

Zionsville Board of Zoning Appeals
November 1, 2023

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

Staff attending: Mike Dale, Chrissy Koenig, Jonathan Smith, Dan Taylor, attorney

A quorum is present.

Mundy Welcome to the November 1, 2023 meeting of the Board of Zoning Appeals. The first item on the agenda is the Pledge of Allegiance. We'd ask the audience to join.

All Pledge of Allegiance.

Mundy Thank you. The next item is attendance. Mr. Dale, would you take care of that?

Dale Larry Jones?

Jones Present.

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, sir. The next item is the approval of the October 4, 2023 minutes. Those were online and in your packet if you got a hard copy. Any questions or comments about the minutes? Hearing none is there a motion to approve?

Postlethwait So moved.

Mundy Thank you Mrs. Postlethwait. 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.

Next are Continuance or Withdrawals. We do have one continuance that we know of and that is Docket Number 2023-39-DSV, G. Merrell at 190 West Pine Street, Zionsville, Indiana. It's being continued to the December 6, 2023 meeting due to improper re-notice. So could I have a motion for that continuance please?

Lake So moved.

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

Postlethwait Second.

Mundy Thank you Mrs. Postlethwait. All those in favor of continuing this to the December 6th meeting please indicate by saying aye.

All Aye.

Mundy Opposed same sign.
 [No response]

It is continued.

Are there any other petitioners here tonight who wish to ask for a continuance? Hearing none, we will move on then to Docket Number 2023-42-DSV, D. Christiansen at 7371 East 100 North, Whitestown, Indiana. This was continued from the October 4th BZA meeting. It's a Petition for Standard, Development Standard Variance to provide for an accessory structure which exceeds the permitted accessory square footage in the Rural Agricultural Zoning District (AG). Could we have the staff report please?

Smith Yes sir. As you mentioned, this is Docket Number 2023-42, Derek Christiansen represented by Mr. Vince Braun here who's in attendance. The petition is for a variance to Section 194.097 to provide for an accessory structure which exceeds the permitted accessory square footage in the Rural Agricultural Zoning District. Existing primary square, primary structure square footage is roughly 3,500 square feet. There's existing accessory structures of 4,200 square feet which in and of itself would require a variance. The petitioner is asking to put an additional 2,460 square feet on the parcel for a total of 6,662 square feet which is significantly over what is allowed per Code – 3,527 square feet would be allowed per Code. Property location 7371 East 100 North, Whitestown, Indiana. Zoning is Rural General Agricultural Zoning District.

Topics of interest: We had no letters. No letters of interest and no public inquiries about this petition. There were no issues with setbacks and the owner is proposing to remove two existing structures on the parcel as part of this construction process – the detached garage and the pole barn. Even if he were to

remove those and construct the proposed structure, he would still need the variance. Staff is of the opinion the request does not rise to the level of hardship, there is no practical difficulty, there is no unique condition or circumstance of the site that prevents the owner from meeting the standard. As I mentioned, in addition, the current amount of accessory structure area already exceeds the maximum allowed so based on this information, staff is not supportive of this variance request.

Mundy Thank you Mr. Smith. Are there any questions for staff?

Jones Two quick questions – so this is all due to the 2010 Zionsville, what’s the term I’m looking for?

Koenig Consolidation?

?? Zoning Ordinance?

Jones Consolidation. Prior to this how was the land zoned?

Koenig I believe it was ag but I would have to go back. I’m pretty sure it was ag.

Jones And was it compliant under the previous but we don’t know what the previous is so?

Koenig The understanding was that the current zoning took the Boone County rural portion and slapped it on the back of ours so I, I would have to assume it’s the same as what we have now.

Mundy That’s my understanding as well Mr. Jones. If we adopted the County regulations when this, the, that area was taken into the Zionsville [no audio 9:05 to 9:18]. Any other questions? You will, you’ll, you’ll have your time if, if that’s what you’re here for. Hearing none, could we ask the petitioner – are you the petitioner?

Braun I, I work with Coach House Garages. We are the ones on the –

Mundy You’re going to be the, you’re going to be the representative for the petitioner?

Braun Yes.

Mundy Okay, then now’s your turn if you would come to the podium please and give us your name and address and then if you would enlighten us with anything that you might be, think might be helpful for us to know. And while you’re coming there, are there any online attendees?

IT _____ 1:29:10 inaudible off microphone.

Mundy None? Okay, thank you. If, if we should have one who wishes to speak, if you would let me know.

IT John Tousley.

Mundy Is online now? Okay, thank – pardon?

IT 10:22. Inaudible off microphone

Mundy All right, we, we will get to him. Thank you. Yes sir?

Braun My name is Vince Braun. I am with Coach House Garages and my address is 1617 South N – just the letter N as in Nancy Street, Elwood, Indiana. The two buildings that we're looking to demolition in order to put this building in their place, the one is in fair condition. They are closer to the home. The one behind it is in poor condition and that's the reason he's wanting to put a single structure there to replace those, those two buildings. He also wants to, to improve the value of his property which this building would do and it would not harm anybody around him. It's in the, the middle of his property as far as that goes. So it's, it's basically just improving his space that he's able to use and be able to park vehicles in here and as well as have a, a workshop on the site to be able to do some, some general work that he, that he works with so.

Mundy And you're with the company who would be building this?

Braun Yes, we will be building the building. We've been in business for 50 years. Our main office is in Arthur, Illinois. I represent the what's called the north Indianapolis region which is everything north of 70 and the donut counties around it. I've been with the company for about five years.

Mundy Okay, thank you.

Braun All of our contractors our, our subcontractors for like the concrete, electric, things like that. They are all licensed and insured for that part so, as are we.

Mundy Are there any questions for the petitioner's representative?

Postlethwait I do have a question and this is probably for the petitioner rather than you, I think. This is a gaggle of outbuildings that are already on this property. I mean, it's a large group with six existing. I, I'm not even, well, let's say five not counting the grain, the, the steel grain bin but lean-tos and several different barns, can this not be consolidated into one structure so that –

Braun I did not see the lean-tos on the property at this time. I could be wrong. I know that the silo is there. I know there's a barn there.

Koenig I think the lean-tos –

Braun That is part of what he wanted to do is to, to condense things into this new building so I would, I can't speak exactly for what he plans to do with any other small structures on the property but I know that that is what he's wanting to do is just make it a, a better consolidated area to store his, his equipment and vehicles.

Mundy I think there are –

- Koenig I believe that the lean-tos are part of that barn structure. It's, I believe they're on each end of the barn.
- Postlethwait The barn, the second barn and not the full barn that they're talking about.
- Lake Yes.
- Koenig The larger barn.
- Lake Yeah, the big barn off of the east.
- Koenig So although it is called out separately on the property record card, it's, I believe, all in one structure.
- Postlethwait So the, the total footprint then of that barn is the barn plus in addition the two lean-tos that are on either end of it total?
- Smith Yes ma'am.
- Jones For a better description there's an existing barn and lean-tos that are 2,800 square feet in total. Is that a better way to put it?
- Postlethwait Yeah, thank you.
- Mundy I have one question as well. It appears from the drawing that the existing garage and pole barn will have to be demolished before you can start the new structure. Is that correct?
- Braun Yes and, and we'll be doing, we'll be handling the demolition as well and my guy is, again, he's licensed and insured. He does things all over Indianapolis for us and does a very fine job. He hauls off all of the rubbish and everything that's leftover. He'll haul all that off. It will not be left on the property.
- Mundy Okay.
- Postlethwait So is there something else that happens on that property? Are they farming it? A part of it? I'm looking at this photo and it looks as if there's some field –
- Braun I don't know if they rent that back part out for farming. He's not a farmer. He does work from home quite a bit but I don't, I don't believe he farms. I believe he might rent that. I, I'm not sure about that.
- Postlethwait So his goal in constructing this is to have a place to house vehicles or equipment or?
- Braun His cars, his, his wife's car I would imagine would be parked in there and then he's got just his regular household lawn mower equipment and things like that from what I understand. And, again, the things that are in those two buildings that we're going to demolish – I don't know what's in them, I haven't been in them. I just looked at the outside of them. When my guy goes and tears them down he just pretty much starts from the outside and whatever the people want to

get rid of we get rid of as far as that goes but he has spoke about just wanting to consolidate everything to a nicer, bigger building and get rid of that, especially that back building that's in poor shape.

