



APPLICATION FOR VARIANCE

State Form 44400 (R7 / 10-13)
Approved by State Board of Accounts, 2013

INDIANA DEPARTMENT OF HOMELAND SECURITY CODE SERVICES SECTION

302 West Washington Street, Room W246
Indianapolis, IN 46204-2739

http://www.in.gov/dhs/fire/fp_bs_comm_code/



INSTRUCTIONS: Please refer to the attached four (4) page instructions.
Attach additional pages as needed to complete this application.

Variance number (Assigned by department)

15-06-62

1. APPLICANT INFORMATION (Person who would be in violation if variance is not granted; usually this is the owner)

Name of applicant KENNETH S. PRICE	Title MANAGER
Name of organization C.K. PRICE PROPERTIES, LLC	Telephone number (317) 727-4727
Address (number and street, city, state, and ZIP code) 145 CAMPEN COURT, ZIONSVILLE, IN 46077	

2. PERSON SUBMITTING APPLICATION ON BEHALF OF THE APPLICANT (If not submitted by the applicant)

Name of applicant	Title
Name of organization	Telephone number ()
Address (number and street, city, state, and ZIP code)	

3. DESIGN PROFESSIONAL OF RECORD (If applicable)

Name of design professional	License number
Name of organization	Telephone number ()
Address (number and street, city, state, and ZIP code)	

4. PROJECT IDENTIFICATION

Name of project 99 NORTH FIRST STREET FACADE	State project number ZIONSVILLE #LP PERMIT # 2015-161	County BOONE
Address of site (number and street, city, state, and ZIP code) 99 NORTH FIRST STREET, ZIONSVILLE, IN, 46077		
Type of project <input type="checkbox"/> New <input checked="" type="checkbox"/> Addition <input type="checkbox"/> Alteration <input type="checkbox"/> Change of occupancy <input type="checkbox"/> Existing		

5. REQUIRED ADDITIONAL INFORMATION

The following required information has been included with this application (check as applicable):

- A check made payable to the Indiana Department of Homeland Security for the appropriate amount. (see instructions) **(\$ 276.00)**
- One (1) set of plans or drawings and supporting data that describe the area affected by the requested variance and any proposed alternatives.
- Written documentation showing that the local fire official has received a copy of the variance application.
- Written documentation showing that the local building official has received a copy of the variance application.

6. VIOLATION INFORMATION

Has the Plan Review Section of the Division of Fire and Building Safety issued a Correction Order?

Yes (If yes, attach a copy of the Correction Order.) No

Has a violation been issued?

Yes (If yes, attach a copy of the Violation and answer the following.) No

Violation issued by:

Local Building Department
 State Fire and Building Code Enforcement Section
 Local Fire Department

7. DESCRIPTION OF REQUESTED VARIANCE

Name of code or standard and edition involved <i>INTERNATIONAL BUILDING CODE 2012</i>	Specific code section <i>FSD²⁰¹² Definition; 705.2.3 ; Table 602</i>
Nature of non-compliance (Include a description of spaces, equipment, etc. involved as necessary.) <i>SEE attached narrative.</i>	

8. DEMONSTRATION THAT PUBLIC HEALTH, SAFETY, AND WELFARE WILL BE PROTECTED

Select one of the following statements:

Non-compliance with the rule will not be adverse to the public health, safety or welfare; or

Applicant will undertake alternative actions in lieu of compliance with the rule to ensure that granting of the variance will not be adverse to public health, safety, or welfare. Explain why alternative actions would be adequate (*be specific*).

Facts demonstrating that the above selected statement is true:
SEE attached narrative.

9. DEMONSTRATION OF UNDUE HARDSHIP OR HISTORICALLY SIGNIFICANT STRUCTURE

Select at least one of the following statements:

Imposition of the rule would result in an undue hardship (*unusual difficulty*) because of physical limitations of the construction site or its utility services.

Imposition of the rule would result in an undue hardship (*unusual difficulty*) because of major operational problems in the use of the building or structure.

Imposition of the rule would result in an undue hardship (*unusual difficulty*) because of excessive costs of additional or altered construction elements.

Imposition of the rule would prevent the preservation of an architecturally or a historically significant part of the building or structure.

Facts demonstrating that the above selected statement is true:
SEE attached narrative.

10. STATEMENT OF ACCURACY

I hereby certify under penalty of perjury that the information contained in this application is accurate.

Signature of applicant or person submitting application <i>[Signature]</i>	Please print name <i>Kenneth S. Price</i>	Date of signature (month, day, year) <i>5/25/2015</i>
Signature of design professional (if applicable)	Please print name	Date of signature (month, day, year)

11. STATEMENT OF AWARENESS (If the application is submitted on the applicant's behalf, the applicant must sign the following statement.)

