

Zionsville Board of Zoning Appeals
October 4, 2023

In Attendance: Steve Mundy, Chris Lake, Jocelyn Hinshaw, Kathi Postlethwait, Larry Jones

Staff attending: Mike Dale, Chrissy Koenig, Jonathan Smith, Kent Minnette, attorney

A quorum is present.

Mundy Good evening and welcome to the October 4, 2023 Board of Zoning Appeals meeting. The first item on the agenda is the Pledge of Allegiance. We'll ask the audience to join us.

All Pledge of Allegiance.

Mundy Thank you. The next item is attendance. Mr. Dale, would you be so kind to do that?

Dale Larry Jones?

Jones Who? Uh, yes.

Dale Kathi Postlethwait?

Postlethwait Present.

Dale Jocelyn Hinshaw?

Hinshaw Present.

Dale Chris Lake?

Lake Present.

Dale Steve Mundy?

Mundy Present.

Dale All present.

Mundy Thank you. The next item is the approval of the September 6, 2023 minutes. Those were all a part of your package or online access to them. Are there any alterations, changes or comments to those?

Postlethwait Actually, I have a correction and thank you, Mr. Mundy, for pointing this out to me. On page 47, there is a large section of text which is attributed to me but it's actually the, one of the remonstrances. His name is Sands, John Sands.

Mundy Okay.

Postlethwait So he asked me my name and my last name and then he began to speak after that. So where it says Postlethwait it's really John Sands –

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Dale The page again, I'm sorry –

Postlethwait Page 47.

Dale Page 47.

Postlethwait Uh huh –

Dale John Sands should, Kathi Postlethwait should be John Sands.

Postlethwait Right.

Dale Right?

Postlethwait Thank you Mr. Mundy.

Mundy Uh huh. Are there any other corrections to make? Hearing none, is there a motion to approve with those changes made?

Jones So moved.

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

Lake Second.

Mundy Thank you Mr. Lake. All those in favor please indicate by saying aye.

All Aye.

Mundy Opposed same sign.
[No response]

The minutes are approved.

The next item on the docket will be some continuances. Let me check with the IT at the back of the room – do we have any, anyone joining us? Two online? All right. If you'll let me know if they wish to speak at any point. Wave your hand. I can't see your mouth, I can just see your eyes so.

IT **8:33 inaudible off microphone.**

Mundy Okay, thank you. The first item on the docket is 2023-34-DSV and that is a docket item that has been withdrawn by Chase Bank. That, if you'll recall, we heard that last time. That was the foot candles and the lighting that we all learned so much about. They have now adjusted that so that they are within the, the standards that the Town has set so they are withdrawing that petition.

The next docket number is 2023-39-DSV. That is a request for a continuance. The request was done in a timely manner and it is automatic so it is not something we will hear tonight. We don't need to motion it. It's an automatic continuance to the November meeting.

The next item is Docket Number 2023-42-DSV, D. Christiansen, 7371 East 100 North in Whitestown, Indiana. That is a continuance due to lack of newspaper notice that was given on time so that petition, too, will not be heard. It'll be heard next month at the November meeting.

Koenig Steve, we do have the representative online if that is . 10:16

Mundy Okay, well if, if there are any questions the representative is online. Seeing none, thank you for joining us but it's not necessary. We'll see you next month.

Continued Business – Docket Number 2023-33-DSV, Chase Bank, 10701 East 300 South, Zionsville, Indiana. This is continued from the September 6th BZA meeting. The Petition for Development Standard Variance to provide for additional signage which exceeds the maximum allowed two and proposed five signs in the Rural General Business Zoning District (GB) and in the Rural Michigan Road Overlay District (MRO). Can we have the staff report please?

Koenig Yes, as, as we presented last month, staff was amenable to the petitioner having five signs but not the 10 that they were requesting. So after the meeting last month, they went back to their representative, Chase, and they agreed to take away the five signs that had the logos or name on it so bringing them down to the five signs and so that's essentially what we're moving forward with. They're, they're agreeing to the five signs that staff was presenting last month as being amenable to.

Mundy Thank you.

Jones So is that what the staff position is? Reading through what's in here it says the staff position is unfavorable but what you're saying is you're now favorable of the five?

Koenig Five, correct.

Jones Or the increase of three to five?

Mundy For the rest of the Board, if you're all as confused as I was when I read through this and then when I, because it was not lining up properly – there is some material in here which is, is still incorrect in the reports we got so.

Koenig Right.

Mundy They have agreed to the five signs. Rather than describing those, we'll let the petitioner describe those five signs that they wish to have but this is now matching up with the recommendation from staff from a month ago. Any questions for staff? Hearing none, could we hear from the petitioner? And I understand the petitioner is online.

Gayde Yes, can you hear me?

Lake Yes.

- Mundy Yes we can.
- Gayde Yeah, so Chase Bank is wanting to do, they agreed to five signs basically –
- Mundy Could I ask you, could I ask you to give your name and address first please?
- Gayde I'm sorry. My name is Megan Gayde. I'm with SignDoc Identity representing Chase Bank.
- Mundy Thank you. Now, if you'd give us the information that you started.
- Gayde Yes. So, Chase has agreed to go to the five signs instead of the 10 that they had and so they're wanting the three signs on the building and then a monument sign and then a small sign that goes above their ATM that just says Chase with their logo is what they're requesting now.
- Mundy And the directional signs will not have the, won't exist or won't have the Chase logo. Is that correct?
- Gayde They will not have the Chase logo or any type of branding. They would just say ATM here, exit here, enter here with the arrows. That is correct.
- Mundy All right. And the signs that, those three wall signs, the monument sign and the ATM sign are the same as the ones presented last month?
- Gayde Correct. Nothing, yeah, nothing has changed since last month.
- Koenig Megan, for the benefit of the Board and for the record, can you go through which – for instance, E1 is the monument sign.
- Gayde Correct.
- Koenig Can you go through those five so that we have it documented correctly in the record?
- Gayde Yes. So, E1 is your monument sign and then E2 is just an octagon, an illuminated octagon. E3 is a channel letter set and then E4 and E5 are the other two letters and then there is a little sign on the ATM which is E6. So it would be E1, E2, E3, uh –
- Lake That is not what we have in our drawings.
- Gayde It should . 15:26
- Lake Yeah, in our drawing sign 3 and 4 are the and then 5 is the ATM sign.
- Gayde Yes, yeah. Yeah, so you have E, E1, E2, E3, E5 and E6.

