



MEETING RESULTS ZIONSVILLE BOARD OF ZONING APPEALS

Wednesday, February 1, 2023

6:30 PM (Local Time)

THIS PUBLIC MEETING WAS CONDUCTED ONSITE AT ZIONSVILLE TOWN HALL IN ROOM 105 (COUNCIL CHAMBERS), LOCATED AT 1100 WEST OAK STREET:

The following items are scheduled for consideration:

- I. Pledge of Allegiance
- II. Attendance **3 of 5 members attended.** (IN-PERSON: C. Lake, A. Pickell, L. Jones ABSENT: S. Mundy, K. Postlethwait)
- III. Approval of the January 4, 2023, Minutes **3 in Favor, 0 Opposed**
- IV. Continuance or Withdrawal Requests

Docket Number	Name	Address of Project	Item to be considered
2022-71-DSV	M. Lohmeyer	880 Starkey Road Zionsville, IN 46077	Petitioner is requesting a continuance to the March 1, 2023, BZA Meeting due to a scheduling conflict. 3 in Favor, 0 Opposed Petition for a Development Standards Variance to provide for a detached garage in which: 1) Deviates from the side yard setbacks 2) Deviates from the rear yard setback in the Urban Open Land Zoning District (O-1).

V. Continued Business

Docket Number	Name	Address of Project	Item to be considered
2022-66-DSV	C. Barnes	4757 Madras Court Zionsville, IN 46077	Approved as presented & filed w/ exhibits & per staff report. 3 in Favor, 0 Opposed Petition for a Development Standards Variance to provide for an outdoor patio and amenities which exceeds the allowable lot coverage in the Urban Single-Family Residential Zoning District (R-SF-2).

VI. New Business

Docket Number	Name	Address of Project	Item to be considered
2022-70-DSV	TriPhase - RLL	10960 Bennett Parkway Zionsville, IN 46077	<p>Approved as presented & filed w/ exhibits & per staff report. 3 in Favor, 0 Opposed Petition for a Development Standards Variance to provide for an incidental directional sign in which:</p> <ol style="list-style-type: none"> 1) The square footage exceeds the maximum allowed 2) Deviates from the side yard setback 3) The height exceeds the maximum allowed in the Urban Office/Research/Technology Industrial Zoning District (I-ORT).
2022-72-DSV	T. Brauer	4071 & 4073 Wild Wood Court Zionsville, IN 46077	<p>Approved as presented & filed w/ exhibits & per staff report. 3 in Favor, 0 Opposed Petition for a Development Standards Variance to permit two (2) lots exceeding the maximum Lot Width to Depth Ratio of 3:1 in the Rural Single-Family and Two-Family Residential Zoning District (R-2).</p>

VII. Other Matters to be considered:

Docket Number	Name	Address of Project	Item to be considered
			None.

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In Attendance: Larry Jones, Chris Lake, Andy Pickell

Absent: Steve Mundy, Kathi Postlethwait

Staff attending: Mike Dale, Janice Stevanovic, Suzanne Baker, Dan Taylor,
attorney

A quorum is present.

Jones Now with the first of our two civic duties, first is the Pledge of Allegiance.

All Pledge of Allegiance.

Jones Then I, I will assume you've all done our other second civic duty which is to buy Girl Scout cookies so we're expecting that any presenter, remonstrators, Council people voting have all done the same. I'd hate for them to fall short.

Lake You have no financial connection to the Girl Scouts now.

Jones I was very compelled by their story –

Lake Just making sure.

Jones They're out there trying to buy a house for someone and basically and at the price of the cookie, it might be doable.

Lake They'll get there.

Jones They'll get there. All right, so the first item on the docket is 2022-71-DSV. Mr. Lohmeyer he has requested to be continued to the March 1, 2023 BZA meeting due to a scheduling conflict. We need a motion on this? We need a motion.

Lake So moved.

Jones Second?

Pickell Second.

Jones All in favor?

Stevanovic Mr. Chairman, if I may?

Jones All right.

Stevanovic So we'll need to do roll and we need to look at the minutes.

Jones I said this would be a quick meeting, so I didn't do all those things. Hold up on the cookies.

Dale Mr. Pickell?

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Pickell Here.

Dale Mr. Lake?

