



MEETING RESULTS ZIONSVILLE BOARD OF ZONING APPEALS

Wednesday, May 4, 2022

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 **4 of 5 members attended. (In-person S. Mundy, C. Lake, A. Pickell, L. Jones)**
- III. Approval of the April 6, 2022, Minutes
- IV. Continuance or Withdrawal Requests

Docket Number	Name	Address of Project	Item to be considered
2022-10-DSV	A. Wurster	9180 E. 350 South (est.) Zionsville, IN 46077	BZA approved the withdrawal request of this petition. 4 of Favor, 0 Opposed Petition for a Development Standards Variance to provide for three lots that exceed the maximum Lot Width to Depth Ratio of 3:1 in the Rural Single and Two-Family Residential Zoning District (R-2).

V. Continued Business

Docket Number	Name	Address of Project	Item to be considered
2022-13-SE	K. Marburger	11634 E. 100 North Sheridan, IN 46069	Executed Adoption of Negative Findings of Fact confirming the Board of Zoning Appeals denial from the April 6, 2022, Meeting
2022-14-SE	Blessed Beginnings Broadcasting, Inc.	6630 S. 200 East Lebanon, IN 46052	Executed Adoption of Negative Findings of Fact confirming the Board of Zoning Appeals denial from the April 6, 2022, Meeting

2022-15-DSV	Blessed Beginnings Broadcasting, Inc.	6630 S. 200 East Lebanon, IN 46052	Executed Adoption of Negative Findings of Fact confirming the Board of Zoning Appeals denial from the April 6, 2022, Meeting
2022-05-M	J. Davis	8150 E. 550 South Zionsville, IN 46077	Approved as presented & filed w/ exhibits & per staff report. 4 in Favor, 0 Opposed Petition for Modification of the Recorded Commitments associated with Docket 2018-46-DSV in the Rural Single and Two-Family Residential Zoning District (R-2).
2022-19-M	4Site Properties, LLC (Ansley Park)	5345 & 5395 S. US Hwy 421 Zionsville, IN 46077	Approved as presented & filed w/ exhibits & per staff report subject to the Developer submitting a letter that the plans and elevations have been approved in accordance with the commitment/design guidelines (provided in the Staff Report-Exhibit 5) prior to a building permit being issued. 4 in Favor, 0 Opposed Petition for Modification of the Approved Conditions associated with Docket 2017-11-DSV in the Urban Single-Family Residential Zoning District (R-SF-2).

VI. New Business

Docket Number	Name	Address of Project	Item to be considered
2022-21-DSV	Zionsville Presbyterian Church Food Pantry	4775 W. 116 th Street Zionsville, IN 46077	Approved as presented & filed w/ exhibits & per staff report. 3 in Favor, 1 Recusal (S. Mundy) Petition for a Development Standards Variance to provide for a new commercial building which: 1) Deviates from the Architectural Design Requirement 2) Deviates from the Landscaping Requirements of the Urban Michigan Road Overlay Zone for property zoned Urban Office Business Zoning District (B-O).
2022-22-DSV	South Village Station	10615 Zionsville Road Zionsville, IN 46077	Approved as presented & filed w/ exhibits & per staff report. 4 in Favor, 0 Opposed Petition for a Development Standards Variance to make modifications to an existing pole sign to provide for: 1) Memorialization of the existing pole sign 2) To exclude the integrated center name on sign 3) Deviates from the required front setback 4) Exceeds the maximum height at the ten (10) foot setback 5) To exclude the landscaped area 6) To exclude the landscaping vegetation and materials in the Urban General Business Zoning District (B-2).
2022-23-DSV	A. Collins	170 N. Maple Street Zionsville, IN 46077	Approved as presented & filed w/ exhibits & per staff report. 4 in Favor, 0 Opposed Petition for a Development Standards Variance to provide for a detached accessory building which deviates from the aggregate side yard setbacks in the Urban Village Residential Zoning District (R-V).

2022-24-DSV	Auto Potenza	7845 S. Indianapolis Road Zionsville, IN 46077	Approved as presented & filed w/ exhibits & per staff report. 4 in Favor, 0 Opposed Petition for Development Standards Variance for the reduction of the required amount of off-street parking in the Rural Light Industrial Zoning District (I-1).
2022-25-DSV	Bright Signs Marketing	6200 Technology Center Drive Zionsville, IN 46077	Denied as presented & filed w/ exhibits & per staff report. 4 in Favor, 0 Opposed Petition for a Development Standards Variance to provide for a billboard sign which: 1) Deviates from the required maximum size 2) Deviates from the required maximum height in the Rural Light Industrial Zoning District (I-1).

VII. Other Matters to be considered:

Docket Number	Name	Address of Project	Item to be considered
			Not Discussed Discussion: 2022 Filing Schedule

Zionsville Board of Zoning Appeals
May 4, 2022

In Attendance: Steve Mundy, Chris Lake, Andy Pickell, Larry Jones
Absent: Kathi Postlethwait

Staff attending: Roger Kilmer, Suzanne Baker, Wayne DeLong and Darren Chadd, attorney.

A quorum is present.

Mundy Good evening and welcome to the May 4, 2022 BZA meeting. We'll invite the audience to stand and recite the Pledge of Allegiance with us.

All Pledge of Allegiance.

Mundy The, uh, next item on the agenda is Attendance. Mr. DeLong will you be doing that?

DeLong Yes I will. Move down the roster here. Mr. Jones?

Jones Present.

DeLong Ms. Postlethwait?
[No response]

DeLong Mr. Pickell?

Pickell Present.

DeLong Mr. Lake?

Lake Present.

DeLong Mr. Mundy?

Mundy Present.

The next item is approval of the April 6, 2022 minutes from the BZA meeting. Are there any questions or corrections? I have one question. It was pointed out that, um, on page 81 that an address, uh, about halfway down the, the, uh, page an address was stated as 11931 East County Road 100 North, Zionsville and the docket says Sheridan. Has that been corrected?

Baker I will look into that and make that correction. It says Zionsville?

Lake Well, I said Zionsville when I made the motion and I believe I was reading right off the, uh, motion that we had on the page but maybe the cover had it listed as Sheridan.

Baker Oh, I see.

Zionsville Board of Zoning Appeals
May 4, 2022

Lake Yeah, like the front page of the docket would've had it as Sheridan. That's the only thing I can think of.

Baker Okay.

Mundy I, I think that's it, too.

Lake Yeah.

Baker Okay.

Lake So it probably just needs to be updated to say Sheridan in the minutes.

Baker Understood.

Mundy Okay. All right with that, uh, correction, uh, is there a motion to approve those minutes?

Lake So moved.

Mundy Thank you Mr. Lake. Is there a second?

Jones Second.

Mundy Thank you Mr. Jones. All those in favor say aye.

All Aye.

Mundy Opposed same sign.
[No response]

Minutes are approved.

Next items are Continuance or Withdrawal Requests. We do have a formal request for withdrawal our Docket Number 2022-10-DSV, A. Wurster. I think you all have a copy of the letter that was written by, uh, the petitioner's attorney asking for a withdrawal. Uh, we do need to have a motion to withdraw that and vote?

Lake So I move to withdraw Docket 2022-10-DSV, A. Wurster at 9180 East 350 South, Zionsville, Indiana 46077.

Mundy Thank you Mr. Lake. Is there a second?

Pickell Second.

Mundy Second. Was that Mr. Pickell?

Pickell Yes.

Mundy Thank you. Uh, all in favor to withdraw that petition please say aye.

All Aye.

Mundy Opposed same sign.
[No response]

It is withdrawn. Are there any other petitioners here who wish to withdraw or ask for a continuance this evening? Seeing none we'll move on to Continued Business. We have, uh, Negative Findings of Fact for Petition 2022-13-SE, K. Marburger, 11634 East 100 North in Sheridan, Indiana. We will need to sign that Negative Finding of Fact that was from the April meeting. We also have Negative Finding of Fact for Petitions 2022-14-SE and 2022-15-DSV, Blessed Beginnings Broadcasting, Inc. at 6630 South 200 East, Lebanon, Indiana. Those too will need to be signed.

Pickell We sign here.

Mundy While, while that is coming down we will go on to Docket Number 2022-05-M, J. Davis, 8150 East 550 South, Zionsville, Indiana. Is Mr. Davis here? Virtual? Mr. Davis, are you there?

Davis I am.

Mundy Okay. We can hear you.

Davis Can you hear me now?

Mundy Yes we can.

Davis Jay Davis, 8150, uh, East 550 South in Zionsville attending remotely.

