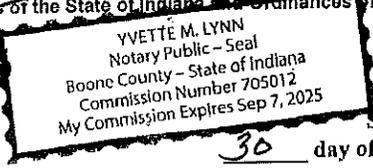
Recorded in Plat Book number: \_\_\_\_\_ Page(s): \_\_\_\_\_ in Boone County Recorders Office.  
 OR Instrument Number: \_\_\_\_\_

6. OATH:

The undersigned hereby certifies that they have the authority to make the above application, that the above information is true and correct, changes requested by this application are in conformance with all laws of the State of Indiana and ordinances of the Town of Zionsville requirements.

Signature of Applicant

Print: RICHARD E. LAMB 5/30/2020



STATE OF INDIANA,  
COUNTY OF BOONE, SS:

Subscribed and sworn to before me this 30 day of May, 2020

Notary Public

Print: Yvette M. Lynn

My Commission expires: Sept 7 2025  
 My County of residence: BOONE

Real Estate Affidavit for

Certificate of Legally Established Non-conforming Use

Address: 11301 East 300 South Zionsville, IN 46077

Person Completing Affidavit:

Name: Richard E. Lamb Address: 11301 East 300 S Zionsville IN 46077  
relamb@midtechv.com (317) 694-9488

Relationship to property:

Owner  Neighbor  Tenant

Date from 3/1995 to Current

**Describe in Detail the activity on the property during the time period for which you have personal knowledge:** When we purchased the property there was the existing Main house, plus an auxiliary house adjacent. The smaller house was connected to the same well/septic system as the main house, and remains so. The prior owner Francis Dodd (deceased) owned the property for approximately 40 years and stated the second house was built for a family member of an owner prior to him. There is no known record of when it was built (the main house was built in 1888). I suspect due to the construction it was perhaps in the 1920s-1940s time frame. Exhibit 1 shows the current houses, and Exhibit 2 shows an aerial photograph of the property taken in the 1960's from an online archive. When we purchased the property the guest house was an occupied rental unit. The tenant moved out, and we obtained a Remodeling Permit from Boone County to renovate the building. It had at the time we purchased, it had a full kitchen and bathroom. At the time of renovation, we added another half bath. Thereafter it was used as a guest house by us for several years, until the Brookhaven development commenced across the street. At that time Penny Abbitt (deceased) an owner of the property now Brookhaven, asked to rent the house while the property was being developed and a new house for herself was built. The R2 zoning allows for two-family dwellings and the house was returned to rental use. At that time we moved a mailbox in front of the guest house and made up an address of 11295 E 300S so that Penny Abbitt could forward her mail there. There was no official determination of the address by the USPS or anyone else. I made it up based on the location of the mailbox post. Tenants have used that address since as their mailing address and for the electrical service meter address. Property tax records have always shown it as one property, with ancillary structures, and we have been taxed on the guest house as an additional residence since we purchased the property. Exhibit 3 shows the Property Record Card. Since we have owned the property it has gone back and forth as both a guest house and rental unit, depending on our need for space. Our children have moved out and it is currently rented to Andrea Gore.

Did the use of the property or structures associated with the use change in any way during the time for which you have personal knowledge? \_\_\_ NO

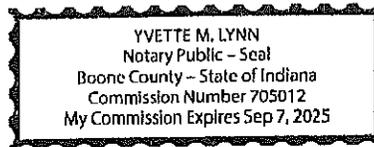
To your knowledge has the property or buildings on the property ever been vacant for a period of one year or longer? \_\_\_ No during the entire time known to me and the accessory structure has always been a guest house or rental.

Provide Contact information for any person who can verify your statements or who can provide historical information for the time prior to your personal knowledge of the property.

Mark Robinson 11275 E 300 South 46077 (317) 796-0646  
Neal and Libby Clements 11353 E 300 South Zionsville, IN 46077 (317) 443-1032  
Meridith Abbitt 215 N 700 E WHITESTOWN, IN 46075 (317) 769-5947  
Andrea Gore 11295 East 300 South Zionsville IN 46077 (210) 717-5228

Oath: I affirm under the penalties of perjury that the above information, to my knowledge and belief, is true and correct.

[Signature]  
Signature Printed Mark Robinson Date 5/30/2020



**Certificate of Acknowledgement of Notary Public**

State of Indiana )  
)ss.  
County of BOONE )

This document was signed and sworn to before me this 30 day of May, 2020.

Notary Public [Signature] Printed Name Yvette M. Lynn My Commission expires Sept 7 2025

Exhibit 1 - Google Street view 5/20/2020



**Exhibit 2**

**Aerial Photo, 1960s**



**Exhibit 3 – Property Tax Record Card (attached)**

**Exhibit 4 – Survey 1995 showing dwellings (attached)**

**Exhibit 5 – Survey 2019 showing dwellings and complete legal description (attached)**

**Exhibit 6 – Affidavits from neighbors and tenant**

(1)

*Exhibit 3*  
**Property Record Card**  
 11301 East 300 South

Parcel Number 029-04670-00		Ownership Name LAMB RICHARD E & CAROL M		Transfer of Ownership Date		Year 2020		Card 1			
County BOONE, IN		Township EAGLE		Grantor		Valid		Amount			
Corporation		District		Plat		Map		Type			
Alt Parcel 06-08-24-000-007-000-029		Address 11301 E 300 S ZIONSVILLE, IN 46077		Assessment Year 2020		2019		2018			
Property Class 611		Tax District 029 Eagle/Zionsville Urban		Reason for Change							
Neighborhood 3500-eagle res acreage-3500		Account 21714		Book		Land		Homestead-C1 68,000			
Property Address 11301 E 300 S ZIONSVILLE, IN 46077		Legal PT E 1/2 NW 24-18-2E 5.45		Improvements		Residential-C2 70,200		70,200			
Topography <input type="checkbox"/> Level <input type="checkbox"/> High <input type="checkbox"/> Low <input type="checkbox"/> Rolling <input type="checkbox"/> Swampy		Pub. Utilities <input type="checkbox"/> Water <input type="checkbox"/> Sewer <input type="checkbox"/> Gas <input type="checkbox"/> Electricity <input type="checkbox"/>		Street or Rd. <input type="checkbox"/> Paved <input type="checkbox"/> Unpaved <input type="checkbox"/> Proposed <input type="checkbox"/> Alley		Neighborhood <input checked="" type="checkbox"/> Improving <input type="checkbox"/> Stable <input type="checkbox"/> Degrading <input type="checkbox"/> Other <input type="checkbox"/> Blighted		Non-Residential-C3 16,000		16,000	
						Total Land 154,200		154,700			
						Homestead-C1 152,000		145,580			
						Residential-C2 64,200		51,900			
						Non-Residential-C3 10,200		9,800			
						Total Imp 216,400		207,200			
						Total Assessed Value:		370,600			
								361,900			
								347,100			
Property Sub Class: RES ONE FAMILY UNPLAT 0-9.99-511		PRINTED FROM BOONE COUNTY, INDIANA									
Memorandum		LAND DATA AND COMPUTATIONS									
2013 pay 2014 Imported info from 003 parcel BEFORE Field Review, 2013 pay 2014 Update per Field Review Card 1 Corr SqFt, Eff YB 1980, add CPat, Bam Gird to D Card 2 Eff YB 1980, MSip to OFP 2019 pay 2020 no change per pictometry		Parcel Acreage 5.455									
		81 Legal Drain NV (-) 0.000									
		82 Public Roads NV (-) 0.000									
		83 UT Towers NV (-) 0.000									
		8 Homestead (-) 2.000									
		82 Ag Excess (-) 1.450									
		TOTAL ACRES FARMLAND						2.000			
		True Tax Value						2240			
		Measured Acreage						2.000			
		Average Farmland Value / Acre						1120.00			
		VALUE OF FARMLAND						2240			
		Classified Land Total						0			
		TOTAL FARMLAND/CLASS LAND VALUE						2200			
		Homestead(s) Value (+)						138000			
		82 Ag Excess Value (+)						15000			
		TOTAL TRUE TAX LAND VALUE						154200			
		LAND TYPE CODES									
		F Front Lot						5 Non-Residential Land			
		R Rear Lot						6 Woodland			
		1 Green, Ind. Land						7 Other Farmland			
		11 Primary						71 Farm Buildings			
		12 Secondary						72 Water			
		13 Underproductive						73 Wetlands			
		14 Underwater						8 Ag Support Land			
		2 Chartered Land						81 Legal Dist.			
		3 Underused Land						82 Public Road			
		4 Middle Land						83 Utility Trans. Tower			
		41 Flooded Occasionally						9 Ag Support Land			
		42 Flooded Severely						81 Rec Excess Acres			
		43 Farmland/Water						82 Ag Excess Acres			
		Measured Acreage		5.45		Total Land Value		154200			

2

Occupancy		Story Height	Attic		Bsm't		Crawl	
1	<input checked="" type="checkbox"/> Single Family	1.00	0	<input type="checkbox"/> None	0	<input type="checkbox"/> None	0	<input type="checkbox"/>
2	<input type="checkbox"/> Duplex		1	<input type="checkbox"/> Unfin	1	<input checked="" type="checkbox"/> 1/4	1	<input type="checkbox"/>
3	<input type="checkbox"/> Triplex		1	<input checked="" type="checkbox"/> Other	2	<input type="checkbox"/> 1/2 Fin	2	<input type="checkbox"/> 1/2
4	<input type="checkbox"/> 4-6 Family		2	<input type="checkbox"/> B-level	3	<input checked="" type="checkbox"/> 3/4 Fin	3	<input type="checkbox"/> 3/4
5	<input type="checkbox"/> M home		3	<input type="checkbox"/> Tri-level	4	<input type="checkbox"/> Fin	4	<input checked="" type="checkbox"/> Full
0	<input type="checkbox"/> Row Type							
Construction		Base Area	Floor	Fin.Liv.Area	Value			
1	Frame or Alum.	1,821	1.00	1,621	98,000			
2	Stucco							
3	Tile							
4	Concrete Block							
5	Metal							
6	Concrete							
7	Brick	1,216	Attic	912	15,900			
8	Stone	405	Basement		15,300			
9	Frame w/Masonry	1,216	Crawl		6,000			
Roofing				Total Base		135,200		
Asphalt Shingles		<input checked="" type="checkbox"/>		Row-Type Adjustment		1.00		
Slate or Tile		<input type="checkbox"/>		sq.ft. SUB-TOTAL		135,200		
Metal		<input type="checkbox"/>		Full Unfin Interior (-)				
FIBORA		<input type="checkbox"/>		Half Unfin Interior (-)				
Earth		<input type="checkbox"/>		Extra Living Units (+)				
Slab		<input type="checkbox"/>		Rec. Room (+)				
Sub & Joists		<input checked="" type="checkbox"/>		Fireplace (+)				
Wood		<input type="checkbox"/>		Loft (+)				
Parquet		<input type="checkbox"/>		No Heat (-)				
Tile		<input checked="" type="checkbox"/>		Air Conditioning (+)		4,100		
Carpet		<input type="checkbox"/>		No Electricity (-)				
Linoleum		<input type="checkbox"/>		Plumbing (+/-)		2,400		
Unfinished		<input type="checkbox"/>		Specialty Plumbing (+)				
Interior Finish		<input type="checkbox"/>		Sub-Total One Unit		141,700		
Plaster/Dry Wall		<input type="checkbox"/>		Accommodations				
Paneling		<input type="checkbox"/>		Total # Rooms		10		
Fiberboard		<input type="checkbox"/>		Bedrooms		4		
Unfinished		<input type="checkbox"/>		Family Room		1		
		<input type="checkbox"/>		Formal Dining Room		1		
		<input type="checkbox"/>		Rec Room		Types		
		<input type="checkbox"/>		Area		Exterior Features		10,100
		<input type="checkbox"/>		Fireplace		Stacks		
		<input type="checkbox"/>		Metal		Openings		Sub-Total
		<input type="checkbox"/>		Heating / Air Conditioning		Grade and Design		85
		<input checked="" type="checkbox"/>		Central Warm Air		Location Multiplier		1.00
		<input type="checkbox"/>		Hot Water or Steam		Replacement Cost		144,210
		<input type="checkbox"/>		Heat Pump		REMODELING & MODERNIZATION		
		<input type="checkbox"/>		No Heat		Amount		Date
		<input type="checkbox"/>		Gravity/Wall/Space				
		<input checked="" type="checkbox"/>		Central Air Cond.				
		<input type="checkbox"/>		Plumbing				
		<input type="checkbox"/>		Full Baths		0		
		<input type="checkbox"/>		Half Baths		0		
		<input type="checkbox"/>		Kitchen Sink		1		
		<input type="checkbox"/>		Water Heater		1		
		<input type="checkbox"/>		Extra Fixtures		0		
		<input type="checkbox"/>		Total		8		
		<input type="checkbox"/>		No Plumb/Wir. Only				

**Sketch**

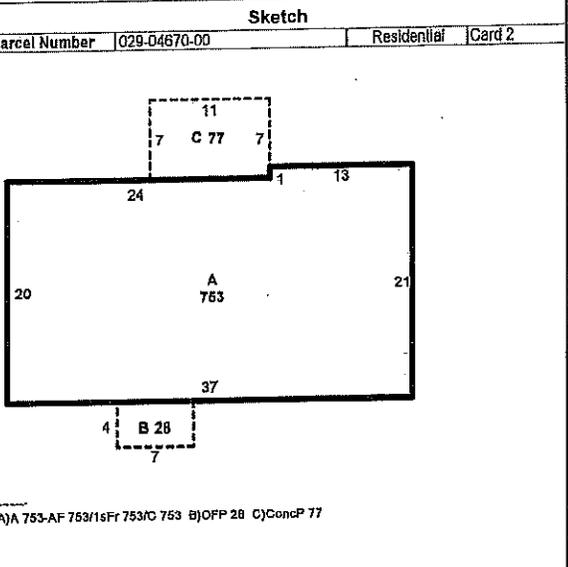
Parcel Number 029-04670-00 Agriculture Card 1

1st FL) 75A 1215.75-.75AF 912/1sFr 1621/26B 405.25-.75C 1215.75 DJWDX 336.00 B)Mslp 112 C)Mslp 200

SUMMARY OF IMPROVEMENTS																			
Use	HL	Const Type	Grd	Year Const	Effy Year	Cond	Base Rate	Fest	Adj Rate	Size or Area	LGM	No. Un.	Rplo Cost	Dep Obs	REH Val	% Cmp	Nbhd Factor	Trend Fctr	Improvement Value
Dwelling		Frame	C-	1888	1960	A				3242	1.00		144210	40	86530	100	1.61	1.00	139300
Lean-to	8	Concr Flr	D	1980	1960	F	7.41	0	7.41	12x35	1.00	1	2490	70	750	100	1.61	1.00	1290
T3 Un-	10	NA	D	1980	1960	F	18.78	2	14.08	24x35	1.00	1	9440	70	2830	100	1.61	1.00	4890
Lean-to	8	Earth	D	1980	1960	F	3.95	0	3.95	12x35	1.00	1	1330	70	400	100	1.61	1.00	860
Main Garage	0	Frame	D	1950	1980	F	28.48	1	31.12	22x32	1.00	1	17530	55	7890	100	1.61	1.00	12700
Poultry	0	NA	D	OLD	1950	F	25.63	0	25.63	16x24	1.00	1	7870	70	2380	100	1.61	1.00	3600
Card Improvement Total															162200				
Total Improvement Value															216400				

3

Occupancy				Story Height				Attic				Basmt/ Crawl				Sketch				Value Adjustment / Exterior Features			
1	<input checked="" type="checkbox"/>	Single Family	1.00	0	<input type="checkbox"/>	None	0	<input checked="" type="checkbox"/>	None	0	<input type="checkbox"/>	None	0	<input type="checkbox"/>	None	Parcel Number	029-04670-00	Residential	Card 2	Value Adjustments			
2	<input type="checkbox"/>	Duplex		1	<input type="checkbox"/>	Unfin	1	<input type="checkbox"/>	1/4	1	<input type="checkbox"/>	1/4	1	<input type="checkbox"/>	1/4	Exterior Features				Patio- Concr- At grade - 1 - 77sf - 400			
3	<input type="checkbox"/>	Triplex		2	<input type="checkbox"/>	1/2 Fin	2	<input type="checkbox"/>	1/2	2	<input type="checkbox"/>	1/2	2	<input type="checkbox"/>	1/2	Porch- Open Frm/ equal- 1st fl - 1 - 28sf - 2500							
4	<input type="checkbox"/>	4-6 Family		3	<input type="checkbox"/>	3/4 Fin	3	<input type="checkbox"/>	3/4	3	<input type="checkbox"/>	3/4	3	<input type="checkbox"/>	3/4								
5	<input type="checkbox"/>	M Home		4	<input type="checkbox"/>	Full	4	<input type="checkbox"/>	Full	4	<input type="checkbox"/>	Full	4	<input type="checkbox"/>	Full								
6	<input type="checkbox"/>	Row Type																					
Construction				Base Area	Floor	Fin.Liv.Area	Value	Roofing				Total Base				SUB-TOTAL				REMODELING & MODERNIZATION			
1	<input type="checkbox"/>	Frame or Alum.	1	753	1.00	753	59,800	Asphalt Shingles	<input checked="" type="checkbox"/>	Metal				78,000	Plumbing				Amount				
2	<input type="checkbox"/>	Stucco						Slate or Tile	<input type="checkbox"/>	Floors				1,000	Date				Amount				
3	<input type="checkbox"/>	Tile						Metal	<input type="checkbox"/>	Earth					Date				Amount				
4	<input type="checkbox"/>	Concrete Block						Sub & Joists	<input type="checkbox"/>	Slab					Date				Amount				
5	<input type="checkbox"/>	Metal						Wood	<input type="checkbox"/>	Row-Type Adjustment					Date				Amount				
6	<input type="checkbox"/>	Concrete						Parquet	<input type="checkbox"/>	sq.ft.					Date				Amount				
7	<input type="checkbox"/>	Block		753	Attic	753	13400	Tile	<input type="checkbox"/>	Full Unfin Interior (-)					Date				Amount				
8	<input type="checkbox"/>	Stone			Basement			Carpet	<input type="checkbox"/>	Half Unfin Interior (-)					Date				Amount				
9	<input type="checkbox"/>	Frame w/Masonry		753	Crawl		4,800	Linoleum	<input type="checkbox"/>	Extra Living Units (+)					Date				Amount				
Roofing				Total Base				SUB-TOTAL				REMODELING & MODERNIZATION				REMODELING & MODERNIZATION							
Asphalt Shingles				78,000				78,000				Plumbing				Amount							
Slate or Tile												Date				Amount							
Metal												Date				Amount							
Floors												Date				Amount							
Earth												Date				Amount							
Slab												Date				Amount							
Sub & Joists												Date				Amount							
Wood												Date				Amount							
Parquet												Date				Amount							
Tile												Date				Amount							
Carpet												Date				Amount							
Linoleum												Date				Amount							
Unfinished												Date				Amount							
Plaster/Dry Wall												Date				Amount							
Paneling												Date				Amount							
Fiberboard												Date				Amount							
Unfinished												Date				Amount							
Accommodations												Date				Amount							
Total # Rooms												Date				Amount							
Bedrooms												Date				Amount							
Family Room												Date				Amount							
Formal Dining Room												Date				Amount							
Rec Room Type												Date				Amount							
Area												Date				Amount							
Fireplace												Date				Amount							
Stacks												Date				Amount							
Metal Openings												Date				Amount							
Heating / Air Conditioning												Date				Amount							
Control Warm Air												Date				Amount							
Hot Water or Steam												Date				Amount							
Heat Pump												Date				Amount							
No Heat												Date				Amount							
Gravity/Wall/Space												Date				Amount							
Central Air Cond.												Date				Amount							
Plumbing												Date				Amount							
#												Date				Amount							
Full Baths												Date				Amount							
1												Date				Amount							
Half Baths												Date				Amount							
1												Date				Amount							
Kitchen Sink												Date				Amount							
1												Date				Amount							
Water Heater												Date				Amount							
1												Date				Amount							
Extra Fixtures												Date				Amount							
1												Date				Amount							
Total												Date				Amount							
8												Date				Amount							
No Plum/Wtr Only												Date				Amount							
1												Date				Amount							



*Auxiliary  
STRUCTURE  
Guest House*

Use	HL	Const Type	Grd	Year Comp	Effv Year	Cond	Base Rate	Feet	Adj Rate	Size or Area	LCK	No. Un.	Rplc Cost	Dep Obs	REM Val	% Cmp	Nbhd Factor	Trend Fctr	Improvement Value
Dwelling		Frame	D-	0	1980	A				1506	1.00		81260	45	33600	100	1.0	1.00	54200
REMODELING & MODERNIZATION																			
Card Improvement Total 54200																			
Total Improvement Value 218400																			

Exhibit 4

Plat. 482-5141 or 879-2515

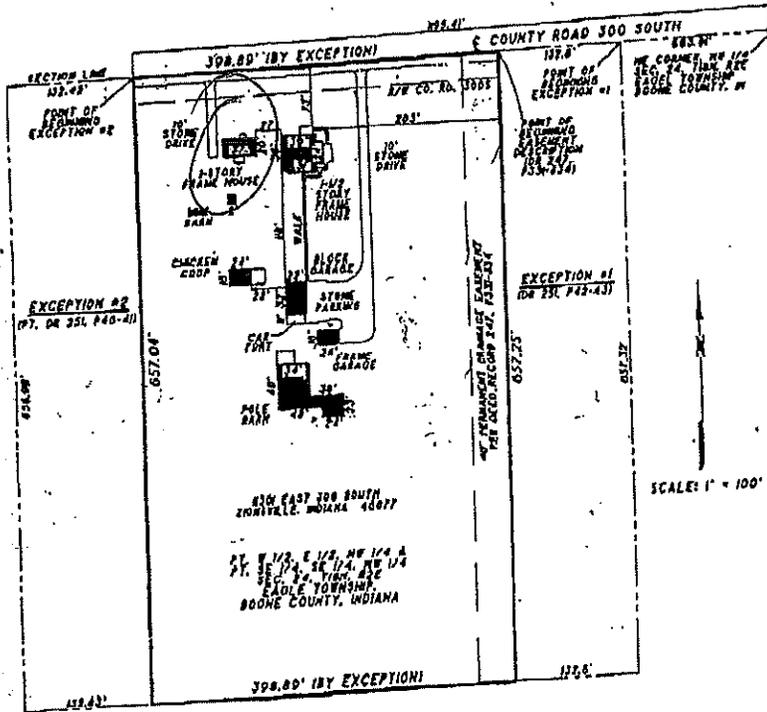
222 E. MAIN STREET, P.O. BOX 589  
LEBANON, INDIANA 46032

# ANDERSON & ASSOCIATES

## SURVEYOR LOCATION REPORT

THIS REPORT IS BASED ON LIMITED ACCURACY AND THEREFORE NO DATA HEREIN SHOULD BE USED FOR CONSTRUCTION OR ESTABLISHING BOUNDARY OR FENCE LINES.

PROPERTY ADDRESS: 11301 East 300 South Zionsville, Indiana 46077  
PROPERTY DESCRIPTION: See attached page 2 for Legal Description.



**MORTGAGEE OR ASSIGNEES:** Richard E. Lamb and Carol M. Lamb  
**TITLE CO.:** Land Title of Boone County - NBD Mortgage Company  
**OTHER:** Rolland V. Dodd and Frances W. Dodd - Sellers

**FLOOD HAZARD STATEMENT:** the residence located on the within described tract does not lie within the Special Flood Hazard Zone A, as said tract plots by scale, on Community Panel #180011 0085B of the Flood Insurance Rate Map, dated September 16, 1982.

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

**EASEMENTS & RESTRICTIONS:** This Tract is subject to all easements and restrictions of record. I, the undersigned, an Indiana Registered Land Surveyor, hereby certify that on the date shown, I supervised the inspection of the real estate described herein at the Address indicated. THIS LOCATION REPORT WAS PREPARED FOR USE BY THE DESIGNATED PARTIES ONLY AND FOR NO ONE ELSE. THE ACCURACY OF THE LOCATION DATA SHOWN IS LIMITED TO THAT REQUIRED BY THE INDIANA "SURVEYOR LOCATION REPORT" MINIMUM REQUIREMENTS UNLESS OTHERWISE SPECIFIED AND EXPLAINED ON THIS DOCUMENT. IF A MORE ACCURATE OR DETAILED LAND SURVEY IS DESIRED, OR IF CORNER MONUMENTS ARE REQUIRED, AN INDIANA LAND TITLE SURVEY SHOULD BE ORDERED.

I further certify that to the best of my knowledge this Location Report conforms with the SURVEYOR LOCATION REPORT Minimum Requirements, as adopted by the Indiana Society of Professional Land Surveyors, Inc., on January 29, 1981, and approved by the Title Underwriters of Indiana, Inc., on March 20, 1981.

February 8, 1995

CARY B. DODGE, REG. LAND SURVEYOR NO. S0288



FILE NO.

Exhibit 5

## SURVEYOR LOCATION REPORT

This report was prepared only for:  
MERIDIAN TITLE CORPORATION (#19-19235).

THIS REPORT IS DESIGNED FOR USE BY A TITLE INSURANCE COMPANY WITH RESIDENTIAL LOAN POLICIES. NO CORNER MARKERS WERE SET AND THE LOCATION DATA HEREIN IS BASED ON LIMITED ACCURACY MEASUREMENTS. THEREFORE, NO LIABILITY WILL BE ASSUMED FOR ANY USE OF THIS DATA FOR CONSTRUCTION OF NEW IMPROVEMENTS OR FENCES. THIS REPORT IS NOT INTENDED TO REPRESENT A SURVEY, NOR IS IT INTENDED TO BE USED BY AND/OR BENEFIT THE BORROWER(S).



PROPERTY ADDRESS: 11301 East 300 South, Zionsville, IN 46077

PROPERTY DESCRIPTION: See Sheet 3

This is to certify that the subject property does not lie within that Special Flood Hazard Area Zone "A" or "AE". The accuracy is subject to map scale uncertainty and to any other uncertainty in location or elevation on Community Panel Number 18011C 0332E of the Flood Insurance Rate Maps, effective date January 18, 2012.

BORROWER(S): Robert M. Backus



### HAHN SURVEYING GROUP, INC.

Land Surveyors

8925 N. Meridian Street, Suite 120  
Indianapolis, IN 46260

PHONE: (317) 846-0840 / (317) 846-4119

FAX: (317) 846-4298 / (317) 582-0662

EMAIL: [orders@hahnsurveying.com](mailto:orders@hahnsurveying.com)

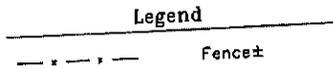
[www.hahnsurveying.com](http://www.hahnsurveying.com)

Job No: 2019101652  
Sheet 1 of 3

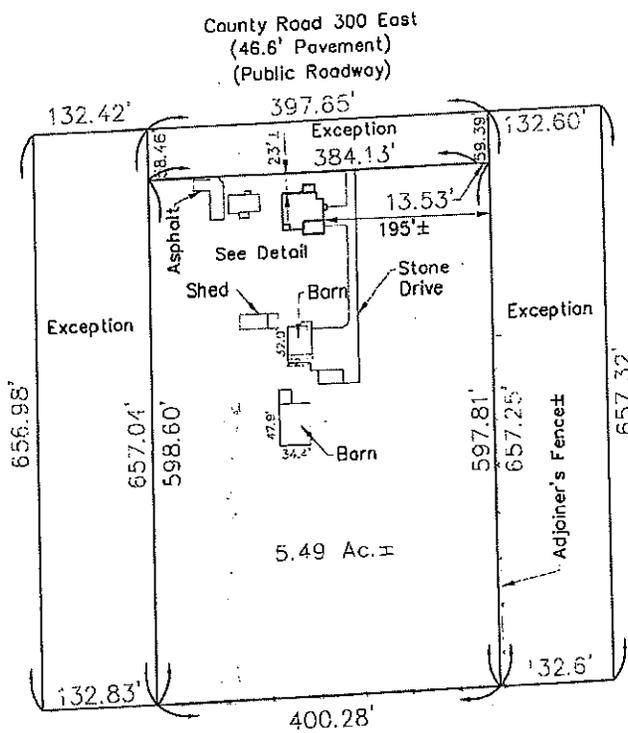
# SURVEYOR LOCATION REPORT

I hereby certify to the parties named above that the real estate described herein was inspected under my supervision on the date indicated and that to the best of my knowledge, this report conforms with the requirements contained in Sections 27 through 29 of 865 IAC 1-1-12 for a SURVEYOR LOCATION REPORT. Unless otherwise noted there is no visible evidence of possession lines found.