Lake Here.

Dale Mr. Jones?

Jones Here.

Dale Mr. Mundy?
[No response]

Absent.

Kathi Postlethwait?
[No response]

Absent.

Three present.

Jones That's right and then we need to do a review of the meeting minutes from the previous Board of Zoning Appeal meeting. Any issues, concerns, corrections?

Lake I move to approve the minutes.

Pickell Second.

Lake All in favor?

All Aye.

Lake All opposed?
[No response]

Motion passes.

All right, now we good to go? All right, and then so Docket 2022-71-DSV, Mr. Lohmeyer's request to be continued to the March 1, 2023 BZA meeting due to a scheduling conflict. Motion to –

Lake So moved.

Jones Okay, second?

Pickell Second.

Jones All in favor?

All Aye.

Jones I think it passes. So, this first cookie-bearing presenter will be for Docket 2022-66-DSV, the Barnes for the residence at 4757 Madras Court. Is anyone here to present?

Barnes We have documents 4:07 inaudible off microphone.

Lake We do.

Stevanovic Yes, certainly.

Lake Yeah, we do.

Jones Yeah.

Barnes You guys are 4:11. inaudible off microphone.

Good evening, my name is Chip Barnes. I am here to seek a variance of lot coverage for a back porch renovation that we would like to do which is causing the improvements to go over the allowed 20% coverage ratio. I think we're, the plan calls to go to 28% coverage there so – currently, we have an improved back area which a paver patio and a, a deck that's 22 years old. Unfortunately, it's starting to rot and the paver patio is heaving and so it's time to, to kind of make some improvements back there. As part of that, we're going to come back in and, and either put in paver patios or stamped concrete in the back to replace the paver patio and the deck and then we're asking to put a, an open-sided structure in the back that would have a fireplace in it and a seating area. So, we sit on, just so you know, from a location standpoint, we're in Buttondown Farms. We actually sit, behind us is a, a, a large ravine, a wooded ravine. You actually can't see the back of our house from any of our neighbors' houses. We're pretty isolated back there. So, any questions on the improvements?

Jones No questions? Do we want a staff report?

Baker Yes, Mr. Barnes did a good job summarizing his request. Like he mentioned, the lot coverage for that zoning district is 20% and allows for a, also a 2% bonus for impervious surface. With the outdoor patio that he's proposing with the amenities, the lot coverage will be 28.22%. The out, outdoor patio is a common amenity in that subdivision and looking at other properties in the subdivision and area, there is also deviations from this request. So with that, staff is favorable of the request and happy to answer any questions.

Jones Questions or discussion amongst Commission members?

Lake No.

Dale One question – is that grill station area also covered?

Barnes I'm sorry?

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Dale The grill station area shown on your site plan – would that also be a covered area?

Barnes No, it would not.

Taylor . 7:16 inaudible

Jones Ahh – is there any members of the public who wish to vote in or wish to speak in support or remonstrate against? Okay, seeing none is there any discussion amongst Commission members?

Lake No.

Jones Do we have a motion?

Lake So I will move that Docket Number 2022-66-DSV, Development Standards Variance to provide for an increase of lot coverage up to 28.22% to construct the outdoor patio and amenities located at 4757 Madras Court in the Urban Single-Family Residential Zoning District (R-SF-2) be approved as presented and described based on the Findings in the staff report and staff recommendations, submitted Finding of Fact and substantial compliance with the submitted site plan.

Jones Do we have a second?

Pickell Second.

Jones Thank you Mr. Pickell. All in favor say aye.

All Aye.

Jones All opposed?
[No response]

Barnes Thank you.

Jones Congratulations.

Barnes Appreciate it.

Jones Next up is Docket 2022-70-DSV, TriPhase/RLL located at 10960 Bennett Parkway. Do we have anyone presenting? And you rought your cookies?

Haecker Well I have a truck so I can –

Taylor Get ‘em on the way out.

Jones Get ‘em on the way out. We’ll make that part of the motion. Please.

Walter Hi, I’m Kennedy Walter. I am working with Robert who is the owner of TriPhase Technologies.