Mundy All right and when we met last month there were questions about the drainage and we did receive materials that your, uh, engineer had provided so could you walk through that with us please?

Davis Sure, um, Gary Ladd of Ladd Engineering, uh, met me onsite, uh, at the property on April the 15th, um, and again reviewed what we had done and then also, um, took some pictures of the house, um, and then, uh, compared, you know, kind of what we had previously done with the commitment. He also, um, took some calculations, uh, again and I think provided them in his letter, um, to the Board, um, and compared what we had done, uh, uh, to the, uh, Boone County Drain Manual for a 100-year flood event and, uh, indicated that, um, I guess we met the, you know, requirements, um, or we had adequate, you know, drainage for that type of event. Um, and then I had previously, uh, at that time it wasn't done but I had previously, back in February, contracted with a company to come out and finish kind of the, the dry creek bed that we had in the front where the downspouts in the front, um, actually drain into that dry creek bed and it went about 100 foot down, uh, the yard toward 550 East. We have since completed, um, that work. They finished up, um, last week, um, and so now that, uh, drainage swale, uh, for the front downspouts actually runs all the way down to the drainage swale that's along 550 East.

- Mundy All right. Did you, were you able to test that this week?
- Davis [Laughter] Yes this past weekend we did. It worked very well, so – it did.
- Mundy All right. Thank you. Are there, uh, any questions for Mr. Davis? Did, um, any of our drainage experts check the calculations?
- Jones We don't know, they're not here.
- Lake And not, not my expertise.
- Jones Still I'm waiting for the dry test on the soil samples I took to –
- Mundy If there are, uh, no questions for the petitioner are there any remonstrators here, uh, on this petition? Seeing none could we, uh, have the staff report please?
- Kilmer Thank you, sir. Uh, the staff report was presented last month so I will, again, just kind of briefly go over, uh, the, the request. This is a, uh, request to modify commitments that were associated with, uh, uh, a project back in 2018 Docket Number 2018-46-DSV where, uh, a variance was granted for an adjacent lot, uh, not to meet the, the required acreage, uh, of the zoning district. As part of that approval, commitments were placed on this parcel to deal with drainage and, uh, at that time there was no home designed or proposed for the site and Ladd Engineering at, at the request of the seller or, or at that time the owner of the property, uh, developed, a set of calculations or, or standards that were incorporated in the commitments that would be applied to any future building. Um, Mr. Davis and, and his wife purchased the property, constructed their home and during the process of that they became aware that the drainage system that they were installing was not in compliance with the commitments that were established. Um, Mr. Davis has since had Ladd Engineering come out, uh, as he stated to review the work that, that, uh, was done and Ladd Engineering has issued the letter that, uh, is provided as Exhibit 6 in, in tonight's packet stating that what has been installed, uh, does meet and, and serve the intent of the original commitments. Uh, staff is in support of this modification and I'll be able to, I'll be glad to answer any questions you might have.
- Mundy Are there any questions for staff? I assume those calculations are something that an engineer would understand perhaps?
- Kilmer I would add that Mr. Ladd has, has stamped the letter with his surveyor stamp to, to give it some legitimacy.
- Mundy Thank you. If there are no questions for staff is there any discussion among the Board?
- Lake I do have a question for the petitioner. Mr. Davis, since your last, since last meeting, uh, basically what you've done is extended that, uh, creek bed from up by the house down to the swale. Is that correct?

Zionsville Board of Zoning Appeals
May 4, 2022

Davis That is correct. It goes all the way down to the swale and empties into the swale on 550 South.

Lake Okay. So now you have that plus, uh, another drainage tile, correct?

Davis That's correct.

Lake Okay. Thank you.

Davis You're welcome.

Mundy Any other questions? Is there a motion for this petition?

Lake I move that Docket Number 2022-05-M, a Petition for Modification to the Commitments associated with the approval of 2018-46-DSV Instrument Number 2019007109 a development standards variance to permit the establishment of a 1.83 acre lot in the low density single-family residential R-1 district for the property located at 8150 East 550 County Road South, Zionsville, Indiana be approved based on the Findings of Fact and as presented.

Mundy Thank you Mr. Lake. Is there a second?

Pickell Second.

Mundy Thank you Mr. Pickell. Any further discussion? All those in favor please say aye.

All Aye.

Mundy Opposed same sign.
[No response]

The petition has passed. Thank you Mr. Davis.

Davis I thank the Board for your patience.

Mundy Next item on the agenda is Docket 2022-19-M, 4Site Properties, LLC at Ansley Park, this is, uh, 5345 and 5395 South U.S. Highway 421 in Zionsville. It was continued from the May, from the April meeting and Mr. Andreoli are you representing the petitioner?

Andreoli I am. Thank you, uh, Mr. President. For the record, Mike Andreoli, 1393 West Oak Street. I represent the, uh, 4Site Properties who is the developer of essentially the Ansley Park, uh, subdivision. As you'll recall, we're seeking a modification of the original Condition 3 to the variances that dealt with the elevations. Uh, originally this started off, to remind the, the members of the Board, as a, uh, Fischer Homes, uh, production, uh, subdivision. Uh, Fischer Homes never built a home, uh, and the, uh, subdivision itself went away. There's two homes with a building – one home with a building permit now, uh, uh, sitting with staff, uh, that, uh, really doesn't meet the, the original elevations that Fischer Homes from a production builder, uh, wanted to, uh, build, uh, at the site. Uh, the developer now, uh, is, is seeking to make this a custom home, uh, uh,

development and have custom homes there and, obviously, uh, will need to, to change Condition #3 because we're no longer building those elevations that were proposed by Fischer Homes. At the last meeting, we had, uh, uh, staff had not had a chance to review what we had submitted and members of, of the Board also had some questions with regard to whether we really had enough meat on the bone for staff to consider this, uh, other than the, just the conceptual drawings that we have. So, what we've done is we've labeled these as conceptual drawings and then we came up with a whole series of architectural, uh, standards. And staff was really wonderful in, in letting us know the types of things that they wanted to see in order for them to make a, a meaningful staff report to you. So we took that to heart and, and, uh, tried to, uh, put a lot more meat on the bone in terms of the architectural standards for the houses themselves. And so, uh, we have, uh, we think we've successfully done that. Staff has also recommended, and I think in this situation it's probably a pretty good, pretty good idea that, um, –I think the staff reports indicated it is developer's intent to enforce the design guidelines, which some same as, uh, beyond the, uh, context, uh, content within the zoning ordinance – it would be staff's recommendation, approval form from the developer HOA be submitted with new ILP? 31:13 application. I think that's a good idea. We, we welcome that. We want to, we want to make sure that this is a, uh, a custom home, uh, subdivision. If we would happen to sell a lot to an individual we don't want them coming in with a building permit that does not comply with what we want to see in that subdivision and in particular given the fact that, uh, we're seeking to modify these, uh, the original Conditions, uh, we, we agree that that's a, that's a good idea here and, uh, as a condition of your approval require that. We would have no objection to that whatsoever. I'd be happy to answer any questions you have.

Mundy Would that then be the, the developer that would approve each of those – each of, of those that are submitted?

Andreoli Yes.

Mundy You said the developer – I assume there's no HOA at this point?

Andreoli There, there, the, the developer is the HOA. There are covenants for this so if, if we say the developer/HOA that should cover it, uh, we will, uh, uh, the, the developer in this case, 4Site, is going to hold these homes and sell them, uh, based upon the, the actual, um, house that's going to be built on there so they're really going to be custom in that regard. They're just not looking to sell the houses and then have everybody, somebody else, uh, go out and, uh, find a builder or if they do that they're going to have to come back in and make sure that the homes meet the, the types of homes that the developer, the, the, uh, builder has, uh, developer has proposed to the, uh, to the Board. That's why we had some conceptual drawings and, uh, substantial architectural standards. So they're going to have to meet these architectural standards and, in general, those conceptual drawings that was – I, I think a suggestion by one of the members of the Board we ought to label these “conceptual” because these are going to be custom homes. They're not all going to look alike and quite frankly that's just the opposite of what we're trying to achieve. We just don't want to have all homes in there that look alike. We want to have a, a truly custom development, so I hope I've answered that question.