Note: Obtaining accurate and complete data on or near the perimeter of larger tracts is beyond the scope of the report. The location of any improvements and fences shown have been estimated. Due to the size of the tract and inadequate reference monumentation, the accuracy of this report is limited to  $\pm 5$  feet. A staked boundary retracement survey is recommended if precise locations are desired.

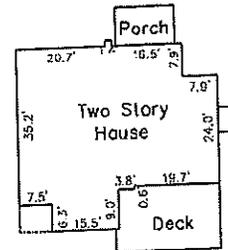
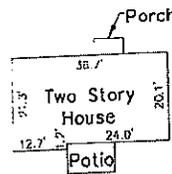


Scale: 1"=200'



**House Detail**

(Not to Scale)



**HAHN SURVEYING GROUP, INC.**  
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EMAIL: [orders@hahnsurveying.com](mailto:orders@hahnsurveying.com)  
[www.hahnsurveying.com](http://www.hahnsurveying.com)



CERTIFIED: 11/04/2019

*Chad L. Brown*  
Chad L. Brown  
Registered Land Surveyor,  
Indiana #21100002  
Drawn By: JEC  
Job No.: 2019101652  
Sheet 2 of 3

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 657.26 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 the Northwest 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 Northwest 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 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 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 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 59.38 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.



**HAHN SURVEYING GROUP, INC.**

Land Surveyors

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Indianapolis, IN 46260

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[www.hahnsurveying.com](http://www.hahnsurveying.com)

Job No.: 2019101652  
Sheet 3 of 3

Real Estate Affidavit for

Certificate of Legally Established Non-conforming Use

Address: 11301 East 300 South Zionsville, IN 46077

Person Completing Affidavit:

Name: MARK ROBINSON Address: 11275 E 300 S

Email: MARK.R.IDG@GMAIL.COM Phone: 317-796-0646

Relationship to property:

[ ] Owner  Neighbor [ ] Tenant Date from 1995 to 2020

Describe in Detail the activity on the property during the time period for which you have personal knowledge: *There has been a main house and an auxiliary structure, which is a small cottage on the property for the duration of time that I have knowledge. The cottage has been used for both guests/family of the owners, and sometimes for a rental unit when not accommodating guests.*

Did the use of the property or structures associated with the use change in any way during the time for which you have personal knowledge? NO

To your knowledge has the property or buildings on the property ever been vacant for a period of one year or longer? No during the entire time known to me and the accessory structure has always been a guest house or rental.

Provide Contact information for any person who can verify your statements or who can provide historical information for the time prior to your personal knowledge of the property.

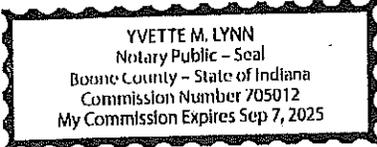
- Mark Robinson 11275 E 300 South 46077 (317) 796-0646
- Neal and Libby Clements 11353 E 300 South Zionsville, IN 46077 (317) 443-1032
- Meridith Abbitt 215 N 700 E WHITESTOWN, IN 46075 (317) 769-5947
- Andrea Gore 11295 East 300 South Zionsville IN 46077 (210) 717-5228

Oath: I affirm under the penalties of perjury that the above information, to my knowledge and belief, is true and correct.

[Signature] MARK ROBINSON 5-30-2020  
Signature Printed Date

Certificate of Acknowledgement of Notary Public

State of Indiana )  
)ss.  
County of BOONE )



This document was signed and sworn to before me this 30 day of May, 2020.

Notary Public [Signature] Printed Name Yvette M. Lynn My Commission expires Sept 7, 2020

Real Estate Affidavit for  
Certificate of Legally Established Non-conforming Use

Address: 11301 East 300 South Zionsville, IN 46077

Person Completing Affidavit:

Name: Neal Clements Address: 11353 E 300 S, Zionsville IN 46077  
Email: nclements@pilecpas.com Phone: 317-441-6382

Relationship to property:

[ ] Owner [  ] Neighbor [ ] Tenant Date from 1993 to Present

Describe in Detail the activity on the property during the time period for which you have personal knowledge: There has been a main house and an auxiliary structure, which is a small cottage on the property for the duration of time that I have knowledge. The cottage has been used for both guests/family of the owners, and sometimes for a rental unit when not accommodating guests.

Did the use of the property or structures associated with the use change in any way during the time for which you have personal knowledge?  NO

To your knowledge has the property or buildings on the property ever been vacant for a period of one year or longer?  No during the entire time known to me and the accessory structure has always been a guest house or rental.

Provide Contact information for any person who can verify your statements or who can provide historical information for the time prior to your personal knowledge of the property.

Mark Robinson 11275 E 300 South 46077 (317) 796-0646  
Neal and Libby Clements 11353 E 300 South Zionsville, IN 46077 (317) 443-1032  
Meridith Abbitt 215 N 700 E WHITESTOWN, IN 46075 (317) 769-5947  
Andrea Gore 11295 East 300 South Zionsville IN 46077 (210) 717-5228

Oath: I affirm under the penalties of perjury that the above information, to my knowledge and belief, is true and correct.

Neal Clements Neal Clements 5-30-20  
Signature Printed Date



Certificate of Acknowledgement of Notary Public

State of Indiana )  
)ss.  
County of Boone )

This document was signed and sworn to before me this 30 day of May, 2020.

Notary Public Yvette M Lynn Printed Name Yvette M Lynn My Commission expires Sept 7, 2020

Real Estate Affidavit for

Certificate of Legally Established Non-conforming Use

Address: 11301 East 300 South Zionsville, IN 46077

Person Completing Affidavit:

Name: Andrea Gore Address: 11295 E 300 S

Email: andreadgore@gmail.com Phone: 210-717-5228

Relationship to property:

[ ] Owner [ ] Neighbor  Tenant Date from 4/1/2017 to current

Describe in Detail the activity on the property during the time period for which you have personal knowledge: *There has been a main house and an auxiliary structure, which is a small cottage on the property for the duration of time that I have knowledge. The cottage has been used for both guests/family of the owners, and sometimes for a rental unit when not accommodating guests.*

Did the use of the property or structures associated with the use change in any way during the time for which you have personal knowledge? NO

To your knowledge has the property or buildings on the property ever been vacant for a period of one year or longer? No during the entire time known to me and the accessory structure has always been a guest house or rental.

Provide Contact information for any person who can verify your statements or who can provide historical information for the time prior to your personal knowledge of the property.

- Mark Robinson 11275 E 300 South 46077 (317) 796-0646
- Neal and Libby Clements 11353 E 300 South Zionsville, IN 46077 (317) 443-1032
- Meridith Abbitt 215 N 700 E WHITESTOWN, IN 46075 (317) 769-5947
- Andrea Gore 11295 East 300 South Zionsville IN 46077 (210) 717-5228

Oath: I affirm under the penalties of perjury that the above information, to my knowledge and belief, is true and correct.

Andrea Gore Signature      Andrea Gore Printed      5-30-20 Date



Certificate of Acknowledgement of Notary Public

State of Indiana )  
 ) ss.  
 County of Boone )

This document was signed and sworn to before me this 30 day of May, 2020.

Notary Public Yvette M. Lynn Printed Name Yvette M. Lynn My Commission expires Sept 7, 2020



**HAHN SURVEYING GROUP, INC.**

Land Surveyors

PHONE: (317) 846-0840

FAX: (317) 846-4298

E-mail: [orders@hahnsurveying.com](mailto:orders@hahnsurveying.com)

[www.hahnsurveying.com](http://www.hahnsurveying.com)

**INVOICE**

HSG Job No.

2019101652

MERIDIAN TITLE CORPORATION

11711 N. Pennsylvania St. Ste. 100

Carmel, IN 46032

(317) 566-9520

(317) 580-0153

Client No.

(#19-19235)

DATE	DESCRIPTION	AMOUNT
10/31/2019	Surveyor Location Report - Pt NW 1/4 in SEC 24 T18N R2E BOONE County, Indiana  Borrower(s): Robert M. Backus  Address: 11301 East 300 South	\$700.00

**HAHN SURVEYING GROUP, INC.**

8925 N. Meridian St., Suite 120, Indianapolis, IN 46260

## SURVEYOR LOCATION REPORT

This report was prepared only for:  
MERIDIAN TITLE CORPORATION (#19-19235).

THIS REPORT IS DESIGNED FOR USE BY A TITLE INSURANCE COMPANY WITH RESIDENTIAL LOAN POLICIES. NO CORNER MARKERS WERE SET AND THE LOCATION DATA HEREIN IS BASED ON LIMITED ACCURACY MEASUREMENTS. THEREFORE, NO LIABILITY WILL BE ASSUMED FOR ANY USE OF THIS DATA FOR CONSTRUCTION OF NEW IMPROVEMENTS OR FENCES. THIS REPORT IS NOT INTENDED TO REPRESENT A SURVEY, NOR IS IT INTENDED TO BE USED BY AND/OR BENEFIT THE BORROWER(S).



PROPERTY ADDRESS: 11301 East 300 South, Zionsville, IN 46077

PROPERTY DESCRIPTION: See Sheet 3

This is to certify that the subject property does not lie within that Special Flood Hazard Area Zone "A" or "AE". The accuracy is subject to map scale uncertainty and to any other uncertainty in location or elevation on Community Panel Number 18011C 0332E of the Flood Insurance Rate Maps, effective date January 18, 2012.

BORROWER(S): Robert M. Backus



### HAHN SURVEYING GROUP, INC.

Land Surveyors

8925 N. Meridian Street, Suite 120

Indianapolis, IN 46260

PHONE: (317) 846-0840 / (317) 846-4119

FAX: (317) 846-4298 / (317) 582-0662

EMAIL: [orders@hahnsurveying.com](mailto:orders@hahnsurveying.com)

[www.hahnsurveying.com](http://www.hahnsurveying.com)

Job No: 2019101652  
Sheet 1 of 3

# SURVEYOR LOCATION REPORT

I hereby certify to the parties named above that the real estate described herein was inspected under my supervision on the date indicated and that to the best of my knowledge, this report conforms with the requirements contained in Sections 27 through 29 of 865 IAC 1-1-12 for a SURVEYOR LOCATION REPORT. Unless otherwise noted there is no visible evidence of possession lines found.

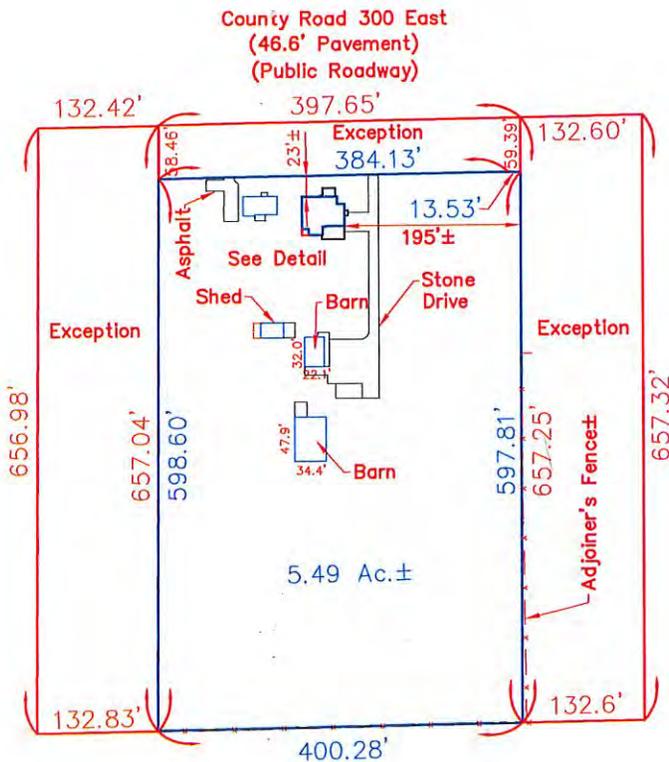
**Note:** Obtaining accurate and complete data on or near the perimeter of larger tracts is beyond the scope of the report. The location of any improvements and fences shown have been estimated. Due to the size of the tract and inadequate reference monumentation, the accuracy of this report is limited to  $\pm 5$  feet. A staked boundary retracement survey is recommended if precise locations are desired.

### Legend

- x - x -      Fence $\pm$

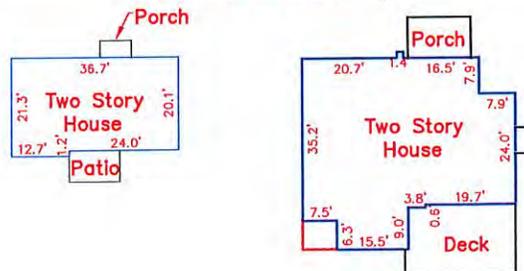


Scale: 1"=200'



### House Detail

(Not to Scale)



**HAHN SURVEYING GROUP, INC.**  
 Land Surveyors  
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 Indianapolis, IN 46260  
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[www.hahnsurveying.com](http://www.hahnsurveying.com)



CERTIFIED: 11/04/2019

*Chad L. Brown*  
 Chad L. Brown  
 Registered Land Surveyor,  
 Indiana #21100002  
 Drawn By: JEC  
 Job No.: 2019101652  
 Sheet 2 of 3

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 657.26 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 the Northwest 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 Northwest 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 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 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 200600000513 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 59.39 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.



**HAHN SURVEYING GROUP, INC.**

Land Surveyors

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Indianapolis, IN 46260

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Job No.: 2019101652

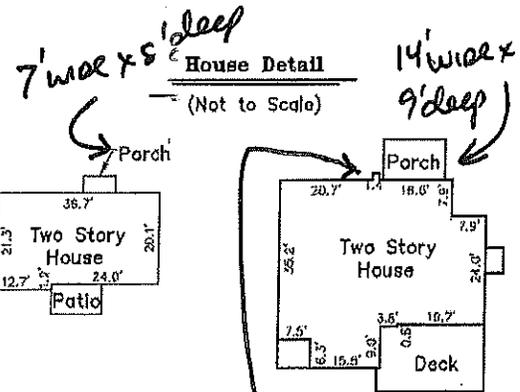
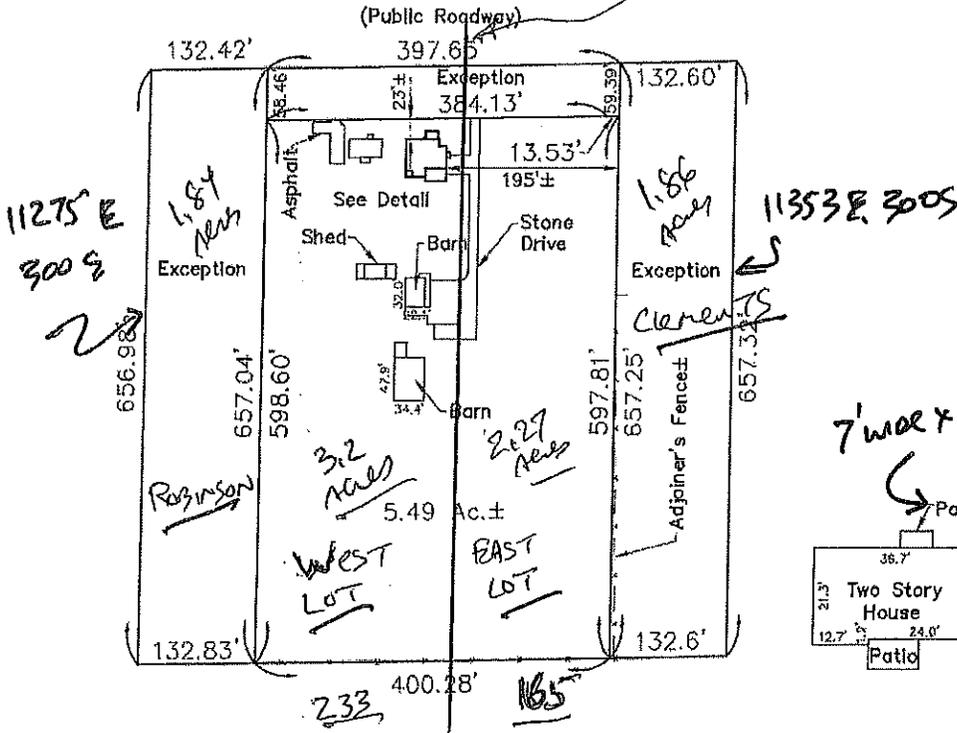
Sheet 3 of 3

# Appendix F – Site Plan

*Proposed split*

←-----11301 East 300 South ----->

North ↑



*Chimney 16" sq.*

Lot Dimensions	Width	Depth	Sq ft	Acres	Ratio/1
Original	398.97	598.21	238662.86	5.48	1.50
New West	232.65	598.21	139172.39	3.19	2.57
Center split	199.48	598.21	119331.43	2.74	3.00
New East	165.00	598.21	98703.83	2.27	3.63
Robinson	132.63	598.21	79336.94	1.82	4.51
Clements	132.65	598.21	79351.89	1.82	4.51

Setbacks	Distance
Frontage, both houses	20' from ROW, 80' from road centerline
Rear	558 from houses to rear lot line
East lot	None, no structures
East lot, driveway to West	27' to driveway center
West lot East side	30 feet
west lot, West side	92 feet



**Proposed Split**



**Entire Property Looking South**



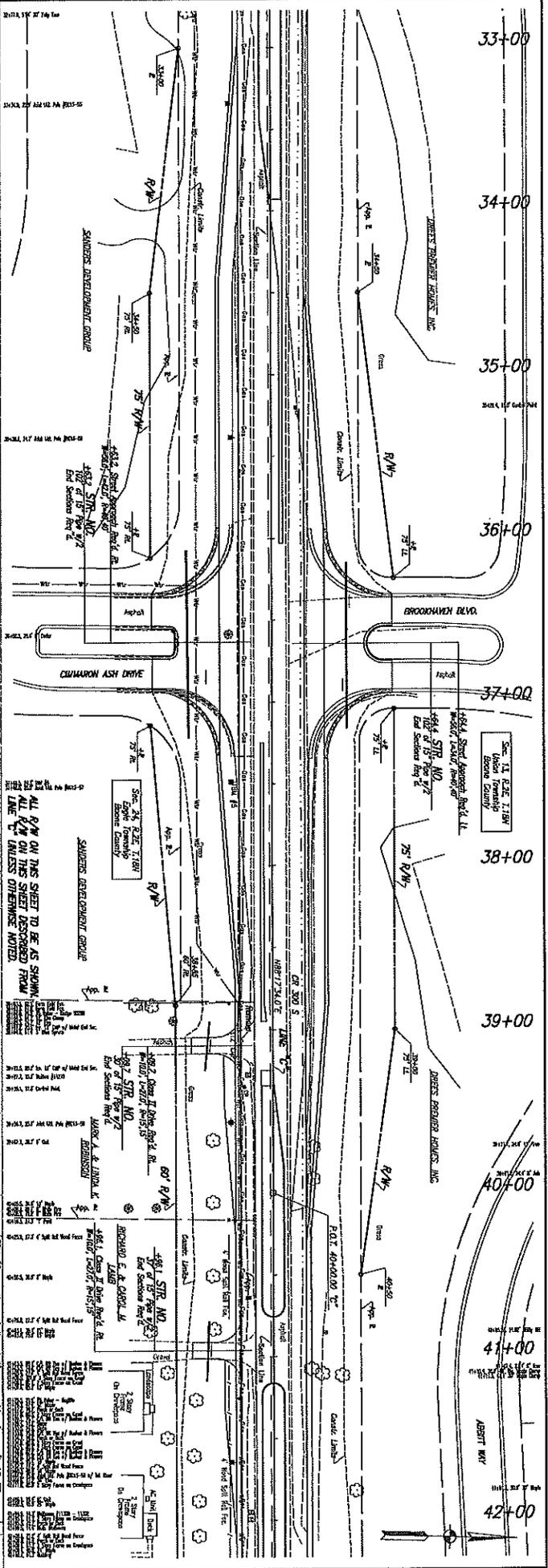
**East Lot Looking South**



**Front Porch Main House**



**Front Porch Guest House**



920	915	910	905	900	895	890
33+00	34+00	35+00	36+00	37+00	38+00	39+00
912.85	912.40	911.90	911.65	911.40	910.90	910.50
911.90	911.45	911.15	910.90	910.65	910.40	910.15
911.00	910.55	910.25	910.00	909.75	909.50	909.25
910.10	910.00	909.85	909.70	909.55	909.40	909.25
909.20	909.10	908.95	908.80	908.65	908.50	908.35
908.40	908.30	908.15	908.00	907.85	907.70	907.55
906.60	906.50	906.35	906.20	906.05	905.90	905.75
904.90	904.80	904.65	904.50	904.35	904.20	904.05
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897.70	897.60	897.45	897.30	897.15	897.00	896.85
895.10	895.00	894.85	894.70	894.55	894.40	894.25
892.60	892.50	892.35	892.20	892.05	891.90	891.75
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887.70	887.60	887.45	887.30	887.15	887.00	886.85
885.30	885.20	885.05	884.90	884.75	884.60	884.45
882.10	882.00	881.85	881.70	881.55	881.40	881.25
879.10	879.00	878.85	878.70	878.55	878.40	878.25
877.20	877.10	876.95	876.80	876.65	876.50	876.35
874.50	874.40	874.25	874.10	873.95	873.80	873.65
872.00	871.90	871.75	871.60	871.45	871.30	871.15
869.60	869.50	869.35	869.20	869.05	868.90	868.75
867.40	867.30	867.15	867.00	866.85	866.70	866.55
865.40	865.30	865.15	865.00	864.85	864.70	864.55
863.60	863.50	863.35	863.20	863.05	862.90	862.75
861.00	860.90	860.75	860.60	860.45	860.30	860.15
858.60	858.50	858.35	858.20	858.05	857.90	857.75
856.40	856.30	856.15	856.00	855.85	855.70	855.55
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841.00	840.90	840.75	840.60	840.45	840.30	840.15
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831.00	830.90	830.75	830.60	830.45	830.30	830.15
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824.40	824.30	824.15	824.00	823.85	823.70	823.55
822.60	822.50	822.35	822.20	822.05	821.90	821.75
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801.00	800.90	800.75	800.60	800.45	800.30	800.15
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794.40	794.30	794.15	794.00	793.85	793.70	793.55
792.60	792.50	792.35	792.20	792.05	791.90	791.75
791.00	790.90	790.75	790.60	790.45	790.30	790.15
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766.40	766.30	766.15	766.00	765.85	765.70	765.55
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724.40	724.30	724.15	724.00	723.85	723.70	723.55
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716.40	716.30	716.15	716.00	715.85	715.70	715.55
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691.00	690.90	690.75	690.60	690.45	690.30	690.15
688.60	688.50	688.35	688.20	688.05	687.90	687.75
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684.40	684.30	684.15	684.00	683.85	683.70	683.55
682.60	682.50	682.35	682.20	682.05	681.90	681.75
681.00	680.90	680.75	680.60	680.45	680.30	680.15
678.60	678.50	678.35	678.20	678.05	677.90	677.75
676.40	676.30	676.15	676.00	675.85	675.70	675.55
674.40	674.30	674.15	674.00	673.85	673.70	673.55
672.60	672.50	672.35	672.20	672.05	671.90	671.75
671.00	670.90	670.75	670.60	670.45	670.30	670.15
668.60	668.50	668.35	668.20	668.05	667.90	667.75
666.40	666.30	666.15	666.00	665.85	665.70	665.55
664.40	664.30	664.15	664.00	663.85	663.70	663.55
662.60						



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

**PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**

**FINDINGS OF FACT Request 1 - Setback**

1. The grant (**will not**) be injurious to the public health, safety, morals, and general welfare of the community because: The buildings and their porches have been in place for decades. In the evaluation by the engineering firms and the Boone County Commissioners in 2008 it was determined that a road right of way of 60 feet and the setback of the house foundations, retaining the existing porches and their roofs, was adequate for construction of a 4 lane road, drainage, and walking paths while allowing the structures to remain in place, as is. In fact, we were reassured at the time that we could rebuild the porch roof on the main house and it would not be an issue.
  
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: The main house was built in 1888 and the guest house was built prior to the 1960s they have not affected the use or value of the adjacent area. In fact, changes to the adjacent area have adversely affected the original property due to increased noise within the house, and encroachment of the road and right of way into the property.
  
3. Strict application of the terms of the zoning ordinance (**will**) result in unnecessary hardships in the use of the property because:
  - a) A future buyer may not be able to finance a known non-conforming property;
  - b) Removing the front porches to gain compliance will adversely affect the ability to use the front doors;
  - c) The appearance of the front of the houses will be adversely affected by having to remove the porch. The old farmhouse look is consistent with the characteristics of Rural Zionsville and is appreciated by the neighbors.

**DECISION**

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

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

\_\_\_\_\_

\_\_\_\_\_

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

**PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**

**FINDINGS OF FACT Request 2 – Two Dwellings**

1. The grant (**will not**) be injurious to the public health, safety, morals, and general welfare of the community because: It has been this way for decades and there has never been any indication that the two houses on one property have caused any injury whatsoever to the health, safety morals or welfare of the community. A LNCU Certificate has already been issues and those considerations were addressed in evaluating the application for that certificate.
  
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: It has not affected the value of the adjacent property because it existed before any of the neighbors were present.
  
2. Strict application of the terms of the zoning ordinance (**will**) result in unnecessary hardships in the use of the property because: While the LNCU allows the requested variance to exist now, it may not allow the retention of the second house as a guest house if the main house is rebuilt farther back, larger or different than the existing main house. A property owner would have to forfeit the value of the guest house in order to build a newer, bigger house further back on the property. The house has substantial value because it has recently been updated and modernized.

**DECISION**

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

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

\_\_\_\_\_

\_\_\_\_\_

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

**PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**

**FINDINGS OF FACT Request 3 – 3:1 Depth/Width Ratio**

1. The grant **(will not)** be injurious to the public health, safety, morals, and general welfare of the community because: The lot already exists physically, although not legally separated. There will be no changes to the street access via driveways, Public utility connections are present or available nearby, and the proposed division conforms to the large-lot characteristics of the immediate neighbors.
  
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: Approval of this variance will result in lots entirely consistent with the adjoining properties and retain the rural Zionsville character. The alternative is to divide into as many as 9 lots, which could conform to the standards without a variance, but would destroy the rural character of the area and potentially devalue the properties of the adjoining homes.
  
2. Strict application of the terms of the zoning ordinance **(will)** result in unnecessary hardships in the use of the property because: The side parcel was originally designed to be split off before the 3:1 ratio came into effect and the property was purchased with that in mind. Driveway and median cuts in the street exist already to conform to this use. The property is really too large (thus expensive) to use for just one home, and a home of that size and expense is not consistent with the neighboring houses. Several offers to purchase the property in one piece have fallen through due to the high land cost of the entire parcel.. Subdividing the property into many small lots is also impractical, due to the high cost of utility and street infrastructure needed to service the lots, the cost is impractical for the number of lots which can be obtained. Sales of the property for a subdivision have also recently fallen through. Splitting the parcel down the center may meet the ratio, but would require the demolition of the main house which would lie on the property line. Many buyers exist for homes on property of a size and price similar to those in the surrounding area, and those buyers would like some property not in a subdivision with covenants, but can be used for all the purposes that the R2 Rural Zoning Classification allows. Most neighbors would appreciate the property split into two residential lots versus another crowded subdivision with many homes.

**DECISION**

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

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

\_\_\_\_\_

\_\_\_\_\_



**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

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

## **PETITION HISTORY**

This petition will receive a public hearing at the August 5, 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 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.