I hereby certify under penalty of perjury that I am aware of this request for variance and that this application is being submitted on my behalf.

Signature of applicant	Please print name	Date of signature (month, day, year)
------------------------	-------------------	--------------------------------------

Narratives -Application For Variance-(State Form 44000)

Section 7

Name of Code or standard and edition involved: International Building Code-2012 (second printing)

Specific code section: Definition of Fire Separation Distance, and section 705.2.3, and Table 602

Nature of nonconformance: Table 602 requires a Fire Separation Distance of > 10 feet or a one-hour fire rating is required for the north wall of the store front vestibule (6'-8" in length). The actual Fire Separation Distance is 3 feet as measured to the interior property line. However, the adjoining property to the north of the vestibule is precluded by zoning restrictions from building a primary structure within 50 feet of the north wall of the vestibule thus the practical Fire Separation Distance is a total of 53 feet. Achieving a one hour fire separation rating would nearly double the entire cost of the vestibule.

Section 8-Facts supporting that "Non-compliance will not be adverse to the public health, safety, or welfare:

1. The purpose of the Fire Separation Distance is to prevent the spread of fire from one building to another. Since under the zoning restrictions already in place for the property immediately north of the vestibule addition prevent the construction of a primary structure due to a rear set back of 20 feet from the rear property line for the entire 50 feet width of the property, there can be no building to which a fire could be transferred.
2. In the event the current or future property owners elected to attempt rezoning in a manner that would allow construction within the rear set back currently in place, the building code enforcement department and the Fire Marshall for the Town of Zionsville would review the proposed changes and could require appropriate protection through imposing side setbacks needed for adequate Fire Separation Distance, in the aggregate without undue hardship for the owner.
3. The vestibule is a 6'-8" by 5'-8", wood frame, aluminum clad store front style with primarily dual pane glazing as walls, offering little risk of fire initiation or sustainment.
4. The vestibule is immediately adjacent to First Street, a major street in the Town of Zionsville and readily accessible by fire department equipment.

Section 9-Facts supporting undue hardship because of physical limitations and because of excessive costs:

1. There is only one entrance and only one location for an entrance through the concrete block wall of the west wall of 99 North First Street that allows compliance with height restrictions.
2. Achieving a one hour fire rating on the north wall of the vestibule would cost an estimated \$6000 in glass alone and with other requirements in design essentially double the cost of the vestibule with minor if any fire safety enhancement given protections created by zoning restrictions.

Acknowledgement of Receipt of Application for Variance (DATE STAMPED MAY 26, 2015)

Related to Vestibule North Wall Fire Rating

Addition to 99 North First Street, Zionsville, IN 46077

Receipt Acknowledged on Behalf of Zionsville Fire Marshall

By (print) Brian Miller

Signature: 

Date: 5/27/15

Receipt Acknowledged on Behalf of Zionsville Director of Planning and Building Permit Issuer

By (print) Wayne DeLong

Date: MAY 26, 2015

Narratives -Application For Variance-(State Form 44000)