- Mundy Any other questions for the petitioner's representative?
- Jones Yeah, I've gone one. Um, under, in your architectural standards Exhibit A under garages – it says, it says “front-load only style garages are not allowed.” What load and carriage style – my question is I just want to confirm you've got a width of the lots that you'll be able to meet this? I mean they've actually –
- Andreoli I think that's right. Yeah.
- Jones They're not –
- Andreoli I, I didn't prepare the –
- Jones You didn't go out and measure the lots and the houses?
- Andreoli Pardon me?
- Jones You didn't go out and measure the lots and the houses?
- Andreoli No. I hope, I hope that's not what it means.
- Lake Not having them be front load actually makes the width allowed to be smaller because you're turning your garage.
- Jones As long as--
- Lake --versus going out long-wise.
- Jones Yeah but as long as you don't try to load it from – then you run into an issue with the driveway overhang and –
- Lake If you're trying to load it from the essentially side of the house versus the front of the house. You'd have to come in and load from the front. Like drive up to the front door and turn in and make a righthand turn –
- Jones Right.
- Lake Or in turn.
- Jones So that makes – that allows for a narrower lot.
- Lake Correct.
- Jones But if they try to do –
- Lake They just – yeah. If, if this is what they're drafting in here then they have to make sure it complies with the site so that's –
- Jones And that's my question.

Zionsville Board of Zoning Appeals
May 4, 2022

- Lake Yeah. I mean, they, they're the ones who drafted it, so –
- Jones I understand and not that we do math up here but I'm –
- Lake Yeah.
- Jones Doing the math and I'm – and, and the core concern would be that the driveways might overhang the, uh, side yard setback.
- Andreoli Well we're not seeking to violate any setbacks. In fact, that was a question that, uh, staff had asked us whether or not, uh, with regard to the initial proposed standards, uh, that we had that were, uh, they're very, very loosely proposed at that point, uh, whether we, uh, were going to be seeking, uh, a setback variance of the side yard in particular. We, we are not going to. We'll make sure that these are designed as such, uh, to, uh, meet the architectural standards but also not to have to come in and request additional, uh, setbacks from a side yard standpoint and that's, that's the approach that we essentially took with regard to this.
- Lake Thank you.
- Mundy Any other questions? The other question I have – I, I assume that the, uh, other tenets which had been proposed during the initial –
- Andreoli I'm sorry?
- Mundy Platting of this, uh, that is the, the price point, uh, the square footage – those things have not changed. They would still be within the, the proposed 3,150 to 5,000 square feet –
- Andreoli Yes.
- Mundy Home and –
- Andreoli Yes.
- Mundy None of those have changed?
- Andreoli That's right.
- Mundy Thank you.
- Andreoli That's right.
- Mundy Okay. Is there anyone here who would like to speak for or against this petition? Seeing none, could we have the staff report please?
- Baker Yes, so Mr. Andreoli did a fine job summarizing all of the [REDACTED] **36:39 to 37:26 audio error** I think the side setbacks were, um, contradicting so they struck that from that development standard and will comply with the [inaudible] side setbacks and then, um, came up with the idea that the developer would sign a form stating that they're meeting those standards, um, and that will

be submitted with the, uh, initial building permit for the residence. Those two items [inaudible] staff is in favor of this request and happy to answer any questions.

Mundy Thank you. Any questions for staff?

Lake I have one – um, we are allowing them to move away from the Fischer Homes models yet #3 on your suggested, uh, approval, talks about, uh, that they match the March 28th, March 28, 2017. Is that just previous history? We're not asking them to continue to match that are we?

Baker No. [38:00 inaudible microphone issue]

Lake Okay.

Baker [38:02 inaudible microphone issue]

Lake That's what I thought. That's why I was making sure that was the historical –

Baker Yes.

Lake Reference. Okay.

Mundy Any other questions for staff?

Jones Just double check – so the side yard setback, the gross number needs to be 25 feet, right? Ten feet and 15? Is that what I'm seeing up here on their site plan?

Baker [38:26 inaudible microphone issue]

Jones Correct.

Baker [38:32 inaudible microphone issue]

Jones If I'm looking at the site plan that they provided, does that look like it's 10 foot on one side and 15 on the other for a total of 25?

Andreoli Well, may, may I speak to that as well?

Jones Yeah. Go ahead.

Andreoli A comment – uh, there, there were certain, there were certain variances that were, that were granted in the initial application. We're not asking to modify those variances. We want those to stand. Uh, the only, the only request that we're making is to the, to the elevations themselves and to the extent that, uh, we can comply with the variances that were originally granted or the, the, uh, the Town's requirements with regard to setbacks and those types of things, we'll, we'll apply to, I, uh, we'll make sure that our development complies with either the variances that were granted or the, the minimum standards in the ordinance. We're not seeking additional variances. So I wanted to make sure that we're clear on that. There were some additional, there were some variances that were granted

initially with regard to some of the lots – I think maybe some height and some other variances that were granted, uh, but, uh –

Jones Okay.

Andreoli Some of those we're not even going to need at this point even though they've been granted but we want to make sure that we don't tamper with the variances that were originally granted, just these elevations.

Lake All the lots though on there, Larry, as you're reading do have 10 on one side and 15 on the other –

Jones Right.

Lake So there's, uh, ultimately at 25-foot separation between them.

Pickell Two does not, does it?

Lake Yeah.

Pickell Am I not seeing that?

Lake Uh –

Pickell Well, two is 10 and 10.

Lake Two is 10 and 10. You're right. Two is 10 and 10.

Jones I'm, I'm just looking at this with a, an individual whose lived up the street and driven by this site for, I mean, Wayne, when did they start this, this thing? And I understand it's had some issues.

DeLong Probably 2016.

Jones Uh huh, okay, so it's been six years out there? I am, I am sincerely concerned looking at some of the lot widths in this, the, the no front-load garages that they may be backing themselves into a corner they haven't really thought through. My desire would be to make a motion and possibly strike that line. Can we do that and does anybody have an opinion about it?

Lake Um –

Jones I'm just looking out to get this thing done.

Lake I don't want to see –

Jones And I understand –

Lake I don't want to see front-load garages. And front-load garages, again, make the house wider than if you do the style that they've suggested. So, what you're, by

allowing it, you're actually allowing them to build a wider house which goes against your issue –

Jones No.

Lake About the house being too wide.

Jones No. I have no issue about the width of the house. I just have a general concern that they're going to find themselves limited to a very certain style. Just doing the math, I mean, I see some of the lots having a net width of 50 feet after you take out the 25 feet of setbacks. I, I, it's, it's not, I'm not, it's not like I'm overly concerned that something's going to go on that we're going to disagree with. I just want to make sure they don't find themselves in a – you know, don't have them come back here.

Andreoli And we, and we, we concur with that approach. The last thing we want to do is come back and, and, uh –

Jones But you like seeing us Mike.

Andreoli I'd suggest that even though we've imposed some standards here we're not going to be able to meet them because of the actual width of the lot and those types of things and, and still maintain good architectural controls and details. So, uh, it's probably a, a, of all of the, of all of the things that we've listed in terms of architectural standards, probably the least significant, uh, but probably needs the most flexibility depending on how we're going to structure some of these garages with the width of those lots.

Jones Yeah.

Andreoli So.

Lake The most narrow lot at the front appears to be at least 60 feet. And actually probably wider than, wider than that. So.

Mundy Which, which lot is that, Chris?

Lake Uh, lot one. I mean, you can look at the length of, uh, the property line out front and you've got 60 foot plus the 25 75 right along kind of the road. Well that 60 foot is not as wide as the distance between the two setback lines for that lot so that's, that means that setback or the, the width of that lot has to be in excess of 60 feet. It looks like 10 might be 60 feet. Um –

Jones Yeah, I was just kind of looking down there like –

Lake And nine might be 60.

Jones Lots six, seven and eight that kind of –

Lake And they're narrow up front but they're wider in the back.

Zionsville Board of Zoning Appeals
May 4, 2022

- Mundy Isn't lot six is the lot which is currently got construction going on I believe.
- Lake Yeah, I think you're right.
- Mundy And that just, that just jogged my thinking too – I'm not sure that's a side entry garage. I think it may be a front-load garage. Do you know Mr. Andreoli?
- Andreoli I do not.
- Lake I mean I think they've A) done the math, they've B) told us that they will not come back and ask for any side yard variances so if Mr. Wolf was here he could enter that into his fancy little spreadsheet that he keeps, uh, which I applaud him for if he's listening, um, so, I mean, I think we've thrown it, I mean, it's on them ultimately to set their standards and to follow them.
- Jones Okay.
- Mundy Any other questions, comments? Uh, I'd make one more comment and that is that if we are, we have a, a recommendation, uh, a motion to recommend this that we add the provision to have, uh, the, the staff recommendation included in the motion which, which the developer would need to approve, uh, the, the, uh, building plans prior to submitting for the permit. With that is there a motion?
- Lake Sure. I move that Docket Number 2022-19-M, Petition for Modification to 2017-11-DSV Development Standards Variance to remove the associated elevations from the Approved Conditions in the Urban Single-Family Residential Zoning District be approved based on the Findings of Fact and as presented with, uh, staff's recommendation that the developer submit a letter that the plans and elevations have been reviewed and approved in accordance with these Commitments, uh, prior to being submitted for a building permit.
- Mundy Thank you, Mr. Lake. Is there a second?
- Jones Second.
- Mundy Thank you, Mr. Pickell, is that right?
- Lake No that was Mr. Jones.
- Mundy You and Mr. Jones – that was Mr. Jones?
- Pickell Mr. Jones.
- Mundy All right. Thank you, Mr. Jones. All those in favor say aye.
- All Aye.
- Mundy Opposed same sign.
[No response]
- Motion passes. Good luck with your work.