### **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*

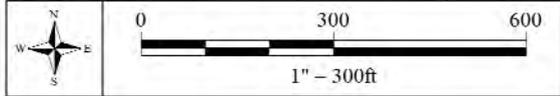
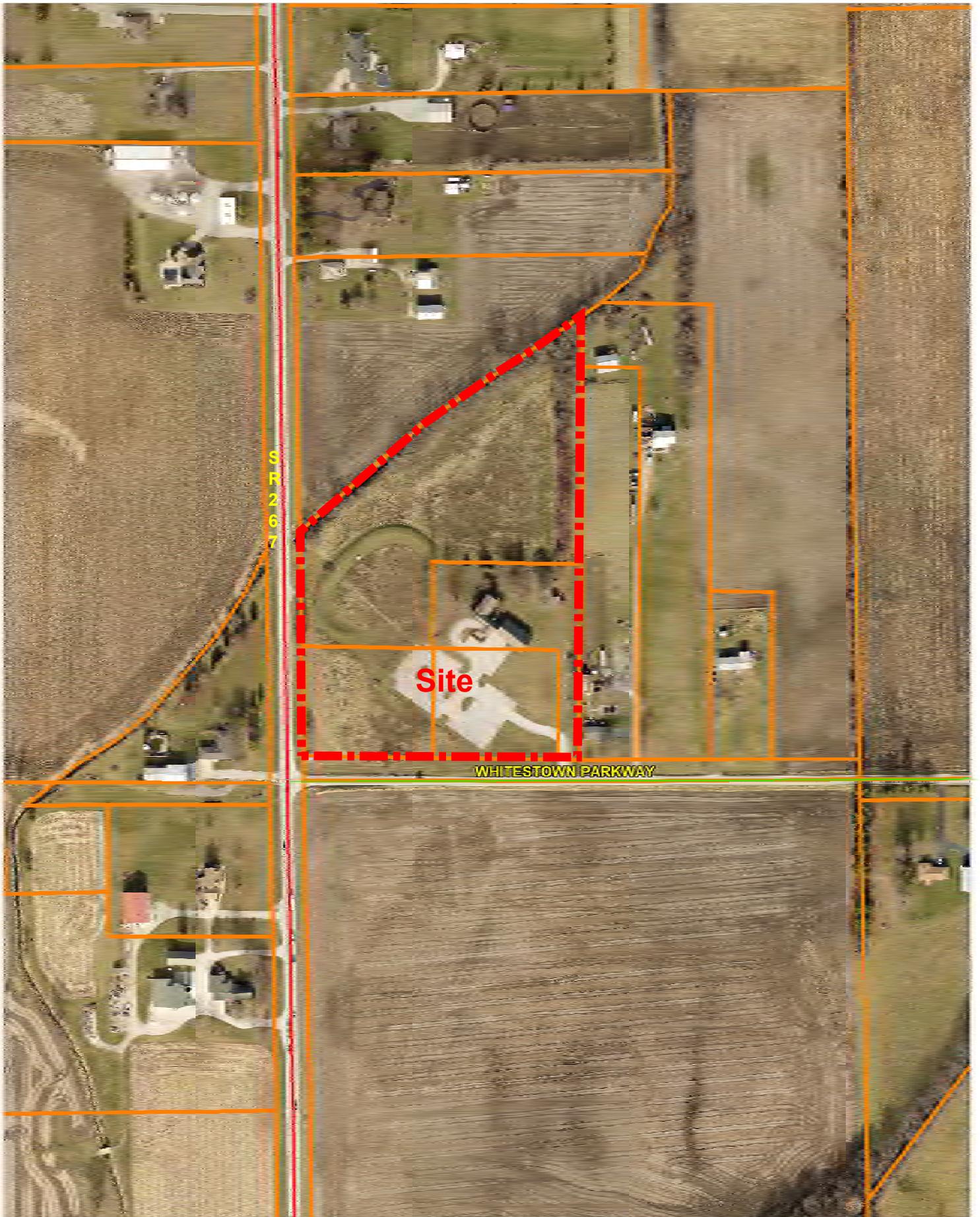
Proposed Findings of Fact from the Petitioner are attached for the Board of Zoning Appeal’s consideration (Exhibit 6).

### **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.

### **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.



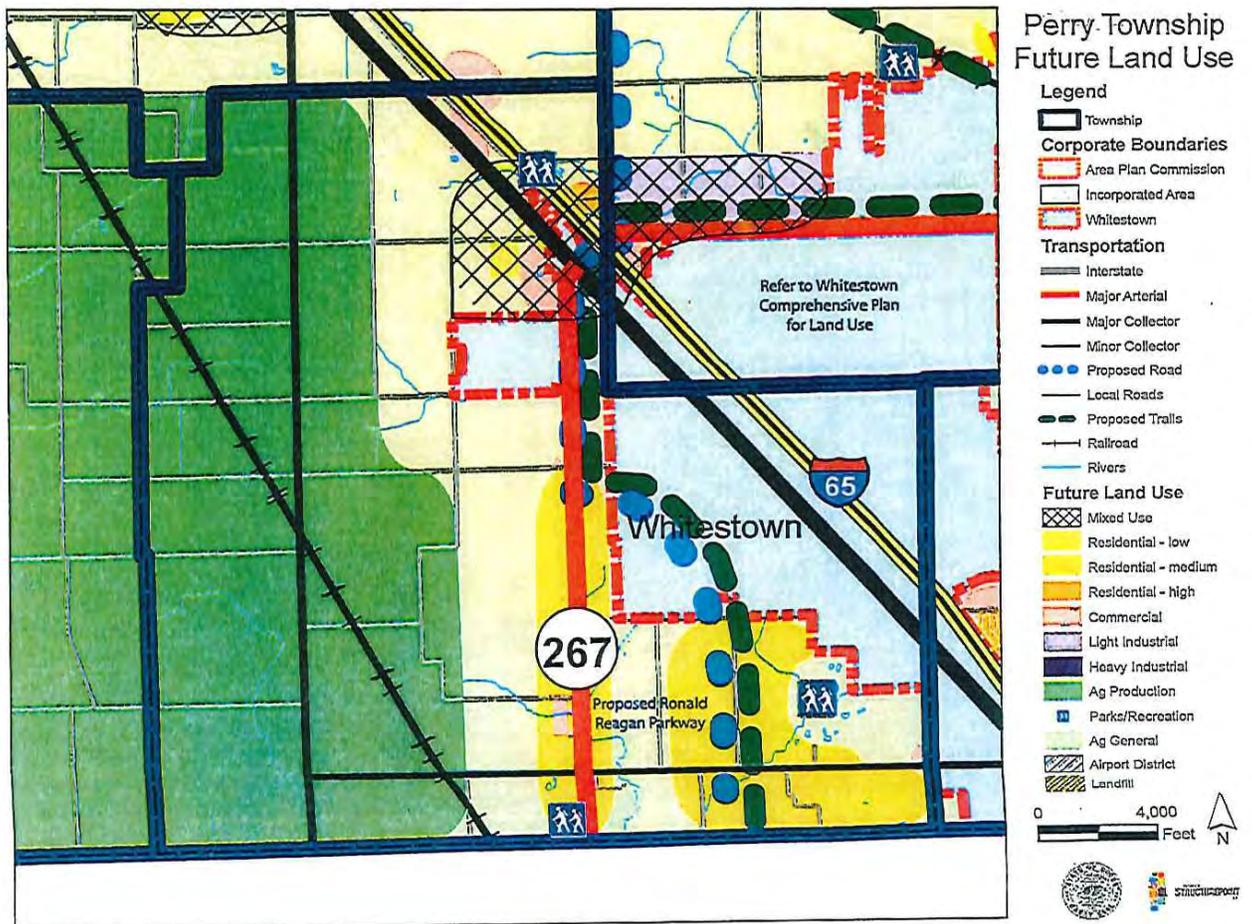
2020-19-UV: Location Map - Exhibit 2

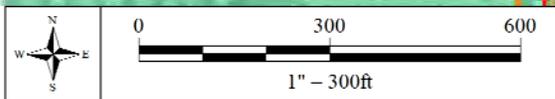
**Land Use Plan**  
**Perry and Worth Townships**

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**







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\_\_\_\_.

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

# 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:**

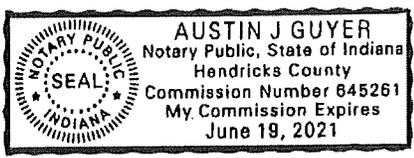
- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Legal description of property<br><input checked="" type="checkbox"/> Owner's Authorization (if Petitioner is not the Owner)<br><input checked="" type="checkbox"/> Statement of Commitments (if proposed)<br><input checked="" type="checkbox"/> Application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

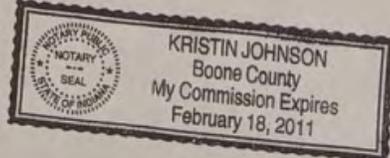
WITNESS, my hand and Seal this 20 day of January, 2005

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)

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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:

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*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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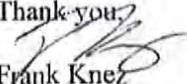
Our mission is: We serve TOGETHER! At K1ds Count Therapy, you will find a team that is like family. We could not accomplish our goals without one another. At K1ds Count Therapy, a team of registered behavior technicians (RBTs), board certified behavior analysts (BCBAs), speech therapists, occupational 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

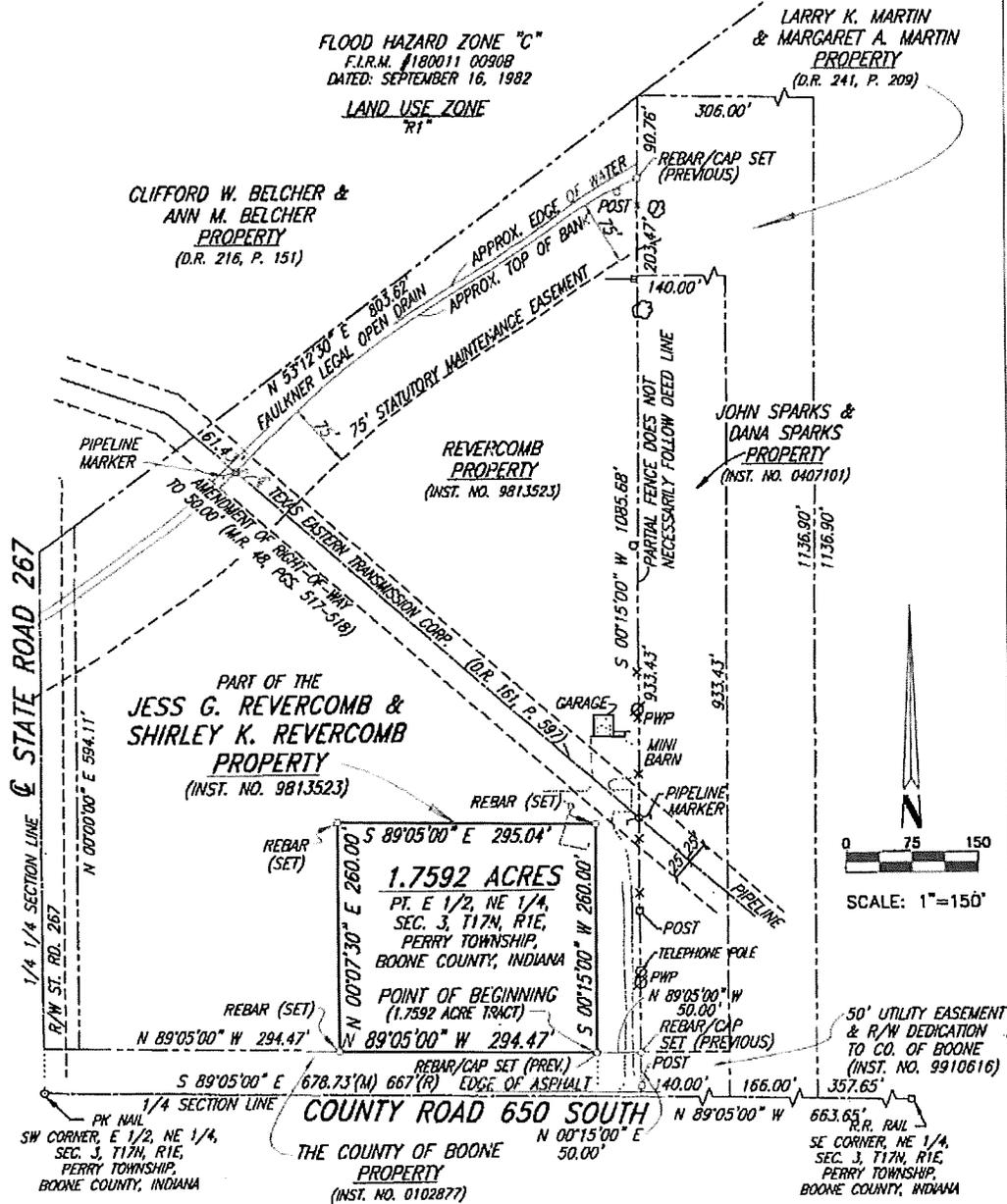
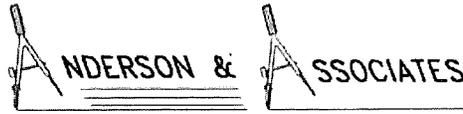
317-294-5242

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.

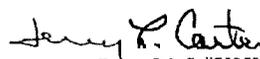
All dimensions computed from electronic measurements.

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:

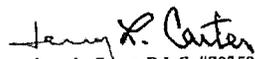
- 1.) Due to variances in the reference monuments:  $\pm 1.00$  foot.
- 2.) Due to discrepancies in the record descriptions: Negligible.
- 3.) Due to inconsistencies in the lines of occupation: A fence lies up to 17.5 feet West and up to 5.3 feet East of the East line as shown on the plat of survey.

**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 K1ds 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

1st class

pic. each  
on page

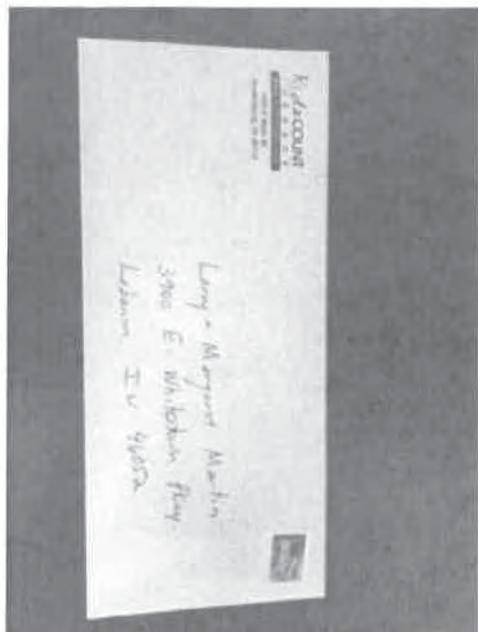
(7)

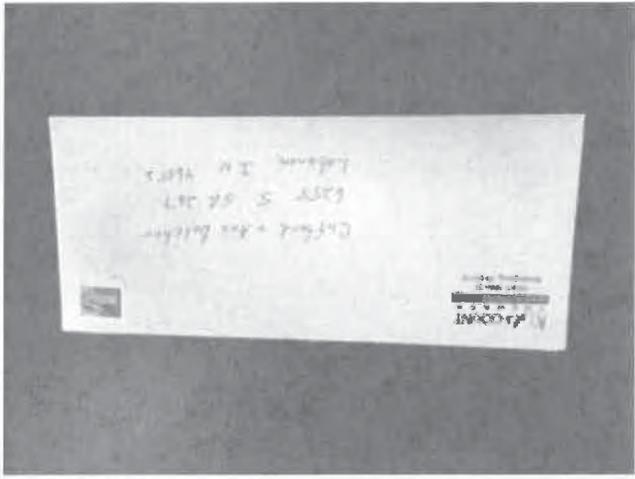
✓ Dennis + Katherine Gily 6250 S SR 267, Lebanon 46052

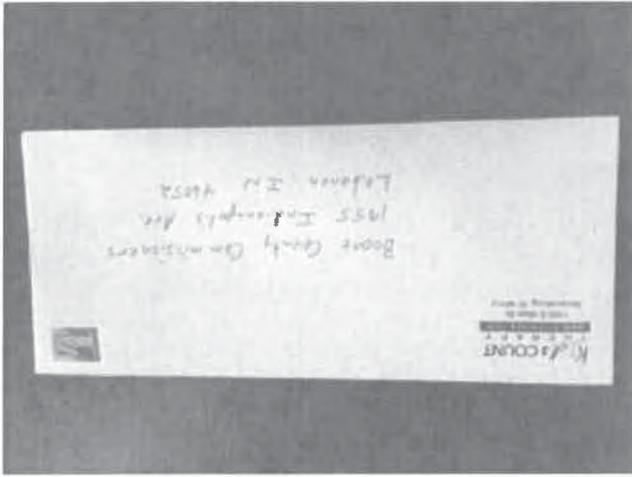
✓ Daniel Gily ~~3255 E 550 S, Lebanon 46052~~

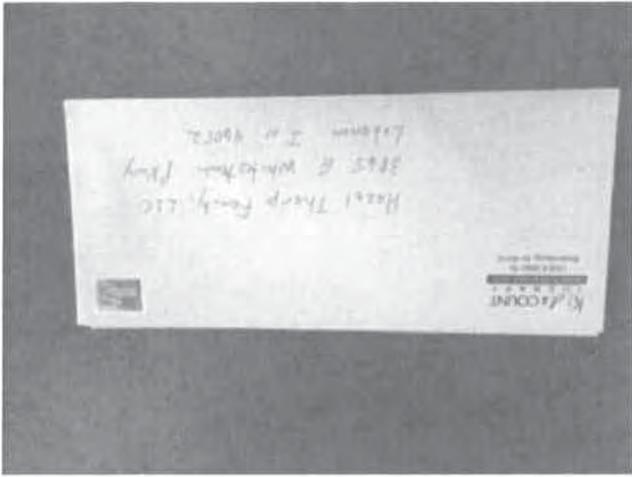
6490 S SR 267, Lebanon, 46052

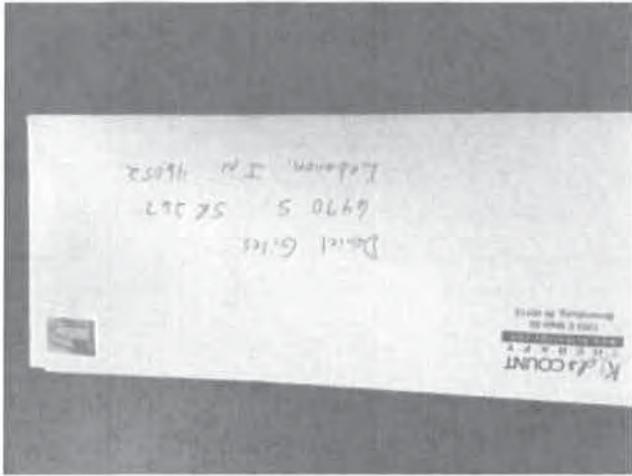
✓ Hazel Sharp Family LLC  
3865 E Whites town Pkwy Lebanon 46052

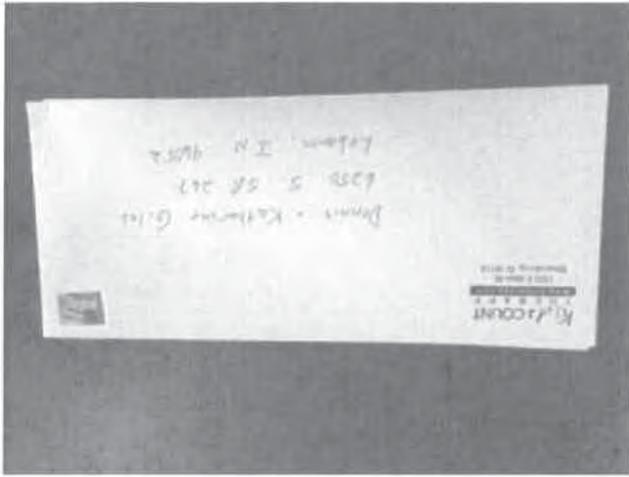


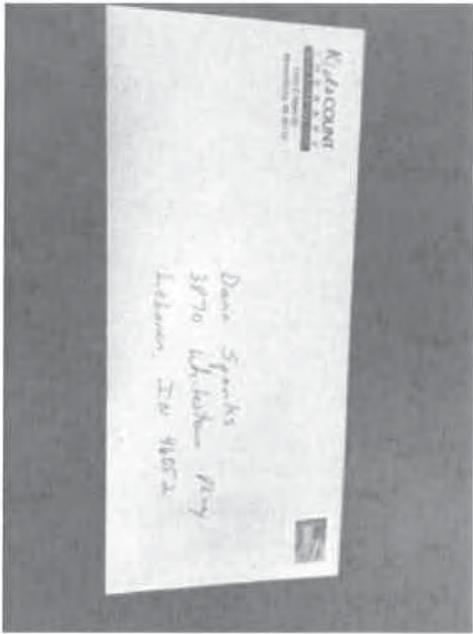












**Public Notices**

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:  
Namaseevayam Sokalingum Pillay  
Petitioner

**NOTICE OF PETITION FOR CHANGE OF NAME**

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

Notice is further given that the hearing will be held on said Petition on September 14, 2020 at 8:15 A.M. /s/ Namaseevayam 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.

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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:

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 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

**Public Notices**

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

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

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

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

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

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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:

**2020-18-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 Northwest 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.

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.

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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community

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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

NEW STARTING BASE Pay - .50 cpm w/ option to make .60 cpm for Class A CDL Flatbed Drivers, Excellent Benefits, Home Weekends, Call 800-648-9915 or [www.boydandsons.com](http://www.boydandsons.com)

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

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**BRAND NEW QUEEN Pillowtop Mattress W/ Box. Still in Plastic. Never Used. \$195 Or \$40 Down Fin. Can Deliver 317-480-6463**

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GE 4 BURNER Gas Stove - White with black trim. \$50. 765-436-2600.

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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 & Federal Laws Apply. Admission \$5.

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**Petition Number:** 2020-20-DSV

**Subject Site Address:** 1669 S 900 East

**Petitioner:** Linda Simon

**Representative:** Doug Simon

**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; associated with an accessory structure in the Rural Low-Density Single-Family and Two-Family Residential Zoning District (R2).

**Current Zoning:** Rural Low-Density Single Family & Two-Family Residential Zoning District (R2)

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

**Approximate Acreage:** 6.04 acres

**Zoning History:** The parcel was consolidated into the 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 Narrative  
Exhibit 4 – Petitioners Existing 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 August 5, 2020 Board of Zoning Appeals meeting.

### PROPERTY HISTORY

The property is comprised of approximately 6.04 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 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

The 6.04 -acre parcel is currently improved with a 2,896 +/- square foot circa 1990 two-story single-family dwelling and accessory uses. Per the narrative included, the Petitioner has intentions of constructing a 448 square foot pole barn alongside the location of the existing detached garage to 1) store their travel trailer, keeping it out of the elements. 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: 2,896 square feet
2. Existing and proposed roofed accessory uses total **3,288** sq. ft. This total includes:
  - a) A 280 square foot screened in porch
  - b) A 704 square foot attached garage

- c) A 1,776 square foot detached garage
- d) A 80 square foot detached utility shed
- e) A proposed 448 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 **392** square feet.

By Ordinance, properties in the R-2 (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 392 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 minor deviation from Ordinance standards in areas of the community which contain established non-conformities is not. Additionally, the location of the proposed barn is adjacent to an existing barn on the property, minimizing the visual change to the landscape, and will be over 1,200 feet from the centerline of the county road and placed amongst tree lines 250 + feet away from any adjoining parcels structures.

The request, in the opinion of Staff, constitutes a minor deviation from the Zoning Ordinance and, given the size of the Lot of Record which is the subject of the filing and the scale of the totality of the contemplated improvements, the contemplated placement of the improvements, and the presence of non-conformities in the immediate area (Northwest: legal non-conforming accessories without primary; South: legal non-conforming accessories without primary; and Southwest: accessory over primary), on its face, appears supportable.

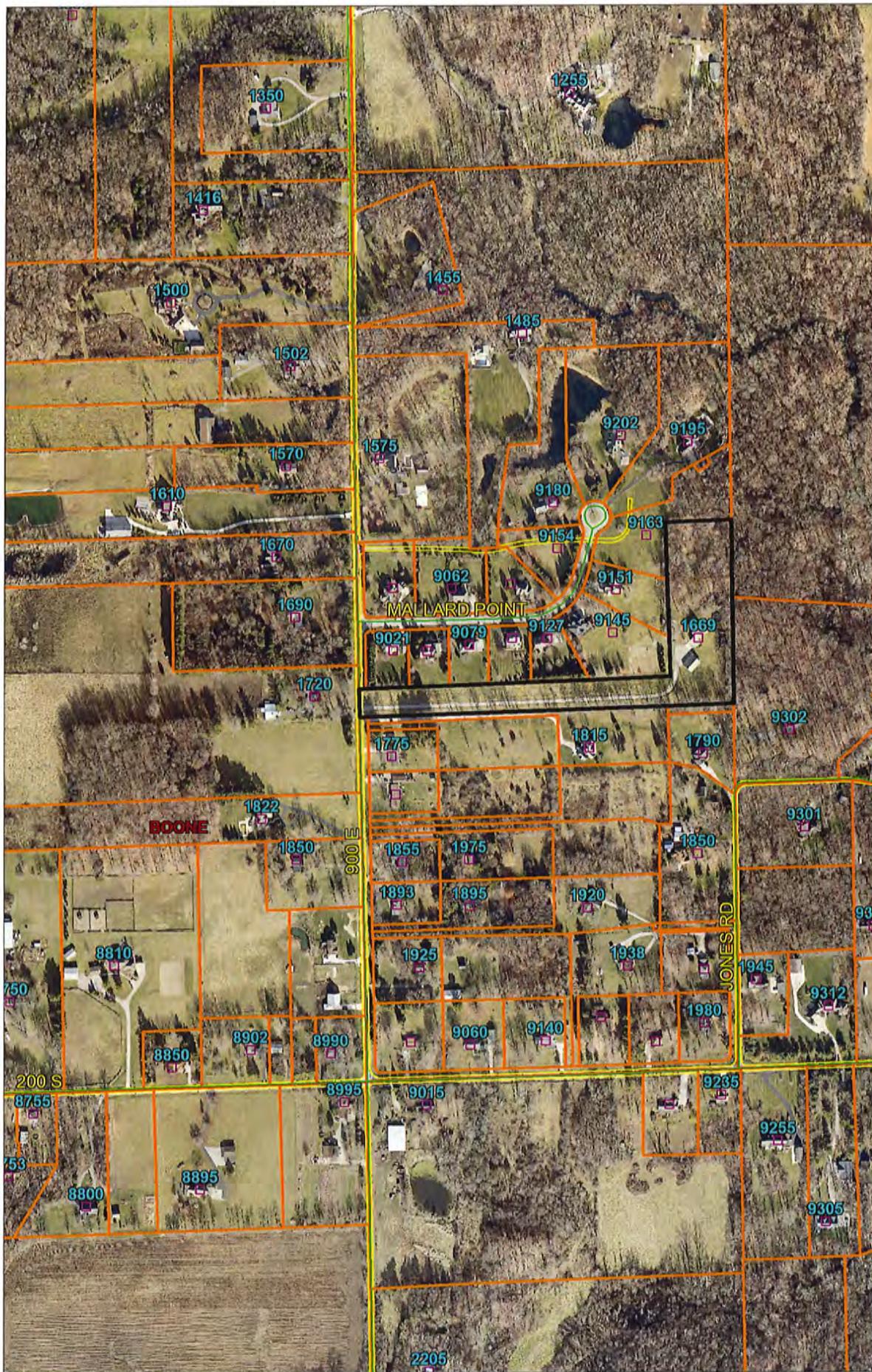
With the above in mind and barring any concerns of the neighbors being made of record during the disposition of the Petitioner's request, Staff would not oppose the request to allow a variance to exceed the primary square footage with 392 additional square feet of roofed accessory structure, not being subordinate to the Primary Structure.

**STAFF RECOMMENDATIONS**

Staff recommends approval of the design standards variance included in Docket #2020-20-DSV seeking to exceed the permissible roofed accessory square footage standard of the primary, as filed.

**RECOMMENDATION MOTION**

I move that Docket # 2020-20-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 Rural Low-Density Single-Family and Two-Family Residential Zoning District (R2), 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

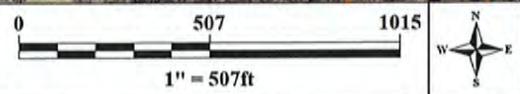


Exhibit 2

July 14, 2020

Dear Neighbor/Property Owner,

My name is Linda Simon. My husband Doug and I own the 6-acre property at 1669 S 900 E.

I am sending this registered letter per Town of Zionsville regulations in reference to a request for a Development Standards Variance for the purpose of building a pole barn on our property. This pole barn will be 32'L x 14'W x 14'H. The purpose of this barn is to store a travel trailer which we purchased last Fall.

The variance is required because the additional square footage of the pole barn will cause the total square footage of our accessory buildings, including attached and detached garages, to exceed to total square footage of the living space of our main house by about 300 square feet.

Enclosed is a copy of the Notice of Public Hearing, and you can also review information on the Town of Zionsville's web site at

<https://www.zionsville-in.gov/311/Board-of-Zoning-Appeals>

Doug can be reached at 317-840-3699 if you have any specific questions or concerns.

SURVEYOR LOCATION REPORT

THIS REPORT IS BASED ON LIMITED ACCURACY DATA AND THEREFORE NO DATA HEREIN SHOULD BE USED FOR CONSTRUCTION OR ESTABLISHING BOUNDARY OR FENCE LINES.