Jones Would you happen to know if the existing barn out there has a concrete floor in it?

Braun The barn itself?

Jones Uh huh –

Braun That I do not know. I, I didn't go in the barn. I didn't have any reason to. I will say that the new building will match their house as well the way that the siding and everything is done on their house. They've had the house redone and they've done quite a bit of work in the house and I think that, part of that is that they're wanting to update everything so that it looks uniform and looks nice as well as provide them, like I say, with the, the storage that they need to be able to get rid of those two older buildings.

Mundy Any other questions for the petitioner's representative?

Hinshaw Is the other barn, the existing one with the two lean-tos on it being used for agricultural storage or agricultural purposes at all?

Braun Again, again, I don't –

Hinshaw Or is it just more storage for shop stuff?

Braun Yeah, I don't, I don't know. I don't know what they use it for.

Hinshaw Okay.

Postlethwait I, I would just mention that I think it's a pity that the petitioner is not here to be able to answer some of these questions –

Hinshaw Yeah –

Postlethwait Because ultimately it would be important, I think, for us to know in making a decision the answers to the questions that we're asking you and you are the poor person that drew the short straw and got to be here this evening but it would've been very useful for the petitioner –

Braun I'd be happy to step out in the hall while you move on and call him and see if they can come over to answer some of these questions. I don't know what your time limit is but.

Smith I think I can't specific to the animals but just brief conversations with the owner I know they have animals that are part of that barn –

Postlethwait Right –

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- Smith I know chickens, specifically, not really sure what else he has but there are animals that utilize the barn to some degree.
- Hinshaw Okay.
- Mundy This is just a –
- Smith If that helps.
- Mundy Short distance from the polo fields. I don't know if there are horses or not but it's very close to the polo fields.
- Smith I don't know all the animals that he has but I do know he has chickens.
- Mundy Yeah –
- Smith So –
- Braun I know they got a dog. Everybody I go see has a dog.
- Mundy We could delay this and you could call him. He, he doesn't need to be here in person but he would be able to join us online to answer some of those questions and I think they may be worthwhile.
- Postlethwait I think from, just speaking for myself, I would be interested in knowing whether he – this is a huge borrow, I mean, this is not like just this much over the, the Ordinance. This is a huge, this is 2x and so, I guess, I'd be interested in knowing whether he's, whether he would be interested in doing, demolishing some of these other buildings in order to be closer to the standard rather than adding to the, one more structure on that property which is already over what the, what the –
- Mundy Uh huh –
- Postlethwait Ordinance permits. So, that would be the question I would ask him were he here.
- Mundy And he may also be able to answer what I suspect might be the case and that is that this may have been part of a farm and at one time the, there was no overage but now that it's 5 acres it's no longer a farm –
- Postlethwait Right.
- Mundy It's, I, I drive by there frequently. It's very well kept. They've, the place looks great and there are some fairly expansive areas there which are obviously pig farms. So this could've been one but –
- Postlethwait Right.
- Koenig That's actually an excellent point. I, I will say I happen to know one of the nearby neighbors and they did get that property divided up and that's how they

- got their property. So at one time it probably was the 20 acres. That's what allowed it.
- Mundy Yeah.
- Lake So, you know I get a little bit torn between the whole let's keep Zionsville rural which is great but any rural property would most likely have accessory buildings that are in excess of their house. I mean pick any traditional farm 40 years old in Boone County, I mean, the barns are bigger than the house.
- Postlethwait Right.
- Lake And so I think we have a problem where an Ordinance maybe isn't applicable or a section of the Ordinance isn't applicable to the type of use that it is overlaid on top of.
- Hinshaw And for agricultural –
- Lake Which is why we get all of these.
- Hinshaw And for agricultural uses.
- Lake Umm, yeah.
- Postlethwait Well perhaps the term is equal to or less than needs to be re-thought so that it's within a certain range of the, of the total footprint of the house or –
- Lake Yeah –
- Postlethwait The primary residence or something.
- Lake And part of the reason people buy more property is to be able to have more –
- Postlethwait Right.
- Lake Toys and when you do that you, you then have a tractor with a bushhog on the back or whatever even if it's potentially 6 acres and you start to get – okay, well then I've got three cars, I've got a bushhog on the back of a tractor and I've got a side-by-side utility vehicle and then all of a sudden to keep those inside you have an outbuilding that's bigger than your house which –
- Hinshaw Sure.
- Lake We want them to maintain their property –
- Mundy Yeah.
- Postlethwait Right –
- Hinshaw It would help to know the uses and the intention of the need.

Mundy Yeah.

Hinshaw Right from the owner.

Braun Like I said, I'm happy to go give him a call and see if he can't –

Mundy Let's turn to our counselor here and Mr. Taylor is there any reason why we shouldn't or need to take some kind of a measure to pause this one or?

Taylor I, I would just suggest you do the public hearing first then you could pause it, let him get that information and come back but I would do the public and then I would –

Mundy Okay –

Taylor Close that –

Mundy That's fine –

Taylor And then if anyone who speaks in the public wants to comment about the new information, I'd allow them to do that too.

Mundy Very good. Thank you.

Lake So **21:50**.

Mundy And, let's, yeah, if we have – is there anyone here who wishes to speak for or against this petition? And is there anyone online who wishes to say something about this petition? Mr. Tousley is still online and got his hand –

IT Hand up.

Mundy Okay, so he may not have been wishing to speak to this petition I'm guessing. Then let's close the public hearing and let's take a pause on this. If you'd like to call the owner and try to reach them. I'm not sure if he can join us online if he has that capability and has the link.

Braun I can provide him with the link. I got it.

Mundy Okay, all right. All right.

Braun Okay.

Mundy We will do that. We will pause Docket Number 2023-42-DSV at 7371 East 100 North and we'll resume discussion on this once you get back and we finish the next one.

With that, we will move on to Docket Number 2023-43-DSV, C. Crum at 8455 East 50 South, Zionsville. Petition for a Development Standard Variance of Section 194.097 to allow the square footage of an accessory use to exceed the

square footage of the primary structure on an AG zoned property. Could we have the staff report on this one please?

Smith Yes sir. As you mentioned, 2023-43, 8455 East 50 South, Zionsville. The owners, Corey and Morgan Crum, are in attendance. Either one of you can represent if you guys want. The petition is for a Development Standards Variance to Section 194.097 allowing for the total square footage of proposed accessory structure to exceed the total square footage of the primary structure on the property. It's zoned Rural General Agricultural. Current land use is single family residential and it's approximately 3-1/2 acres. There were no letters of interest or public inquiries on this petition. We do want to point out that a home occupation permit was granted to the petitioner allowing them to construct mini sheds on the property. If this variance is approved, the mini sheds or at least part of the mini sheds – I'll let them elaborate more – will be constructed within the proposed building.