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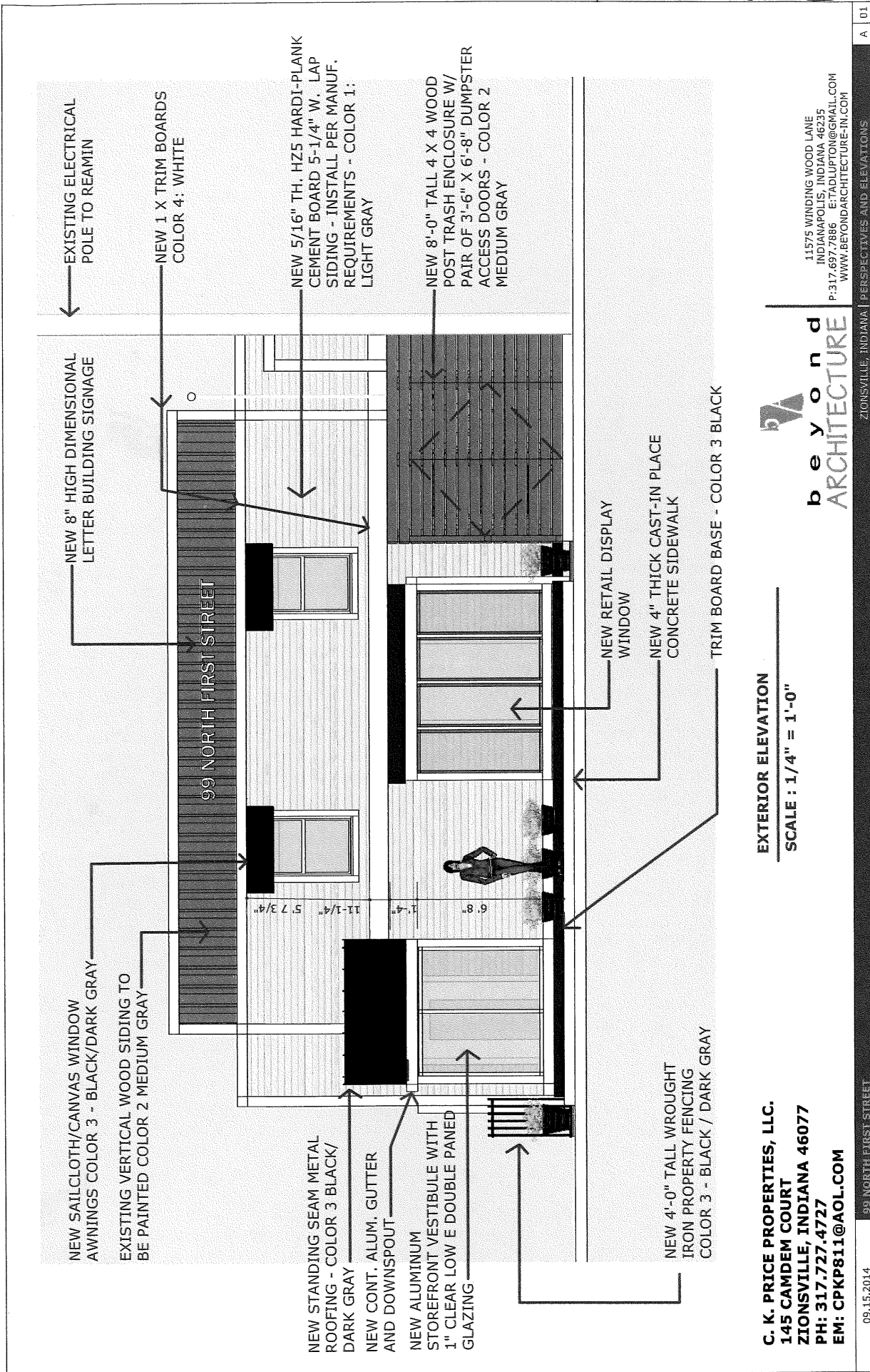
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EXISTING ELECTRICAL POLE TO REMAIN

