

Item 1

A summary of the first Request for Variance of Use reviewed by the Zionsville Board of Zoning Appeal in March, 2014.

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Describe the Request:

Kevin and Laura Channell are requesting a Variance of Use for the property they are purchasing at the northeast corner of Kissel and Hunt Club Roads. The 18 acre property is currently zoned Rural Equestrian (RE). The Channells will be using this property to farm, which is an authorized use under the current zoning ordinance. The Channells are requesting to have a farm stand on the property in order to sell farm produce to the local community.

Item 2:

A summary of the plan for Hunt Club Organic Market reviewed by the Board of Zoning Appeal in March, 2014.

Produce and Value-added Product Line:

The farm stand at Salem Farms will be called the Hunt Club Organic Market and will primarily feature fresh produce grown on the farm. Fresh produce from the farm will comprise over two-thirds of produce sold at the market. Salem Farms will also develop a value-added line of products with the produce from the farm. The farm will produce over half of the procurement needed for these products that are produced in the commercial kitchen for sale at the market. Salem Farms will also develop a wood-fired product line under the name Hunt Club Hearth. The Hunt Club Hearth products will include hearth breads, pies and pizzas, featuring farm produce. Salem Farms will produce about half of the ingredients needed for this product line.

Lettuce heads, spring mix, arugula, spinach, kale, swiss chard, fresh herbs, cucumbers, peppers, zucchini, squash, tomatoes, onions, eggplant, carrots, peas, broccoli, potatoes, garlic, cantaloupe, watermelon, winter squash and pumpkins will comprise the primary crops grown for the market. By 2017, fruit will be added to the selection. Apples, pears, peaches, sweet cherries, raspberries, blackberries, blueberries and strawberries will be on the list. Perennial vegetables like asparagus and rhubarb will also be available in 2017.

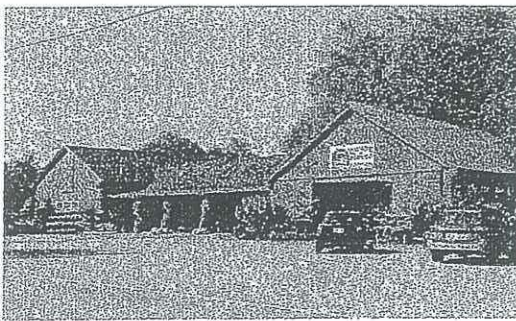
Value added products will be complementary to produce and include deli salads, salad mix, fresh vegetable plates, salad dressings, vegetable dips, pickles, relish, jams, chutneys, frozen fruit, and fruit plates.

Item 3:

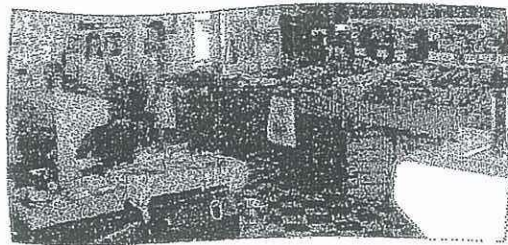
Examples of “Farm Stands” presented by Hunt Club Organic Market at the March, 2014, meeting of the Board of Zoning Appeals.

3/12/2014

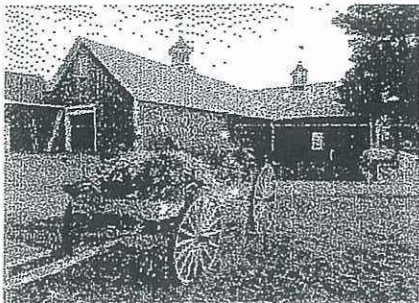
Farm Stand Example



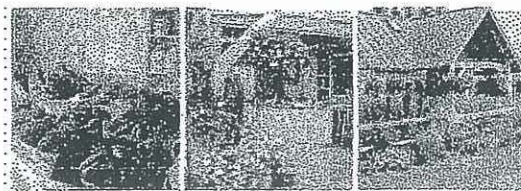
Farm Stand Example



Farm Stand Example



Farm Stand Example



Item 4:

Review of the first Variance request for the property at Kissel and Hunt Club prepared by staffing of the Zoning Board of Appeal, March, 2014.

PETITION HISTORY

This petition will receive a public hearing at the March 11, 2014, Board of Zoning Appeals meeting.

PROPERTY HISTORY

The property is comprised of 18 acres and is improved with a single-family dwelling and various outbuildings. The structures on the land are not presently occupied, and the land has been actively utilized for agricultural purposes in the recent past. As proposed, the existing improvements would be demolished in anticipation of improving the property with a new residential structure.

ANALYSIS

A portion of the 18 acre parcel is proposed to be improved with a Roadside Produce Stand designed to sell items produced on the property. As proposed, the Roadside Produce Stand would be located at the intersection of Kissel (775 East) and Hunt Club Roads. By Ordinance definition, a Roadside Produce Stand is a "temporary structure designed or use for the display or sale of agricultural or related products".

Roadside Produce Stands are a permitted uses in the Urban RE District as well as the Rural AG, Rural LB, Rural GB, Rural I1 and Rural I2 Districts (Note: the nearest district to the property which supports a Roadside Produce Stand is approximately 5,000 feet away). As the site is zoned Rural RE, a Roadside Produce Stand is not permissible without the consideration of the Board of Zoning Appeals (BZA).