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- Jones We always need name and address please.
- Walter My name?
- Jones Yes.
- Walter Kennedy Walter.
- Lake And address.
- Jones And address.
- Haecker 10960 Bennett Parkway.
- Jones Okay. And your name sir is?
- Haecker Robert Haecker.
- Jones Okay. Got it.
- Walter So we have been working with Rahal Letterman Lanigan Racing in their new headquarters which was put in behind us. We put in a new shared access last year which was approved. So we have submitted a request to put in an entrance sign off of Bennett Parkway which is on our property which indicates both Rahal and TriPhase as an entrance point for shipping and receiving and also visitors to be able to access for both our location at TriPhase and Rahal behind us. So we are requesting a variance of development standards to three reasons: The sign we have submitted exceeds the height requirement, the square footage and then also the side yard setback which is a requirement of 10 feet and ours is proposed at 3 feet. So, the reason behind the sign needing to be larger than the proposed requirements is because it is for two companies and for shipping and receiving to be able to see the sign from both directions, it would need to be outside of those requirements and a little bit bigger. So that's kind of the, the main point there. Same with the side yard setback where it's located on our entrance. If it was moved to the other side to meet that requirement, it would be blocked by our existing sign for visitors and people heading north on Bennett Parkway there so that is why we are requesting the variance.
- Jones Okay. Thank you. Is there a staff report?
- Baker Yes. I think the petitioner did a good job summarizing the request. Like mentioned, there is a secondary access that was approved through a development plan, I think, in 2021 for RLL to have access to their site. With that, they're wanting to put in an incidental sign that better directs traffic to RLL and also TriPhase which exceeds the square footage, deviates from the side yard setback and exceeds the permitted height. This is a unique, unique case because it's for two different businesses and it's important, the location is important for site navigation for those vehicles and shipping entities. It's scale seems, the signage scale seems appropriate with other signs in the area so with that staff is favorable of the request.

- Lake Are those sign requirements for a monument sign or for an incidental sign?
- Baker For an incidental sign.
- Lake Okay. Thank you.
- Jones Any members of the audience who would like to speak in favor or opposed to this?
- Rahal This is Mr. Rahal. Good evening. I'm not sure you can hear me.
- Lake We can.
- Pickell We can.
- Rahal Oh, okay. I, I see myself up on the back wall. I just want to thank Kennedy for her work on this. This has been a, obviously, a huge move for us in building our new world headquarters there in Zionsville and obviously we're very proud to be part of the community. This, this area and, and Mr. Haecker has been fantastic to work with. This access is really meant for delivery trucks, of course, our transporters go in and out of that entry as well, employee parking is accessed from that, from that driveway and so I just, we appreciate any consideration as this is really kind of a main entry point to our facility and as, as Kennedy mentioned also, obviously, into, into TriPhase as well so I appreciate any consideration and I'm happy to answer any questions you might have.
- Jones Questions? I have one – Mr. Rahal, have you purchased your Girl Scout cookies?
- Rahal Tomorrow.
- Jones Oh, well, well, well, well.
- Rahal Well maybe Kennedy can buy some on, and maybe my credit's good enough that she'll buy a few for me and I'll pay her back.
- Jones Anyone else in the audience who wants to comment? Okay. Any questions BZA Commission members?
- Lake No, I mean, I'm going through a lot of signage code right now on some of my own projects and 2 x 3 is pretty small and so I, I even think the sign that is being submitted is smaller than most monument sign requirements and so I, I think it's scaled appropriately for, for what they're asking.
- Jones Okay. Do we have a motion?
- Lake Sure, one of three here.
- Jones Okay.

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Lake So for variance number one, I move that Docket Number 2022-70-DSV, Development Standards Variance to provide for an increased square footage of 20 square foot for the incidental directional sign at the property located at 10960 Bennett Parkway, Zionsville in the Urban Office/Research/Technology Industrial Zoning District (I-ORT) be approved as presented and described based on the Findings in the staff report, staff recommendations, submitted, submitted Finding of Fact and substantial compliance with the submitted site plans.

Jones Okay. Do we have a second?

Pickell Second.

Jones All in favor?

All Aye.

Jones Any opposed?
[No response]

Motion passes.

Lake Okay, variance number two --

Rahal Thank you.