PROPERTY ADDRESS:  
PROPERTY DESCRIPTION:

A part of the Northwest Quarter of the Southwest Quarter of Section 10, Township 18 North, Range 2 East of the Second Principal Meridian, Boone County, Indiana, being more particularly described as follows:

Commencing at the Northwest corner of the Southwest Quarter of Section 10, Township 18 North, Range 2 East and running South 00°32'50" East on and along the west line of said quarter section a distance of 1215.22 feet to the POINT OF BEGINNING, thence North 88°40'15" East and parallel with the north line of said quarter section a distance of 1122.26 feet; thence North 00°31'31" West a distance of 557.61 feet, thence North 88°40'15" East and parallel with said north line a distance of 230.02 feet, thence South 00°31'31" East along the east line of the said northwest quarter of the southwest quarter a distance of 657.62 feet; thence South 88°40'15" West along the south line of the said northwest quarter and along the north line of Banbury Farms, the plat of which is recorded in Plat Book 2, pge 165, in the Office of the Recorder of Boone County, Indiana a distance of 1352.24 feet; thence North 00°32'50" West along the west line of said northwest quarter of the southwest quarter a distance of 100.01 feet to the point of beginning.

(Ref. 6.04855 Acres, more or less)

NOTE: See drawing, page 2 -

**MORTGAGEE**

OR ASSIGNEES: Delwin V. & Linda L. Schafer  
TITLE CO.: Boone County Abstract Co., Inc. - Linda Schafer  
OTHER:

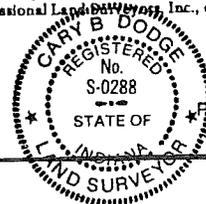
FLOOD HAZARD STATEMENT: the residence located on the within described tract does / does not lie within the Special Flood Hazard Zone A, as said tract plots by scale, on Community panel # 180011 0085B, of the Flood Insurance Rate Map, dated: Sept. 16, 1982

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

I, the undersigned, an Indiana Registered Land Surveyor, hereby certify that on the date show, I supervised the inspection of the real estate described herein at the Address indicated. THIS LOCATION REPORT WAS PREPARED FOR USE BY THE DESIGNATED PARTIES ONLY AND FOR NO ONE ELSE. THE ACCURACY OF THE LOCATION DATA SHOWN IS LIMITED TO THAT REQUIRED BY THE INDIANA "SURVEYOR LOCATION REPORT" MINIMUM REQUIREMENTS UNLESS OTHERWISE SPECIFIED AND EXPLAINED ON THIS DOCUMENT. IF A MORE ACCURATE OR DETAILED LAND SURVEY IS DESIRED, OR IF CORNER MONUMENTS ARE REQUIRED, AN INDIANA LAND TITLE SURVEY SHOULD BE ORDERED.

I further certify that to the best of my knowledge this Location Report conforms with the SURVEYOR LOCATION REPORT Minimum Requirements, as adopted by the Indiana Society of Professional Land Surveyors, Inc., on January 29, 1981, and approved by the Title Underwriters of Indiana, Inc., on March 20, 1981.

March 16, 1990  
*Cary B. Dodge*  
CARY B. DODGE, REG. LAND SURVEYOR NO. S0288



Page 1  
of 2

FILE  
#900 347

NW cor., SW 1/4,  
Sec. 10-T18N-R2E  
Union Township,  
Boone County, Indiana

1215.22'



Scale 1" = 200'

230.02'

557.61'

See  
Detail "A"

R/W Co. Rd. 900E

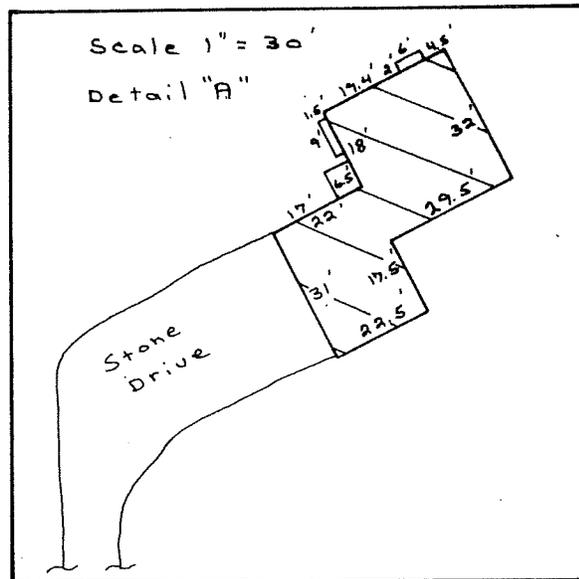
1122.26'

Stone Drive

100.01'

1352.24'

227'

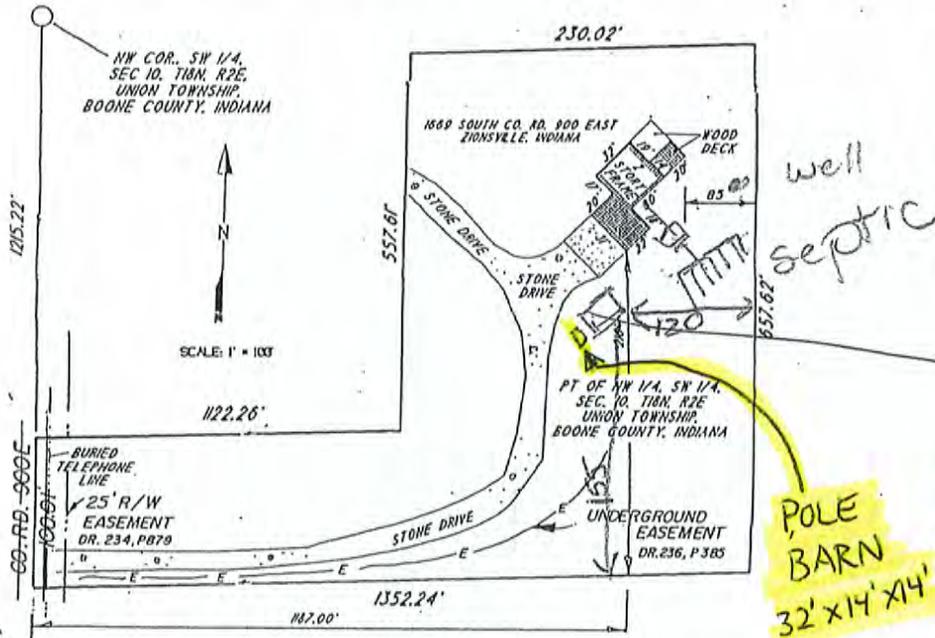


### SURVEYOR LOCATION REPORT

**THIS REPORT IS BASED ON LIMITED ACCURACY AND THEREFORE NO DATA HEREIN SHOULD BE USED FOR CONSTRUCTION OR ESTABLISHING BOUNDARY OR FENCE LINES.**

**PROPERTY ADDRESS:** 1669 County Road 900 East Zionsville, Indiana  
**PROPERTY DESCRIPTION:** A part of the Northwest Quarter of the Southwest Quarter of Section 10, Township 18 North, Range 2 East of the Second Principal Meridian, Boone County, Indiana, being more particularly described as follows:

Commencing at the Northwest corner of the Southwest Quarter of Section 10, Township 18 North, Range 2 East and running South 00 degrees 32 minutes 50 seconds East on and along the West line of said quarter section a distance of 1215.22 feet to the POINT OF BEGINNING, thence North 88 degrees 40 minutes 15 seconds East and parallel with the North line of said quarter section a distance of 1122.26 feet, thence North 00 degrees 31 minutes 31 seconds West a distance of 557.61 feet, thence North 88 degrees 40 minutes 15 seconds East and parallel with said North line a distance of 230.02 feet, thence South 00 degrees 31 minutes 31 seconds East along the East line of the said Northwest quarter of the Southwest quarter a distance of 657.62 feet; thence South 88 degrees 40 minutes 15 seconds West along the South line of the said Northwest quarter and along the North line of Banbury Farms, the plat of which is recorded in Plat Book 2, page 165, in the Office of the Recorder of Boone County, Indiana a distance of 1352.24 feet; thence North 00 degrees 32 minutes 50 seconds West along the West line of the said Northwest quarter of the Southwest quarter a distance of 100.01 feet to the point of beginning.



**MORTGAGEE OR ASSIGNEES:** Delwin V. Schafer and Linda L. Schafer  
**TITLE CO.:** Boone County Abstract Company, Inc. - Lawyers Title  
**OTHER:**

**FLOOD HAZARD STATEMENT:** the residence located on the within described tract does not lie within the Special Flood Hazard Zone A, as said tract plots by scale, on Community Panel #180011 0085B of the Flood Insurance Rate Map, dated: September 16, 1982

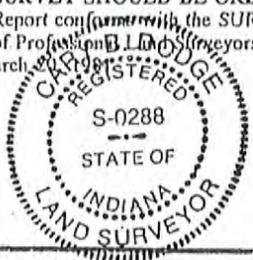
**LEGAL DRAIN STATEMENT:** According to existing maps in the Office of the County Surveyor, No Legal Drains exist within 75 feet of the tract except as shown.

I, the undersigned, an Indiana Registered Land Surveyor, hereby certify that on the date shown, I supervised the inspection of the real estate described herein at the Address indicated. **THIS LOCATION REPORT WAS PREPARED FOR USE BY THE DESIGNATED PARTIES ONLY AND FOR NO ONE ELSE. THE ACCURACY OF THE LOCATION DATA SHOWN IS LIMITED TO THAT REQUIRED BY THE INDIANA "SURVEYOR LOCATION REPORT" MINIMUM REQUIREMENTS UNLESS OTHERWISE SPECIFIED AND EXPLAINED ON THIS DOCUMENT. IF A MORE ACCURATE OR DETAILED LAND SURVEY IS DESIRED, OR IF CORNER MONUMENTS ARE REQUIRED, AN INDIANA LAND TITLE SURVEY SHOULD BE ORDERED.**

I further certify that to the best of my knowledge this Location Report conforms with the SURVEYOR LOCATION REPORT Minimum Requirements, as adopted by the Indiana Society of Professional Land Surveyors, Inc., on January 29, 1981, and approved by the Title Underwriters of Indiana, Inc., on March 1, 1981.

November 4, 1991

CARY B. DODGE, REG. LAND SURVEYOR NO. S0288



FILE NO.  
911 104

Plan Approval  
 is in  
 with all  
 ng rules and  
 as submitted.

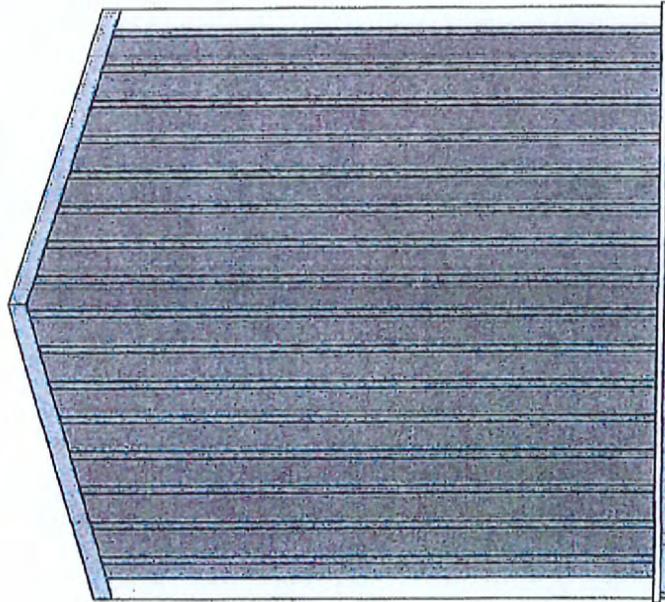


Exhibit 6



# WEST SIDE-GABLE SIDE 2 ELEVATION

Construction  
**Maestro**<sup>®</sup>  
Estimating Software  
Priced, Charged & Decked

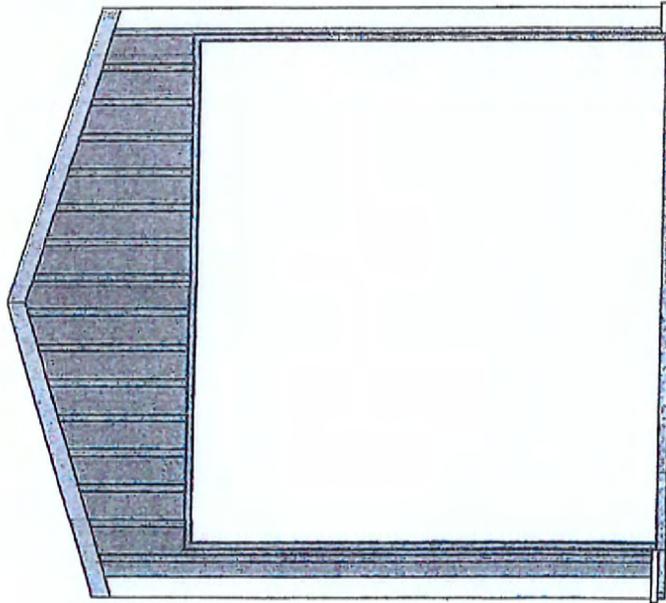


"Doug Simon 14X32X14  
Estimate Number: 531  
6/1/2020"



Construction  
**Maestro**<sup>®</sup>  
Estimating Software  
Pads, Forms, Drawings & Decks

### EAST SIDE-GABLE SIDE 1 ELEVATION

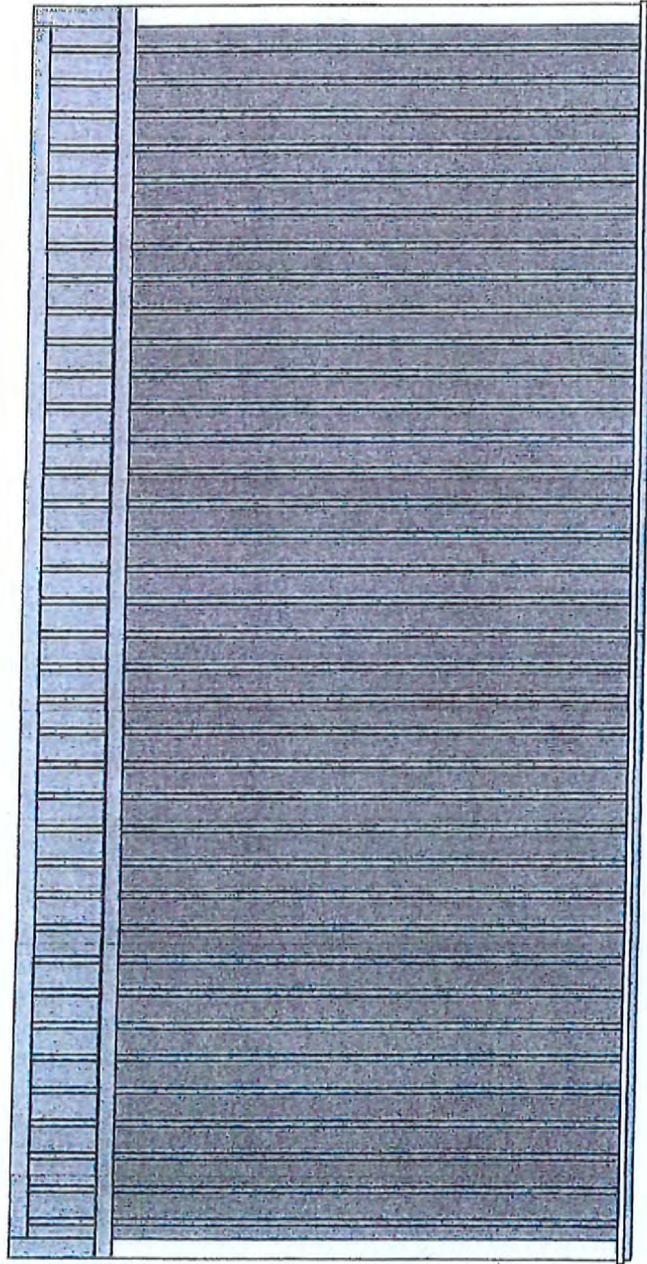


"Doug Simon 14X32X14  
Estimate Number: 531  
6/1/2020"



**NORTH SIDE-EAVE SIDE 2 ELEVATION**

Construction  
**Maestro**<sup>®</sup>  
Estimating Software  
Pole Lines, Cranes & Trucks

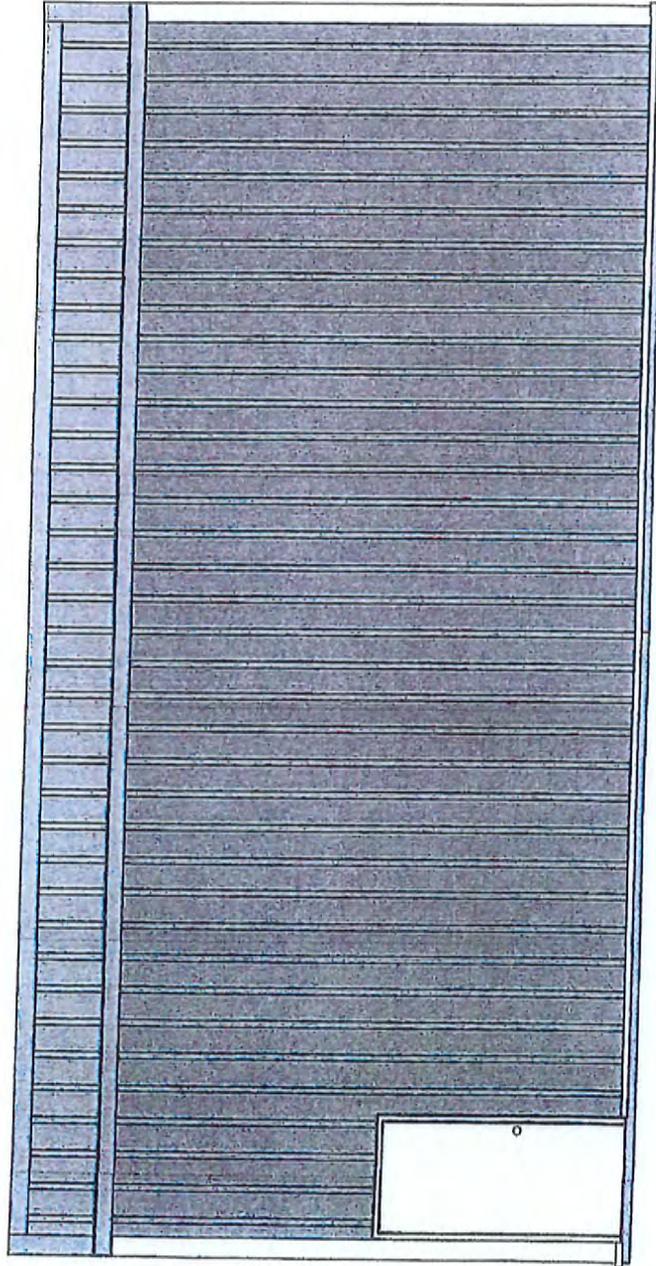


"Doug Simon 14X32X14  
Estimate Number: 531  
6/1/2020"



CONSTRUCTION  
**Maestro**<sup>®</sup>  
Estimating Software  
Peak Performance, Simplicity & Speed

**SOUTH SIDE-EAVE SIDE 1 ELEVATION**



"Doug Simon 14X32X14  
Estimate Number: 531  
6/1/2020"

# GABLE1 CROSS SECTION

ROOF LAYER 1: GRAY PANEL LOC STEEL PANEL  
 GRAY FASCIA 10 FT 2 IN

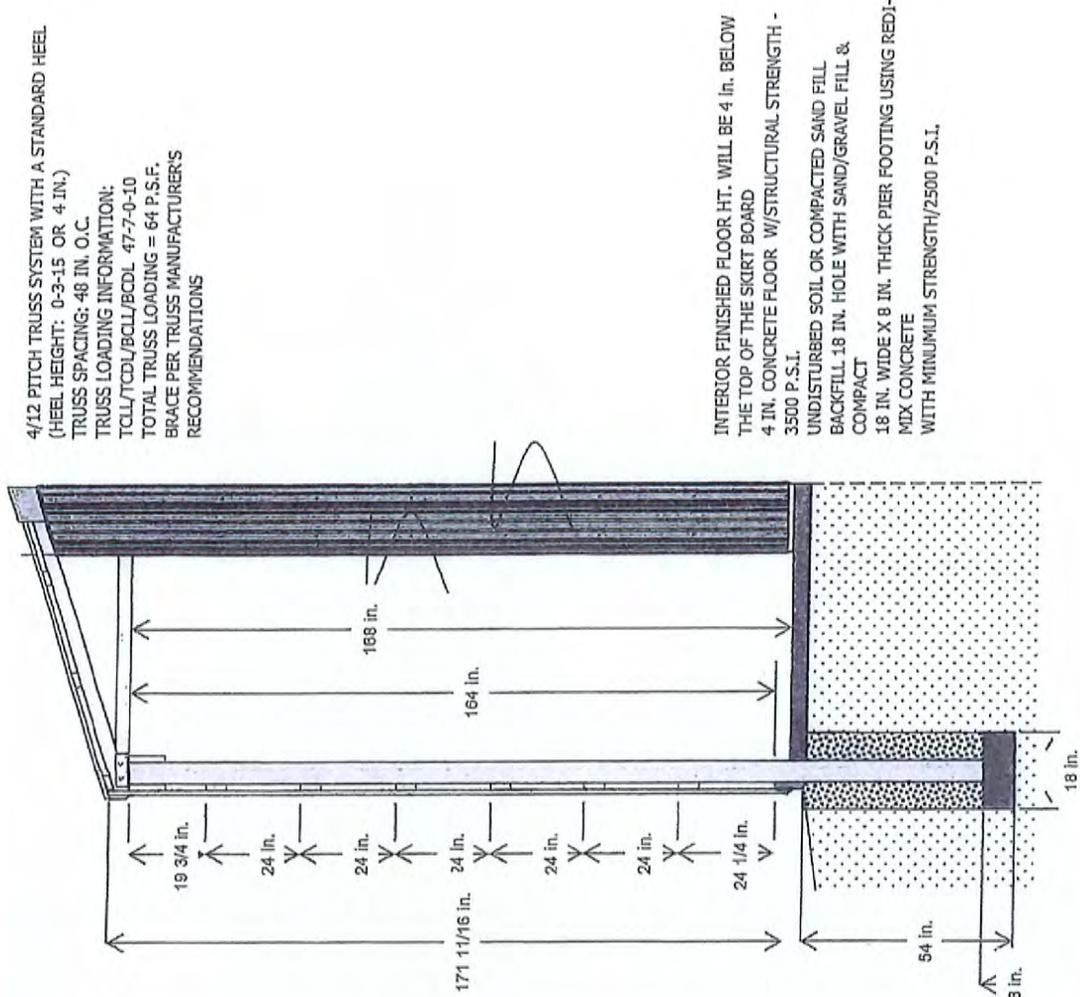
PURLINS: 2 X 4 CONSTRUCTION GRADE FASTENED  
 LAYING FLAT

CORNER POSTS: OHIO TIMBERLAND 3 PLY 4.5 X 5.25  
 INTERMEDIATE POSTS: OHIO TIMBERLAND 3 PLY 4.5 X  
 5.25 SPACING 8 FT O.C.  
 EXTERIOR CARRIER: CONSTRUCTION GRADE 2 X 10  
 INTERIOR CARRIER: CONSTRUCTION GRADE 2 X 10  
 EXTERIOR WALL GIRTS: CONSTRUCTION GRADE 2 X 6  
 WALL LAYER 1: TAUPE PANEL-LOC STEEL PANEL

EXTERIOR SKIRT BOARD: TREATED 2 X 6

SIDING BEGINS 2 1/2 IN. BELOW THE TOP OF SKIRT  
 BOARD

EARTH GRADE BEGINS 7 IN. BELOW THE TOP OF  
 SKIRT BOARD



4/12 PITCH TRUSS SYSTEM WITH A STANDARD HEEL  
 (HEEL HEIGHT: 0-3-15 OR 4 IN.)  
 TRUSS SPACING: 48 IN. O.C.  
 TRUSS LOADING INFORMATION:  
 TCDL/TCDL/BCDL/BCDL 47-7-0-10  
 TOTAL TRUSS LOADING = 64 P.S.F.  
 BRACE PER TRUSS MANUFACTURER'S  
 RECOMMENDATIONS

INTERIOR FINISHED FLOOR HT. WILL BE 4 IN. BELOW  
 THE TOP OF THE SKIRT BOARD  
 4 IN. CONCRETE FLOOR W/STRUCTURAL STRENGTH -  
 3500 P.S.I.  
 UNDISTURBED SOIL OR COMPACTED SAND FILL  
 BACKFILL 18 IN. HOLE WITH SAND/GRAVEL FILL &  
 COMPACT  
 18 IN. WIDE X 8 IN. THICK PIER FOOTING USING RED-  
 MIX CONCRETE  
 WITH MINIMUM STRENGTH/2500 P.S.I.

"Doug Simon 14X32X14  
 Estimate Number: 531  
 6/1/2020"

**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:  
The proposed pole barn will only be utilized for storage of our 23 ft. camping trailer (henceforth known as 'RV'), built to code as a permanent structure for protection against the elements and overall depreciation of the RV.
  
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:  
The proposed pole barn will not be visible from any street and will be colored to coordinate with existing structures. It will be only visible to four or five of our immediate neighbors.
  
3. Strict application of the terms of the zoning ordinance (**will**) result in unnecessary hardships in the use of the property because:  
Without the capability to store our RV in a covered garage on our property, we would have to locate a permanent storage facility and pay monthly rent on such a facility, whereas an on-site storage facility would eventually recoup its cost of \$9K. Covered parking is needed for safety, protection from the elements, especially in winter, and the storage barn would be a more pleasing look for us and for our neighbors. We have a large parcel which allows for plenty of room for this storage and does not impose on neighboring properties.

**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 # 2020-20-DSV

**1. SITE INFORMATION:**

Address of Property: 1669 S. 900 E., Zionsville, IN 46077

Existing Use of Property: Residential

Proposed Use of Property: Residential

Current Zoning: RR-2 Area in acres: 6.04

**2. PETITIONER/PROPERTY OWNER:**

Petitioner Name: Linda L. Simon

Owner Name (if different from Petitioner): \_\_\_\_\_

Petitioner Address: 1669 S. 900 E. Owner Address: \_\_\_\_\_

Petitioner Phone Number: 317-769-6196 Owner Phone Number: \_\_\_\_\_

Petitioner E-Mail Address: simondl@tds.net Owner E-Mail Address: \_\_\_\_\_

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

**Attorney/Contact Person:**

Name: N/A

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

**Project Engineer:**

Name: N/A

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

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

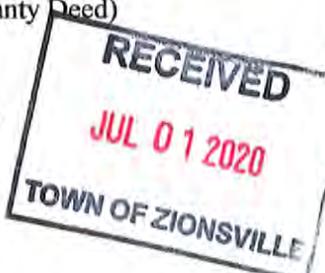
- Appeal  Variance of Development Standards  Variance of Use  Special Exception  Modification

Construction of 14' x 32' Pole Barn for RV storage

**5. ATTACHMENTS:**

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

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



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

Signature of Owner or Attorney for Owner: Linda Simon Date: 7/3/2020

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

State of Indiana )  
SS:  
County of Boone Hamilton )

Subscribed and sworn to before me this 3 day of July, 2020.