To elaborate on existing structures, there are in the staff report – let me make sure I'm looking at this one correctly – a total of five existing. If approved, I'll let y'all tell what ones that y'all might consider removing, but part of the proposal that they're suggesting is if this is approved, I believe it's a garage would be removed as part of this approval. I would suggest that if y'all do decide to approve this that y'all approve that with the condition that that would be removed as opposed to a commitment. All of that being said, all things considered, staff's position, again, is unfavorable of the Development Standards Variance for the accessory structure to exceed the size of the primary structure. There is no unique condition or circumstance on the site that prevents the owner from meeting the standard. Again, if BZA is inclined to grant the variance, staff would recommend the following condition of approval: The petitioner agrees to demolish the detached garage once the proposed pole barn has been constructed. This should be completed no later than June 30, 2024. And if you have any questions, I'll happily answer them.

Mundy Thank you Mr. Smith. Any questions from the Board? Hearing none, the petitioners are here. Are, are you wishing to speak to this petition?

?? 26:40 inaudible off microphone

Mundy I'm, I'm sorry. I can't hear you but you'll, you'll need to ask that question – if you're not wishing to, to speak to this petition, if you do, you would need to come to the, the microphone and give us your name and address and ask that question then. So if you'll just be patient we can get you to that point, okay? Yes – give us your name and address and any additional information that will be helpful for us in our consideration.

C. Crum Good evening. I'm Corey Crum at 8455 East 50 South in Zionsville.

M. Crum Morgan.

C. Crum So, to answer your question – they're not miniature sheds. I started a business creating mini sheds and they are custom and I can make them to whatever size that the customer may want but the, the issue is yes, we have a two-car detached

garage that will house our vehicles. They have 7-foot doors and the issue with that is my mini sheds are anywhere from 10 to 11 to 11-1/2 feet tall. So, physically not able to fit in that structure. There is a, an existing barn that we know as a horse barn that the previous owner had and it has several lean-tos attached to it but it is only 8 foot tall and it also has a center support going down the middle so it is physically impossible for me to build my size mini sheds within these two structures. I, I – not to name drop – but I’ve had a couple different schools contact me in terms of building mini sheds for their properties, one being Harrison High School in Lafayette that they want a 10 x 20 foot shed and the structures that we have I’m just physically not able to build them in the existing sheds or the existing pole barns. In addition to asking for this larger pole barn, I have to supply my materials. I have stacks upon stacks of lumber and stacks and stacks upon all of my tools that I need to make this, not to mention a small utility tractor to move these sheds out of the pole barn once it’s completed. Our goal is to not have a, a big lot of storage sheds available for people to look on our property. These are built custom so once they’re built they’ll be pulled out of the barn and then they are shipped to the desired location. So there will not be foot traffic, there will not be a lot of sheds on our property.

M. Crum And the, what we call the horse barn it’s dirt floors and the wood inside there isn’t terrible to where we currently would not like to tear it down because we would like to have chickens and maybe a goat or something one day. We would like to utilize that as well as the location of the horse barn it’s on the other side of our finger system for our septic tank so driving to access it would also be an issue and then we would prefer if we could keep the detached garage. I mean, if we need to remove that to get 400 square feet we could but we would like to utilize that for our vehicles but that’s not something that we’re dead set on.

Mundy Thank you. Any questions for the petitioners?

Jones So the existing garage you have for your cars is actually detached from the house?

C. Crum Correct.

M. Crum You can kind of see it in that picture.

Lake It’s on the screen right there Larry which, look behind you. No, look behind you.

Jones Oh, okay.

Postlethwait If you built this new accessory structure, would you be able to park your cars in it and so that the detached garage could be demolished and it would accommodate your cars as well as your building mini sheds or no?

C. Crum Could we fit it in there? Maybe but with all my, with all the lumber and tools and a shed and two vehicles, I don’t know if all of that would fit within that space.

M. Crum As well as things to upkeep the property, our lawn mower, things like that would also be used in this new barn.

- C. Crum The, this specific size pole barn that we are proposing is the size that I'm building in right now. My, my parents are farmers and they are lending me a, a space to work until we hopefully get this.
- M. Crum In, in Frankfort.
- C. Crum In Frankfort.
- M. Crum They're not here in Zionsville.
- C. Crum So, you know –
- Jones Um, and the mini, mini sheds, mini barns, do they go out basically panelized and then are erected onsite or?
- C. Crum Right now I'm building them to their entirety on, on, at my parents' farm and then we hire a, a company to come in and pick them up and drop them off.
- Jones Deliver, deliver them?
- Postlethwait I have a question for Mr. Smith. So, just to clarify, if they built this structure and did not demolish the detached garage, they would be 882 square feet over what is permitted by the Ordinance, is that what I understand?
- Smith Yes ma'am.
- Mundy I think you've addressed this. You've, you've heard the, the staff's recommendation that that is, be conditional upon the approval of the demolish the existing detached garage. You would be willing to do that. That's not your first choice but you would be willing to do that?
- C. Crum Correct.
- Mundy Okay. Yeah, I think there was, there's a little conflicting information. In one of the staff reports it shows this as an attached garage and then another, in their report it shows it as a detached garage and I believe it truly is detached. Any other questions for the petitioner?
- Postlethwait Just to clarify, I, what I heard you say was that if you demolish the detached garage you really would not have a place to park your cars. Is that right?
- C. Crum Correct.
- Mundy Okay, thank you.
- C. Crum Thank you.
- Mundy Ma'am, if you'd like to ask your question now if you'd come to the podium and just state your name and then ask the question please.
- Lake He got his answer.

Postlethwait Yeah.

Lake From him.

Mundy You're satisfied? Is there anyone here who wishes to speak for or against this petition? Anyone online? No? Okay. All right. Any further discussion among the Board?

Jones I was just going to follow up along the lines of what I think Chris was starting to say is that we, while I understand the nature of our rural property development standards of it, it kind of runs against what we would consider a reason you'd want to buy rural property for in the first place where you're going to have a use that would not be in compliance with more developed urban or suburban locations and given that the property owner has gone out and actually gotten themselves, you know, which approved for a, a home-based business doing this type of work, that's better than many of the other situations we've had in front of us where our concern is businesses being operated out of what would be considered residential property. I have a feeling if I ask the question about how this property was zoned prior to 2010 it'd be the same kind of answer. And in reality what we're getting ourselves into is something we've had to deal with is that under the previous Boone County coverage, probably nobody cared. So, you got multiple properties, one of the other petitions if you looked at the layout of the lots adjoining it none of those would be approved. So basically we're working ourselves into this box that I think Chris brought up is that everything we talk about being important to Zionsville, our Zoning Code is actually chasing it out of Zionsville. So we don't really support what we say we support.

Postlethwait And I would add to that that we, we grant a permit for this home occupation and then we hobble them by not allowing them to have the place to be able to, to do that work and that's what this feels like to me and I'm not sure that that's, again, my feeling is that since this is going to be used to, to for the business purposes that he has been permit, granted permission to do there we should be willing to, to allow that to happen.

Mundy I think, as I understand, the, the incorporation of the rural areas into the Town that we then just utilize what was already there.

Jones Uh huh –

Mundy Which means that either this was not in compliance or, as you suggested, nobody cared and, and it was all done without any maybe necessary approval but there was no objection to it so. But that's where we are. I will say that in terms of looking at the, the three standards that we must meet this is one in which the unnecessary hardship is probably addressed in a way with the business that's been approved as well as to utilize the building that's there which we've already heard from the petitioner it won't work but they would have to drive across their septic field which is probably not desirable from the standpoint of doing damage to that.