- Andreoli Thank you. Thank you very much.
- Mundy And who is back at the, uh, the virtual box back there?
- Lake Who's your IT guy tonight?
- DeLong John.
- Mundy Who is it?
- DeLong John Emery.
- Mundy John. Okay. John, if there are people that, uh, are back there online would you stand up and wave or do something? I can only see the top of your head so, uh –
- Lake And if there's anybody that wants to be recognized for the record.
- Mundy Yes, exactly. Next item on the agenda is Docket Number 2022 – this is New Business, by the way, 2022-21-DSV, Zionsville Presbyterian Church Food Pantry, 4775 West 116th Street, Zionsville, Indiana, Petition for a Development Standard Variance to provide for a new commercial building which deviates from the architectural design requirement, uh, and the – deviates from the landscape requirement of the Urban Michigan Overlay Zone for properly, property zoned Urban Office Business Zoning District (B-O). I will also, uh, ask Mr. Jones to take over. I will recuse myself from, uh, this petition so I will let Mr. Jones handle from this point on.
- Jones All right. Thank you very much. Uh, I guess what our first is the, uh, do we have the presenter available? Please introduce yourself and address.
- Hinkle My name is, uh, Chris Hinkle. I work at Red Barn Engineering. We're the stie engineers for the project, 115 Round Up Trail in Fishers. I also have with me Eileen Davis representing Zionsville Presbyterian Church and Mike Boyle with Boyle Construction Management representing the contractor. Uh, the proposed project is for a new food pantry located on the existing Zionsville Presbyterian Church campus that's a 5,600 square foot building, uh, it's going to be located just to the parking lot to the southeast of the existing building. Uh, the food pantry will be used as it is today. Today it's currently located in the existing facility. This will just be a new freestanding building. Uh, the way the food pantry is kind of set up is that food is delivered to the building, um, and then people come and actually get the food from the building. It's provided to patrons that way. There's no food preparation onsite, uh, no kitchen located in the building, um, they have approximately 10 volunteers at the busiest times to be working there. Uh, and the building itself will be a brick building with asphalt shingles and then we have, uh, two particular variances that we're, we're here for. You want me to go into that or do you want me to let staff take over?
- Jones Sure. Go ahead and –

Hinkle Uh, the first development standards variance that we're looking for deals with the architectural requirements of the building. Uh, we are within the Urban Michigan Road Overlay requirements, uh, district. So the requirements for architectural design need to be consistent with, uh, Colonial, Federal, uh, Victorian or Greek revival periods. The proposed building materials that we're looking at using, uh, instead of going that route we've basically tried to match everything to the existing facility that's out there. So what we're, what we're presenting will be a building that will be more of an extension of the existing facility instead of something that, uh, looks completely different. Therefore, with it looking the same it'll be more of a campus type feel. And then the second, uh, variance that we're looking for deals with landscaping requirements within this Michigan Road Overlay District, uh, again, because of the location of the proposed building, we are about 500 feet off Michigan Road. Uh, when the original building was constructed the, uh, the buffering along Michigan Road met the initial requirements. Since then things have changed, uh, but because we're so far away from Michigan Road, it really doesn't meet, it doesn't really, uh, connect anything to the building and, therefore, we've gone ahead and just done plantings around the building that do meet the, the requirements, uh, for what we need to do for foundation plantings and things onsite but our variance would be for the additional buffering along Michigan Road, just due to the distance that it is from the actual proposed building.

Jones Okay. Uh, do we have anybody else here interested in speaking either for or against the project? Or anybody online? No? Do we have a staff report?

Baker Yes. Just for the record, um, I was made aware that, um, Keith Mundrick and Sally Zelonis want to be recognized [inaudible 51:30] um, as far as the, the staff report, um, for this petition, petitioner did a good job summarizing, um, and he did get previous Plan Commission approval for the development plan, obviously, and then on [inaudible 51:50] requires the architecture meet the Zionsville theme as well as food pantry [inaudible 52:05] does not but meets the architecture of the preexisting building. Also, um, there's a 30-foot greenbelt required along 421 [inaudible 52:19] is mostly met it's just there's no plantings [inaudible]. Staff is in favor of both of those requests and I am happy to answer any questions.

Jones Thank you very much. Um, and I would say that at the Plan Commission meeting it met with unanimous support so. Is there any more discussion amongst the, the Board?

Lake No, I mean, I, I just, I think, you know, the church obviously being there before some of these overlay standards were in place, uh, is the reason for some of these, uh, requests for modification. I think they've done a great job with the architecture of matching the, uh, existing church so thank you for doing that, I mean, you could've deviated in numerous ways whether that be with or against the current overlay standards but I think that, uh, trying to get that to feel like it belongs on the campus was the right, uh, right move.

Jones Okay. Uh, do we have a motion?

Zionsville Board of Zoning Appeals
May 4, 2022

Lake I move that Docket Number 2022-21-DSV, Development Standards Variance to deviate from the Architectural Design Guidelines to the property located at 4775 West 116th Street, Zionsville in the Urban Michigan Road Overlay Zone for property zoned Urban Office Business Zoning District (B-O) be approved as filed based on the Findings of Fact and substantial compliance with the submitted site plans and concepts.

Jones Do we have a second?

Pickell Second.

Jones All those in favor say aye.

All Aye.

Jones All those opposed same sign.
[No response]

Motion passes.

Lake And then the second half of that is I move that Docket, uh, Number 2022-21-DSV, Development Standards Variance to deviate from the Landscaping Requirements to reduce the 30-foot wide landscape, landscape greenbelt to 0 at the property located at 4775 West 116th Street, Zionsville in the Urban Michigan Road Overlay Zone for property zoned Urban Office Business Zoning District (B-O) be approved as filed based on the Findings of Fact and substantial compliance with the submitted site plans and concepts.

Jones Do we have a second?

Pickell Second.

Jones All those in favor say aye.

All Aye.

Jones All those opposed same sign.
[No response]

Motion passes. Thank you very much.

Hinkle Thank you very much.

Jones You want me to get Steve?

Pickell Will you yell at Steve when you step out, please? Thank you.

Baker I'm going to move up there because my microphone is not working.

Jones I didn't harass them. I didn't have to use the button to call the police. We made it through safe and sound.

Lake --sign-in sheets pass them down.

Mundy The, uh, next item on the agenda is 2022-22-DSV, South Village Station, 10615 Zionsville Road, Zionsville, Indiana, Petition for a Development Standard Variance to modify, to make modifications to an existing pole sign. Is there a representative for that here? And if you'd give your name and address please.

Robertson Yes. My name is Joshua Robertson. I'm an attorney with Cohen, Garelick & Glazier at 8888 Keystone Crossing, Suite 800, Indianapolis 46240. I'm here, uh, on behalf of the petitioner, South Village Station, LLC for the property at 1061 – 10615 Zionsville Road. Uh, this petition concerns an existing pole sign that's been in place for quite a long time at the property. It has two tenant, um, signs on it and on the middle canopy, uh, at the top and, um, the owner desires to change the sign but the types of changes that are desired, uh, go beyond, uh, mere modifications under the standards and then that kind of puts them into the category of needing to meet current regulations for a new sign which are quite restrictive and don't quite work with the property, uh, for different reasons.

So, uh, there's a schematic that was submitted with the petition that shows, um, the existing sign and then how the new proposed changes would, uh, would, would fit and how those would look. Um, the new sign would utilize the existing pole that's in place, nothing would be moved, uh, but, in fact, the overall height of the sign would be reduced from 19 feet down to 15 feet so we're bringing it lower. Um, also it would reduce the width of the sign from the existing 9 feet, uh, down to 8 feet. Uh, they would also remove the, um, sort of metal canopy top that's on the existing sign. And then for the existing or in, in place of the signage, a new, uh, internally illuminated, um, sign box would be put, uh, in place that would look much nicer than the existing sort of flat, uh, non-illuminated signs. Uh, again, this would all take place in the same location on the same pole.