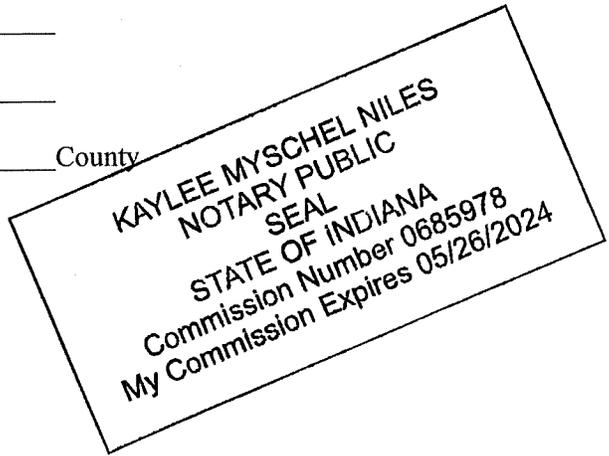
Kaylee Myschel A. S  
Notary Public Signature

Kaylee M. Niles  
Notary Public Printed

My Commission No: 0685978

My Commission Expires: 05.26.2024

My County of Residence is Hamilton County



18<sup>00</sup> E:  
Linda Simon

0315774 08/29/2003 10:08A 1 of 3  
Maryln J. Smith, Boone County Recorder

LF298-04  
R298-04

### QUITCLAIM DEED

THIS QUITCLAIM DEED, executed this 29 day of August, 2003  
by first party, Grantor, Linda L. Schafer  
whose post office address is 1669 S. 900 E Zionsville IN 46077  
to second party, Grantee, Linda L. Simon  
whose post office address is 1669 S 900 E Zionsville IN 46077

WITNESSETH, That the said first party, for good consideration and for the sum of  
Dollars (\$ 1.00 )  
paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release  
and quitclaim unto the said second party forever, all the right, title, interest and claim which the said first  
party has in and to the following described parcel of land, and improvements and appurtenances thereto in  
the County of Boone, State of Indiana to wit:

See attached legal description

Send tax statements to First Indiana Bank  
as before name change

DUTY ENTERED FOR TAXATION  
8-29-03  
Grethorn Smith  
SUBJECT TO FINAL ACCEPTANCE  
AUDITOR, BOONE COUNTY

IN WITNESS WHEREOF, The said first party has signed and sealed these presents the day and year first above written. Signed, sealed and delivered in presence of:

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Print name of Witness

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Print name of Witness

Linda L Schaffer  
Signature of First Party

Linda L Schaffer  
Print name of First Party

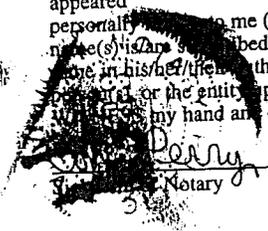
\_\_\_\_\_  
Signature of First Party

\_\_\_\_\_  
Print name of First Party

State of Indiana  
County of Boone  
On Aug 29, 2003

}  
before me, Amy Perry

appeared personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.  
WITNESS my hand and official seal.



Amy Perry  
Notary

Affiant \_\_\_\_\_ Known \_\_\_\_\_ Produced ID \_\_\_\_\_  
Type of ID \_\_\_\_\_ (Seal)

State of \_\_\_\_\_  
County of \_\_\_\_\_  
On \_\_\_\_\_

}  
before me,

appeared personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.  
WITNESS my hand and official seal.

\_\_\_\_\_  
Signature of Notary

Affiant \_\_\_\_\_ Known \_\_\_\_\_ Produced ID \_\_\_\_\_  
Type of ID \_\_\_\_\_ (Seal)

\_\_\_\_\_  
Signature of Preparer

\_\_\_\_\_  
Print Name of Preparer

\_\_\_\_\_  
Address of Preparer

EXHIBIT A - LEGAL DESCRIPTION

A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 18 NORTH, RANGE 2 EAST OF THE SECOND PRINCIPAL MERIDIAN, BOONE COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 18 NORTH, RANGE 2 EAST AND RUNNING SOUTH 00 DEGREES 32 MINUTES 50 SECONDS EAST ON AND ALONG THE WEST LINE OF SAID QUARTER SECTION A DISTANCE OF 1215.22 FEET TO THE POINT OF BEGINNING, THENCE NORTH 88 DEGREES 40 MINUTES 15 SECONDS EAST AND PARALLEL WITH THE NORTH LINE OF SAID QUARTER SECTION A DISTANCE OF 1122.26 FEET, THENCE NORTH 00 DEGREES 31 MINUTES 31 SECONDS WEST A DISTANCE OF 557.61 FEET, THENCE NORTH 88 DEGREES 40 MINUTES 15 SECONDS EAST AND PARALLEL WITH SAID NORTH LINE A DISTANCE OF 230.02 FEET, THENCE SOUTH 00 DEGREES 31 MINUTES 31 SECONDS EAST ALONG THE EAST LINE OF THE SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER A DISTANCE OF 657.62 FEET; THENCE SOUTH 88 DEGREES 40 MINUTES 15 SECONDS WEST ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER AND ALONG THE NORTH LINE OF BANBURY TOWNSHIP, THE PLAT OF WHICH IS RECORDED IN PLAT BOOK 2, PAGE 165, IN THE OFFICE OF THE RECORDER OF BOONE COUNTY, INDIANA A DISTANCE OF 1352.24 FEET; THENCE NORTH 00 DEGREES 32 MINUTES 50 SECONDS WEST ALONG THE WEST LINE OF THE SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER A DISTANCE OF 100.01 FEET TO THE POINT OF BEGINNING.

Use of this form constitutes practice of law and is limited to practicing lawyers.  
©Copyright, 1986, by Indianapolis Bar Association.

Rev. 10/86  
6823  
OCT 30 8 52 AM '89

Parcel No. \_\_\_\_\_

DULY ENTERED FOR TAXATION  
Oct 30 1989  
Janice Brannon  
AUDITOR BOONE COUNTY

**WARRANTY DEED**

MARY ALICE BALDWIN  
RECORDER OF BOONE COUNTY  
LEBANON, INDIANA, 46052  
Deed BK 234 PG 879

THIS INDENTURE WITNESSETH, That Richard N. Brooks and Melanie A. Brooks  
Husband and Wife (Grantor)

of Boone County, in the State of Indiana, CONVEY

AND WARRANT to Delwin V. Schafer and Linda L. Schafer, Husband and Wife

(Grantee)

of Boone County, in the State of Indiana, for the sum

of One Dollars (\$ 1.00) and other

valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following

described real estate in Boone County, State of Indiana:

A part of the Northwest Quarter of the Southwest Quarter of Section 10, Township 18 North, Range 2 East of the Second Principal Meridian, Boone County, Indiana, being more particularly described as follows:

Commencing at the Northwest corner of the Southwest Quarter of Section 10, Township 18 North, Range 2 East and running South 00 degrees 32 minutes 50 seconds East on and along the West line of said quarter section a distance of 1215.22 feet to the POINT OF BEGINNING, thence North 88 degrees 40 minutes 15 seconds East and parallel with the North line of said quarter section a distance of 1122.26 feet, thence North 00 degrees 31 minutes 31 seconds West a distance of 557.61 feet, thence North 88 degrees 40 minutes 15 seconds East and parallel with said North line a distance of 230.02 feet, thence South 00 degrees 31 minutes 31 seconds East along the East line of the said Northwest quarter of the Southwest quarter a distance of 657.62 feet; thence South 88 degrees 40 minutes 15 seconds West along the South line of the said Northwest quarter and along the North line of Banbury Farms, the plat of which is recorded in Plat Book 2, page 165, in the Office of the Recorder of Boone County, Indiana a distance of 1352.24 feet; thence North 00 degrees 32 minutes 50 seconds West along the West line of the said Northwest quarter of the Southwest quarter a distance of 100.01 feet to the point of beginning. Containing 6.04855 Acres more or less.

Subject to any and all easements, agreements and restrictions of record. The address of such real estate is commonly known as \_\_\_\_\_

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

IN WITNESS WHEREOF, Grantor has executed this deed this 27th day of October, 19 89.

Grantor: \_\_\_\_\_ (SEAL)  
Signature Richard N. Brooks  
Printed Richard N. Brooks

Grantor: \_\_\_\_\_ (SEAL)  
Signature Melanie A. Brooks  
Printed Melanie A. Brooks

STATE OF Indiana  
COUNTY OF Boone

} SS: ACKNOWLEDGMENT

Before me, a Notary Public in and for said County and State, personally appeared  
Richard N. Brooks and Melanie A. Brooks, 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 27th day of October 1989

My commission expires:  
June 5, 1991 *jm*

Signature *Hollis Roy Martin*

Printed HOLLIS ROY MARTIN, Notary Public

Resident of Brooks County, Indiana.

This instrument prepared by Hollis Roy Martin, Attorney at Law.

Return deed to \_\_\_\_\_

Send tax bills to \_\_\_\_\_

201 2 27 89

5.00

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

STATE OF Indiana)  
COUNTY OF Boone) SS:

I, Linda L. Simon, DO HEREBY CERTIFY THAT LEGAL NOTICE TO  
(NAME OF PERSON MAILING LETTERS)

INTERESTED PARTIES OF THE PUBLIC HEARING TO BE HELD BY THE TOWN OF ZIONSVILLE  
BOARD OF ZONING APPEALS, to consider the Petition of: Linda L. Simon  
(NAME OF PERSON ON PETITION)

Requesting: Development Standards Variance

For property located at: 1669 S 900 E, Zionsville, IN 46077

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

OWNERS ADDRESS

*See attached List of Adjoiners*

And that said Legal Notices were sent by First Class Mailed on or before the 25th day of July, 2020  
being at least ten (10) days prior to the date of the Public Hearing (Copies of "First Class Mail" and/or Certified mail receipts  
attached).

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

Linda L. Simon  
Name of person mailing letters  
Linda L. Simon  
Signature

State of Indiana)

County of Boone) SS:

Subscribed and sworn to before me this 22<sup>nd</sup> day of July, 2020.

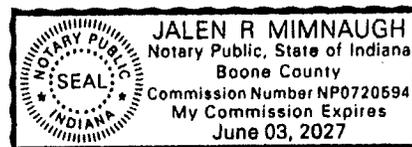
[Signature]  
Notary Public Signature

Jalen R. Mimnaugh  
Notary Public Printed

My Commission No: NP0720594

My Commission Expires: 06/03/2027

My County of Residence is Boone County



OWNERSADDRESS      CERTIFIED MAIL RECEIPT NO.

Thomas & Pamela Jensen	9021 Mallard Point	70200090000179329304
Jeffrey & Sally Lohss	9045 Mallard Point	7020009000017932 9298
Brent & Sherrie Bloemendaal	9079 Mallard Point	70200090000179323708
Keri Geiger	9103 Mallard Point	70200090000179323692
Chase & Brooke Selman	9127 Mallard Point	70200090000179323685
Eric & Kristin McCorkle	9145 Mallard Point	70200090000179323678
Chris & Kara Poore	9151 Mallard Point	70200090000179323661
Christopher & Jillian Thomas	9163 Mallard Point	70200090000179323654 (current residence 8716 Garden Rock Ct, Indpls, 46256)
Adam & Adrienne D'Angelo	1815 S 900 E	70200090000179323647
Thomas & Patty Hutsell	9302 E 180 S	70200090000179323630
Stephen & Alma Lathrop	1250 S 950 E	70200090000179323623
Steven & Traci Hardin	1790 S 950 E	70200090000179323616
Ben Gatch	1775 S 900 E	70200090000179323609

S 900 E  
ville, IN 46077



Chris Hoover  
1720 S 900 E  
Zionsville, IN 46077

S 900 E  
ville, IN 46077



Christopher & Jillian Thomas  
8716 Garden Rock Ct.  
Indianapolis, IN 46256

---

& Linda Simon  
S 900 E  
ville, IN 46077



Thistle Run Farm, LTD  
1250 S 950 E  
Zionsville, IN 46077

---

& Linda Simon  
S 900 E  
ville, IN 46077



Thomas & Patty Hutsell  
9302 E 180 S  
Zionsville, IN 46077

---

S 900 E  
ville, IN 46077



Keri Geiger  
9103 Mallard Point  
Zionsville, IN 46077

---

& Linda Simon  
S 900 E  
ville, IN 46077



Chase & Brooke Selman  
9127 Mallard Point  
Zionsville, IN 46077

---

& Linda Simon  
S 900 E  
ville, IN 46077



Eric & Kristin McCorkle  
9145 Mallard Point  
Zionsville, IN 46077

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Zionsville, IN 46077



Thomas & Pamela Jensen  
9021 Mallard Point  
Zionsville, IN 46077

---

& Linda Simon  
S 900 E  
Zionsville, IN 46077



Brent & Sherrie Bloemendaal  
9079 Mallard Point  
Zionsville, IN 46077

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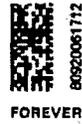
& Linda Simon  
S 900 E  
Zionsville, IN 46077



Chris & Kara Poore  
9151 Mallard Point  
Zionsville, IN 46077

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1775 S 900 E  
Zionsville, IN 46077



Ben Gatch  
1775 S 900 E  
Zionsville, IN 46077

---

& Linda Simon  
1775 S 900 E  
Zionsville, IN 46077



Adam & Adrienne D'Angelo  
1815 S 900 E  
Zionsville, IN 46077

---

& Linda Simon  
1815 S 900 E  
Zionsville, IN 46077



Jeffrey & Sally Lohss  
9045 Mallard Point  
Zionsville, IN 46077

## Attribute report for active ID 1

ID name	add1	add3
9032 TURNER HEATHER L	1822 SOUTH 900 EAST	ZIONSVILLE, IN 46077
9038 BANBURY FARMS LLC	1815 S 900 E	ZIONSVILLE, IN 46077
9039 BANBURY FARMS LLC	1815 S 900 E	ZIONSVILLE, IN 46077
9041 HOOVER CHRISTOPHER K & TAWN L	1720 S 900 EAST	ZIONSVILLE, IN 46077
9042 JONES JEFFREY E	1811 S 900 E	ZIONSVILLE, IN 46077
9050 GATCH BEN A & LINDA L	1775 SOUTH 900 EAST	ZIONSVILLE, IN 46077
9051 GATCH BEN A	1775 SOUTH 900 EAST	ZIONSVILLE, IN 46077
9061 SIMON LINDA L	1669 S 900 E	ZIONSVILLE, IN 46077-8861
9062 D'ANGELO ADAM & ADRIENNE	1815 S 900 E	ZIONSVILLE, IN 46077
9064 LOHSS JEFFREY & SALLY	9045 MALLARD POINT	ZIONSVILLE, IN 46077
9065 JENSEN THOMAS E & PAMELA D	9021 MALLARD POINT	ZIONSVILLE, IN 46077
9067 BLOEMENDAAL BRENT & SHERRIE L	9079 MALLARD POINT	ZIONSVILLE, IN 46077
9068 REID SYLVIA L TRUSTEE	1690 S 900 E	ZIONSVILLE, IN 46077
9070 POORE CHRISTOPHER T & KARA	9151 MALLARD POINT	ZIONSVILLE, IN 46077
9071 MCCORKLE ERIC & KRISTIN	9145 MALLARD POINT	ZIONSVILLE, IN 46077
9074 SELMAN CHASE I & BROOKE A TRUS	9127 MALLARD POINT	ZIONSVILLE, IN 46077
9075 GEIGER KERI A	9103 MALLARD POINT	ZIONSVILLE, IN 46077
9079 VUKOVICH ROBERT J & ROUEMA M	9116 MALLARD POINTE	ZIONSVILLE, IN 46077
9080 BURCH JEFFREY H & MICHELLE R	9062 MALLARD POINT	ZIONSVILLE, IN 46077
9081 KENYON CHRIS L & CLAUDIA N	9028 MALLARD POINT	ZIONSVILLE, IN 46077
9082 THISTLE RUN FARM LTD PTNSHP	1250 S 950 E	ZIONSVILLE, IN 46077
9084 CUNNING NANCY B & JEFFREY T EA	14486 JEFFREY COURT	CARMEL, IN 46032
9085 HUTSELL THOMAS C & PATTY A	9302 E 180 S	ZIONSVILLE, IN 46077
9086 NASH DAVID E & HELEN L	1670 S 900 E	ZIONSVILLE, IN 46077
9087 THOMAS CHRISTOPHER M & JILLIAN	8716 GARDEN ROCK CT	INDIANAPOLIS, IN 46256
9092 KELLER JOHN W & JANE A	1610 S 900 E	ZIONSVILLE, IN 46077
9101 MARTINEZ ROMEO A & MISTY A	1570 S 900 E	ZIONSVILLE, IN 46077
9108 TURNER CATHERINE M - TRUSTEE	1500 S 900 E	ZIONSVILLE, IN 46077
9764 HOLMES KRISTY I	1850 S 925 E	ZIONSVILLE, IN 46077
9772 HARDIN STEVEN L & TRACI R	1790 S 925 E	ZIONSVILLE, IN 46077
9773 GATCH BEN A	1775 SOUTH 900 EAST	ZIONSVILLE, IN 46077

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

**2020-20-DSV, Linda L. Simon** requests a Development Standards Variance to provide for or permit:

Petition for 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 Rural Low-Density Single-Family and Two-Family Residential Zoning District (R2).

The property involved is more commonly known as: 1669 S. 900 E. Zionsville, IN 46077 and is legally described as:

Commencing at the Northwest corner of the Southwest Quarter of Section 10, Township 18 North, Range 2 East and running South 00 degrees 32 minutes 50 seconds East on and along the West line of said quarter section a distance of 1215.22 feet to the POINT OF BEGINNING, thence North 88 degrees 40 minutes 15 seconds East and parallel with the North line of said quarter section a distance of 1122.26 feet, thence North 00 degrees 31 minutes 31 seconds West a distance of 557.61 feet, thence North 88 degrees 40 minutes 15 seconds and parallel with said North line a distance of 230.02 feet, then South 00 degrees 31 minutes 31 seconds East along the East line of the said Northwest quarter of the Southwest quarter a distance of 657.62 feet; thence South 88 degrees 40 minutes 15 seconds West along the South line of the said Northwest quarter and along the North line of Banbury Farms, the

plat of which is recorded in Plat Book 2, page 165, in the Office of the Recorder of Boone County, Indiana a distance of 1352.24 feet; thence North 00 degrees 32 minutes 50 seconds West along the West line of the said Northwest quarter of the Southwest quarter a distance of 100.01 feet to the point of beginning.

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](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-403 7/18 hsbaxid 1654203

July 14, 2020

Dear Neighbor/Property Owner,

My name is Linda Simon. My husband Doug and I own the 6-acre property at 1669 S 900 E.

I am sending this registered letter per Town of Zionsville regulations in reference to a request for a Development Standards Variance for the purpose of building a pole barn on our property. This pole barn will be 32'L x 14'W x 14'H. The purpose of this barn is to store a travel trailer which we purchased last Fall.

The variance is required because the additional square footage of the pole barn will cause the total square footage of our accessory buildings, including attached and detached garages, to exceed to total square footage of the living space of our main house by about 300 square feet.

Enclosed is a copy of the Notice of Public Hearing, and you can also review information on the Town of Zionsville's web site at

<https://www.zionsville-in.gov/311/Board-of-Zoning-Appeals>

Doug can be reached at 317-840-3699 if you have any specific questions or concerns.

**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, at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana

46077 to consider the following Petition:

2020-20-DSV, Linda L. Simon requests a  
(PETITION NUMBER) (NAME OF PETITIONER)

Development Standards Variance to provide for or permit:

Petition for 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 Rural Low-Density Single-Family and Two-Family Residential Zoning District (R2).

The property involved is more commonly known as: 1669 S 900 E, Zionsville, IN 46077, and is legally described as: (COMMON ADDRESS)

**Commencing at the Northwest corner of the Southwest Quarter of Section 10, Township 18 North, Range 2 East and running South 00 degrees 32 minutes 50 seconds East on and along the West line of said quarter section a distance of 1215.22 feet to the POINT OF BEGINNING, thence North 88 degrees 40 minutes 15 seconds East and parallel with the North line of said quarter section a distance of 1122.26 feet, thence North 00 degrees 31 minutes 31 seconds West a distance of 557.61 feet, thence North 88 degrees 40 minutes 15 seconds and parallel with said North line a distance of 230.02 feet, then South 00 degrees 31 minutes 31 seconds East along the East line of the said Northwest quarter of the Southwest quarter a distance of 657.62 feet; thence South 88 degrees 40 minutes 15 seconds West along the South line of the said Northwest quarter and along the North line of Banbury Farms, the plat of which is recorded in Plat Book 2, page 165, in the Office of the Recorder of Boone County, Indiana a distance of 1352.24 feet; thence North 00 degrees 32 minutes 50 seconds West along the West line of the said Northwest quarter of the Southwest quarter a distance of 100.01 feet to the point of beginning.**

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.

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Chairman: John Wolff

Secretary: Wayne DeLong

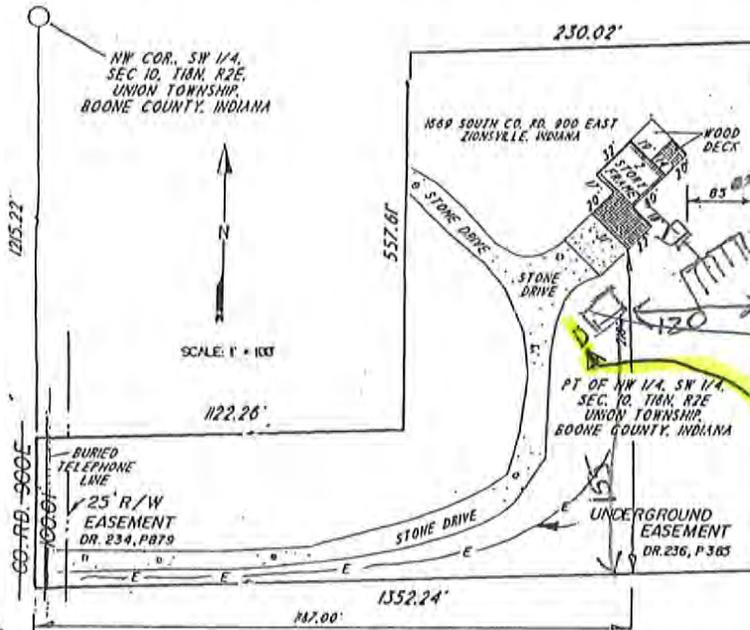
PUBLISH: \_\_\_\_\_

## SURVEYOR LOCATION REPORT

THIS REPORT IS BASED ON LIMITED ACCURACY AND THEREFORE NO DATA HEREIN SHOULD BE USED FOR CONSTRUCTION OR ESTABLISHING BOUNDARY OR FENCE LINES.

**PROPERTY ADDRESS:** 1669 County Road 900 East Zionsville, Indiana  
**PROPERTY DESCRIPTION:** A part of the Northwest Quarter of the Southwest Quarter of Section 10, Township 18 North, Range 2 East of the Second Principal Meridian, Boone County, Indiana, being more particularly described as follows:

Commencing at the Northwest corner of the Southwest Quarter of Section 10, Township 18 North, Range 2 East and running South 00 degrees 32 minutes 50 seconds East on and along the West line of said quarter section a distance of 1215.22 feet to the POINT OF BEGINNING, thence North 88 degrees 40 minutes 15 seconds East and parallel with the North line of said quarter section a distance of 1122.26 feet, thence North 00 degrees 31 minutes 31 seconds West a distance of 557.61 feet, thence North 88 degrees 40 minutes 15 seconds East and parallel with said North line a distance of 230.02 feet, thence South 00 degrees 31 minutes 31 seconds East along the East line of the said Northwest quarter of the Southwest quarter a distance of 657.62 feet; thence South 88 degrees 40 minutes 15 seconds West along the South line of the said Northwest quarter and along the North line of Banbury Farms, the plat of which is recorded in Plat Book 2, page 165, in the Office of the Recorder of Boone County, Indiana a distance of 1352.24 feet; thence North 00 degrees 32 minutes 50 seconds West along the West line of the said Northwest quarter of the Southwest quarter a distance of 100.01 feet to the point of beginning.



*well*  
*septic*  
*new garage*  
*Septic Field - 11 feet from back corner of garage*  
*POLE BARN 32' x 14' x 14'*

**MORTGAGEE OR ASSIGNEES:** Delwin V. Schafer and Linda L. Schafer  
**TITLE CO.:** Boone County Abstract Company, Inc. - Lawyers Title  
**OTHER:**

**FLOOD HAZARD STATEMENT:** the residence located on the within described tract does not lie within the Special Flood Hazard Zone A, as said tract plots by scale, on Community Panel #180011 0085B of the Flood Insurance Rate Map, dated: September 16, 1982

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

I, the undersigned, an Indiana Registered Land Surveyor, hereby certify that on the date shown, I supervised the inspection of the real estate described herein at the Address indicated. THIS LOCATION REPORT WAS PREPARED FOR USE BY THE DESIGNATED PARTIES ONLY AND FOR NO ONE ELSE. THE ACCURACY OF THE LOCATION DATA SHOWN IS LIMITED TO THAT REQUIRED BY THE INDIANA "SURVEYOR LOCATION REPORT" MINIMUM REQUIREMENTS UNLESS OTHERWISE SPECIFIED AND EXPLAINED ON THIS DOCUMENT. IF A MORE ACCURATE OR DETAILED LAND SURVEY IS DESIRED, OR IF CORNER MONUMENTS ARE REQUIRED, AN INDIANA LAND TITLE SURVEY SHOULD BE ORDERED.

I further certify that to the best of my knowledge this Location Report conforms with the SURVEYOR LOCATION REPORT Minimum Requirements, as adopted by the Indiana Society of Professional Land Surveyors, Inc., on January 29, 1981, and approved by the Title Underwriters of Indiana, Inc., on March 1, 1981.

November 4, 1991

*Cary B. Dodge*

CARY B. DODGE, REG. LAND SURVEYOR NO. S0288



FILE NO.  
911 104

*Plan Approval*  
*is in*  
*with all*  
*ing rules and*  
*as submitted.*



# ANDERSON & ASSOCIATES

PH. 482-5141 or 873-2515

222 E. MAIN STREET, P.O. BOX 583  
LEBANON, INDIANA 46052

## SURVEYOR LOCATION REPORT

THIS REPORT IS BASED ON LIMITED ACCURACY DATA AND THEREFORE NO DATA HEREIN SHOULD BE USED FOR CONSTRUCTION OR ESTABLISHING BOUNDARY OR FENCE LINES.

PROPERTY ADDRESS:  
PROPERTY DESCRIPTION:

A part of the Northwest Quarter of the Southwest Quarter of Section 10, Township 18 North, Range 2 East of the Second Principal Meridian, Boone County, Indiana, being more particularly described as follows:

Commencing at the Northwest corner of the Southwest Quarter of Section 10, Township 18 North, Range 2 East and running South 00°32'50" East on and along the west line of said quarter section a distance of 1215.22 feet to the POINT OF BEGINNING, thence North 88°40'15" East and parallel with the north line of said quarter section a distance of 1122.26 feet; thence North 00°31'31" West a distance of 557.61 feet, thence North 88°40'15" East and parallel with said north line a distance of 230.02 feet, thence South 00°31'31" East along the east line of the said northwest quarter of the southwest quarter a distance of 657.62 feet; thence South 88°40'15" West along the south line of the said northwest quarter and along the north line of Banbury Farms, the plat of which is recorded in Plat Book 2, pge 165, in the Office of the Recorder of Boone County, Indiana a distance of 1352.24 feet; thence North 00°32'50" West along the west line of said northwest quarter of the southwest quarter a distance of 100.01 feet to the point of beginning.

(Ref. 6.04855 Acres, more or less)

NOTE: See drawing, page 2 -

### MORTGAGEE

OR ASSIGNEES: Delwin V. & Linda L. Schafer

TITLE CO.: Boone County Abstract Co., Inc. - Linda Schafer

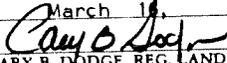
OTHER:

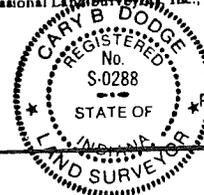
FLOOD HAZARD STATEMENT: the residence located on the within described tract does / does not lie within the Special Flood Hazard Zone A, as said tract plots by scale, on Community panel # 180011 0085B, of the Flood Insurance Rate Map, dated: Sept. 16, 1982

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

I, the undersigned, an Indiana Registered Land Surveyor, hereby certify that on the date show, I supervised the inspection of the real estate described herein at the Address indicated. THIS LOCATION REPORT WAS PREPARED FOR USE BY THE DESIGNATED PARTIES ONLY AND FOR NO ONE ELSE. THE ACCURACY OF THE LOCATION DATA SHOWN IS LIMITED TO THAT REQUIRED BY THE INDIANA "SURVEYOR LOCATION REPORT" MINIMUM REQUIREMENTS UNLESS OTHERWISE SPECIFIED AND EXPLAINED ON THIS DOCUMENT. IF A MORE ACCURATE OR DETAILED LAND SURVEY IS DESIRED, OR IF CORNER MONUMENTS ARE REQUIRED, AN INDIANA LAND TITLE SURVEY SHOULD BE ORDERED.

I further certify that to the best of my knowledge this Location Report conforms with the SURVEYOR LOCATION REPORT Minimum Requirements, as adopted by the Indiana Society of Professional Land Surveyors, Inc., on January 29, 1981, and approved by the Title Underwriters of Indiana, Inc., on March 20, 1981.