- Jones Under the recommended motions there's an approved and a conditionally approved. Did I cut off a line under the conditionally approved? Is there something – number 4 down there?
- Mundy There's two additional that at least show on the next page.
- Jones Yeah that's what, I just printed a bunch of stuff.
- Smith No, there's not one. It's just, that's just template language that you can read off of and then if you want to add a condition after that –
- Jones Okay.
- Smith You can add it but there's not one that's cut off.
- Jones Okay. Do you want a motion?
- Mundy Yes, I think we're at a point where we've dragged this one down to the ground and we need to do a motion.
- Jones Sure, I'll do it. I move that Docket 2023-43-DSV, Development Standards Variance to allow for the total square footage of the accessory structures to exceed the total square footage of the primary structure for the property located at 8455 East 50 South, Zionsville, Indiana for the Rural General Agricultural District (AG) be approved as presented and described based on the Findings in the staff report and staff recommendations, submitted Finding of Fact, substantial compliance with the submitted site plans.
- Mundy Let me ask Mr. Jones – your finding in the staff report and staff recommendations – the staff recommendations were that the petitioner agree to demolish the detached garage that is currently on the property.
- Jones As an individual that owns 19 different vehicles I never recommend tearing down a garage.
- Mundy I, I knew the –
- Jones You knew where that was going didn't ya?
- Mundy So you are not including that condition of approval in your motion?
- Jones Correct. I have a general outside belief that if the business is successful that garage will eventually look a little better than it does currently but you gotta make the money before you can spend it.
- Mundy Thank you Mr. Jones. Is there a second?
- Postlethwait Second.

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Mundy Thank you Mrs. Postlethwait. Any further discussion? Hearing none, all those in favor of the motion to approve this petition 2023-43-DSV, please indicate by saying aye.

All Aye.

Mundy Opposed same sign.
[No response]

The motion is approved. Best of luck –

Jones And there you go.

Mundy With your project.

Jones Best of luck.

Hinshaw And with your business.

Lake Do we want to jump back?

Mundy Yeah. Any luck with reaching the?

Braun He's online there.

Mundy Okay. If you want to come back up to the podium please, we'll now go back to Docket Number 2023-42-DSV, D. Christiansen at 7371 East 100 North, Whitestown, Indiana and –

Taylor I think he's being promoted –

Mundy Hmm?

Taylor Right now.

Mundy Are you there Mr. Christiansen?

Christiansen I am, yes.

Mundy Thank you, all right. We've got your representative back at the podium. He may have indicated to you that we have some questions.

Christiansen Yes.

Mundy All right. I'm going to ask some of the members here to ask those questions again so that you hear them directly from us.

Christiansen Okay.

Mundy Mrs. Postlethwait, I think you had some questions.

- Postlethwait Yes. I think to be clear on which of these buildings because there are a number of, not including the silo in this question, but there are five other buildings on that property. You would be adding a sixth. Are any of these other buildings expendable or are you willing to demolish those in place of this new barn that you're wanting to, to build there?
- Christiansen The plan would be to remove two of the buildings to replace with one single one.
- Postlethwait Okay, so that would be the detached garage and the pole barn that are listed here?
- Christiansen Correct.
- Postlethwait And the second barn and the lean-tos that are on either side of the second barn you would, I assume you would not demolish?
- Christiansen No. The historical barn we'll keep intact.
- Postlethwait It's a historical barn?
- Christiansen We don't have it registered as such but it is a 150-year-old barn so we wanted to keep that as is.
- Postlethwait I'm sorry – it's a 150-year-old barn?
- Christiansen Yes. It's an extremely old barn, the original one on this homestead so the barn would remain untouched. We're just removing the detached two-car garage and the pole barn which we referred to as the shop which has another two-car garage behind that.
- Postlethwait Okay, thank you.
- Mundy And Mr. Christiansen, what we believe is this may have been part of a, a farm at one point, thus, the, the number of buildings and the size, the square footage of those buildings would've been permissible as a farm but can you verify is that the case?
- Christiansen Yes. There was the original farm here before being lotted out long before my, my ownership.
- Mundy Okay, thank you. Are there any other questions?
- Jones Yeah, I just want to clarify one other little point and as we review these and we're talking about the number of buildings onsite and the square footage and buh, buh, buh – I find it from a visual standpoint the proposed accessory structure really only has 1,860 square feet of area of footprint. It's the fact that it's got a second floor that is 600 square feet that pushes it up to the 2,460. Now I understand when we talk about the existing residence we count first and second floor space there as well, is that correct?
- Smith Yes.

- Jones So I guess in terms of quantifying everything equally, I understand why we do it but I think the other thing we're also dealing with is just the, not only the number of buildings but also just the, what I'm going to look at the –
- Mundy The visual?
- Jones The visual, a mass of structures on it. So, as you start parsing your way back down through this it becomes, while it is in excess of the main home square footage, proportionally it's not that much larger. 45:18
- Lake And not only the barn and the lean-tos constitute one structure.
- Jones Right, exactly.
- Lake Yeah, they're enclosed, they 45:25 one structure.
- Jones The way we, yeah, the way they show up on the tax records is a different thing.
- Lake Yeah, if you look them via Google Earth a street view, I mean, it's, it is an old, old barn and the condition of old.
- Postlethwait So most of us would be happy to be in good condition and be old.
- Mundy Are there any other questions for the petitioner?
- Jones But the lean-to is starting to apply more and more.
- Mundy All right. Thank you for joining us Mr. Christiansen.
- Christiansen Thank you.
- Lake Did somebody have a question about animals in the barn?
- Jones Oh, is the existing barn dirt floored?
- Christiansen There is a small portion of it that is dirt. The rest of it is concrete floor that was poured at a later stage. So there are no animals on, on this property at this moment, no.
- Postlethwait And I, I did have a question because from the aerial photo – is there farming going on at the back portion of this lot or is this an old photo?
- Christiansen Correct. It is farmed. There is a 3-acre field as part of this 5-acre parcel that is farmed by a neighboring farmer.
- Mundy All right, thank you, again, Mr. Christiansen.
- Christiansen Thank you.
- Mundy If you would, you might want to just hold on there. There may be, we'll see if there are any others who wish to speak for or against the petition but, again,

thank you for joining us. Any other online who now have their hand raised? No? Thank you. Any further discussion among the Board members? Would someone then like to propose a motion?

Jones All right. I move that Docket 2023-42-DSV, Development Standards Variance to provide for the accessory structure to exceed the permitted accessory square footage at the property located at 7371 East 100 North, Whitestown, Indiana in the Rural General Agricultural Zoning District (AG) 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 plans with the agreement that the petitioner will demolish the detached garage 22 x 30 and the pole barn 26 x 28 prior to the request of a Certificate of Occupancy for the proposed barn.

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

Postlethwait Second.

Mundy Thank you Mrs. Pos – was that Mrs. Postlethwait?

Lake Yeah, she beat me to it.

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

All Aye.

Mundy Opposed same sign.
[No response]

It is approved. Thank you Mr. Braun.

Braun Thank you.

Postlethwait Thank you Mr. Christiansen for joining us.

Mundy Good luck with your project Mr. Christiansen.

Christiansen Thank you.

Mundy Next item on the docket is Docket Number 2023-44-DSV, G. Eddy at 8775 East 125 South, Zionsville. Petition for a Development Standard Variance to Section 194.097 to allow for the construction of an accessory structure prior to the construction of a primary structure within the R-2 Residential Zoning District. Could we have the staff report please?

Smith Yes sir. Petitioner, I guess the owner is Greg Eddy, petitioner is Gary McNutt, I believe is here, okay. Development Standards Variance to Section 194.097, rural property development standards allowing for the construction of an accessory structure prior to the completion of the primary structure. Topics of interest: There were no letters of interest or public inquiries on this petition. The accessory structure will be used to store lawn equipment and other items to

maintain the property prior to completion of the single-family dwelling. I keep forgetting to go through these photos. So if y'all are looking at these photos I'll reference them while we're going through. The first one is just the location map. The second one would be a site plan, unfortunately, in this mode I can't zoom in but it's on the left, middle left of your screen if you can see that. And those are, three and four for whatever reason it's not going farther than that.