Um, the first variance that would be required, um, would be, uh, current regulations require the name of the, uh, center to be included on the sign. Uh, the name of the shopping center is not on the existing sign and given that we are reducing the square footage of signage, um, we're asking that we not be required to, um, include the name of the center on the sign because that would sort of take away from the signage for the tenants. Um, also the next variance that, uh, is sought is regarding the setback requirement. Um, the current setback regulations require 10 feet from the, uh, from the right-of-way and the existing sign, uh, would, is, is one foot from, uh, right-of-way. But, again, it has existed in that location for a very long time and doesn't propose any, uh, challenges for visibility or other, um, problems. Next is regarding the, there's a max height that's allowed at the, at the 10-foot setback, is 6 feet and, again, uh, our sign, the existing sign that's in place is 19 feet and we're, we're taking that down to 15 feet so we would ask for a variance to be able to go over that 6-foot height, um, limitation. Fine – or not finally – but the, the second to last request, um, is that current standards require, I believe, 64 square foot of landscaping around a new sign. Um, there is no landscaping around the existing sign and, in fact, the sign is sort of in between two parking spaces, um, and adding this landscaping would take away parking, it would, it would kind of go in, it would interfere with the flow of traffic and, and parking in the, in the lot so it would not, uh, work very

well. Um, and then finally, um, is the current regulations require a sign to be added sort of describing the landscaping materials. This kind of ties in with the previous issue – there, there is no landscaping and we’re asking that there not be any and so she would ask for a, a variance from that requirement as well. I think that that just about covers everything, uh, for this pretty straightforward request but I’m happy to, uh, address any questions.

- Lake So you have provided us with two drawings as Exhibit 4 both of them have different height, uh, measurements on them. This one says the top of the sign is 15 foot. This one says the top of the sign is 18 foot.
- Robertson It would be, it’s 15 foot. The existing sign is 19 feet tall and the new sign would be 15 feet.
- Lake Okay. So then we are to disregard the dimensions on this drawing then.
- Robertson Am I –
- Lake You are absolutely able to come up here and look at it. So here you say 15 at the top of the sign and here your drawing says 18 at the top of the new sign.
- Robertson [inaudible off microphone 1:01:21]
- Lake No the old cabinet’s dimensions are in red and the new cabinet’s dimensions are in, uh, black.
- Robertson Yeah, I think – I believe that this one is less clear. This, the one that shows just the dimensions of the new sign –
- Lake Okay.
- Robertson Is, is accurate.
- Lake Okay.
- Robertson Thank you.
- Lake Yep. I just wanted to clarify.
- Mundy Any other questions for the petitioner? Thank you. Are there are any, anyone here who wishes to speak for or against this request? Seeing none, uh, do we have staff – oh, you’ve moved.
- Baker Yes.
- Mundy Can we have a staff report please.
- Baker I think my mic’s working now too. Um, petitioner did a good job summarizing, um, and I can go into as much detail as you want but I think, I think we get the, the big picture here is that it’s a legal, nonconforming sign, um, which you are permitted to do maintenance on. Once you, um, change out the cabinet, um,

change the size, the height, then it has to come into conformance with our current standards which is, um, the reason that they're here tonight. Obviously, um, staff thinks that this will be improvement to what is currently there and is in favor of all the variance requests before you and I'm happy to answer any questions.

Mundy Any questions for staff?

Jones So just to confirm, um, because we see a lot of this in signage – it's the reason you see a lot of lots that are vacant except for the sign – that once we change the cabinet all of it is subject to being brought up to current code.

Baker Correct.

Jones Okay. So they have no kind of grandfather for anything. Um, this is substantially different than any other sign that we've got going on in Zionsville. Correct?

Baker Um –

DeLong I'm happy to answer that question. In terms of, um, certainly in my 10 years of being on staff here we've approved just a handful of integrated center signs. Uh, the CVS sign, for example, at the Ford Center – that's one permit that was issued. Um, that integrated center signs are 15 feet tall at maximum unless they pick up a few additional feet with additional setbacks of the – so the proposal in front of you this evening is generally in conformance with size and square footage but it's the other accoutrements that come with an integrated center sign such as the name, landscaping, um, that it, hence the variances. But I would say the other integrated center sign we've worked on recently is at, um, at the Village, Boone Village, and, um, I mean that's a very different, that's a different style of sign altogether.

Jones And then I'm struggling to understand what is the core concern with the landscaping? What is that so impossible?

Robertson Given the location of, the sign is in the parking lot, uh, surrounded by asphalt, uh, with a parking space immediately adjacent to it, uh, on either side and the square footage of landscaping that would be required would, um, push into those parking spaces and also, I believe, into the, the sort of parking lot right-of-way, if you will, where cars travel.

Mundy Any other questions for the petitioner?

Jones I guess, like I said, I'm just struggling – the landscaping would protect the base of it. There's only one parking space adjoining to it. If the sign, if the picture is correct, it's basically sitting in what has been painted out to be an island already.

Mundy Yeah, I think that's right, Larry. I drove, I've driven by many times but I paid attention this time and, uh, I don't believe that's a parking space, it's the corner spot – it's the, it's the sign's parking place I guess but not a car parking place.

Robertson Yeah. There is a parking space – I, I don't know the direction, but—

Zionsville Board of Zoning Appeals
May 4, 2022

- Mundy Yeah, immediately adjacent to it.
- Lake It's south.
- Robertson Right and then the entrance right-of-way is on the other side, um, you can see there's one photo with a car pulling into the lot.
- Pickell How far is the Town's right-of-way come off of Zionsville Road to your property?
- Robertson I believe –
- Lake I mean, if his sign is one foot off the right-of-way, I'd say that it comes to the edge of that pavement and then the, if you drew a line down from the, the sign up above straight down you'd be one foot onto the, onto the pavement.
- DeLong Mr. Lake's correct. We spent a substantial amount of time reviewing this, especially as the Town itself went into this area and purchased additional right-of-way –
- Jones Oh yeah.
- DeLong To, to actually move the right-of-way a little bit and you have working knowledge of that as well.
- Jones Okay.
- Baker It's, it's one foot from the proposed right-of-way.
- Jones So basically the height and, uh, size of the sign complies with our current integrated standard rules and regs. Is that what I heard? The 15 foot height and the 64 feet of signage?
- Baker The square footage is fine. It's the height, um –
- Lake The height would be fine if it were further back from the right-of-way. Correct?
- Baker Correct. And also the pole, pole signs are not permitted in this zoning district.
- Jones Okay.
- Lake And at that panel is all the way down to the ground.
- Jones Huh?
- Lake The panel's all the way down to the ground.
- Jones Yeah. And, of course, you're talking to the king of grandfathering anything and everything so I'm hoping nobody I know downtown is watching me right now.
- Robertson I'm a downtown resident as well so I –

Jones Yeah, well – hmm. Um, I have less of a concern with it being a pole sign. They're bringing it down to the height and the sign that is would be traditionally approved just given the nonconformity with the setbacks. Um, the landscaping issue would just, it's small potatoes but it kind of protects the base of it and kinda makes it look not so stark. I guess that's my – but I understand the math of its existing –

Mundy I, I agree. It's an ugly sign now or it's a less than pleasant looking sign that will look better certainly with the improvements. The landscaping would be helpful although, uh, if there were a car parked next to it you wouldn't see it –

Jones Yeah.

Mundy Coming from the south, uh, so –

Robertson And truly the intent of the owner is, is twofold. I mean, number one, you know, the existing sign is just not great looking so they would like to improve the aesthetics of the sign for the Town and then also for their tenants. It'll give their tenants some better signage, uh, it's more modern and nice looking, uh, rather than just continuing to leave things as they are and not making changes.

Mundy Any other questions? Any more discussion? Does anyone wish to take on the, uh, motion that has –

Jones Sure, I'll do them.

Mundy Six elements to it?

Jones All right. I move that Docket Number 2022-22-DSV, Development Standards Variance for the property located at 10615 Zionsville Road to allow for a pole sign within the Urban General Business Zoning District (B-2) be approved as presented, be approved as presented, yes, or be approved as presented.

Mundy Thank you Mr. Jones. Is there a second?

Lake Second.

Mundy Thank you Mr. Lake. All those in favor say aye.

All Aye.

Mundy Opposed same sign.
[No response]

That motion passes.