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- Lake Okay. That is not what the drawings show. Your drawings have E1 as a monument sign, E2 as the octagon logo, E3 and E4 are the channel sign with the logo and E5 is the ATM sign.
- Gayde Yes, that is correct.
- Lake Okay.
- Koenig But then you also have E6 which is the ATM.
- Gayde Yes. So then can we just propose E1, E2, E3 –
- Lake So that is not what is in the drawings. The drawings we have in our set E6 is a handicapped sign as well as E7. There are five building, four building signs and a monument sign. E1 is a monument sign, E2 is the octagon, E3 and E4 are the exact same sign. One is on one face of the building and one is on the other. E5 is the octagon and those are the only logoed or named signs. All the other signs are ancillary like reserved handicapped parking, do not enter and then other signs that are directional and don't have names or logos on them.
- Hinshaw We're looking at a drawing with revision 11 9/14.
- Lake We have a packet. It's the electronic copy.
- Koenig John, can you put up the, a slide for this that shows the Power Point? Do you have that?
- Gayde Do you have – what revision do you have?
- Lake Uhh –
- Hinshaw Revision 11 is the drawing.
- Lake It was received September 15, 2023.
- Gayde Okay, so – oh my, they've given me too many –
- Smith Can you all see this Power Point?
- Lake No I can't, no.
- Dale No.
- Postlethwait No.
- Lake Hold on – so E1 monument sign –
- Mundy Uh huh, right. That was the same.
- Lake E2 octagon, E3 is the channel sign with the octagon –

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Mundy Uh huh –

Lake E4 is the channel sign with the octagon.

Mundy Uh huh –

Lake E5 is the ATM sign. And then 6, 7, 8 whatever you want to go through there are all the ancillary signs.

Mundy Right.

Lake So this matches what the request is.

Hinshaw Uh huh.

Mundy Yeah.

Lake So, I almost don't need to see that.

Gayde Okay.

Postlethwait Yeah.

Lake I mean we kinda don't need to see that. I mean, what is in our document matches what we're verbally hearing as the request, the numbers just don't line up.

Koenig Do you guys have this? 19:24 inaudible off microphone

Lake Yes, it's on –

Hinshaw I think it's correct though.

Postlethwait Oh I see –

Lake But on ours it says E5.

Postlethwait Umm –

Mundy Yeah, see that's –

Postlethwait So you're saying E6 is the ATM?

Lake So, let me see, see the revision date, it doesn't. I don't see a date on it.

Hinshaw That's revision 9 on 5/23. Our drawing from the 20:06 was revision 11 so 20:10 for this. So this should, this probably is the most updated.

Postlethwait Can I see what you're looking, what you're looking at? Is that the south? Which elevation is that? Okay, so there's, if you see, if you're looking at this – see here is E5. Is this not the ATM right here?

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Lake Yeah, that is.

Postlethwait Okay.

Jones And ours is saying it's E5?

Postlethwait Yeah, well this, if you look at this –

Koenig You guys have the more recent –

Hinshaw You think it's more recent? She just has the old one.

Postlethwait It doesn't seem like it should be that hard 20:56 five signs.

Lake So that says E1, that's a monument sign.

Smith E1.

Lake Go to your next one.

Smith E2 and 3.

Lake Okay.

Smith Is that reflective of what you got?

Lake Yep.

Smith This is 3 or this is 4 and 5.

Lake That's an old drawing. That east elevation does not have signage on it.

Smith Okay.

Lake In our packet that east elevation is blank.

Hinshaw Uh huh –

Smith Okay.

Postlethwait And that's the back side of the building.

Lake Yeah –

Jones Yeah –

Smith And you see what we are referring to as 6 is the ATM.

Lake Correct but on our handout that's 5.

Smith Okay.

Lake So our document is more recent than your document.

Smith Okay.

Hinshaw Uh huh –

Postlethwait Right.

Lake So, I'm just going to restate that so that it's clear for the record. E1 is the monument sign. E2, which is on the north elevation is the octagon, illuminated octagon. E3, which is on the west elevation, is what I believe was referred to as a channel letter sign with an octagon. That same sign is also E4 on the south elevation and E5 is the Chase surround for the ATM also on the south elevation.

Postlethwait Right.

Lake No signage on the east elevation.

Postlethwait That's right.

Jones And that's it.

Lake So that's what we're approving this evening, five signs.

Postlethwait Right.

Lake Okay.

Mundy Any questions from the, the petitioner?

Gayde No, no.

Mundy Good.

Gayde Sorry.

Mundy Do we have any other questions for the petitioner? Hearing –

Jones Umm – oh, that's right –

Lake Huh?

Jones Never mind. The site lighting issue has been –

Lake It's done.

Hinshaw It's done.

Jones Done.

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Lake Yep.

Gayde Yeah, that's not me.

Mundy Okay, all right. Thank you. Is there anyone here tonight who wishes to speak for or against this project, this petition? Anyone online?

IT No sir.

Mundy Okay. Seeing none, is there any other discussion among the Board? Is there a motion to put forward? I do have one more question – I'm sorry – just for the petitioner.

Gayde Yes?

Mundy As you are aware, we have a consideration that we have to make for Findings of Fact –

Gayde Uh huh –

Mundy I'm not sure who completed that but the, the, in, in each case there are three considerations and the petitioner has the option of saying will or will not. The first one is the grant will or will not be injurious to the public health, safety, morals and general welfare of the community.

Gayde Uh huh –

Mundy Our copy has will not marked out which would indicate to me that it's saying that it will be injurious to the public health, safety, morals and general welfare of the community.

Gayde I'm –

Mundy I assume, I assume whoever did that intended to maybe circle will not but not mark it out.

Gayde Right.

Mundy The second one is the use and value of the area adjacent to the property included in the variance will or will not be affected in a substantially adverse manner because and, again, will not is marked out and it says will. So I assume that, too, should've been otherwise.

Gayde Uhh, yes.

Postlethwait So Mr. Mundy, I think that the petitioner has done is marked an X on the, the phrase that is the –

Mundy What they –

Postlethwait What they wanted –

- Mundy I, I assume that's correct as well but –
- Postlethwait But they put an X on the one, on the one that they want to be applicable. So, because in each, each of these it seems that the X is on the verb that they would –
- Mundy Yeah. I, I assume that that was the case. Now the third one is a little different in that it also, we will assume that it will result in a strict application of the terms of the Zoning Ordinance will result in an unnecessary hardship in the use of the property because –
- Gayde 25:20
- Mundy And it is the answer to that question which I think provides us with no information whatsoever regarding whether or not this would be an unnecessary hardship.
- Postlethwait Right.
- Gayde Right. It does not cause a hardship.
- Mundy Pardon?
- Gayde It would, it would not cause an unnecessary hardship. I believe is how she was trying to state it.
- Jones Not the answer you want to give. Sorry.
- Postlethwait So –
- Gayde 25:54 answer.
- Lake What the, what that line item is trying to say is that if we don't give you your variance –
- Gayde Uh huh –
- Lake It's no hardship to your client, meaning we shouldn't approve the variance.
- Gayde Oh, yes. It is a hardship to my client, yes.
- Lake Yeah, so why is it a hardship and, and what was given is an explanation of why it should be exempted but not why it's a hardship.
- Gayde It would be a hardship for advertising and being known and seen for the customer and the business.
- Mundy And I think that that's –
- Postlethwait Would you say that it's a hardship for wayfinding for, for customers? I mean, it seems to –