So, in the opinion of staff, skipping to the staff recommendation here – staff does not see this request rising to the level of hardship or practical difficulty. There are no unique conditions or circumstances of the site that prevent the owner from meeting the standard. However, if BZA is inclined to grant the variance, staff would recommend the following condition of approval: 1) A recorded commitment that the primary dwelling be substantially completed prior to the request of a Certificate of Occupancy; and 2) The primary structure will comply with all development standards. And I will happily answer any questions you may have about the rest of the staff report as you go through it.

- Mundy Thank you Mr. Smith. Any questions? Has there been a request for a permit to build a primary residence as well?
- Smith Not yet. I will let the petitioner speak to some of those questions. I know we had a brief email exchange with some questions that I'm hoping you can answer for us so I'll let you answer those during your time. I will also say too we put on this as a recorded commitment that the primary dwelling will be substantially completed prior to the request of a Certificate of Occupancy. I would like to have that maybe as a condition as we referenced earlier if we could. 51:58 recorded commitment.
- Mundy On the drawing there's nothing mentioned about setbacks and it appears that and there are two parcels here, I believe. It appears that this is fairly close to the border but I assume that is of one of those two parcels. Is that correct?
- Koenig It's actually 31 square feet.
- Smith Yeah, if you can, I, I couldn't zoom in with it on the presentation mode but if you look here on this drawing on the TV screen you'll see where it's got 31 and 34.
- Mundy Uh huh, okay.
- Smith I wasn't able to zoom in.
- Mundy I can see it on that one. I can't see it on the one I have.
- Smith Yeah, I don't know why it does that but so I've exited out of the screen mode so if we need to zoom in and out we can.
- Lake So that's distance off the property line then is what those are.
- Smith I believe so.
- Lake Versus two properties like that –

Terew That is [redacted] 52:54 Inaudible off microphone construction line that you see there.

Lake Okay –

Terew Offset from the property line to make sure I was clear with the setback. Off microphone

Jones We need you to –

Terew The second parcel is a 5-acre parcel. 53:01 off microphone

Mundy So the second parcel is on the other side of that line? Is that?

Terew There's a [redacted] 53:11 inaudible off microphone

Lake We need him up there.

Terew [redacted] 53:13 inaudible off microphone owned by the property owner. The 5-acre parcel is another [redacted] not part of this petition. This parcel here is not two parcels, it is just one parcel [redacted]. 53:22

Lake Yeah, those are offset lines.

Mundy Oh, okay.

Terew That's just an offset line. That second line you see there that looks like a second property line is not.

Mundy Thank you.

Terew [redacted] 53:33 inaudible off microphone.

Mundy We may ask you to repeat that at the podium but thank you. Any other questions for staff?

Postlethwait So this is not a 15-acre parcel. I think our petition says it's a 15+ acres, the property.

?? There are two parcels, one 9 and one –

Mundy If, if, yeah –

Terew Over 9 and then one over 6.

Mundy We're going, we're going to have to have this conversation here where we have.

Postlethwait Yeah, okay.

Smith I will be done with my staff comments and I'll turn it over to the petitioner.

- Mundy No other questions for staff at this point?
- Postlethwait No.
- Jones Well that's –
- Mundy Okay.
- Jones I do want to get an answer to Steve's question though. So, there's been no filing or information as to what the eventual house on this parcel is going to be?
- Smith No. So, he will speak to it but there, that information was, I, we sent that information and I'm hoping he has it so I'm hoping he will answer that question when he gets up there.
- Jones All right.
- Dale Jonathan, did you have anything else to add?
- Smith No, nothing else.
- Dale Okay. Great, thank you.
- Mundy All right, thank you. No other questions for staff. Could we have the petitioner come to the podium and give us your name and address please and then provide us with any information you think would be helpful in our deliberations.
- Terew I am representing the petitioner. My name is Troy Terew of True North. My address is 11650 Olio Road, Suite 1000-289, Fishers, Indiana 46037. We're here today to ask for a variance to construct an accessory structure prior to the completion of the, of the primary residential structure. The staff says that we don't have a hardship. Our hardship would be just convenience and maintenance of a, of a 9-acre parcel during what's going to end up being a 12- to 14-month build for a custom home and they have recently signed the contract of an approximate \$2 million dollar home. We have house plans here to review as needed, if you'd like to that the custom homebuilder brought with us. There is 15 acres, 15 acres involved in, in all that he owns but this is only on a 9-acre parcel. He owns a separate parcel of 6 acres. That is not part of this petition. If the 15 acres got, if the 15 acres got put on the application that was an error. It is only for the 9 acre separately deeded property, property.
- Mundy It does show that way on our materials. It shows this two parcels, a 9 and a 6 acre parcel.
- Postlethwait Right.
- Terew We're only developing the 9 at this point.
- Mundy Okay. I will say that from a hardship standpoint what you just described does not meet the standard of a hardship. We've, we have requests like that and we

understand them but I think just the convenience of having things there does not meet the standard of a hardship but we, we do want to know what the plans are that there will be a primary residence, when that will be done and you've heard staff. Their request is that there be a condition of approval which would include the construction of a primary residence there and that that be substantially completed prior to the completion of the secondary building, accessory building.

Terew If possible, I would like to counter with Certificate of Occupancy be held until the start of this large home, not substantial completion there so Certificate of Occupancy and substantial completion of a home that's going to take 12 to 14 months to build – it's going to need some time, you know, 10 to 12 months from now. We are, we are planning going for permits here within the next 45 to 60 days for the primary structure.

McNutt I, I might be able to help this a little bit. My name is Gary McNutt. I'm with Wedgewood Building Company at 32 First Street Northeast, Carmel, Indiana. Some of this is just timing. When we filed this petition for the variance to the standards, we were not complete with our drawings yet. I hadn't given Greg Eddy and Ashley Scott their pricing and we didn't know how long that was going to take. Well, since that time, we have been able to complete the drawings, at least the preliminary drawings, we've got pricing together. We've signed a contract. We're now into final construction drawings and should be applying for a permit here within the next 30 days.

The barn, Mr. Eddy has a lot of equipment and it was going to be really convenient to be able to house that equipment inside the barn instead of parking it on the property. It would also help us just with staging of materials and things like that and keep those protected during the construction process. So, our objective here was we didn't know how fast that was going to go so we thought the barn might be way out in front of the house. Now we don't think it's going to be quite that far and the construction timeline should be somewhere in the 12-month area so if we'd break ground within the next 60 days, they would be in sometime by the end of next year and I have plans here that substantiate all that and.

Mundy Thank you Mr. McNutt. Any questions for the petitioner's representative?

Jones I'm still a little baffled on which lot is what. Maybe I'm a little slow down here.

Lake There's only one lot.

Postlethwait Yeah.

McNutt I think the first –

Jones So Exhibit 2 has –

McNutt The first image showed the aerial. I believe that showed both parcels.

Mundy That's right.

Terew May I approach?

Lake Sure.

Jones Sure.

Mundy Sure, yeah. I, I think we, yeah, we should have –

Terew So you see the two dark squares on the _____, 59:51 inaudible off microphone

Mundy It's –

Jones Correct.

Lake It's the one on the left.

Mundy It's the larger of the two. Right? It's the 9 acre.

Terew _____ 1:00:00 inaudible off microphone.

Jones So this lot here is 9 acres?

Terew Yes.

Jones All right. Because what it says in here is the property is a vacant lot comprised of 15+ acres under property history.

Smith I can speak to that a little bit. So on the application there was – I, I don't know the reason why but for some reason they were broken out that way, 6 and 9, for a combined total of 15. So, when staff put the reports together we used the acreage that was on the application which was 15. But it was broken into 9 and 6.