Jones Okay. I move that Docket Number 2022-22-DSV, Development Standards Variance for the property located at 10615 Zionsville Road to not have the integrated center name located on the pole sign within the Urban General Business Zoning District (B-2) be approved as presented.

Zionsville Board of Zoning Appeals
May 4, 2022

Mundy Thank you Mr. Jones. Is there a second?

Lake Second.

Mundy Thank you Mr. Lake. All those in favor say aye.

All Aye.

Mundy Opposed same sign.
[No response]

Jones I move that Docket 2022-22-DSV, Development Standards Variance for the property located at 10615 Zionsville Road to be set back one foot from the proposed right-of-way within the Urban General Business Zoning District (B-2) be approved as presented.

Mundy Thank you Mr. Jones. Is there a second?

Lake Second.

Mundy Thank you Mr. Lake. All those in favor say aye.

All Aye.

Mundy Opposed same sign.
[No response]

Jones I move that Docket Number 2022-22-DSV, Development Standards Variance for the property located at 10615 Zionsville Road for the pole sign being 15 feet height, 15 feet in height within the Urban General Business Zoning District (B-2) be approved as presented.

Mundy Thank you Mr. Jones. Is there a second?

Lake Second.

Mundy Thank you Mr. Lake. All those in favor say aye.

All Aye.

Mundy Opposed same sign.
[No response]

Jones Okay. I move that Docket 2022-22-DSV, Development Standards Variance for the property located at 10615 Zionsville Road for the pole sign not providing the associated landscaping within the Urban General Business Zoning District (B-2) be approved as presented.

Mundy Thank you Mr. Jones. And second?

Zionsville Board of Zoning Appeals
May 4, 2022

Lake Second.

Mundy Thank you Mr. Lake. All in favor say aye.

All Aye.

Mundy Opposed same sign.
[No response]

Jones Did it get approved?

Lake You've got one more.

Mundy Yes, yes.

Jones I move that Docket 2022-22-DSV, Development Standards Variance for the property located at 10615 Zionsville Road for the pole sign not providing the landscape vegetation or materials within the Urban General Business Zoning District (B-2) be approved as presented.

Mundy Thank you Mr. Jones. Is there a second?

Lake Second.

Mundy Thank you Mr. Lake. All in favor say aye.

All Aye.

Mundy Opposed same sign.
[No response]

Motion passes. Thank you. If you want to go get a drink of water now, Larry, go ahead.

Next item on the agenda is Docket Number 2022-23-DSV, A. Collins at 170 North Maple Street, Zionsville, Petition for a Development Standard Variance to provide for a detached accessory building which deviates from the aggregate side yard setbacks in the Urban Village Residential Zoning District (R-V). If you would give us your name and address please.

Curti Yes, hello. My name is Bridget Collins Curti and I live at 160 North Maple Street, um, I am representing my family, uh, for the property at 170 North Maple Street immediately next door to my property. Um, we are requesting a variance of development standards for the aggregate side yard setback. We're requesting, um, that the required 15 feet be reduced to 4 feet and this is in an effort to, um, well, essentially we are rebuilding a two-car garage that's over 40 years old. Um, we're hoping that it could be better placed on the property, uh, we're still adhering to the 5 feet that's required from the north property line and we believe that this maximizes and improves the use of the property by best situating the garage to allow for a continuous area of landscaping and open yard in what is relatively an already, uh, smaller sized lot. Um, let's see, this also enables garage

access to be much easier where the current garage layout has us accessing the garage from Maple Street and we will be closing off that access on the side of the house essentially just putting a fence in, putting some landscaping in and the new access will be off of the back of the house, um, off of the alley which is right behind the property. Moving the garage over just that, uh, 4 feet will enable us to position the cars better getting in and out of the garage and, um, provides for less obstruction to the, I shouldn't say obstruction, less, um, interference with the two accessory structures, three accessory structures that are immediately behind the property, um, they seem to be right along the property line of the north property so this would allow us to get in and out of the garage more effectively. Um, we also believe that the positioning, um, is more evenly spaced, uh, I think the proposed layout is more sensitive to the entire area on Maple and Main Street. It more evenly spaces accessory and primary structures and this allows for more open greenery, landscaping and more light both from north, south, east, west directions.

Mundy Thank you Mrs. Curti.

Curti Thank you.

Mundy Any questions for the petitioner?

Jones So the, uh, the driveway, the gravel drive on the north side of the house will you then be removing that?

Curti Um, we, we the current I, uh, included in, as Exhibit 3 to my packet, the current driveway and so this is, uh, the, sorry, um, east side of the property off of Maple Street there's a current extensive gravel driveway, essentially the entire yard is gravel, um, so we will be landscaping over the gravel drive, putting a fence, backyard fence on the side of the property so that it's our yard, it will actually be a yard area instead of just, um, entirely gravel. So this will no longer be used as access at all to the garage. The garage will, uh, be entirely accessed by car will be at the, uh, alley behind the property.

Jones So then the, eventually the curb cut off of Maple then could go away as well?

Curti Yes. However, um, just as a resident of Maple Street, uh, I do know that when there's snowplows the only way for children to get, children and mothers with strollers, to get off down onto the street is usually they kind of take a shortcut off of that. I just thought I'd add that as a resident myself.

Jones So you'd want to keep the curb cut, the driveway cut?

Curti Um, we have no intention of augmenting that at all. Um, we won't be using it as a driveway for garage access at all and I think it just enables children and people to kind of get off onto the street. There's often a pile up at the end of Maple of snow and sleet in the winter.

Mundy Any other questions? Thank you. Is there anyone here who wishes to speak for or against this petition? Seeing none could we have the staff report?

- Baker Yes. The petitioner did a good job, uh, presenting, um, the request. Um, just little background – there’s an existing garage that they’re wishing to demolish and then relocate, um, the garage, um, to the other side of the property. Um, with that the, um, aggregates, they’re meeting the side setback of 5 feet with the new garage, however, based on the existing house, the house is 6 feet from the property line which, which would get the aggregate at 11 feet. Um, and based on, um, petitioner’s, uh, plan to maximize their backyard, I think staff is in favor of this request and happy to answer any other questions.
- Mundy Any questions for staff?
- Jones Um, like I said, currently the placement of the driveway or the gravel driveway hard to the property, um, lot line isn’t, uh, allowed. Correct? Even in the Village?
- Baker The, say, say that again. The –
- Jones The proximity of the edge of the, even though it’s a gravel driveway, it appears that it runs from the house to the property line.
- Baker Yes. So it doesn’t meet the – you’re saying it doesn’t meet the 5 foot setback.
- Jones It wouldn’t meet its current. And my concern is why I keep bringing up the, the curb cut. Not that I ever think it will happen but, you know, down the, down the line somebody else buys this house and they’ve got a curb cut in front of it and it’s a great place just to, you know, pull a car up in the front yard. Put it up on blocks, you know. Old school Zionsville, not the new Zionsville. Um, so did we – I don’t know, I, I, it, it’s – I’m just looking at something 20 years down the road when there’s still a driveway cut coming off of Maple going into a front lawn.
- Pickell I would never give it up if I was the homeowner.
- Jones You would what?
- Pickell I would never give it up if I was the homeowner.
- Jones Well I under – I know the math, yes.
- Mundy It does create one more parking space, um, and I drive Maple fairly often. There are times when there’s not a place to park on Maple. Uh, but –
- Jones But I guess even if the curb cut stays, the driveway cut stays, putting in a driveway once this one is removed which it is being removed, the gravel getting removed.
- Curti Yes and it will be entirely landscaped over and there will be a privacy fence basically with landscaping around it.
- Jones Okay. So just for the occasional car up on blocks it shouldn’t really have anything going on up there? Oh sorry.

Zionsville Board of Zoning Appeals
May 4, 2022

Mundy All right, um, no one online, John?

Emery No.

Mundy Okay. Thank you. All right. Uh, if there's no further questions of staff, is there any further discussion among the Board? If not, is there a motion on this petition?

Lake I move that Docket Number 2022-23-DSV, Development Standards Variance to provide for a deviation from the aggregate side yard setback of 11 feet for the construction of a detached two-car garage at 170 North Maple Street, Zionsville in the Urban Residential Village Zoning District (R-V) be approved as filed based upon the Findings of Fact and substantial compliance with the submitted site plans and concepts.

Mundy Thank you Mr. Lake. Is there a second?

Pickell Second.

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

All Aye.

Mundy Opposed same sign.
[No response]

Motion carries.

Lake And that second was Mr. Pickell.

Pickell Second was Mr. Pickell.

Curti Thank you for your time.

Mundy They sound alike. Uh, note that the second was made by Mr. Pickell not Mr. Jones.