NEW 1 X TRIM BOARDS COLOR 4: WHITE

NEW 5/16" TH. HZ5 HARDI-PLANK CEMENT BOARD 5-1/4" W. LAP SIDING - INSTALL PER MANUF. REQUIREMENTS - COLOR 1: LIGHT GRAY

NEW 8'-0" TALL 4 X 4 WOOD POST TRASH ENCLOSURE W/ PAIR OF 3'-6" X 6'-8" DUMPSTER ACCESS DOORS - COLOR 2 MEDIUM GRAY

NEW 8" HIGH DIMENSIONAL LETTER BUILDING SIGNAGE

99 NORTH FIRST STREET

NEW SAILCLOTH/CANVAS WINDOW AWNINGS COLOR 3 - BLACK/DARK GRAY

EXISTING VERTICAL WOOD SIDING TO BE PAINTED COLOR 2 MEDIUM GRAY

NEW STANDING SEAM METAL ROOFING - COLOR 3 BLACK/DARK GRAY

NEW CONT. ALUM. GUTTER AND DOWNSPOUT

NEW ALUMINUM STOREFRONT VESTIBULE WITH 1" CLEAR LOW E DOUBLE PANED GLAZING

NEW RETAIL DISPLAY WINDOW

NEW 4" THICK CAST-IN PLACE CONCRETE SIDEWALK

TRIM BOARD BASE - COLOR 3 BLACK

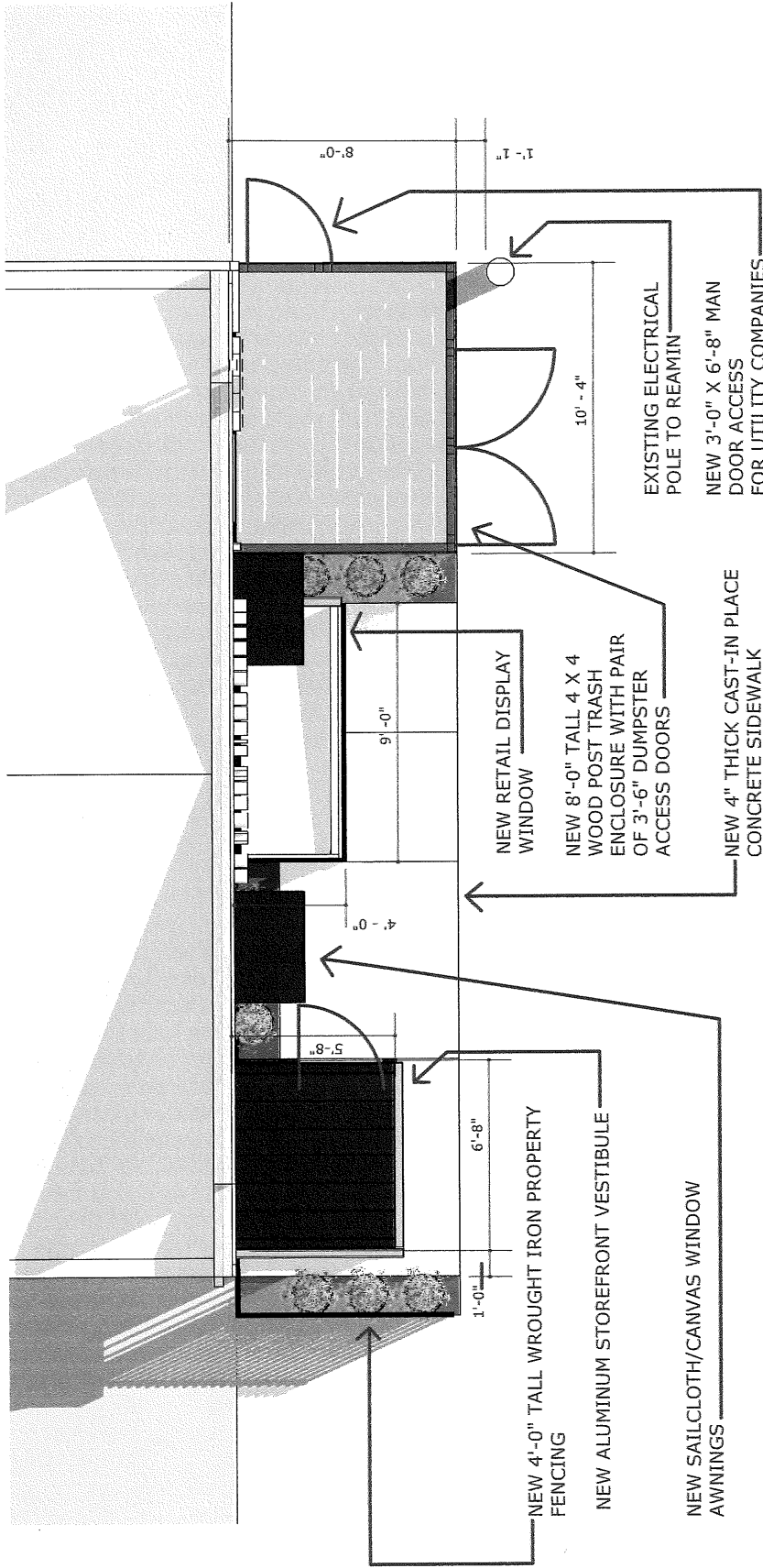
NEW 4'-0" TALL WROUGHT IRON PROPERTY FENCING COLOR 3 - BLACK / DARK GRAY

EXTERIOR ELEVATION
SCALE : 1/4" = 1'-0"

C. K. PRICE PROPERTIES, LLC.
145 CAMDEM COURT
ZIONSVILLE, INDIANA 46077
PH: 317.727.4727
EM: CPKP811@AOL.COM

beyond
ARCHITECTURE

11575 WINDING WOOD LANE
INDIANAPOLIS, INDIANA 46235
P: 317.697.7886 E: TADU@BONDARCHITECTURE.COM
WWW.BONDARCHITECTURE-IN.COM



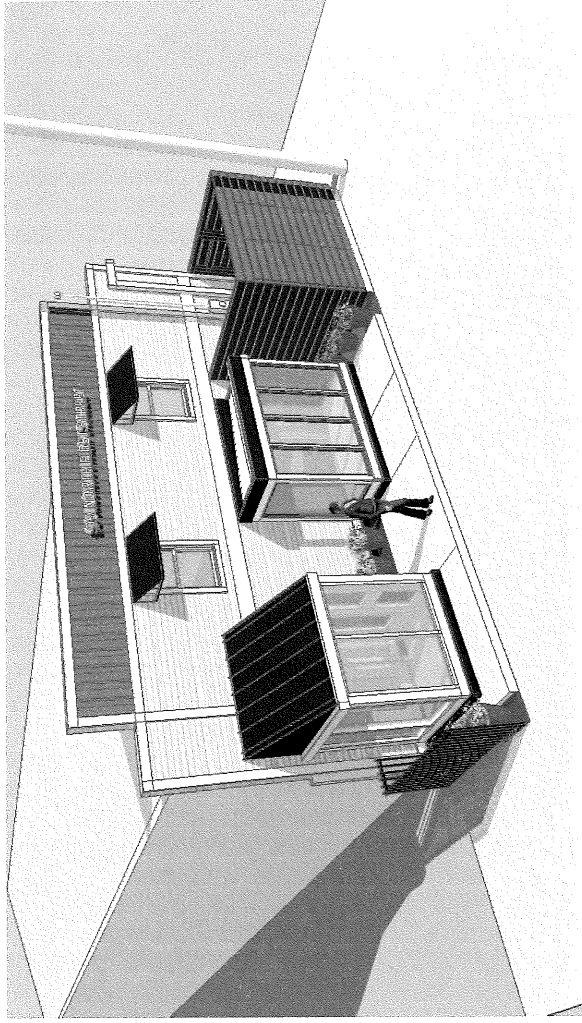
SITE / FLOOR PLAN
SCALE : 1/4" = 1'-0"