Jones Okay.

Mundy With just the 9-acre portion parcel and do –

Jones So, we've approved similar situations where somebody's trying to get an outbuilding at first so they can use during the course of construction but that's when we've been presented a full set of plans for what they're doing. I'm not particularly comfortable with the way this package has been put together that we're not quite sure if it's 15 acres or 9 acres or 6 acres, we're not quite sure where the house is going to be, the size of the house, or any of the other conditions and from what they just said, they're not particularly confirmed on when the barn's going to be, where it's going to be located. So my general request would be we just continue this, let them complete an application, file the permits, because I don't think timing wise it's going to affect their ability to do anything and it'll let us actually act upon a complete package versus pieces and parts.

- Mundy Okay. Thank you Mr. Jones. I concur. Now you may be, if there's something that is really puts a span or in the works here by doing that that's up to you to let us know that. I think we have had requests where the outbuilding, the accessory building, has been requested but everything else is confirmed. The permits have been issued. We know that the primary residence, the, the square footage will be, allow the accessory structure to be of the size that's being requested and we don't have that assurance in this case. So, if there's any reason why continuing would be a problem, please say so now but that's we haven't taken, there's been no motion, we're not taking any action, but I think we'd like to know what it is that your client wishes to do and what might and might not work.
- McNutt I do have that information here with me. I have a, the square footage for the, for the house. I, the barn location is, I believe, represented accurately where we'd like to have it. The house, I, I have a site plan showing where the house was going to go. I, I, I thought we might confuse the issue if we presented that tonight but I do have a site plan here that shows that.
- Jones Once again, my preference is is that it goes through the proper channels and get the full package so we can act on it once.
- Postlethwait And I do have a question because looking at the aerial photo, this is a heavily wooded lot, am I right?
- McNutt It's probably 50% wooded maybe. There's, there's an area out in the front and in the middle there that that are kind of pasture, not pasture but meadow, I guess I'd call it.
- Postlethwait Well I see that on the smaller parcel but I, I guess I'm not seeing that so much in the wooded. I mean I understand the, the – and there is a hardship if you've ever towed a tractor with a bushhog on it on a trailer, that's a hardship. I mean, it may not be defined as such in Indiana Code but having done that I can tell you that's no fun. So, I mean, I would understand wanting to have equipment there that would allow for mowing of pasture or mowing of, of meadow but I'm not, I don't know how much of this space is, is made up of that type of topography so –
- Eddy Thank you very much. That's a great point. I have Bobcat, a large Bobcat and a large excavator to remove trees so right now they're sitting out in the weather or this winter I'm going to have to tow them back and forth –
- Postlethwait Right –
- Eddy Numerous times as well as all next summer I'll have to tow them back and forth or leave them outside so –
- Postlethwait Right –
- Eddy That, that is the reason.
- Mundy Could, could we ask you to give your name and address please?

- Eddy Yes, sir. Greg Eddy, 11796 Sycamore Street, Zionsville, Indiana. I've been a resident in Zionsville for 45 years, raised four kids here, had several homes here. I live on Sycamore Street across from the new development of The Farm. While I'm not against that and I appreciate the development, I chose to go and get another piece because I want to stay in Zionsville and that's why I chose that piece of ground to develop that into a single-family home.
- Lake So, who puts together Exhibit 2? Was that done by us?
- Smith We do.
- Lake Okay.
- Smith We typically do.
- Lake So where, where I was going is you kinda, we're penalizing the petitioner for having a map in here that is not accurate. We put that together, not them.
- Smith Yeah, so –
- Lake So we're showing two parcels so we as a Town have confused the issue, not the petitioner. I just don't want them unduly, I don't know –
- Postlethwait Chastised.
- Lake Harmed, chastised, yeah. Yeah I –
- Jones And the second issue is I'd rather see a full set of plans for the development of it if we're going to approve a portion of it.
- Lake Which, yeah, that's your choice but I, I think the, the request that was made of this barn would not get a Certificate of Occupancy until a permit has been granted on the house is the stick. Like, why build this barn if they can't put anything in it and can't occupy it –
- Jones And do we actually generate Certificates of Occupancies for residential structures? And does anybody enforce whether or not they use it before or after having that? I know Carmel when it comes to commercial property, you put a chair in the room the inspector will turn around and leave.
- Koenig Our inspectors will go out on a final inspection and they will grant them a temporary Certificate of Occupancy sometimes but they will not give them a final Certificate of Occupancy until, when there's a condition like this on, on the permit.
- Jones My preference is the same preference I've always had – I prefer to see complete packages.
- Mundy From my information, maybe mine only, there is you can't call it a curb cut but there is work being done I guess to put a drive back there and I'm, I'm looking at

the two, this shows two plots. That is taking place at the far eastern corner of the 9-acre plot, is that correct?

Eddy I think what you see there sir is the existing driveway for the old farmhouse that was already there and torn down years ago. That will be, they, they are coming down that same driveway.

Mundy Okay. So there, there was a driveway there?

Eddy Correct, yeah.

Mundy I assumed that that was all newly done.

Eddy Yeah, that, there was a farmhouse there that they tore down years ago.

Mundy Okay. But it is at the, the eastern side of the parcel, is that correct?

Eddy That, that is correct.

Mundy Okay, okay. All right. And, it appears that from the drawing we do have here that the driveway which leaves the road and gets, and eventually gets to the proposed barn would continue on further back and the house would be back further on the lot?

Eddy The house would be back to the south up on the hill –

Mundy Uh huh –

Eddy There's drawings of that already –

Mundy Okay.

Eddy So there, there is a place picked out for the house that's correct.

Mundy Okay, yeah. We, we've not seen that obviously. Thank you. If there's no other questions for the petitioner –

Hinshaw I have one – you said you're close to construction documents. Are you willing to commit to a timeline for the house to be done or started? It would help to have some idea how long the barn would sit there –

Eddy I would start it tomorrow. I mean I'm fully prepared to start the house tomorrow and it's up to the permits and to Gary to get that going. The, the goal is, in my mind, to get it started in December. That's what I would like to see.

Postlethwait It being the house or the barn?

Eddy The house would be started in December hopefully and that's Gary's goal as well –

McNutt Yeah –

- Eddy To get the house started then. I would, so the goal was to start the barn as soon as I could, again, for the equipment so I don't have to find a place to store it. I'd have to go find a, I'd have to get a place to rent, etc., etc.
- Jones This variance request has no bearing on your ability to move forward on this project does it?
- Eddy No, it would just cause more work, right?
- Jones How?
- Eddy Well, I'd have to haul the equipment back and forth. That, that's a lot of work with –
- Jones No, my request has been, my ask is that we see a completed set of plans for what's going to be developed here.
- Eddy Understood.
- Jones And so you can start the barn anytime you want with or without this variance but your ability to use it, that's the difference.
- Dale The Ordinance says it shall not be erected prior to the primary structure.
- Postlethwait Right.
- Lake Yeah, so they can't even start it.
- Koenig We wouldn't approve a permit for it.
- Postlethwait Right.
- Jones Mmm.
- Postlethwait Is the same contractor that's building the house building the barn?
- Eddy No, there's a different contractor building the barn.
- Mundy Yeah, I, I think Larry this is like the one last month where they wanted to have the, the accessory structure started for storage of –
- Jones But they provided a complete plan for both the primary –
- Mundy Yes, they did –
- Jones And secondary, and the –
- Mundy They had, they had their permits and everything was but they knew that the accessory structure would be completed well –

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Jones That's fine.

Mundy Before the, the house.