- Gayde Yes.
- Postlethwait Me the previous argument was that people would not be able to find their way into the building without signage. Is that your belief?
- Gayde Not necessarily finding their way in but like see the location. With that area being built up as much as it is, it's growing over there and so they wanted to make sure that they have all that signage and Chase is very strict, I would say, on making sure that they are very known to everybody around.
- Lake So without the signs people driving by may not realize that that's a Chase Bank?
- Gayde Correct, if they don't have enough visibility. Correct.
- Postlethwait Correct me if I'm wrong but this is saying that the previous Ordinance was for a residential and that that's not accurate is it?
- Mundy Well, if you go back far enough it's accurate.
- Postlethwait But I mean in this particular case these, these were Ordinances that were established for this overlay district and so on, right?
- Mundy Yes, that's correct. About 10 years now I think.
- Postlethwait Right.
- Mundy Yeah. I think that we would all recognize that without signage indicating what it is and who it is that it would be a hardship but the response on the filing was not helpful. So I think what you have said to us is what we probably all in our own mind believed, again, when you just look at the filing, it was not very helpful.
- Lake So do we want her then on the record now to succinctly state what she believes the hardship is so that that is written into the record?
- Mundy And I think she's done that in terms of –
- Lake Mr. Dale, is that –
- Mundy But, yeah.
- Dale I, I think the fact it's already in the minutes –
- Lake Okay.
- Dale Should explain the hardship –
- Lake Okay.
- Dale Without difficulty.

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Lake Okay. I was just trying to make sure we're covering our bases.

Dale Yeah, we, we now have a record at least for the hardship.

Lake Thank you.

Mundy All right, any other questions? Is there a motion on this petition?

Jones I think the motion we have in front of us needs a little modification, correct?

Mundy Correct.

Jones It should be something like I move that Docket 2023-33-DSV, Development Standards Variance for the signage that exceeds the maximum allowed of three signs be approved for a total of five signs at the 10701 East South, East 300 South, Zionsville address, those signs being as noted in the plans and specs as being E1 through E5 – is it E1 or EO1?

Lake EO1.

Jones EO1, EO2, EO3, EO4 and EO5 –

Lake Yes.

Jones Be approved as presented and described based on the Findings in the staff report and staff recommendations, submitted Findings of Fact, substantial compliance with the submitted site plans.

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

Lake Second.

Mundy Thank you Mr. Lake. All those in favor please indicate by saying aye.

All Aye.

Mundy Opposed same sign.
[No response]

The motion is approved. Good luck with your signage at the bank.

Gayde Thank you and I hope you guys got rest after last month's meeting. I stayed the entire time.

Mundy We're still recuperating.

Postlewait So did we.

Gayde You all have a good night. Thank you.

Lake Thanks.

Mundy You're welcome. Thank you.

Next item on the docket is Docket Number 2023-40-DSV, Topsy Mermaid Sign at 135 South Main Street, Zionsville, Indiana. Petition for a Development Standard Variance of Section 194.165 to provide for the installation and location of a ground sign in the Urban Village Business Zoning District (VBD). Can we have the staff report please?

Koenig Yes, so as Mr. Mundy said that the request is for that, that sign and due to the fact that the building itself which is existing isn't set back the 10 feet that it's required, that's the need for the variance. The staff was, staff is, is agreeable to, conditionally to the freestanding sign on this site, however, the proposed sign at 128 inches was taller than the average of the signs in the area so staff would suggest that the sign not be any higher than 85 inches.

Mundy Any questions for staff? And I'll say this again, that the, that 85 inches is from grade level which is roughly the sidewalk level. The sign would be mounted up three or four feet higher so the 85 inches though is from the sidewalk.

Koenig Right. So, if we go to the one, the slide before that I think is the one that has the dimensions, yeah. So it shows here going from the ground up to the top of the sign structure.

Mundy Any, any other questions for staff?

Jones And so the 10 foot 8 is being measured from the, the sidewalk along, adjoining the street from the top of the sign? Am I seeing that correctly?

Lake Well it's to the top of the structure that hangs the sign, not actually to the top of the sign.

Koenig Right, but you're asking where it starts at the ground level?

Jones Correct.

Koenig Yeah, the ground level one starts by the sign. I mean, it's not at the sidewalk it's back off the sidewalk probably a few feet. The petitioner is probably able to answer it more eloquently than me.

Lanich Hello –

Mundy If you would give us – now that we're going to hear from the petitioner, petitioner's representative, if you'd give us your name and address please.

Lanich Sure. Good evening. My name is Darin Lanich. I'm with David Rausch Studio at 170 South Main Street. We're the architects on the project and our office happens to be right across the street from where this sign would be located so I'm very familiar with the site. The, the sign is mounted at the edge of the patio which is elevated from the public sidewalk roughly 2 feet and I say roughly because the public sidewalk fluctuates greatly. It's not as level as it could be being an, an old

brick sidewalk and, and so the 10 foot 8 measurement and, and you can look at the drawings and, and see it on that diagram is from the public sidewalk. The historic structure is about 2 feet higher than the sidewalk which is different than the adjacent properties which are down lower. The Brick Street Inn is a contemporary structure built to look like a, a historic structure and it's down much closer to the street level. When the building was designed the, the patio was built at that level because there's an accessible entrance that wraps the building from the rear where there's an accessible parking space and it really wasn't very practical and keeping in, in harmony with the other storefronts in the area to try to build a 20-foot ramp to make an accessible path so the design solution was to elevate the patio up even with the floor line of the historic building.

So because of that, the sign is a couple of feet higher than the sidewalk than it would otherwise need to be if the building were lower than the public sidewalk. The other thing that the additional height helps with is visibility for people walking down the sidewalk from the south because we have outdoor dining to engage the street and with people sitting outside experiencing Main Street, Zionsville, having the sign a little bit higher allows that visibility if someone is walking from the south where the sidewalk does slope down as you go to the south.

So I, I hope that gives you an overview for the reasoning of why the, why the sign is a little higher than some of the neighbors and also why, why we did what we did with, with the patio height and the positioning of the sign. And there are some other signs in the general area that are taller to the rear of this property. There's a, a, a new project at the orthodontist's office and they have a, a sign that we measured to be around 9 feet or something. So, there are some other taller signs in the Village. We haven't done an exhaustive survey of all the signs but staff did, did measure the two neighboring signs and, and, again, they are lower because their, their buildings are lower.

Mundy

Thank you.

Lake

So is this meant to be also seen by cars heading north on the road?

Lanich

I, I think there would be some opportunity for that. The, the initial challenge with the property is the large street trees which –

Lake

Well and that was my question or my concern because your sign is actually not going to be visible whenever that tree has leaves on it coming from the south because it's going to be too high.