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ZIONSVILLE, INDIANA | PERSPECTIVES AND ELEVATIONS



NEW EXTERIOR PERSPECTIVE VIEW

EXISTING EXTERIOR VIEW

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Section 2.13. Urban Special Residential

Intent -The R-V Village Residential District is established to promote and maintain the historic core or village neighborhoods within the Town of Zionsville. The Development Standards reinforce the traditional height, bulk and area features of these neighborhoods to maintain their scale and proportion in compliance with the village residential land use recommendation of the Master Development Plan of the Town of Zionsville.

A. Permitted Uses.

1. Primary Uses

- i). Single-family Dwelling, including a Modular Home Dwelling and a Manufactured Home Dwelling
- ii). Residential Facility for the Developmentally Disabled
- iii). Residential Facility for the Mentally Ill, subject to the provisions of **Section 3.4.**
- iv). Child Care Home (that is used as the primary residence of the person who operates the Child Care Home)

2. Special Exception Uses, subject to the provisions of **Section 8.3:**

- i). Two Family Dwelling
- ii). Religious Use

3. Accessory Uses -See **Section 3.1.**

4. Home Occupations -See **Section 3.3.**

5. Temporary Uses -See **Section 3.2.**

B. Development Standards.

- 1. Minimum Lot Area -8,000 square feet. Attachment to public water and sanitary sewer facilities shall be mandatory for development in this District.

2. Minimum Lot Width -fifty (50) feet.
3. Minimum Lot Frontage -fifty (50) feet on a Public Street and gain direct Access from said Public Street or an abutting Alley.
4. Maximum Lot Coverage -Primary or Special Exception Uses and Accessory Uses -thirty-five (35) percent of the Lot.
5. Minimum Yards and Building Setbacks

i). Front -a minimum Front Yard and Building Setback measured from the existing Right-of-Way shall be provided as follows:

- (a) Primary Arterial Street: Thirty (30) feet
- (b) Secondary Arterial Street: Thirty (30) feet
- (c) Collector / Local Street /
Cul-de-sac or other Street: Twenty (20) feet

Exception: In any Block Face in which an existing Front Yard Setback is established by existing, legally established Buildings or Structures on fifty percent (50%) or more of the total number of Lots within the same Block Face fronting on the same Public Street, the minimum required Front Yard Setback for any new Building, Structure or addition along such Block Face shall be the average of such established Front Yards if such dimension is less than or greater than the minimum Front Yard Setback established by this Ordinance. In the case of a new Building or Structure, the Lot on which the Building or Structure is to be erected shall not be included in the calculation of the average of the established Front Yards for the Block Face.

ii). Side -a minimum Side Yard of five (5) feet shall be provided along all Side Lot Lines. However, in no case shall the distance between any two Buildings, whether located on the same Lot or on abutting Lots, be less than ten (10) feet. Driveways shall be required to meet the minimum Side Yard requirement.

See also Section 1.20, B, Side and Rear Yard Exceptions.

- iii). Aggregate Side -a minimum Aggregate Side Yard of fifteen (15) feet shall be provided on all Lots.
- iv). Rear -a minimum Rear Yard shall be provided along all Rear Lot Lines as follows:
 - (a) Primary Building -twenty (20) feet
 - (b) Accessory Building -five (5) feet

See also Section 1.20, B., Side and Rear Yard Exceptions.

6. Maximum Building Height

- i). Primary Building -thirty-five (35) feet and not over three (3) stories.
- ii). Accessory Building -twenty-two (22) feet, but in no case shall the height of an Accessory Building exceed that of the Primary Building.

7. Minimum Main Floor Area -The minimum Main Floor Area of the Primary Building, exclusive of Garage, Carport, Deck, Patio and open Porches:

- i). One-story Building -900 square feet per Dwelling Unit.
- ii). Two or more story Building -650 square feet per Dwelling Unit, provided, that the total Finished Floor Area shall be at least 900 square feet.

8. Off-Street Parking -See Section 3.8.

9. Signs -See Article 6.

10. Vision Clearance Areas -See Section 1.21.

C. General Regulations.

See Section 1.23 -General Regulations for "R" Districts.