Next on the agenda is Docket Number 2022-24-DSV, Auto Potenza at 7845 South Indianapolis Road, Zionsville, Indiana, Petition for Development Standard Variance for the reduction of the required amount of off-street parking in the Rural Light Industrial Zoning District (I-1). Is the representative here?

Groves Yes. Michael Groves with Architectural Design Group and Triad Associates.

Mundy Can you, uh, walk us through the petition that you have filed?

Groves Yes. Um, as you can see, we're going to build a 3,600 square foot auto repair facility nestled in the corner of this property. This is a unique property because it's almost 600 feet long – it's kind of shaped like a giant arrow as it comes down where Indianapolis Road crosses under 65. That 3,600 square foot building has a location to work on like five cars, that's it. Typically these people come, drop off

a car, pick it up so the need for any kind of extra parking beyond what's required and what we made a count for at this time. We have basically a couple extra spaces for what we've shown. This, I think, fell into when they developed this zoning they were really looking at dealerships and they lumped this in together. We don't have a need like a dealership for a large span of cars or anything. So, what we're looking for is a variance to, uh, not have to follow the final addition which is 1,000, uh, one car for every 1,000 square feet of the entire property on top of the other required parking. The other thing is that in doing this if you look at our, our overall site, we'd be removing a lot of trees just to meet that requirement plus the, the total, uh, infrastructure and grading for this property as it moves down toward the pointed area where we're going to have a detention area also take up space. So, I mean, we don't need the parking so that's why we're asking for the variance to not have to, to do that plus we don't want to utilize, go out and remove all the trees that we don't need to remove if we don't have to.

Mundy Thank you. Any questions for the petitioner? What's the final number of parking spaces that you are asking for?

Groves 34.

Mundy 34.

Groves We're required to have 33.

Mundy And is the, is the existing building there now functioning as a repair site?

Groves No.

Mundy No.

Groves No. It is just the, it is being repaired. It's getting some new siding and a roof but it won't become part of this until the other building is up because basically it's just serving as a, a couple of offices. Once, once the other building is built it's going to serve as like a couple of offices where like people, just there because we don't really have a lot of space in the other building. We have one office where you come in for reception and then there's a, a restroom and a little waiting area and the rest of it is just the repair area. So that's set aside for the owner to have an office just there and keep it in the house for that.

Mundy Any other questions for the petitioner? No one online John?

Emery No.

Mundy Thank you. If there are none could we have the staff report please? I'm sorry – no one here to speak for or against this petition? The audience is getting a little thin, so – I assumed not. Uh, could we have staff report please?

Baker Yes, um, so as the petitioner touched on, they're requesting a reduction in the amount of off-street parking. Um, in this, uh, use they lump auto sales/auto repair together and I, I would assume that that is where the significant amount of

parking comes into play. Um, staff is in, in favor of the reduction in the parking. And, um, just for verification, they'll, they'll go on to Plan Commission and have to get development plan approval from the Plan Commission. I am happy to answer any other questions.

Mundy How many cars are onsite now? I, I was there today, so I saw a number I thought, I thought maybe there's already some operation going on.

Groves No, what – there's been some construction going on there as far as working on that roof or trying to put the new siding on so some of that may have been that. Um, also, the owner has brought over, I think, 3 or 4 cars from his other facility on the east side while they were doing some work around on, on the area around that building, like a re-pave or something. Those are temporary and then once that's done they're, they're going back anyway.

Mundy Thank you.

Lake So if I can interject – I believe this was noticed by first class mail? So do we still need to motion to approve?

Mundy Thank you.

Lake Okay. So if we could, uh, I'll make a motion to approve first class mail as a notice, uh, for this petition.

Jones Second.

Mundy Thank you Mr. Lake and Mr. –

Lake Jones.

Pickell Jones.

Mundy Jones. Uh, yes and just to further it, uh, due to COVID we have allowed notification by first class mail rather than certified mail, uh, which is, uh, required by our rules. So, we will exempt that for this evening. Uh, all those in favor say aye.

All Aye.

Mundy Opposed same sign.
[No response]

That was a little deviation there, so, any other questions on this? Uh, is there a motion then on Docket Number 2022-24-DSV?

Lake I move that Docket Number 2022-24-DSV, Development Standards Variance to provide for the reduction of the required amount of off-street parking at 7845 South Indianapolis Road, Zionsville in the Rural Light Industrial Zoning District (I-1) be approved as filed based upon the Findings of Fact and substantial compliance with the submitted site plans and concepts.

Zionsville Board of Zoning Appeals
May 4, 2022

- Mundy Thank you Mr. Lake. Is there a second?
- Pickell Second.
- Mundy Thank you Mr. Pickell. All those in favor say aye.
- All Aye.
- Mundy Opposed same sign.
[No response]
- Motion is approved.
- Groves Thank you.
- Mundy The next and final item on the agenda is Docket Number 2022-25-DSV, Bright Signs Marketing, 6200 Technology Center Drive, Zionsville, Indiana, Petition for a Development Standard Variance to provide for a billboard sign which: 1) Deviates from the required maximum size and 2) Deviates from the required maximum height in the Rural Light Industrial Zoning District (I-1). And if you would state your name and address please for the record.
- Keebler Aaron Keebler. I'm the owner of Bright Signs Marketing in Fort Wayne. Address is 2410 West Jefferson Boulevard, Fort Wayne, Indiana 46802.
- Mundy You want to tell us about this project you're proposing and requesting a variance for?
- Keebler Yes. The, uh, property at 6200 Technology Court Drive, Zionsville, Indiana 46077, uh, the backside of the property runs against I-465 and the owner of the property would like to construct a billboard from ground up on the back side of this property, double sided to face both east and westbound traffic. Uh, the billboard would be a digital billboard, uh, meant for public, uh, advertising and, um, again, it would be a whole new construction on that site.
- Mundy Any questions for the petitioner's representative?
- Jones Um, do you think you could've found a more dangerous location to put this thing? I mean this one's horrible, um, I think if you moved it maybe a little bit, you know, farther, uh, southwest around the curve to get to the real part where everybody's trying to jog between getting around the curve and getting onto 865 North as well as, you know, the westbound traffic looking across, you know, you've got people swapping around there and I only speak of it because I drive it twice a day every single day.
- Lake Well and it always backs up there too.
- Jones It backs up and –
- Lake So you're looking over at the sign and not seeing the person in front of you stop.

- Jones Yeah, exactly. I, I don't know. I mean, I think there is a, a worse location they could've moved it maybe a little farther around the curve but... And, finally, these things are an eyesore. I know you put the little blip in there about they put out some sort of public message every so often but, they are not only distracting, some of them have video on them which is even more distracting. And then at night, you know, you're trying to work your way down the highway in various weather conditions and off to one side will be, you've got even a larger, brighter item that's taking your attention away from the road as well as disrupting your, uh, uh, uh, oh, uh, what's it when your eyes are dilating back and forth between light and dark? Uh, what's that? You know, there's, there's a term for it though.
- Lake You got me.
- Jones Phot – I think it's clarity or something like that. Visual I don't know, anyway.
- Pickell I'm not sure.
- Jones Other than that I don't have much of anything about this.
- Keebler And to kind of touch on the technology of our, our product – this would be, uh, our first billboard we've done. Not a first variance for a billboard and so I completely understand, uh, where you're standing with it. Now the technology behind the product too, there's a photo cell on both sides of the board that actually works with the, how much sunlight is being put out. So, if it were to be, when it goes dark the screen is dark, it dims down low. It's not – there are billboards out there and there are, you are able to control brightness. This, it's actually kind of gone past that so that they complied better with zoning so that, uh, the billboard will dim when it's dark, when it rains or, you know, whenever it, it needs to it dims and then, uh, would go back up and it never would go past 65% in brightness. Um, there's no use in the electrical bill for the customer and it, it doesn't do much difference for the billboard.
- Jones Is it video capable?
- Keebler Capable? Yes it is. Yes, all, all digital billboards are video capable.
- Mundy You are aware that, um, there are some procedural considerations that this Board must take into account, um, the last of which is “a strict application of the terms of the zoning ordinance will result in an unnecessary hardship in the use of this property.” I did see that, uh, you have completed that, um, although, I, I fail to see the hardship that would be caused if it were denied in those Findings of Fact. It basically says well there are other billboards out there and so if we did not approve this we have caused an unnecessary hardship to the property owner. In fact, as Mr. Jones pointed out, this is on the curve. Once you get past the curve you'll see billboard after billboard – quite a few of them. Some are digital, uh, are just, uh, the traditional sign. It is past the curve. There are none in that curve and the traffic does back up there I think at almost every evening and rush hour. Uh, and, uh, but I don't see anything else in here that, uh, depicts a hardship.