Lanich

Um –

Lake

I'm on Google Earth –

Lanich

I don't know. It depends on how high your vehicle is that you're sitting in. The tree canopy does, does start a little bit above head height because people walk under it. So if you're –

- Lake Yeah but it's in line with about the –
- Lanich If you're in a sedan –
- Lake Middle of your doors going from the patio inside the restaurant. So, if your sign is then 10 foot tall it is clearly up in the tree canopy.
- Lanich Yeah the, the sign, the sign board is 32 inches square and the, the top of the sign board is 7 foot 4 above the patio because it's 9 foot 4 above grade. So 7 foot 4, the top of the doors are, I, I think we have doors that are 6 foot 8 because we are keeping in character with the residential door sizes. So the, the sign is roughly even with the top of the doors.
- Mundy I, I was there today and I concur with Mr. Lake. Your sign is almost in the tree and it will not be very visible. If you're in a very low car you might be able to see it. If you're in a SUV I think the, the tree will obscure the sign for a good part of the year.
- Lanich Well and I, and I, I would contend that Main Street is very walkable and the majority of the guests are, are arriving by foot. They're not driving up and parking in front of the building because Main Street tends to, to fill up during the dinner hour when the restaurant is open so I think you're, you're trying to make the business visible to people on the street and you're also trying to just help people find, find the door when they're walking down the sidewalk and to generally know where it is. I don't, I don't, I don't think this is trying – I don't think the sign's sole purpose is to attract vehicular traffic into a parking lot per se.
- Mundy And I wasn't inferring that but the same thing is true is you're walking –
- Lanich Yeah –
- Mundy If you're very short, you'd see it. If you're very tall, it will be –
- Lanich Yeah, I, I –
- Mundy Obscured with the tree.
- Lanich I, I think if the sign were much lower from the south it would be obstructed from visibility by the patrons sitting on the patio during the days of nice weather because there are people that, there are, there are seats at the edge of the patio right up next to the sidewalk.
- Jones I'm going to assume once they're sitting on the patio they'd found the restaurant.
- Lanich Right. What I, what I –
- Jones Okay –
- Lanich Was trying to –

- Jones Just confirm –
- Lanich Explain is when people are sitting on the patio the, the potential customers walking along would, would not be able to see the sign as easily if it were lower and sometimes on nice days people may, may choose to dine outdoors first and then, and then there's still seats available indoors and, and it would work in the opposite manner obviously when the weather is inclement.
- Postlethwait I think I have to ask how, how important it is for us to have the discussion about whether this is going to be the most effective sign for this, for this restaurant or whether our job is to decide whether we will, are willing to have it be, to deviate from what is typically the Ordinance for sign measurement. I mean –
- Lake Yeah, I think my line of questioning – I think my line of questioning was to understand staff's comment about the commitment –
- Postlethwait Right –
- Lake To a different sign height than what is being proposed by the petitioner to which I do have a question for staff – in your 85-inch commitment that you're asking for, is that to the top of the physical sign or the post that is supporting the sign?
- Mundy That was to the top of the post and it's an excellent point Mrs. Postlethwait. That is our challenge to determine whether or not the sign is too high as proposed and should we make the deviation for that purpose. The other thing, I think, and I did not see it in the staff report but I think part of this is to retain some consistency of heights of similar signs and they are all considerably lower. You can see the Brick Street Inn and Auberge, Black, Black Dog Books down the street there – those are all much lower.
- Jones Well and I – sorry, I didn't mean to interrupt. Are you finished? I'm sorry. I want to make sure I understand what the need to the variance is. If I'm reading through what this is saying is that if the building was set back 10 feet or more from the property line by right they'd be allowed a sign, correct?
- Dale Freestanding sign.
- Jones A freestanding sign?
- Dale Uh huh.
- Jones Now then, what – do we have a height Ordinance for what that sign would be?
- Koenig As a freestanding sign, I think there was 48 inches in the Ordinance and staff is understanding of the fact that there's other signs out there because we went and we took an average of three, three other signs –
- Jones Okay.

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Koenig And it averaged out to the 85 so that's why – you know, the 48 in the Ordinance seems really old. We all know that we're working towards updating our Ordinance –

Jones Yeah –

Koenig So we thought the fairest –

Jones Okay.

Koenig The correct way to go would be to take an average of those signs out there.

Jones But what I want to clarify, if I'm reading this correctly, is that since they are sitting 8 foot 5 off the property line, they're technically not allowed a sign at all.

Dale A freestanding sign.

Jones A freestanding sign.

Dale Uh huh.

Jones Correct?

Dale Correct. They could have an attached sign –

Jones Okay.

Dale But not a freestanding sign.

Jones So there's, there's two, there's one variance which is to allow a sign and then what's actually going on is we're trying to determine how high the sign should be above –

Dale Uh huh –

Jones We'll call the sidewalk as our grade point and disregard steps up and the building height and all that kind of stuff.

Dale Given the building setback, they're not entitled to a freestanding sign.

Jones Correct.

Dale Right.

Jones So that's the first, that's actually the variance being requested is to allow one.

Dale That's correct.

Jones So now we're trying to determine what it looks like.

- Dale And so what we're saying is that he's not even entitled to a freestanding sign and as if it were a freestanding sign by definition then the height limit would be 48 inches so here there are a couple of factors involved –
- Jones Uh huh –
- Dale And we tried to strike a balance saying that it's really not entitled to a freestanding sign but we understand the need for a freestanding sign –
- Jones Uh huh –
- Dale Given the other signs in the area but in which case we'd like to limit, limit the height from 128 to 85 feet [inches]. There's a very, there's a delta of about 3 feet 7 inches between the proposed height of the sign and the and staff's recommendation of 85 inches.
- Jones Yeah –
- Dale So it's a huge difference.
- Postlethwait So but this did, was the, does the difference in the elevation, the 2 feet that he has described that that building is set up versus the grade level that the other buildings surrounding are set, does that not play into that factor that we're talking about because if in fact you, you require that that sign be shorter, how does that impact the scale of the sign when it's set? I mean, I, I kind of – I hear what he's saying and I think I understand what he's saying that the inherent problem of the way the building is built up, these would be the other buildings on either side of him.
- Dale Uh huh. Is the, is the sign height, should it be considered relative to the size or height of the building or relative to this grade of sidewalk?
- Postlethwait Well, it's also going to be in scale measured against the building. So if in fact you shorten the sign is it going to be appropriate scale for that building –
- Dale Uh huh –
- Postlethwait With the fact that the building is set up –
- Dale Yeah –
- Postlethwait Above the grade of the sidewalk.
- Dale And, and, and we're considering the scale relative to the sidewalk, not the building as, as pedestrians are walking –
- Jones Okay.
- Dale Along the sidewalk on Main Street.