Jones I'm not, I'm not concerned about when it gets completed, I'm just saying I, sitting down here on the end of the bench, like I said, I do not like the partial approvals of pieces and parts.

Postlethwait So your recommendation would be that they –

Jones Request a continuance, get everything filed, request a permit and then come back, I'm sorry, yeah. No, yes, excuse me?

Postlethwait No, that they would request a continuance and then when they have got the permits for the house come back and ask for permission –

Jones There you go –

Postlethwait To build the house first. I mean, to build the barn first.

Jones Correct, yes. I'd approve that motion.

Mundy Any other question for the petitioner or the petitioner's representatives? Is there anyone here who is, wishes to speak for or against this petition or is there anyone online? There's only one person left so I assume that you're not here to speak one way or the other.

Smith I'd just ask do you think you could have the permits and everything pulled for the house prior to December 5th? If the answer is no and they're wanting to see those then you may have to be pushed back to January.

McNutt I, I don't know if we could have permits but we could have everything that we would need to obtain permits by the 5th.

Jones Could you have it all filed?

McNutt Pardon?

Jones You could have it filed?

McNutt Yeah –

Dale He wants to know if it could be applied for permits by the next meeting?

McNutt I, I believe we could be filed by the – the next meeting is December 5th?

Smith It's actually the 6th. Well, I don't have my calendar in front of me but we would have to send the materials out the Friday before. So let me look real quick. I would need it no later than December 1st, Friday, December 1st. That's when we're required to send stuff out for the public notice.

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- McNutt Yeah, we could have it done by then.
- Koenig Which means to have an approved permit we would want to turn it in a week before that.
- Dale Is that what Larry's asking for?
- Jones I'm just asking that the package is filed.
- Dale Okay.
- Jones I don't care about the permit.
- McNutt We don't control how long the permit process takes.
- Koenig Yeah we have, we have to turn it around in five business days so that's why I'm saying a week. That's in our Ordinance that we have to turn it around that quick, if everything is submitted and is accurate.
- Dale Larry just wants the permit package –
- Koenig Yeah –
- Dale To be submitted by a certain date.
- Koenig Just filed, then yeah, December 1st.
- Smith Yep, get it to me no later than December 1st or probably Thursday which is the last day in November so that I can print everything off and –
- Dale By, by doing so we can make sure that this project is on the next docket.
- Smith Yeah, yeah. It'll be continued to the next docket and then I want to make sure we have the information that he's actually requesting.
- McNutt So you wouldn't need anything else from us other than a full permit application by the 1st?
- Smith Yep, not necessarily the permits, unless Larry wants to actually see the permit.
- Jones No, I don't care about the permit.
- Smith But if he doesn't want to see the permit, just get us the paperwork needed to apply for the permit.
- Dale A complete application.
- Smith A complete application.
- Jones Which is going to have a site plan, correct?

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Dale A complete submittal –

Jones Yeah.

Dale For a permit? Okay.

McNutt We can do that.

Smith And if you have questions, email me or call me.

McNutt Okay. All right.

Mundy Let me ask one other question since we're talking about that though. Are there any other variances that you anticipate needing for the home construction?

McNutt No, sir.

Mundy Okay.

Jones Are we fine with all the setbacks from the property lines?

Smith For the barn or for the accessory use. I haven't seen anything for the house.

Jones Hmm.

McNutt We won't be anywhere close to setbacks on the house.

Mundy Well and that, that's why I asked that question were, were they anticipating any other variance requests for the home so and your answer to that was no.

McNutt Yeah.

Smith And just to confirm, for the next petition, I'm going to take off I know the two parcels were on the initial application, 9 and 6. I'm going to take off the 6. Is that okay?

McNutt Uh, I –

Smith That way it's just 9.

McNutt I don't see any reason why that doesn't work.

Smith Okay.

Koenig The only thing that –

Mundy It wouldn't change anything from our perspective.

Smith It shouldn't but just to help clarify and clear up any confusion.

Mundy Right, all right. I agree with that.

- Koenig The only thing that I would bring up is just to make sure that the, the standards are understood about that other parcel because if you go to sell it off separately, it's going to need to meet certain standards. So, we may want to run through that exercise and make sure that if you're not intending to keep it. I don't, I don't know what your intentions are long term but like there's a 3:1 ratio, there, there's other standards that we may need to look at. I just want to make sure that petitioners understand that.
- McNutt Yeah, I don't want to speak for them but I do believe they intend on keeping it.
- Eddy We do but tell me what a 3:1 ratio –
- Koenig That's why we, we as staff –
- Eddy What, what's the ratio?
- Koenig It's a 3:1 –
- Eddy Of?
- Koenig You can have it 3, 3 –
- Lake Times the depth.
- Koenig Feet to the 1 width at the road frontage.
- Dale It's the depth to width ratio.
- Lake But if it's a separate parcel it'd be a nonconforming existing condition anyway.
- Koenig That's my, my concern is that if, if it's split off it looks awfully narrow.
- Lake It already is split off. There are two separate –
- Terew They're two separate parcel numbers.
- Eddy There are two separate deeds.
- Koenig Okay, okay.
- Smith We'll just focus on the 9 and remove the 6 and if y'all want to have a conversation with Chrissy separately about 6 –
- Koenig Yeah –
- Smith Feel free to.
- Eddy Fair.

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- Koenig And typically staff would look at two lots under the same ownership as one continuous lot which I think is where the confusion of the 15 acres is coming in but, again, if you don't plan on that being separate then it's a moot point.
- Smith We'll just focus on the 9.
- McNutt Fair enough.
- Mundy All right so let's –
- Eddy So we need to ask for the continuance before the –
- Jones Correct.
- Eddy Motion?
- Mundy That's, that's correct but I think we first need a little Board discussion.
- Lake I mean I have, I would've just as soon make the motion to approve it with the condition that they can't occupy it until they get the permit.
- Postlethwait And I would agree with that.
- Lake I mean, I don't see a need to, to push it so.
- Mundy Yeah.
- Hinshaw I'd like more information, timeline, what's 1:18:07 house is just to be sure.
- Mundy Yeah, the, yeah, the timeline part I think is, I mean, I can tell you that the builder will always give you a timeline. It may not be your 1:18:29 but there's a lot –
- Jones Two weeks –
- Hinshaw But if those plans are there and the timeline is two years or longer –
- Jones Because our permits, our permits do expire after a certain period of time, correct?
- Dale Twelve (12) months.
- Jones Twelve (12) months.
- Koenig And then the Ordinance allows for a one-time extension of up to six, so technically you could do 18 months.
- Jones Eighteen (18) months.
- Mundy And, frankly, I, I too, feel like we're far enough along on this one that approving the request for the accessory structure right now doesn't bother me given what we've heard tonight.

- Lake Yeah.
- Mundy Prior to coming in here and hearing that I would've said just what Larry did and that is we don't have the full book on this one, let's wait. I think we have it but it's not permitted, it's not applied for or they've not filed for the, the primary structure but I feel comfortable with what we have heard.
- Lake I mean that barn is going to go up quick.
- Mundy Sure.
- Lake So they're going to want get the house started as soon as they can if we tie it to the Certificate of Occupancy because he doesn't want to have to go store his equipment somewhere. I mean they can have a barn up in two weeks once they're given a greenlight on it.
- Postlethwait Is it a pole, you're thinking about building a pole barn?
- Hinshaw The clearing and grading there –
- Postlethwait You're thinking about building a pole barn there?
- Eddy Yes ma'am.
- Hinshaw And it's November.
- Lake Give, give them a couple weeks for clear –
- Postlethwait No, seriously that two week, yeah, I mean a pole barn –
- Lake Those structures go up like that.
- Postlethwait Yeah.
- Lake You know so it's in their best interest to file for the permit quickly if we limit their ability to occupy it so they've got the, the permit.
- Postlethwait And I don't think, I, I'm speaking for myself – I don't have any doubt that they intend to build the house.
- Lake Yeah, I don't, yeah.
- Postlethwait And I don't have any doubt that they intend to build the house in a, in a compressed, as compressed a timeframe as they can manage. So, it's not as if I think that barn is going to be built and it's going to sit there for years with no house. I don't have any –
- Lake Yeah, I agree.
- Postlethwait Belief that that's going to happen.