Keebler Now depending on – so doing, being in the sign industry it’s interesting that, you know, I’m biased because I’m in the sign industry, but I see tons of sign. Every time I’m driving I’m looking at signs, I see signs, signs and just on an – I’ll, you know, for instance, this curve here there is no billboard break in this area but on many areas, um, traveling around Indy and in Fort Wayne where I’m located there are and it’s not necessarily a big, uh, it’s not drastically changing my attention. Um, and with that being said too, there’s plenty of signs on this curve for traffic to see and to be seen on the building and around on all the buildings so this would just be an additional sign to those signages.

Mundy That is somewhat of an oasis, uh, there or dessert I should say. There are not a lot in that vicinity. There are some but not a lot. Uh, and I don’t know how distracting they are. I don’t pay attention much to signs unless I’m looking for food or gas or something like that, um, but, again, that doesn’t obviate the fact that I still don’t see the hardship there.

Lake Well, I think a sign on a curve is one thing. A sign on a curve where you’re going from three lanes to two lanes, people in the left lane don’t realize they can’t be in the left lane and go east so they gotta get over, traffic is stopping there because it’s backing up for Michigan Road. At the end of the day, you’ve got increased hazards on that specific turn and then you’re adding something else that could be seen as a hazard so I would almost argue that not only is there not a hardship which there, under no circumstances is, is there any hardship, um, I would almost state that it is likely injurious to the public health to have it in that location as well. So it may not meet two of the three.

Pickell Do we have anything from, uh, um, does INDOT prohibit these on curves?

Mundy I’m not sure that INDOT, this is an interstate highway so I’m not sure who controls that.

Pickell INDOT controls that.

Mundy Do they? Okay.

Pickell So I mean is there any, any prohibition currently from INDOT that would stop someone from putting a billboard on a curve?

DeLong That might be a question best for the sign contractor.

Keebler Not that I’m aware of but INDOT is our next step after getting the, uh, after getting this passed would be our next step.

Pickell So you can’t talk to INDOT until this gets passed?

Keebler They are very difficult to work with. They do not want to talk until this is passed.

Pickell I find that hard to believe but I would be willing to go with a continuance to find out what INDOT says on that curve specifically.

Mundy Any other questions for the petitioner? Anyone here to remonstrate for or against this petition?

Piniecki [Inaudible off microphone 1:40:26]

Mundy All right. You can come up and address your, with your name and address please.

Piniecki My name is Ron Piniecki, um, I am, um, a business owner actually at 6300 Technology Center Drive, so I own the facility immediately adjacent to it and probably the center point or center piece of that, um, Executive Park. The facility that, that I own is called WellBridge Surgical. It's a brand new surgery center that was built, um, fourth quarter last year or completed fourth quarter last year. Um, I'm also a Zionsville resident. Um, I received notice that this was, um, being brought before the Board, um, a few days ago and just wanted to have an opportunity to speak on it.

We're a transparently bundled, um, pricing, um, transparent pricing surgery center, um, the second one in the country, in fact, um, that's competing against current hospital systems with Indiana being the fourth highest cost of healthcare in the country, And, um, one of the reasons why we purchased that location was obviously for visibility, um, as well as the greenspace. Um, anybody that's driven past it knows it's kind of the, a beautiful area right there on the northwest corner. There's a nice retention pond that's got, um, riprap lined all the way around it and it's greenspace with a bunch of evergreens have been planted there and there's picnic tables and whatnot in front.

Um, we firmly believe one of five, actually there's five points I'd like to bring up. One is the aesthetic, um, issue which I alluded to and how this signage would affect that in a negative fashion. The second thing is the property value. Uh, we paid a fair price for, uh, a property that sat vacant which was the old Harrison College and developed it into a functional business, um, that's bringing in, um, surgical care, patients that are actually coming in from even out of state. Um, the third thing is visibility. Um, the sign that's being proposed, I think, is 14 feet by 48 feet at a 40 foot elevation. Um, it's going to obviously impair visibility of our building, um, from, from both directions. Um, the fourth thing is an eyesore. Um, it's going to be light pollution, we believe, in the evening times, early in the morning, late at night. Um, and then the fifth point was, um, there's, we have no control and we should not as a non-owner of the sign, have any control over advertisement that's done on that billboard. So, effectively, direct competitors, um, could advertise within 150 yards of our facility, um, which we actually share a parking lot with 6200 so there's a shared communal parking lot that joins the two facilities, areas, if you look on the, the overhead view. Um, we share that Executive Park with Northwest Radiology, The Cancer Care Group and, like I said, we're the first surgery center actually being, that has been built in Zionsville. Most of the rest around the city are either in Fishers or Carmel, so we, we've committed to the community. I live in the community and, um, we would just like that to be taken into consideration as you, uh, decide whether or not this is not only a public safety issue but also a, a net detriment to the property values and, and kind of the, what we consider a, a white collar executive park in that area. Thank you.

Zionsville Board of Zoning Appeals
May 4, 2022

Mundy Thank you, sir.

Pickell Wayne, is this still under a TIF district?

DeLong This is in a Boone County adopted TIF district correct.

Pickell But still a TIF district?

DeLong Correct.

Pickell Funds generated from there actually benefit the Town, right?

DeLong They benefit Boone County.

Pickell Don't we receive some money for the Town from that TIF?

DeLong I don't know that it comes directly from that TIF but, yes, for, for a period of five years starting in 2017 the Town did receive a, a dollar amount from Boone County.

Pickell Okay. All right.

Lake It should be done now.

Pickell Okay.

Lake It's five years.

Pickell All right. I, I just wanted to – if it isn't a TIF that –

DeLong It is a TIF.

Pickell Okay. All right.

Mundy Is that TIF still active?

DeLong It's a Boone County created TIF. I don't, I'm not an expert on it but I believe it's nearing –

Mundy I think it's gotta be almost done.

Pickell Close, if not. Yeah. Okay.

Mundy It is. Okay. Anyone else?

Jones Do you want a motion?

Mundy Can we have the staff –

Jones Or what? You want a motion?

Zionsville Board of Zoning Appeals
May 4, 2022

- Mundy Not yet. We haven't heard the staff report.
- Jones Oh shoot. My bad.
- Lake He's ready to get out of here.
- Mundy Could we have the staff report?
- Baker Yes, um, so we traditionally don't see a whole lot of these. Um, there were, there have been a few but historically staff has not, um, historically been in favor of these type of variance requests. They, they do add some benefit to the community possibly depending on the message but staff feels that the, um, that does not outweigh the ordinance requirements, um, so staff has recommended denial of the petition and I'm happy to answer any questions.
- Mundy Any questions for staff? From staff perspective this is a matter of what the, the value that they bring is not offset, does not offset the distraction and, uh, other elements of, of billboard type sign that that brings to the community as well.
- Baker Correct. And, and obviously just not, um, meeting the sign requirements. I think 35 feet is the maximum height and, um, 150 square feet is the maximum size and it well, well exceeds those requirements in that zoning district.
- Mundy Thank you. Any other discussion? Is there a motion someone would like to put forth?
- Jones Sure. I move that Docket 2022-25-DSV, Development Standards Variance for the property located at 6200 Technology Center Drive to allow for a billboard sign which deviates from the required maximum size to the 672 square foot within the Rural Light Industrial Zoning District (I-1) be denied.
- Mundy Thank you Mr. Jones. Is there a second?
- Lake Second.
- Mundy Thank you Mr. Lake. All those in favor please say aye.
- All Aye.
- Mundy Opposed same sign.
[No response]
- Would you like to continue Mr. Jones?
- Jones Sure. I move that Docket 2022-25-DSV, Development Standards Variance for the property located at 6200 Technology Center Drive to allow for a billboard sign which deviates from the required, deviates from the height of 40 feet within the Rural Light Industrial Zoning District (I-1) be denied.
- Mundy Thank you Mr. Jones. Is there a second?

Zionsville Board of Zoning Appeals
May 4, 2022

Lake Second.

Mundy Thank you Mr. Lake. All in favor say aye.

All Aye.

Mundy Opposed same sign.
[No response]

Motion is passed. The, uh, petition is denied. That brings us to the end of the – the Negative Findings of Fact for that petition will be, uh, presented at the June meeting for signatures at that time. Is there anything else that the Board needs to discuss? Hearing none, uh, I move to adjourn.

Lake Second.

Jones So moved.

Mundy And we move.

Lake All right.