ATTACHMENT V

To Whom It May Concern:

RE: Fire Rating for North Wall of Vestibule at 99 North First Street

As the owner of the residential duplex which is subject to the "Village Residential" zoning classification under the Zionsville Zoning Ordinance and is located immediately north of the 99 North First Street façade project, I agree that the proposed and subject north wall of the vestibule/air lock, does not represent a fire risk to my building or property. Therefore, I would have no objection to the issuance by the State of Indiana of a variance related to the fire rating for the north wall of the vestibule.

Mike Turley



Owner and Manager

Phone: 317 3135344

Address: 320 Linden ST

Zionsville IN 46077

Parcel Number 019-11520-00	Ownership Name TURLEY MAX ETAL	Transfer of Ownership Date	Grantor	Year 2014	Card 1	Amount	Type
County BOONE, IN	Township EAGLE						
Corporation							
District							
Map	Rentals 2 units						
Alt Parcel	06-04-02-000-016 007-006						
Property Class	520						
Tax District	019 Zionsville						
Neighborhood	19510-zionsville village res-19510						
Property Address	120 N MAIN ST ZIONSVILLE, IN 46077						

Account	82271	Page	
Book			
Legal			
OLIVERS LOT 26 TRUSTEES LIVING TRUST			

Assessment Year	2014	2013	2012
Reason for Change			
Land			
Homestead-C1	84,800	84,800	84,800
Residential-C2	0	0	0
Non-Residential-C3	0	0	0
Total Land	84,800	84,800	84,800
Homestead-C1	42,300	37,900	37,800
Residential-C2	34,600	31,000	30,900
Non-Residential-C3	0	0	0
Total Imp	76,900	68,900	68,700
Total Assessed Value:	161,700	153,700	153,500

Property Sub Class: RES TWO FAMILY PLATTED LOT-520
Memorandum
 Reassessment check occupancy
 Updated per field review -- Add Wddk, cent A/C, adj attic, attic fin SF for 12p13
 2014 pay 2015 Update per Field Review - Updated Sketch NC
 Eff YB to 1960

Land Type	Actual Frontage	Effective Frontage	Effective Depth	Factor	Base Rate	Adjusted Rate	Estimated Value	Influence Factor	Land Value
9			0.120	2.58	274000.00	706920.00	84830		84830
Acreage / Sq. Ft.									

VALUATION RECORD									
LAND DATA AND COMPUTATIONS									
PRINTED FROM BOONE COUNTY, INDIANA									
Total Residential Land Value 84800									
Total Non-Residential Land Value 0									
Total Acreage 0.12									
Total Land Value 84800									

Land Type

F Front Lot	81 Legal Ditch
R Rear Lot	82 Public Road
1 Comm. Ind. Land	83 Utility Trans. Tower
11 Primary	9 Homestead
12 Secondary	91 Res. Excess Acres
13 Undeveloped Usable	92 Ag Excess Acres
14 Undeveloped Unusable	
2 Classified Land	Influence Factors
3 Undeveloped Land	0 Other
4 Tillable Land	1 Topography
5 Non-Tillable Land	2 Under Improved
6 Woodland	3 Excess Frontage
7 Other Farmland	4 Shape or Size
8 Ag Support Land	5 Misimprovement
	6 Restrictions
	7 Traffic Flow
	8 View
	9 Corner Infl.