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- Jones We're, yeah, I think one of the core things is are we, are we, is it a streetscape issue as to as you walk down the side lot and you see Brick Street and you see this sign and you see the Black Dog's and I think we had the same thing with Noah Grant's didn't we? There was a, when –
- Mundy Yes we did.
- Jones Out, out in front of that –
- Koenig There was a BZA filing.
- Jones A BZA filing about a sign –
- Koenig Because of the same –
- Jenkins 46:04 inaudible off microphone.
- Koenig The distance, yes, yes.
- Jones But about building height and size there so somewhere out there we, by hook or by crook we, we've got kind of a fairly consistent streetscape ideal. It has not committed anything, correct? Hence the issue so – go ahead whatever you'd like to say.
- Lanich Yeah, one thing I, I wanted to mention, it's been the position of our office, David Rausch would say this if he were able to be here tonight, the position of our office has been that the sign is integral with the patio structure. It's not separate from the patio and freestanding in a yard in front of the building. So our position has been "it's technically" not a freestanding sign. I, I understand there are differing opinions on that and that's part of the reason why we're here tonight but I just wanted to state that because David is not here to state it himself and I've heard him say that repeatedly as we've been reviewing this.
- Dale And I appreciate that because staff, we spent a significant amount of time debating –
- Hinshaw Uh huh –
- Dale Whether it's a freestanding sign or, or not.
- Koenig Because technically in the VBD the only type of sign that is allowed out there is a freestanding so that's where –
- Dale Which then would limit the height to the 48 inches.
- Koenig Trying to make it work.
- Dale So it's, it's complicated.
- Lake And I think too the streetscape context that we have, the sign that is penciled in on that in the PDF is substantially lower than the sign as you dimension it. So it

looks like it's more in line with the Brick Street Inn sign height but it's really 4 foot, 3 or 4 foot taller than that to the top of it.

Lanich Well there's some converging perspective convergence going on there.

Lake I'm an architect. I get perspective. It's too low, it's, it's shown too low. It's shown substantially too low.

Lanich Okay, well –

Mundy From the sidewalk I would have to agree that at the height that you're requesting it will appear from the sidewalk much taller. Now, whether it's freestanding or not, when we leave this room tonight nobody's going to know so, appreciate the different thought on whether or not it's freestanding but I think we're still dealing, dealing with it as though it's a freestanding sign.

Hinshaw Given that the exception is based on the precedent character of the streetscape and that it fits in with that character and that same pattern is really the important part. That was the reason that a freestanding sign, freestanding or not, makes sense. I think that would experience different walking under a sign that's 8 feet tall versus one like this Brick Street Hotel which is right next to you. It just feels pedestrian scale that size.

Lake At this size.

Hinshaw At the smaller size.

Lake At the smaller size, yeah.

Hinshaw But at the Brick Street Hotel's similar height.

Lake Sure.

Mundy Yeah.

Hinshaw And I just said pedestrian 49:25 sign, not a vehicular sign so.

Jenkins Hi, my name is Shari Jenkins. Home address is 215 Sherwood Court in Zionsville. Hearing everybody tonight was very informative to me. I'm upset I wasn't here the last two that I couldn't be here. I am more than okay with the 85 inches.

Hinshaw Okay.

Jenkins Height.

Mundy Thank you Ms. Jenkins.

Jenkins That's all I got.

Mundy Any questions for Ms. Jenkins?

- Jones In simple terms, it looks like you could kind of modify the method by which it's hanged and get the best of both worlds. You could conform to the 85 inch and then you could also get the sign raised up a little bit.
- Lake The way it is designed –
- Jones Correct –
- Lake If we go off of the 85 inch to the top of the post that is hanging the sign –
- Jones Uh huh –
- Lake The bottom of the sign will be 37 inches off the ground which is too low.
- Jones Correct.
- Lake That was why I asked if 85 inches was to the top of the physical sign itself or the post in which it's hung from.
- Jones Yes.
- Lake Because I think the 85 inches to the top of the physical sign is much more reasonable than being 85 inches to the top of the post because I don't think you want this sign 37 inches off the ground.
- Mundy You're saying 38, 7 inches from grade? Is that correct?
- Lake From whatever they show as the bottom.
- Jones So Shari are you, are you set on this design? Because what Chris is bringing up is that the nature of hanging it, we're not opposed to a sign that measures 32 inches by 32 inches, correct?
- Lake No, I'm not, no.
- Jones We're not opposed to it being 85 inches above – are we talking the sidewalk as our measure?
- Lake I mean –
- Jones What's our, what's our grade?
- Lake That is generally what they're showing here, generally. I just, my fear is if it's 85 inches to the top of the post then you're at 37 inches off of the ground which means you're 18 inches off the top of the patio surface –
- Lanich 51:43 inaudible off microphone
- Jenkins So, I'm sorry – I got lost on your 37 to 18.

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- Lake So right now your sign is what 10 foot 8 inches to the top of the post. So 128 inches.
- Lanich It's 9 foot 4 to the top of the board.
- Lake Correct. So, what I'm trying – I'm trying to help you out because I think that agreeing to the 85 is probably not in your best interest.
- Jenkins Because you're saying it's 37 inches from grade?
- Lake Though if you, yes, if you agree to 85 inches to the top of the post that hangs the sign which is what staff said their recommendation was, the bottom of your sign would be 37 inches off the sidewalk –
- Jenkins Versus if it was 85 to the top of the sign, not the –
- Lake Correct.
- Jenkins This sign, not the –
- Lake Because there's 1 foot 4 inch –
- Jenkins Post –
- Lake In this diagram there's 1 foot 4 inches from the top of your post to the top of your sign. So, that would give you what – 37, 49, 53 inches to the bottom of your sign if we did, if we did 85 to the top of the sign which seems much more reasonable –
- Hinshaw Unless they redesign the sign. It's not our problem if they . 52:57
- Lake Well, correct but, but in the context of where we're drawing the 85 inches from –
- Postlethwait But the question also is this sign is, is because it cannot be on the sidewalk it is going to be mounted in the way that it is mounted here with the, with the flowerbox, if you will –
- Lake Yeah –
- Postlethwait Beside the steps going up to the patio.
- Hinshaw Uh huh –
- Postlethwait So that's going to be the site of the sign and I agree with you that I think 37 inches is going to look very squat and you also have the risk that somebody might accidentally hit their head on it –
- Lake I mean, it is technically within the –
- Postlethwait Well –

- Lake Fence line.
- Postlethwait So the question is if it is going to be, if that's the location that's going to continue to be the location then some adjustments need to be made on what, what's acceptable in order to have it look according to scale –
- Lake Yeah.
- Postlethwait So, or as if some change of design but you know –
- Lake And I would just, if I were making the motion right now I would just say that it's 85 inches to the top of the blade, the blade sign. I don't know whether you want to call it a panel sign –
- Mundy Yeah, the actual sign.
- Lake The actual sign itself. Not the, not the device that is hanging the sign. That, I think, is much more reasonable.
- Postlethwait Right. And visually, that would be the thing that would have the biggest impact for the viewer coming down the sidewalk –
- Lake Yeah –
- Postlethwait Rather than the pole.
- Lake Yeah.
- Mundy Uh huh.
- Dale Staff would have no objection.
- Lake Okay, thank you.
- Mundy All right, thank you. Let's see – are there, is there anyone here who wishes to speak for or against this proposal, this petition? Anyone online? Okay. We've got all the information we're going to get then. Any further discussion among the Board?
- Jones Chris, where you going with this? You want the top of sign to be at –
- Lake The top of the physical sign panel to be no higher than 85 inches.
- Jones From what point?
- Lake From the, from grade –
- Mundy Grade –
- Lake As, as indicated in the drawing.