Lake I move that Docket Number 2022-70-DSV, Development Standards Variance to provide for a deviation from the side yard setback to 3 feet for the incidental directional sign at the property located at 10960 Bennett Parkway, Zionsville in the Urban Office/Research/Technology Industrial Zoning District (I-ORT) be approved as presented and described based on the Findings in the staff report and staff recommendations, submitted Finding of Fact and substantial compliance with the submitted site plan.

Jones Do we have a second?

Pickell Second.

Jones Thank you Mr. Pickell. All in favor?

All Aye.

Jones Any opposed?
[No response]

Motion passes.

Lake All right and finally variance number three – I move that Docket Number 2022-70-DSV, Development Standards Variance to provide for an increased sign height of 4 foot 6 inches for the incidental directional sign at the property located at 10960 Bennett Parkway, Zionsville in the Urban Office/Research/Technology Industrial Zoning District (I-ORT) be approved as presented and described based

on the Findings in the staff report and staff recommendations, submitted Finding of Fact and substantial compliance with the submitted site plan.

Jones Do you have a second?

Pickell Second.

Jones Thank you Mr. Pickell. All in favor?

All Aye.

Jones Any opposed?
[No response]

Motion passes. Thank you much. Thank you much.

Haecker Great.

Rahal Thank you.

Jones You bet.

Haecker Thank you everyone.

Jones All right, next up we have 2022-72-DSV, Brauer for lot 4071 and 4073 Wild Wood Court, Zionsville, a Petition to, Petition for a Development Standards Variance to permit two (2) lots exceeding the maximum lot width to depth ratio of 3:1 in the Rural Single-Family and Two-Family Residential Zoning District (R-2). Is there anyone here presenting?

Ferrell I am. Can you hear me?

Lake Yes.

Jones Yes.

Ferrell Okay, my name is Leigh Anne Ferrell. I with Stoepelwerth and Associates, 7965 East 106th Street in Fishers. I am seeking approval for one variance this evening and that is being the width to depth ratio of 3:1. The Willow Ridge plat was previously approved in Boone County jurisdiction back in the early 2000s and in 2010 the community then went to Zionsville's jurisdiction. The existing house on Lot 49 was constructed in 2015. The petitioner now wishes to add a garage addition to their existing residence. With the current platted layout of the lots, the new garage addition would not meet the current setbacks. It was actually going over the lot line. Therefore, we have submitted a replat to move the common lot line between 49 and 50 to meet the setbacks for the new garage addition. The current petitioners currently own both Lots 49 and 50. They would have preferred to combine both the lots into one but the HOA of Willow Ridge preferred the lots to stay separated due to the HOA fees. If you have any questions or concerns, I can answer those now and I did already buy Girl Scout cookies.

- Jones All right. Staff report.
- Baker Yes, I think the petitioner did a good job summarizing the request. Essentially, they're relocating a lot line between Lot 49 and 50 in Willow Ridge so this will also be a replat that'll be heard by Plan Commission later this month. The petitioner is wanting to do an addition on the one lot, therefore, needing to move the lot line to have, to keep the two lots separate still. With that, the lots, what's proposed the lots won't meet the 3:1 ratio, however, they don't meet the ratio currently as they're currently configured. Staff sees no major impact on relocating the lot line minimally and happy to answer any questions.
- Jones Is there anyone in the audience who would speak in favor or against the project? The proposed variance? No? Do we have any questions/concerns?
- Lake No.
- Jones Do we have a motion?
- Pickell I move that Docket Number 2022-72-DSV, a Development Standard Variance petition to provide for Lots 49 and 50 of Willow Ridge to exceed the maximum lot width to depth ratio of 3:1 for the property located at 4071 and 4073 Wild Wood Court, Zionsville in the Rural Single-Family and Two-Family Residential Zoning District (R-2) be approved as presented and described based on the Findings in the staff report and staff recommendations, submitted Findings of Fact and substantial compliance with the submitted site plans.
- Jones Do we have a second?
- Lake Second.
- Jones Thank you Mr. Lake. All those in favor?
- All Aye.
- Jones Any opposed?
[No response]
- Motion passes.
- Ferrell Thank you very much.
- Jones Thank you.
- Lake Move to adjourn.
- Jones I move that we make a motion that I get awarded the fastest Board of Zoning Appeals meeting ever. This goes into the record and I accept your request to adjourn.