ATTACHMENT II

TOPOGRAPHIC SURVEY EXHIBIT

99, 110, 112, 114, 116 N. MAIN STREET

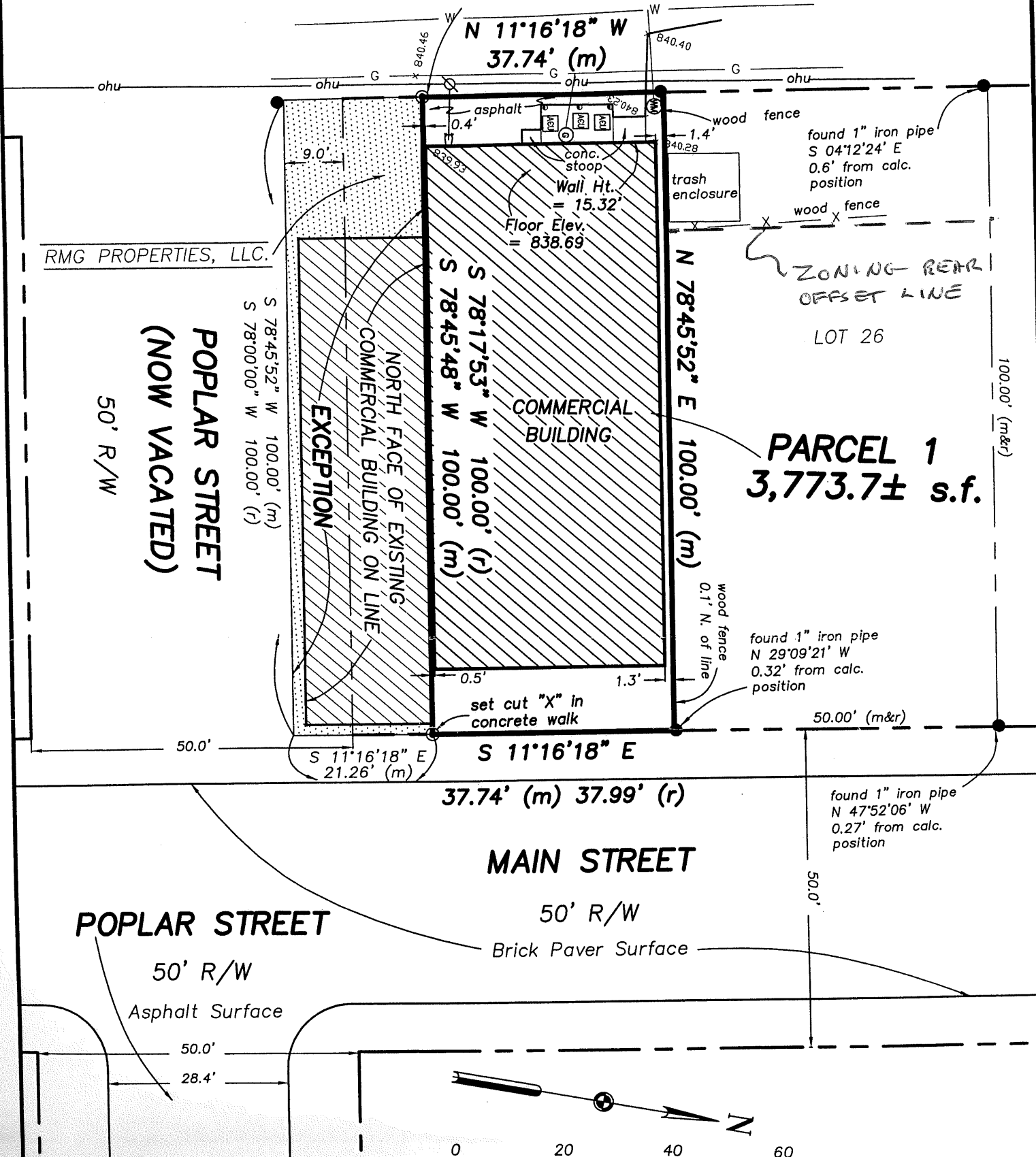
ZIONSVILLE, IN 46077

CK PRICE PROPERTIES, LLC

RLS JOB NO. 2014-119

FIRST STREET

50' R/W



RMG PROPERTIES, LLC.

POPLAR STREET
(NOW VACATED)

50' R/W

S 78°45'52" W 100.00' (m)
S 78°00'00" W 100.00' (r)

EXCEPTION

NORTH FACE OF EXISTING
COMMERCIAL BUILDING ON LINE

S 78°17'53" W 100.00' (r)
S 78°45'48" W 100.00' (m)

COMMERCIAL BUILDING

N 78°45'52" E 100.00' (m)

PARCEL 1
3,773.7± s.f.

100.00' (m&r)

ZONING REAR
OFFSET LINE

LOT 26

found 1" iron pipe
N 29°09'21" W
0.32' from calc.
position

50.00' (m&r)

found 1" iron pipe
N 47°52'06" W
0.27' from calc.
position

50.0'

MAIN STREET

50' R/W

Brick Paver Surface

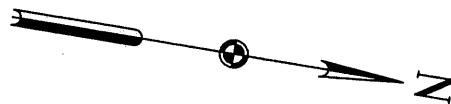
POPLAR STREET

50' R/W

Asphalt Surface

50.0'

28.4'