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- Jones The sidewalk or grade of the structure?
- Lake Grade as indicated in their drawing.
- Jones Okay but is that – so the –
- Lake The sidewalk varies across the front of the building.
- Jones I understand but they've got a couple steps up –
- Lake They do.
- Jones Which is 24 inches.
- Lake Correct but if you look at their drawings –
- Jones I understand –
- Lake I'm trying to rely on what they provided –
- Jones I gotcha –
- Lake They show the dimension going to the bottom of, I'm going to call it the sign base or planter box, and in the drawing that sign base or planter box is, appears to be at or relatively at the grade of the sidewalk in that particular location.
- Lanich That, that's, that's correct.
- Lake Okay. I, I'm, I, I don't want to – I want to rely on what they've provided as much as possible so.
- Jones That's my –
- Koenig If we look at this drawing –
- Lake Huh?
- Koenig If we look at this drawing, coming at the bottom here to the top of the sign here –
- Lake Yes.
- Jones That's a little different than the section drawing where I'm –
- Lake No, it's not.
- Mundy There, there is no flower box there today.
- Postlethwait Right.
- Lake But this is a base that happens to have what looks like a little planter hole in it and in the section the bottom of that base is where the dimension string starts and

it goes currently up 6 foot 8 to the bottom of the sign and then another 2 foot 8 to the top. Instead of that –

Jones Well my question –

Lake Instead of that being 9 foot 4 which is what 112 inches? I'm suggesting that that be 85 inches as indicated in the, as would be scaled down based on the 56:48 or what is labeled as Main Street Sign A with a scale that half inch equals 1 foot.

Jones So Main Street and . 57:06

Mundy Yeah, I think we've got to stick with grade and give the dimension from grade.

Lake Yeah and I, I'm just saying that I believe that to be what the, the drawing represents –

Mundy Uh huh –

Lake Is grade but then relying on the dimensionality of the drawing with our exchanged dimension of 85 inches to the top of the sign base.

Mundy Would you like to present that in the form of a motion, Mr. Lake?

Lake I will if Mr. Jones is satisfied over there.

Jones Well I'm, I'm bubbling away over here still because if I'm looking at this I'm saying that grade per the Main Street pole sign vignette that they've provided us is actually the street sidewalk, not their property. That's, that's where I'm looking for some clarity.

Lanich Well I, I can, I can clarify –

Jones Okay.

Lanich Somewhat. The patio and the steps adjacent to the sign from the public sidewalk at the property line, there are three 7-inch risers –

Jones Okay –

Lanich 21 inches from the public sidewalk to the top of the patio at, at the steps and then the sidewalk gets wavy, it slopes down towards the street and it varies several inches in all directions after that but at the steps there are three, three vertical steps 7 inches each, 21 inches in total.

Jones Okay, so are we using the sidewalk at the steps adjoining the curb?

Lanich We're, we're using the sidewalk at the property line –

Jones Okay –

Lanich Which is where the steps start.

Jones Are you talking on the street side of the property line or the property side of the property line?

Lake It's a line.

Jones I understand.

Lake It, it is infinitely thin.

Jones But –

Lake It's the same on both sides. It's a line –

Lanich The, the step starts next to the property line.

Jones Okay, so the property line is adjacent to the street sidewalk?

Mundy Yes.

Jones The change in grade starts, the change on grade starts up on the property.

Lanich Yeah, the property line is effectively the edge of the public sidewalk.

Jones Okay. So the bracket and the sign account for 48 inches which puts the bottom of the sign 6 foot 8 above the public sidewalk at that point. So Chris, you want the sign to be no higher than what, from what point?

Lake The top of the sign.

Jones The top of the sign –

Lake Would be no higher than 85 inches.

Jones All right –

Lake Top of the sign –

Postlethwait The actual sign.

Lake Panel.

Jones The sign panel 85 inches. All right.

Lanich So that, that, that would, that would mean 2 foot 8, 32 inches from 85 –

Jones Okay –

Lanich If I did my math correctly.

- Jones Which will, which will place the bottom of the sign –
- Lanich It's 53.
- Jones 4 foot 5 inches above the street sidewalk.
- Lake Correct versus 3 foot 7 which is what or 37 inches whatever it was going to be before, yes. For the record, this is why developers don't trust architects.
- Jones Yeah. So then it'll be 32 inches above the grade once you get on the property?
- Lake No. Because grade is the ground. Grade is not the top of the patio.
- Jones All right.
- Lake Grade is the ground.
- Jones All right.
- Lake It's the dirt.
- Jones We're measuring it from the property line.
- Lake At the property line. Huh?
- ?? 1:00:47 inaudible off microphone.
- Lake Well, one, one side of the property line is dirt and one side of the property line is brick and they're both the same height.
- Postlethwait Have we noodled this enough?
- Lake I hope to God so.
- Jones Oh, we're just having fun.
- Mundy Mr. Jones, are you comfortable now with the, the thought of this 1:01:06 of the Board?
- Jones That's fine. Are we still using the same bracket detail?
- Lake Was that your intention? Okay.
- Lanich And, and just to add, add to the, the dimensional clarification of what you were discussing, if, if the bottom of the sign board were 53 inches above the public sidewalk, the brick sidewalk, that it would be 32 inches above the patio.
- Lake Yes.
- Lanich And that's roughly the height of the tables on the patio.

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- Lake Yes.
- Lanich So that everyone is, is clear on that.
- Lake Yes we are.
- Mundy We got all of our dimensions now?
- Lake Can I make, can I make a motion?
- Mundy Please, yeah.
- Lake All right. I move that Docket Number 2023-40-DSV, Development Standards Variance – I don't need your, your paperwork – to install a freestanding sign in the Village Business District (VBD) where the lot contains a building that is less than 10 foot from the street at 135 South Main Street in Zionsville be approved, be conditionally approved as presented and described based on the Findings in the staff report and the staff recommendations, the submitted Findings of Fact, substantial compliance with the submitted site plans and a commitment that the, that the height of the top of the sign panel not exceed 85 inches from grade at the sidewalk –
- Jones Don't you mean grade at the property line?
- Lake You can call it sidewalk, property line, dirt – I don't care what you call it they're all the same dimension.
- Mundy All right, before we ask for a second, I'd like to and I apologize for overlooking this but, again, just as in the last petition that we heard the consideration for point number three, which is the strict application of the terms of the Zoning Ordinance will result in unnecessary hardship in use of the property because and the answer to that in the petition filed was any building mounted signage is obscured by the canopies of Town owned by street trees which I think is, is correct.
- Lanich Yes, I can reinforce that thought. Most of the lower building walls are windows or doors to add visibility in and out and engage the street so the, the wall space conducive for a sign to be mounted is up higher on the second floor of the building and it, it would be out of character to have something bracketed up there and it, and would be much more obscured by the mature trees.
- Mundy I think though that the hardship is the inability to advertise the business and it is a, it's a matter of making certain that you have something that tells people what you are and that's the hardship. It's not that the trees might obscure it, it's that you won't have a visible sign and that, that's the, that's the, I think that's – and I apologize if we seem a little bit analytical on that matter but we have been challenged on the appropriateness of some of the Findings of Fact which really don't answer the question on that one about the unnecessary hardship. So hopefully we now have that in the minutes that we recognize that there is a, a, a Finding of Fact number three is satisfied with a, an appropriate answer.