Mundy Well and that's the part of what keyed in there is they need to get that before they get Certificate of Occupancy for the accessory structure which means it's not, not usable until they do that.

Postlethwait Right.

Mundy I'm comfortable with that. So we could have competing motions here. Larry, you still feel like you need the full, full book on this one?

Jones Oh, I'll make a motion if you need a motion.

Mundy Well, okay, we could do that as well.

Lake And I've got one teed up too so.

Jones Uh huh, well, who goes first?

Mundy Pardon?

Dale It doesn't matter.

Lake I mean, I think we've got three for mine.

Jones If my motion goes through they're out a year, correct?

Lake Hmm?

Dale To continue?

Jones If they get denied, when can they reapply?

Lake Your motion was to continue wasn't it?

Jones No, not now. No. What's out on the floor if they want to request a continuance, the petitioner can request a continuance, get his paperwork together and be back here December 6th. If I got to make a motion, I guess I do not believe we should be accepting incomplete packages. Period.

Lake Well I think in your mind it's incomplete. They've met the conditions for filing so it's technically a complete package it just doesn't have what you want in it.

Jones How can you have a complete package with no paperwork in it?

Lake It doesn't make it incomplete. It makes it not to your liking.

Jones I'm sorry – I, I –

Lake Correct? I mean they, they wouldn't be here as petitioners if they hadn't presented a complete package. Our staff –

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- Jones Okay –
- Lake Wouldn't let them file if it wasn't complete.
- Jones It is a complete package for the ask.
- Lake Okay.
- Mundy For the accessory structure.
- Jones All right, fine, You are correct. They have completed the package for what they are asking for.
- Lake Okay, just not to satisfy your curiosities to be able to _____ . 1:22:24
- Jones Yeah, I know, I understand.
- Postlethwait Perhaps we should have a motion on the, that we can act on.
- Jones All right, let me make a motion. I move that Docket 2023-44-DSV, a Development Standards Variance petition to construct an accessory structure prior to the primary structure's completion at 8775 East 125 South, Zionsville Road, Indiana within the Rural Single-Family and Two-Family Residential 2 District (R-2) be denied as presented and described.
- Mundy Thank you Mr. Jones. Is there a second?
[No response]
- Hearing no second. There will not be a need for a vote.
- Lake So I'll make a motion.
- Mundy And, is there an alternate motion?
- Lake Yeah, I move that Docket Number 2023-44-DSV, Development Standards Variance petition to construct an accessory structure prior to the primary structure completion at 8775 East 125 South, Zionsville, Indiana within the Rural Single and Two-Family Residential 2 District (R-2) 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 plans and a condition that a Certificate of Occupancy not be granted for the barn until such time as a permit has been approved for construction of the residence on the property.
- Mundy Would you be amenable to making that the primary residence?
- Lake Yes, I would. Primary residence.
- Mundy Thank you Mr. Lake. Is there a second to that motion?
- Postlethwait Second.

Mundy Thank you Mrs. Postlethwait. All those in favor –

Lake Should we do a roll call vote on this?

Mundy Let's do. We'll do a roll call vote. Mr. Dale, can you –

Dale Yep.

Mundy Ask for a vote?

Dale Chris Lake?

Lake Aye.

Dale Jocelyn Hinshaw?

Hinshaw Aye.

Dale Kathi Postlethwait?

Postlethwait Aye.

Dale Larry Jones?

Jones Nay.

Dale Steve Mundy?

Mundy Aye.

Dale Motion passes.

Mundy Motion passes. Best of luck.

Eddy Thank you.

Mundy We'll look forward to getting the primary structure filing.

McNutt Thank you for your consideration.

Mundy That is –

Eddy By the way, 1:24:46 inaudible off microphone.

Postlethwait And you're never coming back.

Jones Never coming back. I will never return.

Postlethwait And now you know why you've never been to one.

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Mundy Best of luck Mr. Eddy. That concludes the, the agenda. We have no other business that I'm aware of.

Postlethwait There was something about the –

Lake Meeting dates?

Postlethwait Meeting dates.

Mundy Meeting dates, that's correct. I think we were told last month that we would see that this month for approval.

Smith Unfortunately, I'm not sure where that came from but they haven't been approved yet by Town Council. So, what we brought to you somebody had mentioned, I believe it was Chris –

Lake Yeah –

Smith To look at spring break –

Lake Yes –

Smith To see if any meetings correlated with that. April 9th, that BZA meeting, that's the first day back from spring break. I'm not sure if that, right?

Hinshaw It's not possible.

Smith The first day back from spring break?

Lake Yeah.

Hinshaw It's a Wednesday.

Smith Is it? I don't know, umm –

Lake Well the 9th is actually the second –

Smith Second day back?

Lake Second Wednesday. We're always the first Wednesday of the month.

Smith Oh, never mind.

Lake So we would have a meeting on April 3rd –

?? It's just a, it's just a simple, a simple position.

Dale I need one more set of Findings.

Smith I have not given them the set of Findings.

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- Jones There's one that came out I – I don't sign it since I didn't.
- Postlethwait Since you voted no.
- Jones Since I voted no.
- Lake So, spring break is the 1st through the 5th and it also looks like Monday, the 8th. That's weird.
- Smith I think there's a possibility you were looking at the 2023 calendar.
- Hinshaw Oh my gosh, I'm so sorry.
- Smith But I have no idea, that was just in my notes.
- Lake So I'm looking at the 2023-2024 school calendar which says that April of 2024 has a spring break of the 1st through the 8th. They actually get a full Monday, Tuesday, Wednesday, Thursday, Friday plus the following Monday off.
- Koenig So the BZA meeting on the 3rd would conflict?
- Lake On the 3rd, yeah so but it could be moved to the 10th barring any other conflict. So I know I would be conflicted out on the 3rd.
- Hinshaw The 3rd is not good. The 10th is fine. I don't know what _____ 1:27:20
- Lake So at least two of us have, you could still have a quorum if you wanted to try and –
- Postlethwait You could do a Zoom from Disney or wherever you go.
- Hinshaw That's true.
- Lake And I probably could depending on where I'm going.
- Jones You just gotta put away the beach umbrella. You can't have any Mai Tai's in front of you while you're doing it.
- Hinshaw With children screaming in the background.
- Lake The sort of irrelevant though given that our Town Council hasn't seen fit to approve the calendar yet.
- Smith Yeah.
- Lake So – has it been brought up on their agenda and they've just not –
- Koenig No, I think it's on Monday's agenda.
- Lake Okay, all right.

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Koenig But it sounds like that we need to make sure that –

Smith Yeah –

Koenig We have that _____ 1:27:59 as far as spring break week and they _____,

Jones Yeah, make sure it's complete. I don't want a partial schedule.

Mundy You, you are consistent.

Lake He doesn't, he doesn't want to have two motions that don't get seconded in one night.

Dale Was there a motion to adjourn?

Mundy So, yes – do we have a motion to adjourn?

Lake So moved.

Postlethwait Second.

Mundy Thank you Mr. Lake.

Jones It's a full adjournment, not a partial, correct?

Mundy Would you, would you second that?

Jones I second that.

Lake We put you at the end for a reason.

Mundy All in favor say aye.

All Aye.

Mundy We're adjourned.