0 20 40 60

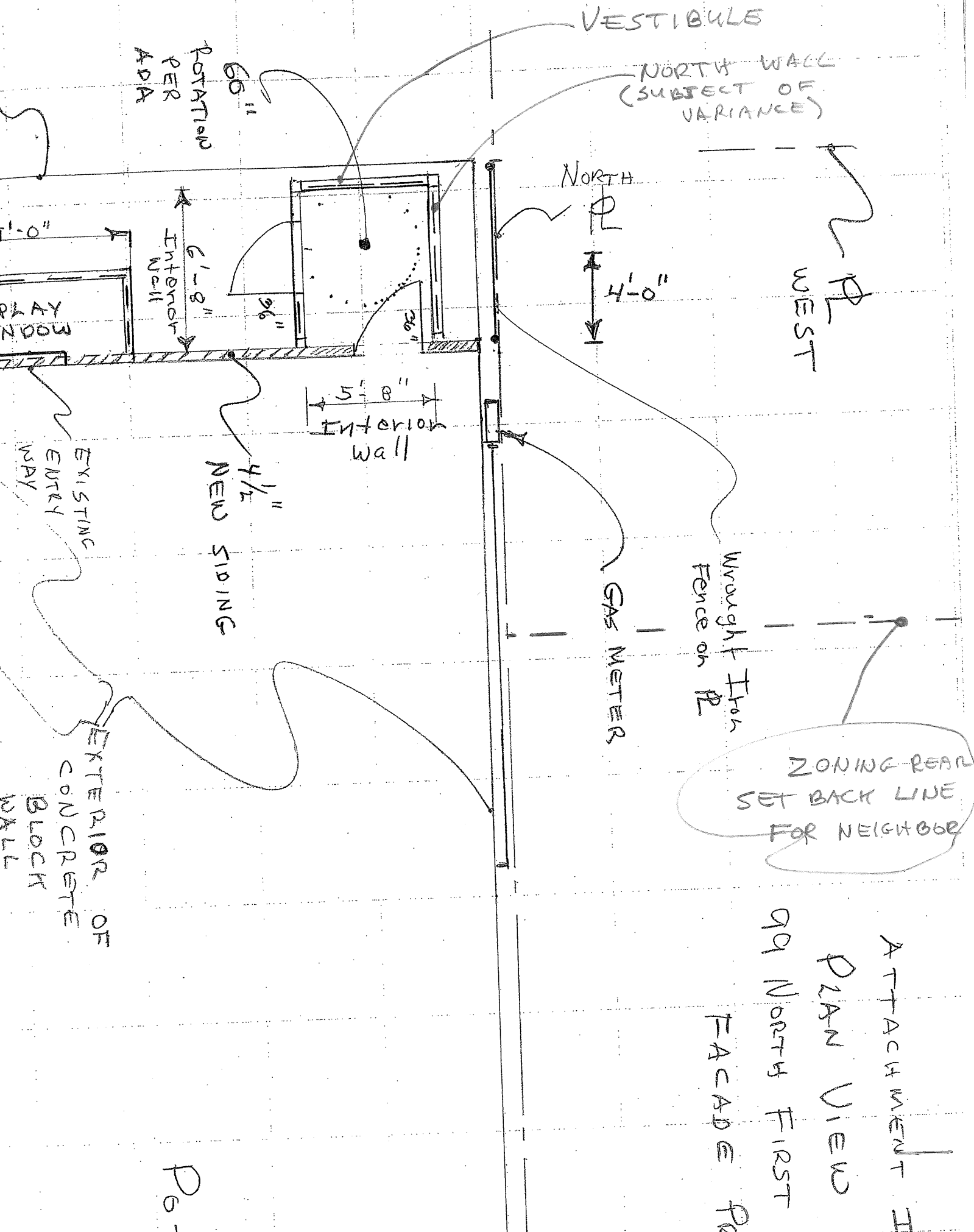
GENERAL NOTES

1. The purpose of this project was to perform a topographic survey of the subject parcel. The position of existing improvements depicted hereon are referenced to a Boundary Retracement Survey performed by RLS on August 5, 2014.
2. The contractor or owner shall verify the location and depth of the utilities depicted hereon prior to construction or design.
3. The subject real estate lies within Flood Hazard Zone X (500 year flood) as scaled from FEMA FIRM Map 18011 C 0334 E, dated January 18, 2012.
4. Elevations depicted hereon are referenced from USC&GS benchmark, a standard bronze disc stamped U 79 set vertically in the West face of the old Farmers State Bank building at the Northeast corner of South First Street and West Oak Street, 1.6 feet North of the Southwest corner of the building and 4.2 feet above ground. (Elevation =848.19 NAVD 88 datum).

DRAWING LEGEND

— W —	Water line
— G —	Gas Line
— ohu —	Overhead Utilities
<i>r</i>	Record Dimension
<i>m</i>	Measured Dimension
⊗	Water Meter
⊙	Gas Meter
X 840.28	Existing Spot Elevation
⌚	Electric Box
⊙	Power Pole
ACU	Air Conditioning unit
●	Bollard Post

ATTACHMENT II



VESTIBULE

NORTH WALL
(SUBJECT OF VARIANCE)

66" ROTATION PER ADA

NORTH

WEST

6'-8" Interior Wall

4'-0"

5'-8" Interior Wall

4 1/2" NEW SIDING

Wrought Iron Fence on PL GAS METER

ZONING REAR SET BACK LINE FOR NEIGHBOR

PLAY WINDOW

EXISTING ENTRY WAY

EXTERIOR OF CONCRETE BLOCK WALL

ATTACHMENT II
PLAN VIEW
99 NORTH FIRST
FACADE PR

Ps-