March 16, 1990  
  
CARY B. DODGE, REG. LAND SURVEYOR NO. S0288



Page 1  
of 2

FILE  
#900 347

NW cor, Sw 1/4,  
Sec. 10-T18N-R2E  
Union Township,  
Boone County, Indiana

1215.22'



Scale 1" = 200'

230.02'

557.61'

See  
Detail "A"

R/W Co. Rd. 900E

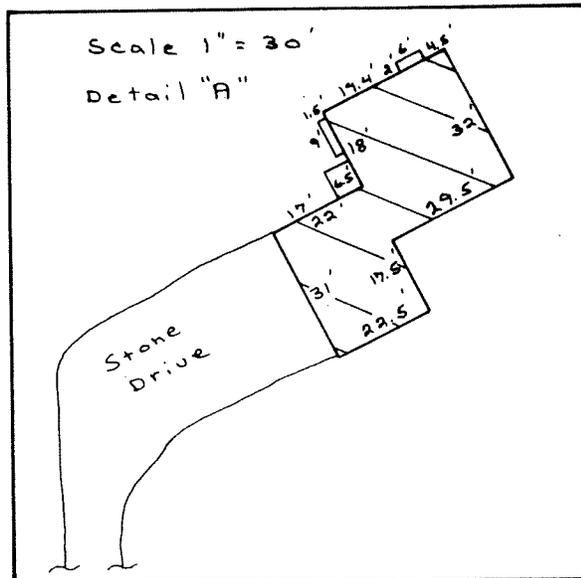
1122.26'

227'

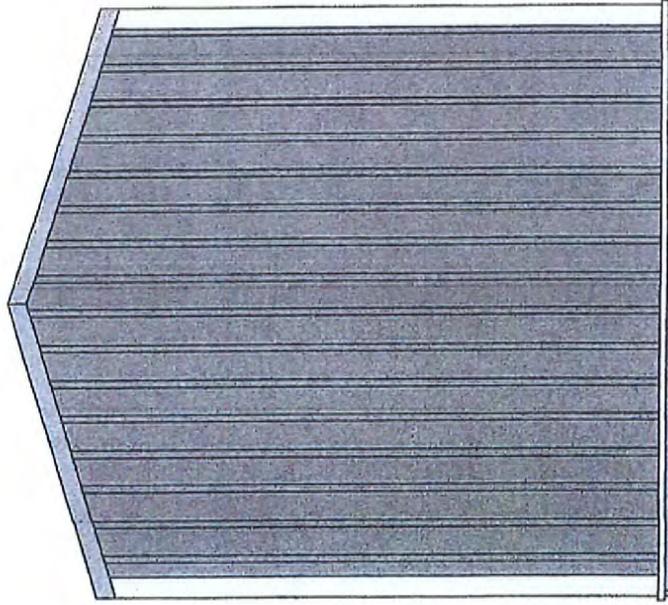
Stone Drive

100.01'

1352.24'



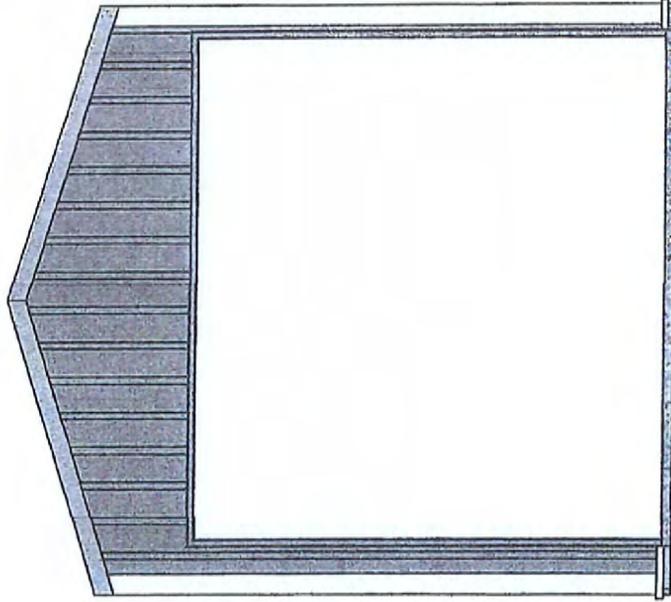
**WEST SIDE-GABLE SIDE 2 ELEVATION**





Construction  
**Maestro**<sup>®</sup>  
Estimating Software  
Pete Adams, Douglas & DeLoe

## EAST SIDE-GABLE SIDE 1 ELEVATION

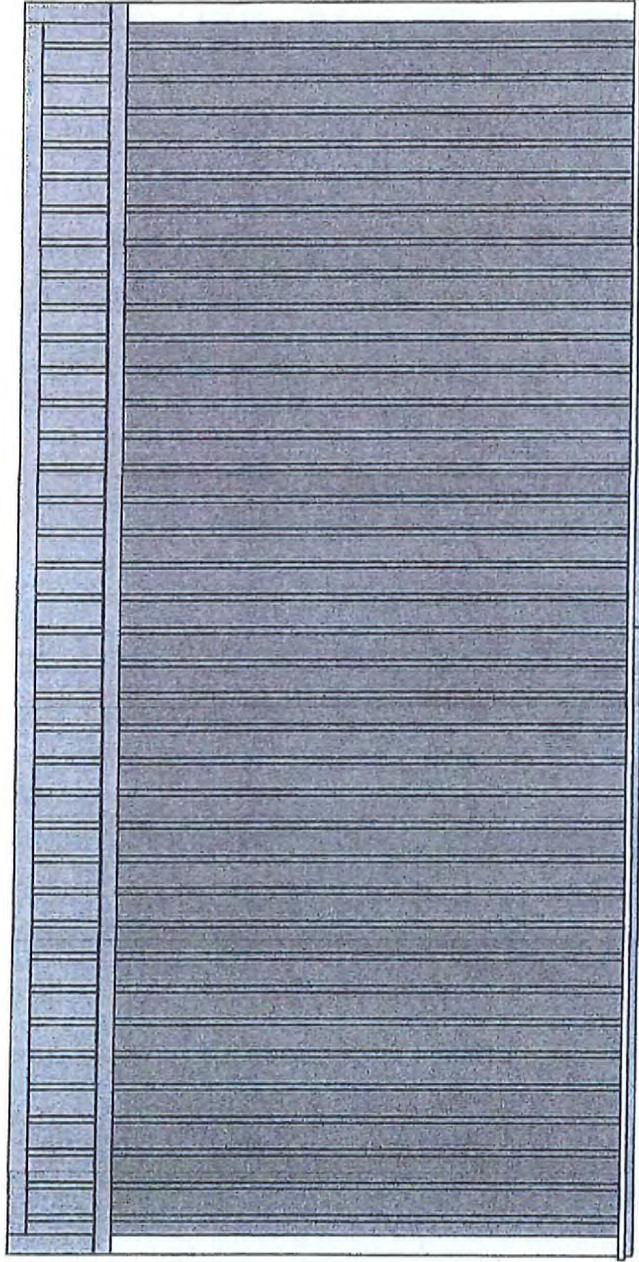


"Doug Simon 14X32X14  
Estimate Number: 531  
6/1/2020"



Construction  
**Maestro**<sup>®</sup>  
Estimating Software  
Price Books, Changes & Details

## NORTH SIDE-EAVE SIDE 2 ELEVATION

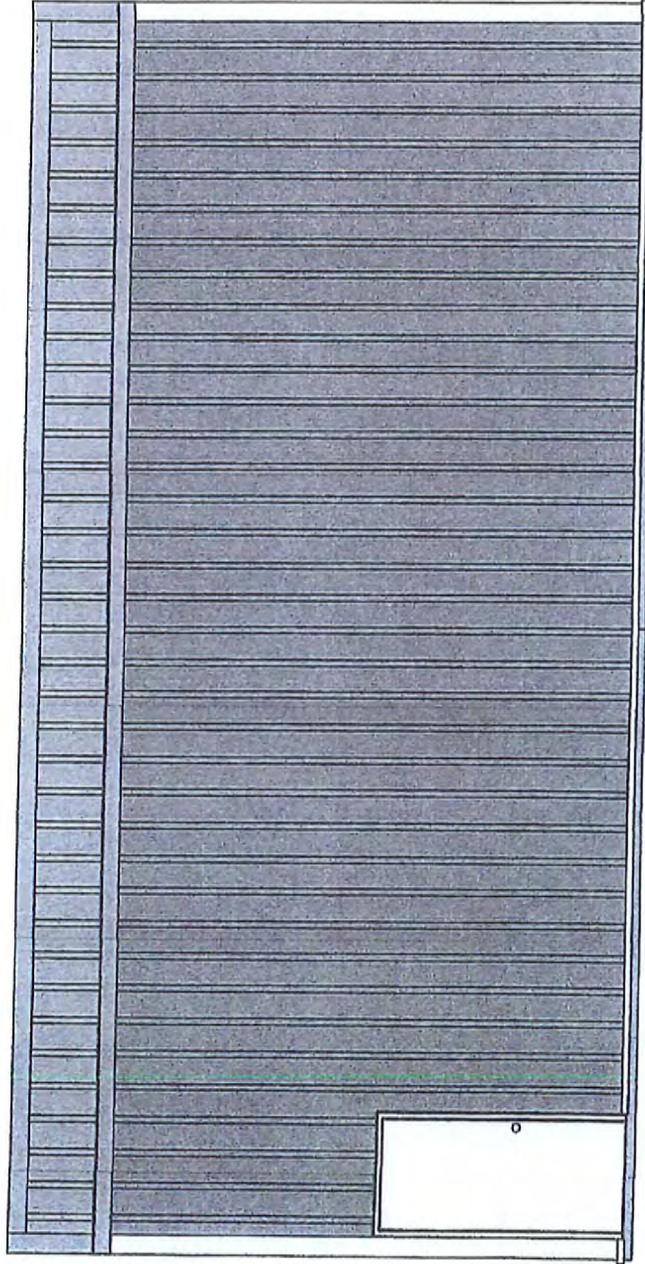


"Doug Simon 14X32X14  
Estimate Number: 531  
6/1/2020"



# SOUTH SIDE-EAVE SIDE 1 ELEVATION

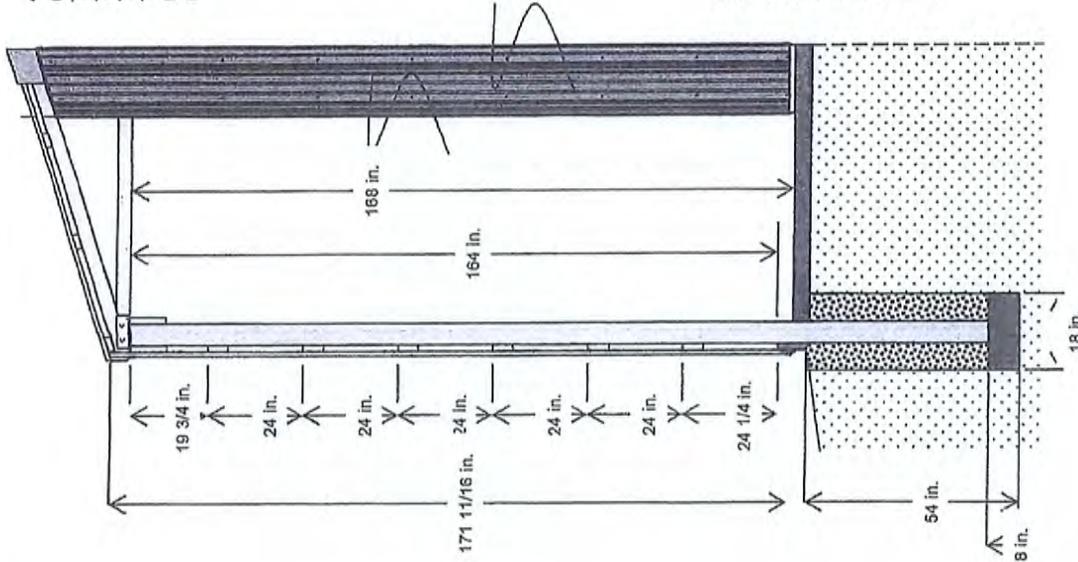
Construction  
**Maestro**<sup>®</sup>  
Estimating Software  
For Contractors, Owners & Architects



"Doug Simon 14X32X14  
Estimate Number: 531  
6/1/2020"

# GABLE1 CROSS SECTION

4/12 PITCH TRUSS SYSTEM WITH A STANDARD HEEL  
 (HEEL HEIGHT: 0-3-15 OR 4 IN.)  
 TRUSS SPACING: 48 IN. O.C.  
 TRUSS LOADING INFORMATION:  
 TCU/TCDU/BCUJ/BCDL 47-7-0-10  
 TOTAL TRUSS LOADING = 64 P.S.F.  
 BRACE PER TRUSS MANUFACTURER'S  
 RECOMMENDATIONS



INTERIOR FINISHED FLOOR HT. WILL BE 4 IN. BELOW  
 THE TOP OF THE SKIRT BOARD  
 4 IN. CONCRETE FLOOR W/STRUCTURAL STRENGTH -  
 3500 P.S.I.  
 UNDISTURBED SOIL OR COMPACTED SAND FILL  
 BACKFILL 18 IN. HOLE WITH SAND/GRAVEL FILL &  
 COMPACT  
 18 IN. WIDE X 8 IN. THICK PIER FOOTING USING REDI-  
 MIX CONCRETE  
 WITH MINIMUM STRENGTH/2500 P.S.I.

ROOF LAYER 1: GRAY PANEL LOC STEEL PANEL  
 GRAY FASCIA 10 FT 2 IN

PURLINS: 2 X 4 CONSTRUCTION GRADE FASTENED  
 LAYING FLAT

CORNER POSTS: OHIO TIMBERLAND 3 PLY 4.5 X 5.25  
 INTERMEDIATE POSTS: OHIO TIMBERLAND 3 PLY 4.5 X  
 5.25 SPACING 8 FT O.C.  
 EXTERIOR CARRIER: CONSTRUCTION GRADE 2 X 10  
 INTERIOR CARRIER: CONSTRUCTION GRADE 2 X 10  
 EXTERIOR WALL GIRTS: CONSTRUCTION GRADE 2 X 6  
 WALL LAYER 1: TAUPE PANEL-LOC STEEL PANEL

EXTERIOR SKIRT BOARD: TREATED 2 X 8

SIDING BEGINS 2 1/2 IN. BELOW THE TOP OF SKIRT  
 BOARD

EARTH GRADE BEGINS 7 IN. BELOW THE TOP OF  
 SKIRT BOARD

"Doug Simon 14X32X14  
 Estimate Number: 531  
 6/1/2020"

**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:  
The proposed pole barn will only be utilized for storage of our 23 ft. camping trailer (henceforth known as 'RV'), built to code as a permanent structure for protection against the elements and overall depreciation of the RV.
  
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:  
The proposed pole barn will not be visible from any street and will be colored to coordinate with existing structures. It will be only visible to four or five of our immediate neighbors.
  
3. Strict application of the terms of the zoning ordinance (**will**) result in unnecessary hardships in the use of the property because:  
Without the capability to store our RV in a covered garage on our property, we would have to locate a permanent storage facility and pay monthly rent on such a facility, whereas an on-site storage facility would eventually recoup its cost of \$9K. Covered parking is needed for safety, protection from the elements, especially in winter, and the storage barn would be a more pleasing look for us and for our neighbors. We have a large parcel which allows for plenty of room for this storage and does not impose on neighboring properties.

**DECISION**

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

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

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



**Petition Number:** 2020-21-DSV

**Subject Site Address:** 1025 S 900 East

**Petitioner:** Xandra Hamilton

**Representative:** Anne Marie Buibish

**Request:** Petition for Development Standards Variance in order to allow a lot split of 10 acres, into a 3+/- and 7+/- acre lots, in which:  
1) One lot will not meet the Lot Width to Depth Ratio of 3:1 in the Low-Density Single-Family Residential Zoning District (R1).

**Current Zoning:** Rural Low-Density Single-Family Residential Zoning District (R1)

**Current Land Use:** Residential

**Approximate Acreage:** 10 acres

**Zoning History:** This parcel was consolidated into the 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 Narrative  
Exhibit 4 – Petitioners Proposed Site Plan  
Exhibit 5 - Petitioner's proposed Findings of Fact

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

### PETITION HISTORY

This Petition will receive a public hearing at the August 5, 2020, Board of Zoning Appeals meeting.

### PROPERTY HISTORY

This property is comprised of ten (10) acres and is presently improved with one (1) single-family dwelling and accessory structures/uses. The acreage associated with this petition has historically been utilized for residential and farming purposes 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.

### ANALYSIS

The site is currently improved with a 1,682 square foot single-family dwelling and accessory structures. The parcel is currently utilized for residential purposes and accessory uses. As per the narrative within the petition application, the Petitioner is interested in selling the property with intentions of splitting the lot into two parcels and keeping all existing structures on one parcel.

### 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.

### VARIANCE REQUEST – 3:1 LOT WIDTH TO DEPTH RATIO

As proposed, the first lot including an existing single-family dwelling and a detached accessory structure is contemplated to be approximately 3 acres with roughly 475 feet of frontage on a public street. The split will create a second lot including a farm field contemplated to be approximately 7 acres with roughly 140 feet of frontage on a public street. The need for the variance arises as the contemplated configuration of the 7-acre parcel deviates from minimum standards found in the Zoning Ordinance related to lot depth to width ratio (requested ratio is in excess of 7:1). While this is the case, the contemplated development pattern is not atypical for the immediate area (three properties located to the south each enjoy ratios in excess of 8:1 – one being 63 feet of minimum lot width and a depth in excess of 560 feet). Additionally, the contemplated split follows an existing divided residential versus agricultural area on the property.

With the above information in mind, Staff is supportive of the variance from the required lot width to depth ratio request as filed.

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 approve a variance to allow a lot split of which will not meet the Lot Width to Depth Ratio of 3:1 for the 7 acre lot, as proposed.

**STAFF RECOMMENDATIONS**

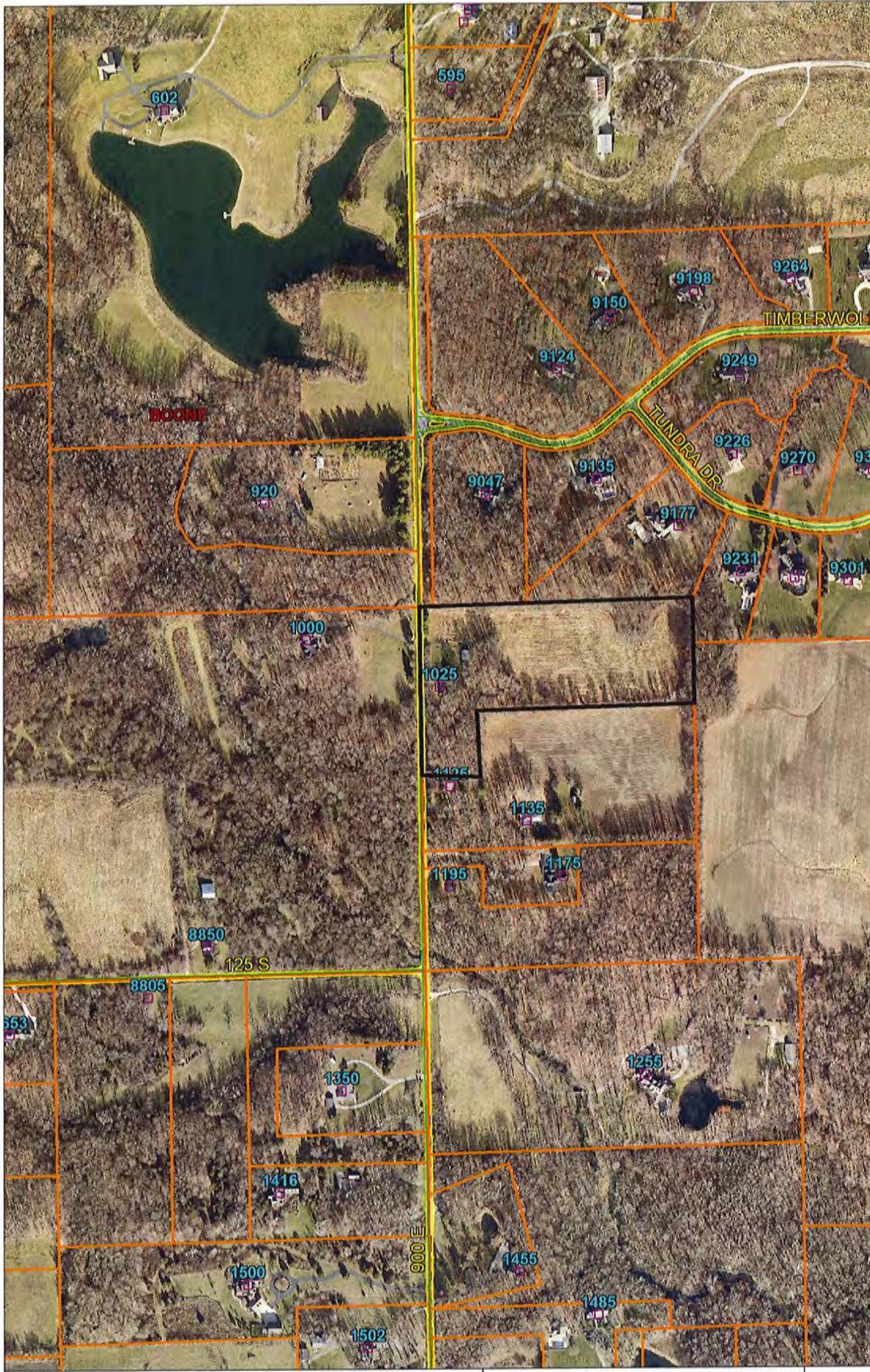
Staff recommends approval of the design standards variance included in Docket # 2020-21-DSV, as filed.

**RECOMMENDATION MOTION**

I move that Docket # 2020-21-DSV Development Standards Variance in order to allow a lot split of 10 acres, into a 3+/- and 7+/- acre lots, in which: 1) One lot will not meet the Lot Width to Depth Ratio of 3:1 in the Rural Low-Density Single-Family Residential Zoning District (R1), be (Approved, based on the findings and based upon staff report and presentation / Denied / Continued).

**PROCEDURAL NOTE**

Division of the parcel into two (2) tracts (lots), as currently contemplated, will not require action of the Plan Commission due to the contemplated division complying with the exempt standards of the Definition of Subdivision applicable to rurally zoned properties.



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

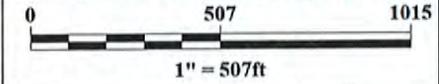


Exhibit 2

17 July 2020

Hello Neighbor,

My name is Xandra Hamilton and I live at 1025 S 900 E in Zionsville. I bought my home and 10 acre parcel in 1966, back when Wolf Run was home to actual timber wolves. After 54 years, I have decided to move to a warmer climate. In order to sell my home, I plan to split the 10 acre parcel into two separate parcels: a) approximately 3 acre parcel with 1600 ft<sup>2</sup> home, and b) approximately 7 acre parcel of land. I am seeking a variance from the Zionsville Board of Zoning Appeals for a variance on the depth to width ratio (3:1) for the 7 acre parcel.

I appreciate your support in this request. If you have any questions regarding this variance, please contact Anne-Marie Buibish at [abuibish@gmail.com](mailto:abuibish@gmail.com). She is the authorized petitioner for this variance request.

Thank you,

Xandra Hamilton



#2020-21-DSY  
A. BUIBISH

**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:

2. **The grant will not be injurious to the public health, safety, morals, and general welfare of the community because the parcels will continue to be used as primary residences.**

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

**The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the parcels will continue to be used as primary residences.**

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

- 1) **The existing lot shape was defined before current depth to width ratio ordinance.**
- 2) **The house is too small for the entire 10 acre parcel. A 1600 ft2 house on 10 acres is difficult to sell. People who need a smaller home, may not be able to afford 10 acres in this area. And people who can afford 10 acres usually want a larger home.**

**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 # 2020-21-DSV

## 1. SITE INFORMATION:

Address of Property: 1025 S 900 E, Zionsville, IN 46077

Existing Use of Property: primary residence

Proposed Use of Property: primary residence

Current Zoning: R1 Area in acres: 10

## 2. PETITIONER/PROPERTY OWNER:

Petitioner Name: Anne-Marie Buibish

Owner Name (if different from Petitioner): Xandra Hamilton

Petitioner Address: 1135 S 900 E, Zionsville, IN 46077 Owner Address: 1025 S 900 E, Zionsville, IN 46077

Petitioner Phone Number: 260-693-7930 Owner Phone Number: 317-441-6427

Petitioner E-Mail Address: abuibish@gmail.com Owner E-Mail Address: xanjan@msn.com

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

### Attorney/Contact Person:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

### Project Engineer:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

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

Appeal  Variance of Development Standards  Variance of Use  Special Exception  Modification  
Petition for Development Standards Variance in order to allow a lot split of 10 acres into 2 lots with lot A) approximately 3-acre lot and B) 7 acre lot in which 1) lot B will not meet the Lot Width to Depth Ratio of 3:1.

## 5. ATTACHMENTS:

Legal description of property

Proof of Ownership (copy of Warranty Deed)



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

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

Signature of Owner or Attorney for Owner: Leandre S. Jamison Date: 7/6/2020

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

State of Indiana )  
 County of Boone )  
 SS:

Subscribed and sworn to before me this 6<sup>th</sup> day of July, 2020.

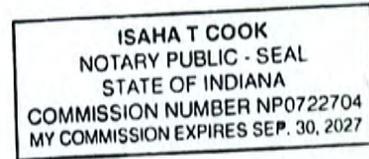
Isaha T Cook  
 Notary Public Signature

Isaha T COOK  
 Notary Public Printed

My Commission No: NP0722704

My Commission Expires: September 30, 2027

My County of Residence is Boone County

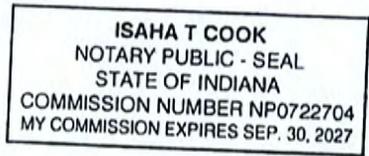


**OWNER'S AUTHORIZATION**

The undersigned, Xandra Hamilton, being the owner of the property commonly known as 1025 S 900 E, Zionsville, IN 46077, hereby authorizes Anne-Marie Bulbish to file a Petition for (zone map change / variance / special exception / subdivision plat approval / other) for the aforementioned property.

Signature: Xandra L. Hamilton  
Printed: XANDRA L. HAMILTON  
Title: \_\_\_\_\_

State of Indiana )  
County of Boone ) SS:



Subscribed and sworn to before me this 6<sup>th</sup> day of July, 2020.

Isaha T Cook  
Notary Public Signature

Isaha T Cook  
Notary Public Printed

My Commission No: NP0722704

My Commission Expires: September 30, 2027

My County of Residence is Boone County

②  
18.00,  
Indiana Title

201200007938  
Filed for Record in  
BOONE COUNTY, INDIANA  
MARY ALICE "SAM" BALDWIN, RECORDER  
07-19-2012 At 12:53 pm.  
DEED 18.00

**QUITCLAIM DEED**

THIS INDENTURE WITNESSETH that **XANDRA L. HAMILTON**, an adult ("Grantor"), of Boone County, in the State of Indiana, QUITCLAIMS to **XANDRA LOU HAMILTON, TRUSTEE OF THE REVOCABLE TRUST OF XANDRA L. HAMILTON DATED DECEMBER 27<sup>th</sup>, 2001** ("Grantee"), for no economic consideration, as to the following described real estate in Boone County, Indiana:

A part of the Northwest Quarter of the Northwest Quarter of Section 10, Township 18 North, Range 2 East of the Second Principal Meridian, more particularly described as follows:

Beginning at the Northwest corner of said Quarter Quarter Section and running thence East 987.50 feet, thence South 397 feet, thence West 791 feet, thence South 223 feet, thence West 196.50 feet to a point in the West line of said Quarter Quarter Section, thence North along said West line 620 feet to the place of beginning. Subject to legal highways, rights of way and easement.

Township: Union. Parcel Number: 06-08-10-000-039.000-016.

The above-described real estate is commonly known as 1025 S. 900 E., Zionsville, Indiana.

Grantee's Post Office mailing address is 1025 S. 900 E., Zionsville, Indiana. Tax bills should be sent to Grantee at such address unless otherwise indicated below.

IN WITNESS WHEREOF, Grantor has executed this Quitclaim Deed this 27<sup>th</sup> day of February, 2012.

**GRANTOR:**

Signature Xandra L. Hamilton

Printed XANDRA L. HAMILTON

DULY ENTERED FOR TAXATION  
7-19-2012  
Melody Price  
SUBJECT TO FINAL ACCEPTANCE  
AUDITOR, BOONE COUNTY

STATE OF INDIANA )  
 )SS:  
COUNTY OF HAMILTON )

Before me, a Notary Public in and for said County and State, personally appeared **XANDRA L. HAMILTON**, an adult, who acknowledged the execution of the foregoing Quitclaim Deed and, having been duly sworn, stated that any representations therein contained are true.