Lake And if I would say it maybe for the record, the hardship is the result that happens if you can't have the sign not the conditions that lead to the sign being obscured. The trees aren't the hardship. The hardship is the business can't be known because of the, the trees being in the way but it's that the, it's the business can't be known.

Jones Yeah –

Lake And recognized from the street.

Jones Yeah. The hardship is not being able to have a wayfinding sign –

Lake Correct.

Jones That is similar in size and scale and location to the other adjoining –

Lake . 1:05:32

Jones Businesses.

Postlethwait Second.

Mundy So we now have a motion. Thank, thank you Mrs. Postlethwait for that rather enthusiastic second. All those in favor please indicate by saying aye.

All Aye.

Mundy Opposed same sign.
[No response]

The motion is approved. Best of luck.

Dale Thank you.

Jones Would you be happier down here and then Chris and I can just go at each other? Next to each other we could sit there and kinda like –

Mundy The next item on the docket is 2023-41-DSV, J. Kinslow, 8965 Whitestown Road, Zionsville, Indiana. Petition for a Development Standard Variance to construct an accessory structure prior to the completion of the primary structure within the Rural Single- and Two-Family Residential 2 Zoning District (R-2). Can we have the staff report please?

Koenig Yes. This is a, a platted subdivision – sorry – I wasn't coming up with that word, platted subdivision. The acreage on these lots is significantly more than what you would normally see in such close proximity to Town subdivision. The applicant is wanting to build their barn before, technically, actually, tandemly with the building of the home but the building of the barn will be done much sooner than the home which presents a problem in having their accessory before their primary which is the ask here. The residents are familiar with the construction industry and plan to be their own GC. They would like to have the ability to use the barn

to store not only things that would help them maintain the land while they're building the house but the supplies for the house as well. They have, excuse me, committed to having the home done by December 10, 2024 to show their commitment that they will, will be getting that house done. They just can't get it done as quickly as the barn. With that in mind and the commitment from the residents that the primary dwelling would have a minimum of a temporary certificate of occupancy by December 10, 2024, staff is agreeable.

Mundy Thank you Mrs. Koenig. Any questions for staff? Hearing none, is the petitioner?

Badger Good evening.

Mundy Give us any information that you think would be helpful.

Badger Good evening. My name is Chris Badger. I'm with Badger Engineering and we're located at 9830 Suite D, Michigan Road in Carmel, Indiana and that's 46032. As was stated earlier, we are in a subdivision. This is the Derossi subdivision and these lots are all 4+ acres. So this lot is 5.439 acres. The owners of the lot, Jerry and Jerri, which is you'll have to meet them one of these days. It's nice. Both the husband and, and wife have the same name spelled a little differently but it's kinda cute. Anyway, they would like to get the barn built first because they're going to be the GC on this project as well. So both of them have construction experience and I've talked to them and they are getting ready to start bidding the driveway and the barn and I see no reason that, that they shouldn't be able to use the barn to protect the, the, the wood and all the construction materials that they're being able to build out there as well as they also have a 45-foot RV that they'd like to be able to pull in there as a construction trailer but that's going to be in the barn. So, they've got a lot of little, and I guess we'd call them toys, but I mean big mowers, big this, big that and while they're constructing, they'd like to be able to have access to it and have it at the site and be protected and that would be the reason for being, building the pole barn early.

Mundy Thank you Mr. Badger.

Badger Thank you.

Mundy Any questions for the petitioner? Hearing none, is there anyone here who wishes to speak for or against this project? Yes sir, if you'd come to the podium and if you could state your name and address first for us and then give us your, the information you'd like to pass along.

Schultz Michael Schultz, 909 Cardinal Drive, Zionsville, Indiana. Okay, my house –

Mundy If you, if you, you'll, you'll need to stand there in order for us to pick up your voice for the minutes of the meeting.

Schultz Okay. Can you see this?

Dale Can I pass it?

Schultz Yeah, but I need to show you which, which one is my residence.

Dale Which one?

Schultz This house right here.

Dale Does, does this work? The camera?

Smith I can pull it up on Google Maps.

Dale Okay, but if we get the camera working –

Schultz Can I just walk around and show it?

Dale One second please.

Mundy Yeah, you can come up here you just can't, just don't pass along any verbal information that we won't be able to pick up there. Have you got that to work Mike?

Schultz That's my notes.

IT I just need [REDACTED] . 1:11:28 Switch the input. [REDACTED] the red icon.

Lake Could you state your address again?

Schultz 909 Cardinal Drive.

Lake Thank you.

Mundy Was it Stokes?

Schultz Schultz.

Mundy Schultz.

Schultz S-C-H-U-L-T-Z, Michael.

Lake So you're basically right in the center of the cul-de-sac, the –

Schultz Yeah I'm –

Lake Kind of the western most –

Schultz Yes, I'm –

Lake House there.

Schultz I am 60 feet from the property.

Lake Gotcha.

Schultz Jerry, Jerry's property. I met Jerry. My concern is my view. I have a sunroom on that end of the house that faces west on the property that I've enjoyed since 2010 and it's a, it's a primary feature of my house and I'm concerned about structures going – it's a pretty big piece of property and I'm concerned of a structure being put right there blocking my, my view – great. Yeah, I'm right here and this is their property line. This is looking west, 60 feet and on that end of the house is a sunroom and this is the view out of that, out of that sunroom. And like I said, it's a selling feature. I fear if a structure is put there –

Mundy Nope, you just went too far there.

Schultz Okay.

Mundy Nope. Rotate 90. There you go. Right there.

Schultz I can't get the whole thing in. Anyway, it goes, I mean it's, it's pretty wide. That's the property in question, that's 60 feet and there you go, yeah, there you go. Perfect. So that's, that's the view that I've enjoyed since 2010 and hope to continue enjoying. I think it's a selling feature of my house and I'm just concerned of structures going right there. It's a big piece of property. My house is, is probably one of the closest to that property so I'm, I'm just – that's my concern is the view. I've spoken with Jerry. I've seen him out there and I let him know and he's talking about, he said his house would be a little bit farther back. His wife wanted to be away from the road but now there's a second structure that's coming in, the barn, I'm just – where's all, where they going? I mean what's –

Lake The barn is further away from your property, significantly further away.