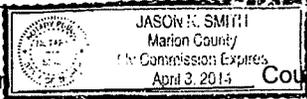
Witness my hand and seal this 27<sup>th</sup> day of February, 2012.

My Commission Expires:

Signature \_\_\_\_\_

Printed \_\_\_\_\_

*[Handwritten Signature]*  
\_\_\_\_\_  
Notary Public



Residing in \_\_\_\_\_ County, State of Indiana.

After recording this document, please return the same to Indiana Title Services, 11952 Fishers Crossing Drive, Fishers, IN 46038

Send tax bills to 1025 S. 900 E., Zionsville, Indiana.

This document prepared from information provided in Indiana Title Services File #2012020262.

I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Name: Jeffrey R. Slaughter, Attorney at Law, Declarant 7-13-2012.

This instrument was prepared by **JEFFREY R. SLAUGHTER**, Attorney at Law #362-49, 8310 Allison Pointe Boulevard, Suite 204, Indianapolis, Indiana 46250 / Telephone 317-579-0816.

**This conveyance is for no economic consideration and Sales Disclosure form 46021 is not required.**

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

STATE OF INDIANA  
COUNTY OF BOONE ) SS:

I, Anne-Marie Buibish, DO HEREBY CERTIFY THAT LEGAL NOTICE TO  
(NAME OF PERSON MAILING LETTERS)

INTERESTED PARTIES OF THE PUBLIC HEARING TO BE HELD BY THE TOWN OF ZIONSVILLE  
BOARD OF ZONING APPEALS, to consider the Petition of: A. Buibish / X. Hamilton (owner)  
(NAME OF PERSON ON PETITION)

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

For property located at: 1025 S 900 E, Zionsville, 1046077

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

OWNERS

ADDRESS

*See attached List of Adjoiners*

And that said Legal Notices were sent by First Class Mailed on or before the 22 day of July, 2020,  
being at least ten (10) days prior to the date of the Public Hearing (Copies of "First Class Mail" attached).

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

Anne-Marie Buibish  
Name of person mailing letters

[Signature]  
Signature

State of Indiana )

County of Hamilton ) SS:

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

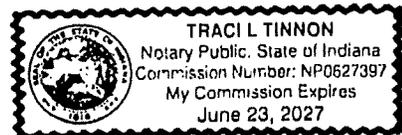
Traci L. Tinnon  
Notary Public Signature

Traci L. Tinnon  
Notary Public Printed

My Commission No: 627397

My Commission Expires: June 23, 2027

My County of Residence is Hendricks County



Attribute report for active ID 1

ID name	add1	add3
9076 THISILE RUN FARM LTD PTNSHP	1250 S 950 E	ZIONSVILLE, IN 46077
9149 SLADE RITA M	1000 S 900 E	ZIONSVILLE, IN 46077
9161 BUIBISH DAVID D & ANNE MARIE	1135 S 900 E	ZIONSVILLE, IN 46077
9167 HAMILTON XANDRA LOU TR OF THE	1025 S 900 EAST	ZIONSVILLE, IN 46077
9176 RICHEY K RICHARD & SHARI ALEXA	9231 TUNDRA DR	ZIONSVILLE, IN 46077
9198 BROWNING KARL B & JANICE M	9047 TIMBERWOLF	ZIONSVILLE, IN 46077
9199 BOHM MARTIN S & KARLA F LOKEN	9177 TUNDRA DR	ZIONSVILLE, IN 46077
9200 BYRD SCOTT A & KIMBERLY E	9135 TIMBERWOLF LANE	ZIONSVILLE, IN 46077

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**Source** The Lebanon Reporter

**Category** Public Notices

**Published Date** July 25, 2020

## Notice Details

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: 2020-21-DSV A. Buibish, Anne-Marie Buibish requests a Development Standards Variance to provide for or permit: Petition for Development Standards Variance in order to allow a lot split of 10 acres, into a 3+/- and 7+/- acre lots, in which: 1) One lot will not meet the Lot Width to Depth Ratio of 3:1 in the Low-Density Single-Family Residential Zoning District (R1). The property involved is more commonly known as: 1025 South 900 East, Zionsville, IN 46077, and is legally described as: A part of the Northwest Quarter of the Northwest Quarter of Section 10, Township 18 North, Range 2 East of the Second Principal Meridian, more particularly described as follows: Beginning at the Northwest corner of said Quarter Quarter Section and running thence East 987.50 feet, thence South 397 feet, thence West 791 feet, thence South 223 feet, thence West 196.50 feet to a point in the West line of said Quarter Quarter Section, thence North along said West line 620 feet to the place of beginning. Subject to legal highways, rights of way and easement. Township: Union. Parcel Number: 06-08-10-000-039.000-016. The above-described real estate is commonly known as 1025 S. 900 E., Zionsville, Indiana. A copy of the Petition for Development Standards Variance, and all plans pertaining thereto are on file and may be examined prior to the Public Hearing at Town Hall, 1100 West Oak Street, Zionsville, Indiana, 46077. or at: <http://www.zionsville-in.gov/231/Planning-Economic-Development>. Written comments in support of or in opposition of the Petition that are filed with the Secretary of the Town of

Zionsville Board of Zoning Appeals prior to the Public Hearing will be considered. The Public Hearing is open to the public. Oral comments to the Petition for Development Standards Variance will be heard at the Public Hearing. The Public Hearing may be continued from time to time as may be found necessary. If supported by Executive Order and/or the Laws of the State of Indiana, members of the public, will be afforded the opportunity to attend the Board of Zoning Appeals Public Meetings via a form(s) of electronic communication IF indicated in the Agenda (as amended from time to time) associated with the Board of Zoning Appeals Meeting. Additionally, upon request, the Town of Zionsville will provide auxiliary aids and services in association with meetings and hearings occurring in-person. Please provide advance notification to Wayne DeLong, at [wdelong@zionsville-in.gov](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-416 7/25 hspaxlp 1654851

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A. Buehish  
1135 S 900 E  
Zionsville, IN 46077

Thistle Run Farm  
1220 S 920 E  
Zionsville, IN 46077



A. Buehish  
1135 S 900 E  
Zionsville, IN 46077

Scott & Kimberly Egel  
9757 Timberwolf Lane  
Zionsville, IN 46077



A. Buehish  
1135 S 900 E  
Zionsville, IN 46077

Robert Brooking & Marie Marie  
929 Tundra Dr.  
Zionsville, IN 46077



A. Buehish  
1135 S 900 E  
Zionsville, IN 46077

Matthew Eshen & Karla Nelson  
9177 Tundra Dr.  
Zionsville, IN 46077



A. Buehish  
1135 S 900 E  
Zionsville, IN 46077

Rita Slade  
1000 S 900 E  
Zionsville, IN 46077



A. Buehish  
1135 S 900 E  
Zionsville, IN 46077

Karl Brooking & Janice Brooking  
9047 Timberwolf Lane  
Zionsville, IN 46077



1135 S 900 E  
Zionsville, IN 46077



David & Ann Marie Buehish  
1135 S 900 E  
Zionsville, IN 46077

17 July 2020

Hello Neighbor,

My name is Xandra Hamilton and I live at 1025 S 900 E in Zionsville. I bought my home and 10 acre parcel in 1966, back when Wolf Run was home to actual timber wolves. After 54 years, I have decided to move to a warmer climate. In order to sell my home, I plan to split the 10 acre parcel into two separate parcels: a) approximately 3 acre parcel with 1600 ft<sup>2</sup> home, and b) approximately 7 acre parcel of land. I am seeking a variance from the Zionsville Board of Zoning Appeals for a variance on the depth to width ratio (3:1) for the 7 acre parcel.

I appreciate your support in this request. If you have any questions regarding this variance, please contact Anne-Marie Buibish at [abuibish@gmail.com](mailto:abuibish@gmail.com). She is the authorized petitioner for this variance request.

Thank you,

Xandra Hamilton

**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  
(DATE OF PUBLIC HEARING)

46077 to consider the following Petition:

2020-21-DSV A. Buibish , Anne-Marie Buibish \_\_\_\_\_ requests a  
(PETITION NUMBER)

\_\_\_\_\_ Development Standards Variance \_\_\_\_\_ to provide for or permit:

Petition for Development Standards Variance in order to allow a lot split of 10 acres, into a 3+/- and 7+/- acre lots, in which:

1) One lot will not meet the Lot Width to Depth Ratio of 3:1 in the Low-Density Single-Family Residential Zoning District (R1).

The property involved is more commonly known as: 1025 South 900 East, Zionsville, IN 46077 ,  
and is legally described as:

**A part of the Northwest Quarter of the Northwest Quarter of Section 10, Township 18 North, Range 2 East of the Second Principal Meridian, more particularly described as follows:**

**Beginning at the Northwest corner of said Quarter Quarter Section and running thence East 987.50 feet, thence South 397 feet, thence West 791 feet, thence South 223 feet, thence West 196.50 feet to a point in the West line of said Quarter Quarter Section, thence North along said West line 620 feet to the place of beginning. Subject to legal highways, rights of way and easement.**

**Township: Union. Parcel Number: 06-08-10-000-039.000-016.**

**The above-described real estate is commonly known as 1025 S. 900 E., Zionsville, Indiana.**

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

Oral comments to the Petition for

\_\_\_\_\_ Development Standards Variance \_\_\_\_\_ will be heard at the

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

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



#2020-21-DSY  
A. BUIBISH

**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:

2. **The grant will not be injurious to the public health, safety, morals, and general welfare of the community because the parcels will continue to be used as primary residences.**

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

**The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the parcels will continue to be used as primary residences.**

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

1) **The existing lot shape was defined before current depth to width ratio ordinance.**

2) **The house is too small for the entire 10 acre parcel. A 1600 ft<sup>2</sup> house on 10 acres is difficult to sell. People who need a smaller home, may not be able to afford 10 acres in this area. And people who can afford 10 acres usually want a larger home.**

**DECISION**

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

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



**Petition Number:** 2020-22-SE

**Subject Site Address:** 7601 S. Indianapolis Road

**Petitioner:** C & J Well Co.

**Representative:** Michael Andreoli, Attorney for Petitioner

**Request:** Petition for a Special Exception to allow for existing building(s) to be utilized for “Contractor – Storage” in an Industrial One Rural Zoning District (I-1).

**Current Land Use:** Developed Parcel, previously the location of Purdy Masonry, Inc.

**Approximate Acreage:** 5.40± acres

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

**Exhibits:** Exhibit 1 – Staff Report  
Exhibit 2 – Aerial Location Map  
Exhibit 3 – Zoning Map  
Exhibit 4 – Petitioner’s Narrative  
Exhibit 5 – Petitioner’s Proposed Findings of Fact

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

## **PETITION HISTORY**

This petition will receive a public hearing at the August 5, 2020, Meeting of the Board of Zoning Appeals.

## **PROPERTY HISTORY & SITE DESCRIPTION**

The subject site is located on the east side of Indianapolis Road, immediately south of the I-65/I-865 intersection. The site is approximately 5.40+/- acres and is improved with a single-story office building (residential in appearance) and industrial storage buildings. The subject site is owned by JCP Enterprises, LLC. The subject site is bordered (see Exhibit 3):

- on the north by the interstate ramps associated with the intersection of I-65 and I-865;
- to the east, the subject site is bordered by I-65 and a single-family residence (zoned I-1 Rural);
- to the south is the developed single-family residential subdivision, Eagles Nest (zoned R3 and under Whitestown's jurisdiction);
- and to the west is an undeveloped parcel which is currently farmed (zoned LB and under Whitestown's jurisdiction).

The Petitioner currently has operations located in Pittsboro and near the intersection of 96<sup>th</sup> Street and Zionsville Road and seeks to expand its operations by establishing an office and storage area within the existing buildings on the subject site for their water conditioning division. This use may occasionally include the storage of well drilling equipment within the existing storage buildings. No outside storage of materials will be permitted on the subject site.

Within the Petitioner's Narrative (see Exhibit 4), reference is made to the possible expansion of the business operations through the addition of "an additional building for warehousing and storage in the future if the need and demand arises." That possible expansion is not a part of this Special Exception Request and may require another approval from the Board of Zoning Appeals. Regardless, any expansion of existing buildings or the construction of an additional building would require Development Plan Approval from the Plan Commission.

## **ANALYSIS**

Staff had the opportunity to discuss the project with the Petitioner prior to the filing of the Special Exception request. As a result of those discussions, it was determined by Staff that the proposed operations would be classified as "Contractor - Storage" as defined by the Standard Industrial Code (SIC). The Zionsville Zoning Ordinance identifies "Contractor - Storage" as a Special Exception Use in the Industrial One Rural Zoning District (I-1). It is also Staff's interpretation, that based on the definition of "Storage, Outside" from the Zoning Ordinance that the parking/storing of the drilling rigs outside would not be allowed within the I-1 zoning classification, and, that any provision of the site for outdoor storage would require a Development Standards Variance should the need for outside parking/storing of drilling rigs be necessary.

The uses along this portion of Indianapolis Road are varied and changing. The historical use of the subject site as an industrial site is consistent with the proposed use. Additionally, the subject site does serve as a buffer between the Interstate, with its related noise and other concerns, and the residential uses located on the west side of Indianapolis Road. With this in mind, Staff is supportive of the

requested Special Exception to allow for existing building(s) to be utilized for “Contractor – Storage” in an Industrial One Rural Zoning District (I-1).

**PROCEDURAL – CONSIDERATION OF A SPECIAL EXCEPTION PETITION SEEKING APPROVAL TO ALLOW FOR THE SUBJECT SITE AND THE EXISTING BUILDING(S) TO BE UTILIZED FOR “CONTRACTOR – STORAGE” IN AN INDUSTRIAL ONE RURAL ZONING DISTRICT (I-1).**

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

- (a) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;*
- (b) The proposed use will not injure or adversely affect the adjacent area or property values therein; and*
- (c) the proposed use will be consistent with the character of the District, land uses authorized therein and the Town of Zionsville Comprehensive Plan.*

Proposed Findings of Fact from the Petitioner are attached for the Board of Zoning Appeal’s consideration (Exhibit 5).

**STAFF RECOMMENDATIONS**

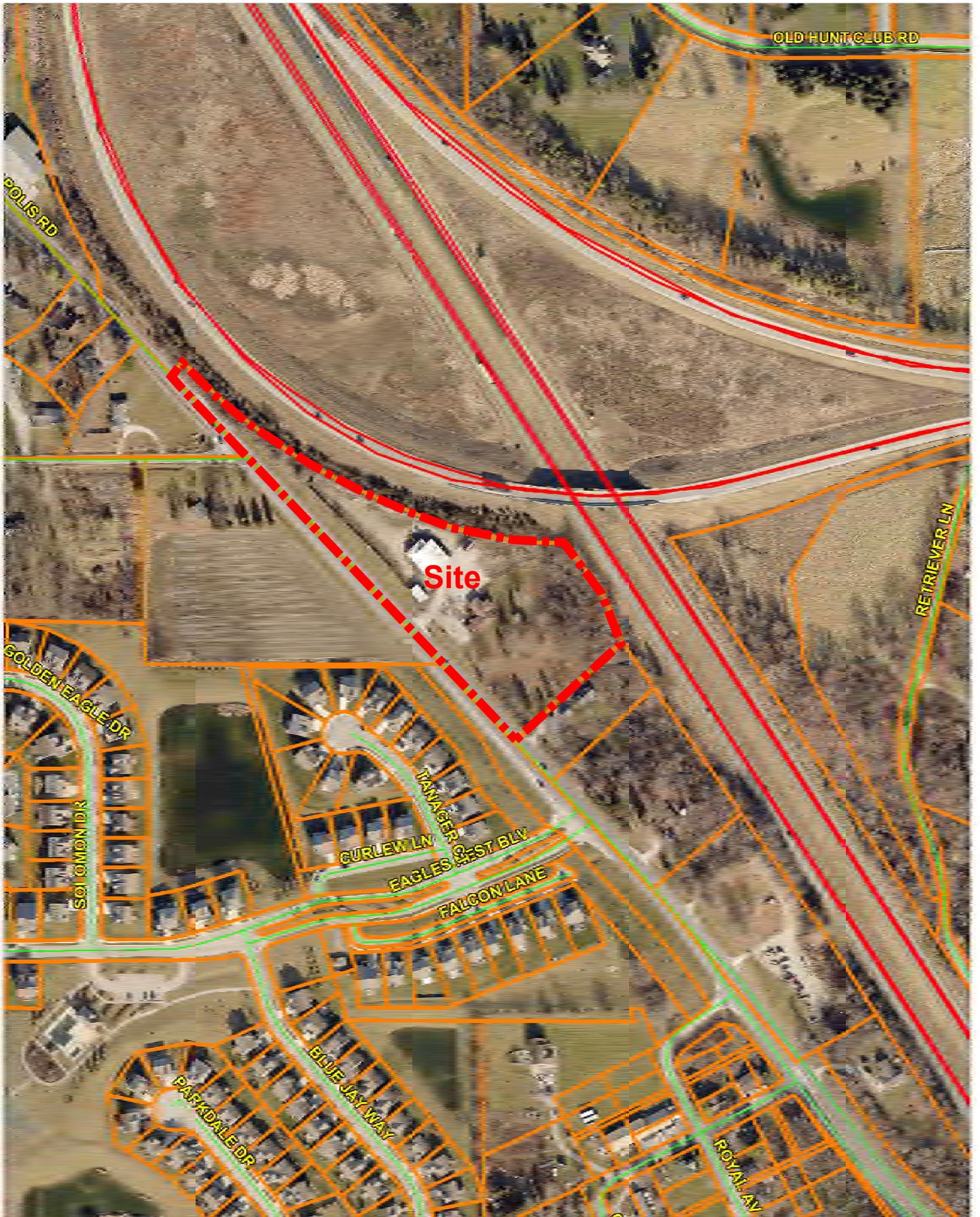
Staff recommends approval of the Special Exception to allow for the subject site, addressed as 7601 Indianapolis Road, and the existing building(s) on the subject site to be utilized for “Contractor – Storage” in an Industrial One Rural Zoning District (I-1) included in Docket #2020-22-SE.

**RECOMMENDATION MOTION**

I move that Docket #2020-22-SE Special Exception to permit the subject site, addressed as 7601 Indianapolis Road, and the existing building(s) on the subject site to be utilized for “Contractor – Storage” in an Industrial One Rural Zoning District (I-1), be (Approved as filed, based upon the findings of fact / Denied / Continued) as presented.

**PROCEDURAL NOTE**

In the event that the subject site requires outdoor storage (“Storage, Outside”), a petition seeking a Variance of Development Standards supporting outdoor storage should be sought and secured.



OLD HUNT CLUB RD

POLIS RD

GOLDEN EAGLE DR  
SOLIMON DR

CURLEW LN  
EAGLES SEST BLV  
FALCON LANE

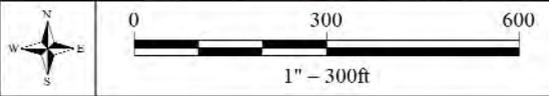
PARADALE DR

EDGE JAY WAY

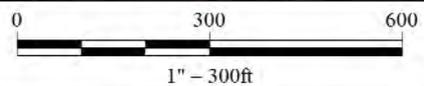
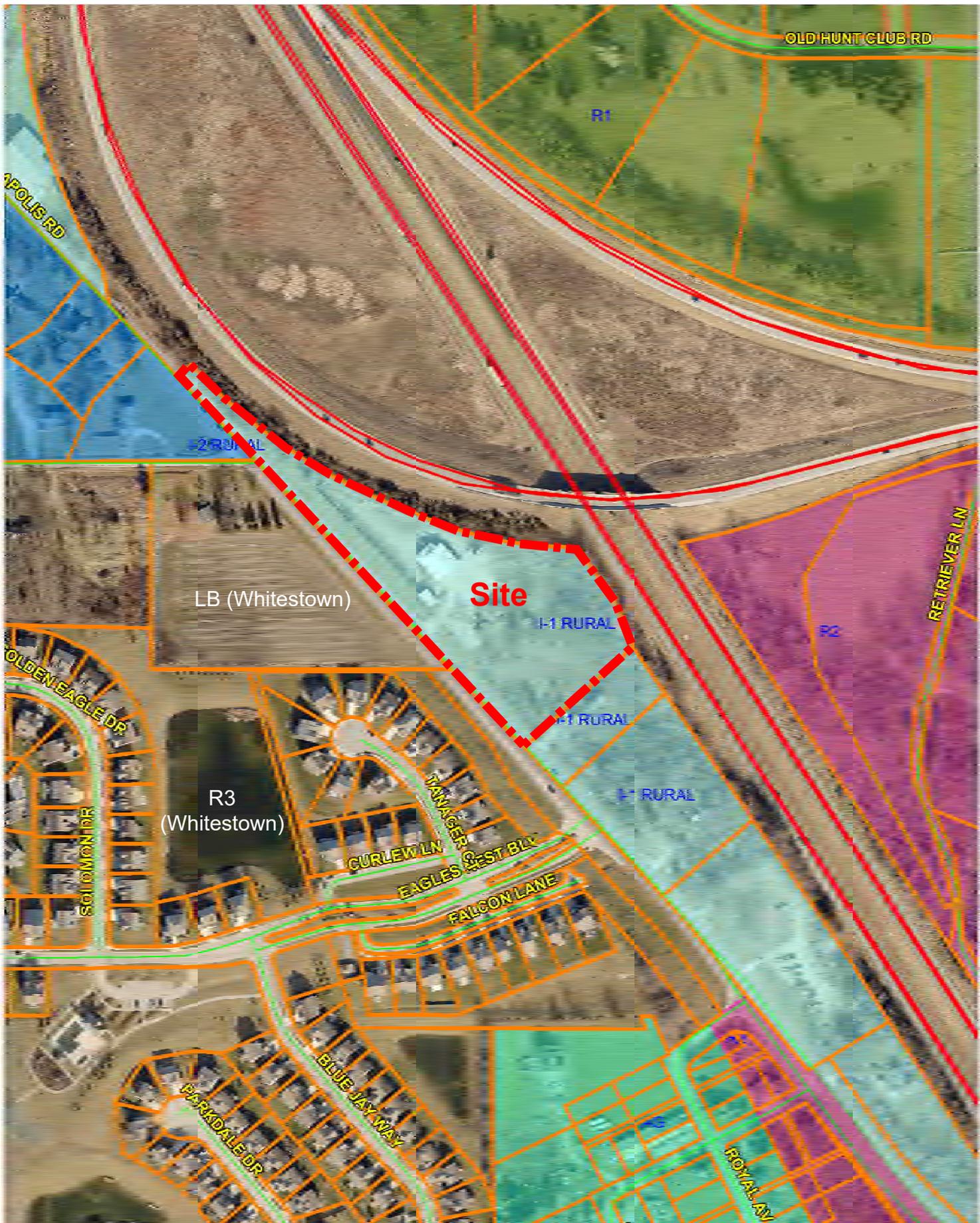
ROYAL LN

RETRIEVER LN

Site



2020-22-SE: Location Map - Exhibit 2



2020-22-SE: Zoning Map - Exhibit 3

## NARRATIVE

Josh Abdnour, of C & J Well Co., seeks to locate an office and storage area at the current location of 7601 S. Indianapolis Road, Zionsville, Indiana 46077. This property is currently zoned Rural I-1, Light Industrial. C & J also has offices in Pittsboro and near the intersection of 96<sup>th</sup> Street and Zionsville Road. This will be an office that will primarily house the warehousing and storage of their water conditioning division and may, from time to time, also enclose some of their well drilling equipment. The previous owner of the property stored material outside. No outside storage of materials will be permitted nor further expansion will occur immediately. The Applicant may expand and add an additional building for warehousing and storage in the future if the need and demand arises. In the immediate future, use of the existing buildings is all that will be necessary.

The Petitioner believes that this Special Exception may not be necessary in light of the Permitted Uses in the I-1 District of light industry, light warehousing as permitted uses, but also because the Contractor Storage Classification assumes storage of contractor materials without the necessity or the need for an office commensurate thereto. In this case, an office will be maintained for staff, product and equipment, all being stored inside the existing structures. However, in order to be cautious, the Applicant has decided to apply for a Special Exception so they have no concerns regarding their legitimate use of the property. Hence, the owner of the property has allowed sufficient time for the Applicant to obtain this Special Exception.

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

**PETITION FOR SPECIAL EXCEPTION**

**FINDINGS OF FACT**

- 1. The proposed use **will not** will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare; **as outside material storage has occurred on the property in the past and this current proposed use will be an improvement over past activity.**
  
- 2. The proposed use **will not** injure or adversely affect the adjacent area or property values therein; **as the Applicant agrees to have no outside storage of materials or product as prohibited for the I-1 District.**
  
- 3. The proposed use **will** be consistent with the character of the District, land uses authorized therein and the Town of Zionsville Comprehensive Plan **as this is a permitted use by Special Exception.**

**DECISION**

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

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

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# Town of Zionsville

## Petition to the Board of Zoning Appeals

Docket # 2020-22-5E

**1. SITE INFORMATION:**

Address of Property: 7601 S. Indianapolis Road, Zionsville, Indiana  
Existing Use of Property: Contractor, Office and Storage  
Proposed Use of Property: Warehousing, Contractor and Storage  
Current Zoning: I-1 Area in acres: 5.40 +/-

**2. PETITIONER/PROPERTY OWNER:**

Petitioner Name: C & J Well Co.  
Owner Name (if different from Petitioner): JCP Enterprises, LLC  
Petitioner Address: 4358 E. 1000 N., Pittsboro, IN 46167 Owner Address: 7601 S. Indianapolis Rd., Zionsville, IN  
Petitioner Phone Number: 317-716-8050 Owner Phone Number: \_\_\_\_\_  
Petitioner E-Mail Address: josh@cj4water.com Owner E-Mail Address: \_\_\_\_\_

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

**Attorney/Contact Person:**

Name: Michel 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

See Narrative

**5. ATTACHMENTS:**

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

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





## NARRATIVE

Josh Abdnour, of C & J Well Co., seeks to locate an office and storage area at the current location of 7601 S. Indianapolis Road, Zionsville, Indiana 46077. This property is currently zoned Rural I-1, Light Industrial. C & J also has offices in Pittsboro and near the intersection of 96<sup>th</sup> Street and Zionsville Road. This will be an office that will primarily house the warehousing and storage of their water conditioning division and may, from time to time, also enclose some of their well drilling equipment. The previous owner of the property stored material outside. No outside storage of materials will be permitted nor further expansion will occur immediately. The Applicant may expand and add an additional building for warehousing and storage in the future if the need and demand arises. In the immediate future, use of the existing buildings is all that will be necessary.

The Petitioner believes that this Special Exception may not be necessary in light of the Permitted Uses in the I-1 District of light industry, light warehousing as permitted uses, but also because the Contractor Storage Classification assumes storage of contractor materials without the necessity or the need for an office commensurate thereto. In this case, an office will be maintained for staff, product and equipment, all being stored inside the existing structures. However, in order to be cautious, the Applicant has decided to apply for a Special Exception so they have no concerns regarding their legitimate use of the property. Hence, the owner of the property has allowed sufficient time for the Applicant to obtain this Special Exception.

## LEGAL DESCRIPTION

### TRACT I

A part of the East Half of Section 7, Township 17 North, Range 2 East, situated in Eagle Township, Boone County, Indiana, and being more particularly described as follows, to-wit:

From a railroad rail at the Northwest Corner of the Northeast Quarter of the aforesaid Section 7, proceed thence South 0 degrees 4 minutes 14 seconds East, for a distance of 237.95 feet to the center line of Interstate Highway 65; thence South 32 degrees 41 minutes 48 seconds East with said center line, for a distance of 3051.96 feet to a point; thence South 57 degrees 18 minutes 12 seconds West a distance of 100.00 feet to the point of beginning. From said point of beginning continue thence South 32 degrees 41 minutes 48 seconds East a distance of 68.81 feet to a point; thence South 47 degrees 19 minutes 33 seconds West a distance of 392.46 feet to the center line of U.S. #52; thence continuing North 42 degrees 40 minutes 27 seconds West along the center line of U.S. #52 a distance of 1017.32 feet to a point; thence North 47 degrees 19 minutes 33 seconds East a distance of 50.00 feet to the right-of-way line of I-865; thence South 42 degrees 40 minutes 27 seconds East with said right-of-way line a distance of 214.92 feet to a point; thence curve left with a 1383.24 foot radius for a distance of 827.94 feet (the chord of which bears South 69 degrees 26 minutes 03 seconds East for a distance of 815.64 feet), to the point of beginning, containing in all 4.00 acres, more or less.

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②  
16.00

E: Daniel A Crowder

**CORPORATE QUIT CLAIM DEED**

Parcel # 0030415000

THIS INDENTURE WITNESSETH, That PURDY MASONRY, INC., a corporation duly organized and existing under the laws of the State of Indiana ("Grantor"), QUITCLAIMS to JCP ENTERPRISES, LLC, an Indiana limited liability company ("Grantee"), for the sum of One and no cents Dollars (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate located in Boone County, Indiana:

See Exhibit "A", attached hereto, for the description of the real estate which is the subject of this Corporate Quit Claim Deed

The address of such real estate is commonly known as 7601 Indianapolis Road, Zionsville, IN 46077.

IN WITNESS WHEREOF, the Grantor has caused this Deed to be executed by Donald L. Purdy, its President, and attested by Chris E. Purdy, its Secretary, and its corporate seal to be affixed hereto, on this 29th day of November, 2004.

Attest:

Chris E. Purdy  
CHRIS E. PURDY, Secretary

Donald L. Purdy  
DONALD L. PURDY, President

**ACKNOWLEDGMENT**

STATE OF INDIANA )  
                          ) SS:  
COUNTY OF            )

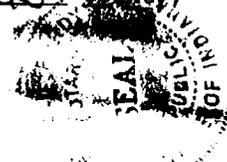
Before me, a Notary Public in and for said County and State, personally appeared DONALD L. PURDY, President and CHRIS E. PURDY, Secretary, to me known to be such President and Secretary of said Corporation and who acknowledged the execution of the foregoing Corporate Quit Claim Deed for and on behalf of said Corporation and by its authority.

Witness my hand and Notarial Seal this 29th day of November, 2004.

Stephanie Purdy  
Notary Public  
A resident of Hendricks County  
Indiana

My commission expires: 6-29-09

Return Deed and send tax statements to:  
JCP Enterprises, LLC  
7601 Indianapolis Road  
Zionsville, IN 46077



This instrument prepared by: Daniel A. Crowder, attorney at law.  
640 Patrick Place, Brownsburg, IN 46112

DULY ENTERED FOR TAXATION  
12-3-04  
Gather Smith  
SUBJECT TO FINAL ACCEPTANCE  
AUDITOR, BOONE COUNTY

EXHIBIT "A"

TRACT I

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

**PETITION FOR SPECIAL EXCEPTION**

**FINDINGS OF FACT**

1. The proposed use **will not** will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare; **as outside material storage has occurred on the property in the past and this current proposed use will be an improvement over past activity.**
2. The proposed use **will not** injure or adversely affect the adjacent area or property values therein; **as the Applicant agrees to have no outside storage of materials or product as prohibited for the I-1 District.**
3. The proposed use **will** be consistent with the character of the District, land uses authorized therein and the Town of Zionsville Comprehensive Plan **as this is a permitted use by Special Exception.**

**DECISION**

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

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

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STATE OF INDIANA )  
 ) SS:  
COUNTY OF BOONE )

BEFORE THE ZIONSVILLE  
BOARD OF ZONING APPEALS  
FILE NO. 2020-22- SE

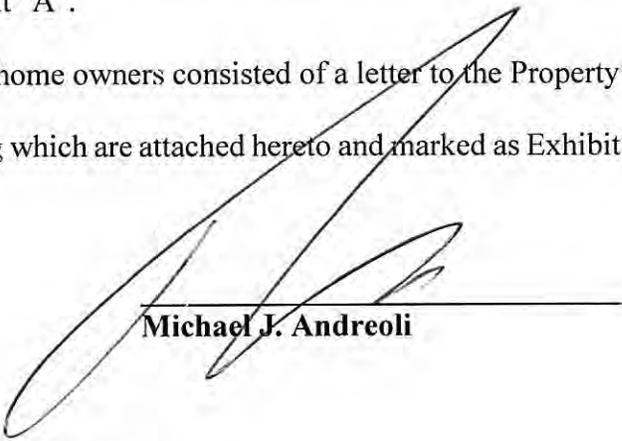
IN RE: THE MATTER OF THE )  
VARIANCE FOR SPECIAL EXCEPTION )  
 )  
C & J WELL CO., )  
Petitioner. )

**AFFIDAVIT OF MAILING**

Comes now Michael J. Andreoli, and after first being duly sworn upon his oath, does allege and say as follows:

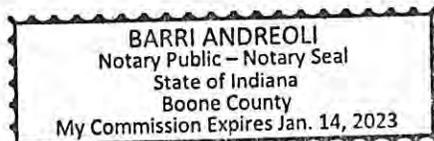
1. That this Affiant did, on or before July 21, 2020, at least ten (10) days prior to August 5, 2020, send a Notice of Public Hearing to the property/home owners adjacent and appurtenant to the boundaries of the property for which Petitioner is seeking approval of a Petition for Special Exception to locate a contractor's office and indoor storage located at 7601 S. Indianapolis Road, Zionsville, 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 30th day of July, 2020.



My Commission Expires:  
January 14, 2023

  
\_\_\_\_\_  
Barri Andreoli, Notary Public  
County of Residence:  
Boone

**AFFIDAVIT OF PUBLICATION**

STATE OF INDIANA  
County of Boone

City of Lebanon

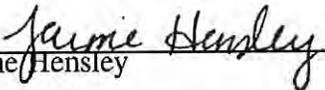
**ISSUED:**

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 07/23/2020 and 07/23/2020

Cost: 62.15

  
\_\_\_\_\_

SUBSCRIBED AND SWORN BEFORE ME THIS 23rd day of July, A.D. 2020

  
Jaime Hensley \_\_\_\_\_

Notary Public Seal, State of Indiana



**NOTICE OF PUBLIC HEARING**

**PLEASE TAKE NOTICE** that the Zionsville Board of Zoning Appeals will conduct a Public Hearing on Wednesday, August 5, 2020, at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana, on a Petition for Special Exception, Petition No. 2020-22-SE, filed by counsel, Michael J. Andreoli, on behalf of the Petitioner, C & J Well Co. Petitioner is seeking a Special Exception to allow for existing building(s) to be utilized for a Contractor's office and storage in an Industrial One Rural Zoning District (I-1). The property is located at 7601 S. Indianapolis Road, Zionsville, Indiana and consists of 5.40 acres, more or less, and is more commonly described as follows:

See attached legal description

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.

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

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TLR-415 7/23 hspaxlp 1654795

**R. David & Ellen W. Smitson**  
7867 S. Retriever Lane  
Zionsville, IN 46077

**Justin W. & Amanda D. Krebs**  
7145 Purcell Dr., Apt. 2009  
Zionsville, IN 46077

**Sara J. Cook**  
6911 Old Hunt Club Road  
Zionsville, IN 46077

**Justin M. & Cristina M. Wiseman**  
6879 Old Hunt Club Road  
Zionsville, IN 46077

**Mark & Paige Huls**  
6855 Old Hunt Club Road  
Zionsville, IN 46077

**Bradley E. Dehnke**  
7484 Indianapolis Road  
Zionsville, IN 46077

**Ellis Acres LLC**  
7010 Andre Drive  
Indianapolis, IN 46278

**Kua Kok Lim**  
**Mei Yen Goh**  
7727 Tanager Court  
Zionsville, IN 46077

**Jennifer & Shea M. Knotts**  
7729 Tanager Court  
Zionsville, IN 46077

**Chance Carter**  
**Tamywa Thurman**  
7731 Tanager Court  
Zionsville, IN 46077

**Danielle Marie and Jason Pfeffer**  
7733 Tanager Court  
Zionsville, IN 46077

**Robert Ward and Katie Keen Riggs**  
7735 Tanager Court  
Zionsville, IN 46077

**Andrew & Rebecca Terbrock**  
7737 Tanager Court  
Zionsville, IN 46077

**Kaitlyn & Patrick Brewer**  
7739 Tanager Court  
Zionsville, IN 46077

**Joshua Frederick**  
**Hannah Randall**  
7741 Tanager Court  
Zionsville, IN 46077

**Scott J. & Shannon J. Workman**  
7675 Indianapolis Road  
Zionsville, IN 46077

**EXHIBIT**  
“A”

***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)

July 21, 2020

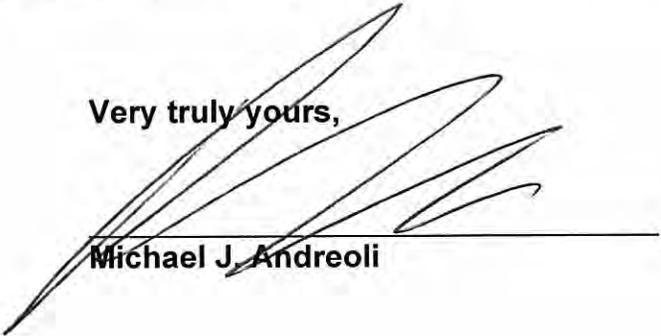
**RE: C & J Well Co., Petitioners  
Zionsville Board of Zoning Appeals  
File Number 2020-22-SE  
Date of Meeting: Wednesday, August 5, 2020, at 6:30 p.m.**

Dear Property Owner:

Please find enclosed our Notice of Public Hearing as C & J Well Co. is seeking a Special Exception for a contractor storage and office located at 7601 S. Indianapolis Road, Zionsville, Indiana. As opposed to the prior user, C & J will not have any material and/or product stored outside the existing buildings on the site. 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

Enclosure

**EXHIBIT**  
"B"

## NARRATIVE

Josh Abdnour, of C & J Well Co., seeks to locate an office and storage area at the current location of 7601 S. Indianapolis Road, Zionsville, Indiana 46077. This property is currently zoned Rural I-1, Light Industrial. C & J also has offices in Pittsboro and near the intersection of 96<sup>th</sup> Street and Zionsville Road. This will be an office that will primarily house the warehousing and storage of their water conditioning division and may, from time to time, also enclose some of their well drilling equipment. The previous owner of the property stored material outside. No outside storage of materials will be permitted nor further expansion will occur immediately. The Applicant may expand and add an additional building for warehousing and storage in the future if the need and demand arises. In the immediate future, use of the existing buildings is all that will be necessary.

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Chairman: John Wolff

Secretary: Wayne DeLong

PUBLISH: \_\_\_\_\_

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BOONE COUNTY

public notices

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



Public Notices

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 legals - provide information about taxes, zoning, new business and other areas your government is involved in.

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

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

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For full public notice listings go to IndianaPublicNotices.com.

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 August 05, 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.

DL0688051 Beer Wine & Liquor Drug Store RENEWAL HOOK SUPERX, LLC 1466 W. OAK ST. Zionsville IN D/B/A CVS PHARMACY #6565 THOMAS S MOFFATT 29 HOMESTEAD CIRCLE Kingston, President LINDA M CIMBRON 45 BRIDGE STREET Warren, Secretary MELANIE LUKER 45 SUSAN DR Cranston, Secretary KIMBERLY DESOUSA 28 LARCHWOOD DR Cumberland, Secretary

DL0689178 Beer Wine & Liquor Drug Store RENEWAL HOOK SUPERX LLC 207 S LEBANON STREET Lebanon IN D/B/A CVS PHARMACY #6666 THOMAS S MOFFATT 29 HOMESTEAD CIRCLE Kingston, President LINDA M CIMBRON 45 BRIDGE STREET Warren, Secretary MELANIE LUKER 45 SUSAN DR Cranston, Secretary KIMBERLY DESOUSA 28 LARCHWOOD DR Cumberland, Secretary

DL0621727 Beer Wine & Liquor Drug Store RENEWAL KROGER LIMITED PARTNERSHIP 12420 N LEBANON ST Lebanon IN D/B/A KROGER J 940

DL0623372 Beer Wine & Liquor Drug Store RENEWAL HOOK SUPERX LLC 6511 WHITESTOWN PARKWAY Zionsville IN D/B/A CVS PHARMACY #4727 THOMAS MOFFATT 29 HOMESTEAD CIR Kingston, President MELANIE LUKER 45 SUSAN DR Cranston, Secretary

DL0630376 Beer & Wine Dealer Grocery Store RENEWAL Moody Market Zionsville, LLC 20 E Cedar Street Zionsville IN D/B/A Adam Moody 3999 W 950 S Waveland, President

RR0633467 Beer & Wine Retailer Restaurant RENEWAL BOOKS & BREWS LLC 65 BOONE VILLAGE Zionsville IN D/B/A BOOKS & BREWS

RR0635412 Beer Wine & Liquor Restaurant (210) RENEWAL JCI EQUITY LLC 1404 W SOUTH ST Lebanon IN D/B/A BACKROADS BBQ

RR0636618 Beer & Wine Retailer Restaurant TRANSFER VALENTIN ENTERPRISES, LLC 65 BOONE VILLAGE Zionsville IN D/B/A BOOKS & BREWS Nicholas Valentini 900 Eastwood Dr Apt D Danville, Secretary Nicholas Valentini 900 Eastwood Dr Apt D Danville, President

RR0636648 Beer & Wine Retailer Restaurant TRANSFER LEBANON PIZZA HUT, LLC 1707 NORTH LEBANON STREET Lebanon IN D/B/A

TLR-412 7/23 hspaxlp 1654554

Public Notices

Gilbert STATE OF INDIANA SS: COUNTY OF BOONE IN THE BOONE COURT CAUSE NO. 06C01-2007-MI-0835 IN RE THE NAME CHANGE OF MINOR: Jaiden Charles Shelton Name of Minor Julie Michelle Shelton Petitioner

ORDER SETTING HEARING Notice is hereby given that Petitioner Julie Michelle Shelton, pro se, filed a Verified Petition for Change of Name of Minor to change the name of minor child from Jaiden Charles Gilbert to Jaiden Charles Shelton.

The petition is scheduled for hearing in this Court on September 16, 2020 at 8:15 A.M., which is more than thirty (30) days after the third notice of publication. Any person has the right to appear at the hearing and to file written objections on or before the hearing date. The parties shall report to Boone Circuit Court.

Date: 7/16/2020 /s/ Lori Schein Judicial Officer TLR-417 7/23, 7/30, 8/6 hspaxlp

LEGAL NOTICE The City of Lebanon, Indiana Utilities has made a filing for a purchase power and energy tracking factor with the Indiana Utility Regulatory Commission in order to implement an average change in its rates for electric service charged by its supplier, Indiana Municipal Power Agency, pursuant to the Indiana Utility Regulatory Commission Order in Cause Number 36835-S3. The filing, if approved by the Commission, will be effective for energy consumed on or after the date of approval.

Rate RS \$0.008240 per kWh Rate CS Single \$0.010130 per kWh Rate CS 3-Ph \$0.007846 per kWh Rate MS \$0.004686 per kWh Rate PPL \$3.190534 per kVA

Rate SGP \$(0.005565) per kWh Rate QL & SL \$0.009950 per kWh Application: October, November and December, 2020

Any objection to this filing may be addressed to the following: Indiana Office of Utility Consumer Counselor (OUCC) 115 W. Washington St., Suite 1500 South Indianapolis, IN 46204

Toll Free: 1-888-441-2494 Voice/TDD: (317) 232-2494 Indiana Utility Regulatory Commission (IURC) 101 W. Washington St., Suite 1500 East Indianapolis, IN 46204

Toll Free: 1-800-851-4268 Voice/TDD: (317) 232-2701 Fax: (317) 233-2410 www.in.gov/iurc TLR-420 7/23 hspaxlp 1654976

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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:

2020-17-DSV, Alex Dane requests a Development Standards Variance to provide for or permit: Construction of a detached barn which: 1) Exceeds the allowable accessory square footage; and 2) Deviates from the required maximum permissible height associated with an accessory structure in the Rural Low-Density Residential Zoning District (R2).

The property involved is more commonly known as: 5457 S 700 E, Whitestown, IN 46075, and is legally described as: A part of the southwest quarter of the northwest quarter of Section 32, Township 18 North, Range 2 East of the second principal meridian, situated in Eagle Township, Boone County, Indiana.

continued next column

Public Notices

County, Indiana, and more particularly described as follows: Beginning at a point 158.50 feet north of the southwest corner of the southwest quarter of the northwest quarter of Section 32, Township 18 North, Range 2 East; and run thence east 387.43 feet, more or less; thence north 158.50 feet; thence west 387.62 feet, more or less thence south 158.50 feet to the place of beginning.

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 Wolf Secretary: Wayne DeLong TLR-419 7/23 hspaxlp 1654857

For full public notice listings go to IndianaPublicNotices.com.

comment for the FY2020 Action Plan amendment will be accepted until 4 p.m. ET on August 23, 2020.

Included in the proposed changes to the FY 2020 Action Plan, are changes to the Planning Grants program. The proposed changes to Minimum Plan Requirements are:

- 1. Comprehensive Plan
• Adds Broadband planning as a requirement for the full comprehensive plan on the lines of studying current broadband conditions and elements of future broadband planning.
• Maximum grant amount increased to \$60,000.
• The planning document will help create a vision of the future use that emphasizes economic recovery, development, and community engagement. The key goals will help sustain and recover downtown and regional businesses, and revitalized neighborhoods, and attract new visitors, residents, and businesses to the community;
• Maximum grant amount increased is \$50,000.

- 2. Economic Recovery Plan
1. Requires that all water utilities (stormwater, wastewater, and drinking water) present in the community be studied to allow for a holistic understanding of current utility conditions;
2. Maximum grant amounts are:
• Community has two water utilities - \$60,000.
• Community has three water utilities - \$90,000.

The public comment period on the Minimum Plan Requirements is now being accepted through Friday, July 31 by completing this survey: https://docs.google.com/forms/d/e/1FAIpQLS5\_ghvCYm/S2yEQ89CXzbi7Edt51-2bi-eGuPODqOW2Lbdg/viewform TLR-414 7/23 hspaxlp 1654730

Public hearing to discuss proposed Action Plan changes Notice is hereby given that the Indiana Office of Community and Rural Affairs (OCRA) plans to amend its 2019 Action Plan and 2020 Action Plan for Housing and Community Development. Additionally, OCRA is holding a public comment period for proposed changes to various Minimum Plan Requirements.

The Action Plan amendments concern the Community Development Block Grant (CDBG) program that is funded through the U.S. Department of Housing & Urban Development under Title I of the Housing & Community Development Act of 1974 as amended. Proposed changes cover:

- FY 2019 Action Plan
• Receive the State's CDBG-CV2 allocation;
• Add language on partnering with other state agencies on distributing CV funds.

- FY 2020 Action Plan
• Postpone the implementation of FY 2020 scoring criteria until January 1, 2021;
• Increase the maximum grant amount for Planning Grants to \$90,000.

A public hearing to discuss the draft 2019 and 2020 Action Plan amendments is scheduled for 10 a.m. ET on July 30, 2020. This hearing will be held virtually and can be accessed through:

- Event address for attendees: https://indianaenhanced.webex.com/indianaenhanced/onstage/g.php?MTID=9c1ab06a56a13f45a9371796bb06bf79

Event number: 161 754 8547 Event password: CDBG Audio conference: US toll-free 1-844-621-3956 or US toll 1-415-655-0001

Public comment for either Action Plan amendment should be sent to info@ocra.in.gov. Public comments for the FY2019 Action Plan amendment will be accepted until 4 p.m. ET on July 31, 2020. Public

Public Notices

Rabensteine STATE OF INDIANA SS: COUNTY OF BOONE IN THE BOONE SUPERIOR COURT I CAUSE NO. 06D01-2007-ES-000081 IN THE MATTER OF THE SUPERVISED ESTATE OF DAVID L. RABENSTEINE, Deceased.

NOTICE OF SUPERVISED ADMINISTRATION Notice is given that LEE RABENSTEINE was, on July 13, 2020, appointed PERSONAL REPRESENTATIVE OF THE ESTATE OF DAVID L. RABENSTEINE deceased, who died on the 25th day of June, 2020. The Personal Representative is authorized to administer the 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 the Court within three (3) months from the date of the first publication of the notice, or within nine (9) months after the decedent's death, whichever is earlier, or the claims will be forever barred.

Dated: July 14, 2020 /s/ Jessica J. Fouts Clerk, Boone Superior Court I ATTORNEYS FOR THE ESTATE: CHRIS L. SHELBY, # 123-06 SHELBY LAW, PC 116 N. West St. P.O. Box 743 Lebanon, IN 46052 Telephone: (765) 482-1370 Facsimile: (765) 482-9065 TLR-418 7/23, 30 hspaxlp

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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comment for the FY2020 Action Plan amendment will be accepted until 4 p.m. ET on August 23, 2020.

Included in the proposed changes to the FY 2020 Action Plan, are changes to the Planning Grants program. The proposed changes to Minimum Plan Requirements are:

- 1. Comprehensive Plan
• Adds Broadband planning as a requirement for the full comprehensive plan on the lines of studying current broadband conditions and elements of future broadband planning.
• Maximum grant amount increased to \$60,000.
• The planning document will help create a vision of the future use that emphasizes economic recovery, development, and community engagement. The key goals will help sustain and recover downtown and regional businesses, and revitalized neighborhoods, and attract new visitors, residents, and businesses to the community;
• Maximum grant amount increased is \$50,000.

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1. Requires that all water utilities (stormwater, wastewater, and drinking water) present in the community be studied to allow for a holistic understanding of current utility conditions;
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The public comment period on the Minimum Plan Requirements is now being accepted through Friday, July 31 by completing this survey: https://docs.google.com/forms/d/e/1FAIpQLS5\_ghvCYm/S2yEQ89CXzbi7Edt51-2bi-eGuPODqOW2Lbdg/viewform TLR-414 7/23 hspaxlp 1654730

Public Notices

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

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

PUBLIC NOTICE FOR FIRST PUBLIC HEARING

On or about November 20, 2020, the Town of Thorntown intends to apply to the Indiana Office of Community Rural Affairs for a grant from the State of Indiana Community Development Block Grant (CDBG) Wastewater program. This program is funded by Title I of the federal Housing and Community Development Act of 1974, as amended. These funds are to be used for a community development project that will include the following activities: wastewater system improvements. The total amount of CDBG funds to be requested is \$700,000. The amount of CDBG funds proposed to be used for activities that will benefit low- and moderate-income persons is \$413,700. The Applicant also proposes to expend an estimated \$1,262,000 in non-CDBG funds on the project. These non-CDBG funds will be derived from the following sources: \$66,000 in the form of Sewage Utility Operating Funds and a loan in the amount of \$1,196,000 from the Wastewater State Revolving Fund (WWSRF).

The Town of Thorntown will hold a public hearing on August 3, 2020 at 7:00 pm, in the Sugar Creek Art Center located at 127 S. Pearl Street to provide interested parties an opportunity to express their views on the proposed federally funded CDBG project. Persons with disabilities or non-English speaking persons who wish to attend the public hearing and need assistance should contact Kleinpeter Consulting Group, LLC at P.O. Box 37, WhiteLand, IN 46184. TLR-425 7/23 hspaxlp 1655129

continued next column

NOTICE OF PUBLIC HEARING PLEASE TAKE NOTICE that the Zionsville Board of Zoning Appeals will conduct a Public Hearing on Wednesday, August 5, 2020, at 6:30 p.m. in the Zionsville Town Hall, 1100 West Oak Street, Zionsville, Indiana, on a Petition for Special Exception, Petition No. 2020-22-SE, filed by counsel, Michael J. Andreoli, on behalf of the Petitioner, C & J Well Co. Petitioner is seeking a Special Exception to allow for existing building(s) to be utilized for a Contractor's office and storage in an Industrial One Rural Zoning District (I-1). The property is located at 7601 S. Indianapolis Road, Zionsville, Indiana and consists of 5.40 acres, more or less, and is more commonly described as follows:

See attached legal description 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.

Additionally, upon request, the Town of Zionsville will provide auxiliary aids and services in association with meetings and hearings occurring in-person. Please provide advance notification to Wayne DeLong, at wdelong@zionsville-in.gov or 317-873-5108, to ensure the proper accommodations are made prior to the meeting.

Chairman: John Wolf Secretary: Wayne DeLong LEGAL DESCRIPTION TRACT I A part of the East Half of Section 7, Township 17 North, Range 2 East, situated in Eagle Township, Boone County, Indiana, and being more particularly described as follows, to-wit:

From a railroad rail at the Northwest Corner of the Northeast Quarter of the aforesaid Section 7, proceed thence South 0 degrees 4 minutes 14 seconds East for a distance of 237.95 feet to the center line of Interstate Highway 65; thence South 32 degrees 41 minutes 48 seconds East with said center line for a distance of 3051.96 feet to a point; thence South 57 degrees 18 minutes 12 seconds West for a distance of 100.0 feet to a point; thence South 47 degrees 19 minutes 33 seconds West a distance of 392.46 feet to the center line of U.S. #52 as now located; thence South 42 degrees 42 minutes 27 seconds West in and along said center line 175.0 feet to a point; thence deflecting 90 degrees to the right for a distance of 392.46 feet to the place of beginning, containing in all 1.40 acres, more or less.

TRACT II A part of the East Half of Section 7, Township 17 North, Range 2 East, situated in Eagle Township, Boone County, Indiana, and being more particularly described as follows, to-wit:

From a railroad rail at the Northwest Corner of the Northeast Quarter of the aforesaid Section 7, proceed thence South 0 degrees 4 minutes 14 seconds East for a distance of 237.95 feet to the center line of Interstate Highway 65; thence South 32 degrees 41 minutes 48 seconds East with said center line for a distance of 3051.96 feet to a point; thence South 57 degrees 18 minutes 12 seconds West for a distance of 100.0 feet to a point; thence South 47 degrees 19 minutes 33 seconds West a distance of 346.45 feet to a point in the center line of U.S. Road #52 as now located; thence South 42 degrees 42 minutes 27 seconds West in and along said center line 175.0 feet to a point; thence deflecting 90 degrees to the right for a distance of 392.46 feet to the place of beginning, containing in all 1.40 acres, more or less.

TRACT III A part of the East Half of Section 7, Township 17 North, Range 2 East, situated in Eagle Township, Boone County, Indiana, and being more particularly described as follows, to-wit:

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TRACT V A part of the East Half of Section 7, Township 17 North, Range 2 East, situated in Eagle Township, Boone County, Indiana, and being more particularly described as follows, to-wit:

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TRACT VI A part of the East Half of Section 7, Township 17 North, Range 2 East, situated in Eagle Township, Boone County, Indiana, and being more particularly described as follows, to-wit:

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TRACT VII A part of the East Half of Section 7, Township 17 North, Range 2 East, situated in Eagle Township, Boone County, Indiana, and being more particularly described as follows, to-wit:

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TRACT VIII A part of the East Half of Section 7, Township 17 North, Range 2 East, situated in Eagle Township, Boone County, Indiana, and being more particularly described as follows, to-wit:

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TRACT X A part of the East Half of Section 7, Township 17 North, Range 2 East, situated in Eagle Township, Boone County, Indiana, and being more particularly described as follows, to-wit:

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TRACT XI A part of the East Half of Section 7, Township 17 North, Range 2 East, situated in Eagle Township, Boone County, Indiana, and being more particularly described as follows, to-wit:

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Zionsville Plan Commission Docket # 2018-40-MP

Board of Zoning Appeals Docket # 2018-19-DSV – Wildwood Designs

We are sharing information with you this morning regarding Plan Commission Docket # 2018-40-MP (Puetz Minor Plat), which was approved Conditionally with Commitments at the December 17, 2018 Plan Commission Meeting, and BZA Petition # 2018-19-DSV (Wildwood Designs Development Standards Variance) which was approved with Commitments on July 10, 2018. Both Petitions were for the same parcel of land located at 2720 S 875 East.

The Petitioner was aware that there were outstanding Plan Commission Staff comments that remained to be satisfied and a Secondary plat application that would have been the next step. Over the course of time the Planning Department periodically circled back to the Petitioner offering assistance (if needed), in moving the project forward. We noted that the Petitioner was having difficulty obtaining required easements from the sites adjoiners.

We received the following email from the Petitioner:

*“ It wasn’t until last week that we were able to get resolution regarding our course of action on the minor plat process. We completed a sale for a portion of the land and structures through an adjoining transfer to a neighbor. The remaining land isn’t further divisible. We will be abandoning the minor plat at this point.”*

You are receiving this information because during the course of the project review the Planning Department received input from your departments or boards.

Please contact me with questions/concerns,

**Janice Stevanovic**  
Planning II/Project Manager  
Town of Zionsville

O: (317) 873-1574

C: (317) 416-1920

[jstevanovic@zionsville-in.gov](mailto:jstevanovic@zionsville-in.gov)

[www.zionsville-in.gov](http://www.zionsville-in.gov)