Schultz Uh, south?

Lake The barn is further, further west and further south than the house.

Smith Your house is here, the barn's there.

Schultz Okay, okay.

Lake So you're much more likely to see their house, however –

Schultz Well, I'm also concerned about the house.

Lake However, I would argue that the only way view would come into play for us is if what was being put there was not in character with the rest of the surrounding, like a solar farm, but that area is, is all either agricultural or residential and so for somebody to be able to build a barn on their property or a house on their property, your view does not come into play with our decision.

Schultz Okay, I see.

Lake Yeah –

Badger I, I've done some, oh sorry –

Dale Let him finish.

Badger Are, are you finished? I can explain it.

Schultz It just, it looks like, this is the first I've, I've seen where, where the house is located and, and the barn and I'm happy.

Badger Your property is right here.

Schultz Yeah, okay. I, I, I – that's why I showed up here is I –

Badger No, that's what you're supposed to do.

Schultz Okay. This wasn't, that was my concern.

Lake Yeah, I just wanted to make you aware that –

Dale The view doesn't come into play.

Lake It, it doesn't.

Badger They don't have to move their house because you can't see –

Lake So now when, like when we had the solar farm an issue there was that that structure wasn't something that you would naturally expect to see in an agricultural or a residential setting.

Schultz Okay, right.

Lake So, there was a little bit to factor in there, however, here you would expect to see a barn or a house anywhere in this area because it's residential and/or agricultural and so to say well, I don't want to see somebody's house outside my, my window, as long as they're within their setbacks and they're allowed to build that structure there, view is not something that we would take into consideration.

Schultz Okay, I understand.

Lake Just for knowledge sake.

Schultz Okay.

Badger Can I have a rebuttal?

Lake Yep.

Mundy Thank you Mr. Schultz.

Badger I don't agree we'd be affecting this view this time but let me show you just – this is a rough copy but it gives us a distance from just the eastern property line and

it's 60 feet. So his 60 feet from his is going to be 125 feet or 120 feet even if there was something but I think his lot is actually right here and it will still contain that same angle and view.

Mundy It looked as though from the other that his, he backs up almost to that drainage easement –

Badger Correct.

Mundy Which is going to be his [thing. 1:17:43](#)

Badger We're staying away from that and, and, and building some nice things that will assist the drainage swell. But the barn you can see is well back here so and no other real buildings right in that area. I don't know if you've seen the overhead but it's a great place to put his barn and, and they'll be having a driveway that will drive into the barn so they can put the, the RV.

Schultz That's another question is where would the driveway be?

Badger The driveway starts up here –

Schultz Yeah –

Badger It bends over –

Schultz Okay –

Badger Comes down and we'll have a split to the house and the other one will go to the barn and plans are well underway. But if there's any other questions from the Board, I'd be happy to answer them.

Mundy Thank you Mr. Badger. Any other questions for the petitioner? No? Thank you.

Badger Thank you.

Mundy We have no remonstrators, any additional remonstrators? No one online? All right. Discussion among the Board? A petition or a motion from the Board?

Lake I move that Docket Number 2023-41-DSV, a Development Standards Variance petition to construct an accessory structure prior to the primary structure's completion at 8965 Whitestown Road, Zionsville within the Rural Single- and Two-Family Residential District (R-2) be approved as – I want the conditionally on here sorry – be conditionally approved as presented and described based on the Findings in the staff report and the staff recommendations, submitted Findings of Fact, substantial compliance with the submitted site plan and a recorded commitment that the primary dwelling be substantially complete by December 10, 2024 with the primary dwelling at a, at a minimum being issued a temporary certificate of occupancy by the Town of Zionsville.

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Mundy Thank you Mr. Lake and I will say Mr. Badger your Finding of Facts were fine. I think they did a good job of explaining what the unnecessary hardship might be. Is there a second to the motion?

Postlethwait Second.

Mundy Thank you Mrs. Postlethwait. All those in favor please indicate by saying aye.

All Aye.

Mundy Opposed same sign.
[No response]

The motion passes. Best of luck.

Badger Thank you guys so much.

Mundy That is the conclusion of the agenda this evening.

Dale I have one, I have one thing if I may.

Mundy And Mr. Dale would like to make one –

Dale Yes, I would like to introduce Jonathan Smith. He's our new Planner. I should've done it at the beginning of the meeting. We're very happy and thankful to have Jonathan onboard with us.

Badger Where is Jonathan from?

Smith I moved here from West Virginia. Originally born and raised in Arkansas.

Lake Where in West Virginia?

Smith Well, a couple of places – we spent some time in it's called Barboursville, Huntington, West Virginia.

Lake I grew up in Hurricane.

Smith Really?

Lake Yeah.

Smith You can always tell a, a native Hurricane who calls it Hurricane and not hurricane, right? You can always tell somebody –

Lake Let's chat when we're done here.

Smith Yeah and we spent a little bit of time going in Charleston and Morgantown –

Lake Okay.

- Smith And uh –
- Lake All right, let's chat.
- Badger I'd also like to say thank you Chrissy for picking up for those that left. You're doing a good job.
- Mundy Thank you. Staff's had to really pedal hard. Mr. Dale, I also, there is one indicated matter to be considered and that's a 2024 BZA Meeting Dates and Deadlines. Are those established yet or is that?
- Dale Do we have a calendar?
- Koenig No, so –
- Smith It's a draft.
- Koenig So the, basically what we are, what we are stating here – the Town Council meeting, the next portion where they could adopt the, the holidays is November 20, 2023 so the suggestion is that the BZA 2024 Schedule be on the November agenda as far as you guys being able to view it, look at the date to make sure that you're okay, but it wouldn't be included to actually approve until December because of the fact that the Town Council meeting would be after your November meeting.
- Lake My only comment would be pay attention to the April meeting and how that falls with Zionsville's spring break.
- Koenig Spring break, yeah.
- Lake That always seems to catch us.
- Mundy All right, so we'll expect that –
- Dale Yes.
- Mundy To see that later.
- Lake I've got one other item. I could, since we're doing these digital, if I could make the request to staff if we've got a motion like tonight on that last one the conditional motion – started on one page and went to the next and that gets a little clunky in digital format. So if we could just enter down a couple times and get the whole verbiage of the conditional down on one page it'd just make it a little easier for us. I know that's a little minor detail but as we switch to digital –
- Koenig Yeah –
- Lake It's just a little –
- Koenig No, that's good to know –

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Lake Harder to get over there.

Koenig Because I can't see it in that.

Lake Yeah because that's kinda what screwed me, I was kinda like uh, okay, hold on, two pages, sorry – yeah, thank you very much.

Mundy Is there a motion to adjourn?

Lake So moved.

Mundy Thank you Mr. Lake.

Jones Second.

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

Aye. Aye.

Mundy Opposed same sign.
[No response]

We are adjourned.