The purpose of the Rural RE District is to "maintain and conserve a rural, country-like atmosphere and to encourage equestrian uses rather than rural, or urban, residential uses". Given this statement, the BZA, if it finds the request as supportable, will need to evaluate if the proposed Roadside Produce Stand is in the spirit of the District. In staff's view, any conversation regarding the establishment of a "temporary structure...for the display or sale of agricultural or related products" at any location requires the consideration of the delicate balance between the existing uses within the area and characteristics associated with the proposed use. Consideration must be given to the intensity of the operation (examples: size of sales area, hours of operation, days open), physical location (examples: distance from primary improvements, vehicle circulation, roadway cuts), and adherence to all applicable General Ordinances (examples: Fire Protection Ordinance, Indiana Building Code, Americans with Disabilities Act). In this particular case the Zoning District does not support the request, by right.

As proposed, the petitioner desires to improve the northeast corner of the intersection with a freestanding "Farm Stand". The "Farm Stand" per the submitted site plan is some distance away from the proposed location of the dwelling (Note: Dwelling is proposed within the Flood Plain of Fishback Legal Drain, not permitted-See Exhibit 4) and is not integrated into the existing or proposed improvements. Staff recognizes that an area which supports agricultural activities by default hosts commercial activities (for example: on / off site sales of animals and products, training related to animal management). However, commercial activities such as outlined above

are intertwined, generally speaking, into the established improvements. In this particular case, there is no history of an established agricultural operation being conducted the Petitioner on the property (Note: the filing does reflect that the Petitioner experience operating / conducting farming activities), and the proposed "Farm Stand" is not integrated into the established improvements. Further, staff has not identified any peculiarities with this property which necessitates the variance from the applicable Zoning Ordinance standards. Given the differences between the characteristics established in the area and the characteristics anticipated to be associated with the proposed "Farm Stand", staff recommends denial of the variance.

PROCEDURAL — CONSIDERATION OF A USE VARIANCE PETITION SEEKING APPROVAL

The Board of Zoning Appeals shall hear, and approve or deny, all requests for Use Variance requests as provided for by the Zionsville Zoning Ordinance. A Use Variance may be approved only upon written determination that:

- (a) *The approval will not be injurious to the public health, safety, morals, and general welfare of the community;*
- (b) *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;*
- (c) *The need for the variance arises from some condition peculiar to the property involved; and strict application of the terms of the zoning ordinance would result in an unnecessary hardship in the use of the property;*
- (d) *The strict application of the terms of the zoning ordinance would result in an unnecessary hardship in the use of the property;*
- (e) *The approval does not interfere substantially with the Comprehensive Plan*

STAFF RECOMMENDATIONS

variance of use
Staff recommends denial of the design standards variance included in Docket #2014-03-UV.

RECOMMENDATION MOTION

I move that Docket #2014-03-UV (Use Variance) for the property located at 6895 S. 775 East be (Approved as presented/ Denied/ Continued).

PROCEDURAL NOTES

As suggested to the Petitioner prior to the filing of this petition, Staff would suggest that the Petitioner first establish (reestablish) the farming activities, second, establish and demonstrate support of the surrounding community for such a land use, and three, then pursue the request with the appropriate governmental agencies.

Item 5:

Minutes of the March, 2014, Zoning Board of Appeals meeting at which the first Variance request was approved with conditions.

- smaller farm stand that's integrated into the property and then approach a larger farm stand in the configuration as proposed to you. That is just my personal thoughts on how this petition would be more successful. Certainly, the Board is here to consider the request as in front of you this evening.
- Morical So, Wayne, are you stating that if they had a smaller integrated farm stand that it would not require a variance?
- DeLong It would still require a variance simply because of the zoning, but again the public is speaking, by not being here this evening with any concern about the use as proposed to you this evening.
- Morical Are there any other questions for Staff?
- Traylor What's the time frame on the development on the farm stand versus the new house?
- Morical Mr. and Mrs. Channell?
- Traylor Just kind of a timeline of when those things will happen.
- Channell Our intention is to build perhaps this fall or next spring. We're still working out the details, but within 12 months we would begin both a home on the farm as well as the farm stand. They would coincide.
- Traylor Simultaneous. Okay.
- Jones But until the farm's set up really this is just going to be a retail establishment. You're going to have to bring in whatever product you're selling from some other source.
- Channell This year would be fallowing ground, preparing, so we would not be open for business this year.
- Morical Mr. Channell, maybe stated another way. Are you planning to wait to build this farm stand until the rest of the farm is up and operational?
- Channell Yeah, yes, so this year would be a preparatory period installing irrigation. This year would be fallowing ground, installing orchard, installing, getting ground ready for vegetable production. It would prepare us so we could do some planting beginning next year and be open three days a week next in 2015. That'd be the goal.
- Morical Would you be open to a condition on your variance that the variance be approved only in connection with an operating farm at the property?
- Channell Absolutely.
- Morical Are there any other questions?

- DeLong Mr. President, I would offer if the Board is in favor of this petition that it also be tied to the construction of a single-family dwelling that meets ordinance standards as well so you would not have just a farm stand without a tied, you'd have your accessory use versus your primary use issue.
- Morical Right, exactly. Good point. Thank you, Mr. DeLong. Any other comments, questions? I do note that the rural equestrian district is focused on "the goal of maintaining and conserving a rural country-like atmosphere and to encourage equestrian uses rather than rural or urban residential uses." I'm certainly mindful of that, but it is also significant that nobody has come to speak out against this particular development.
- Jones Wayne, do you have that letter I dropped off?
- DeLong Yes, we do have a letter from Ms. Valerie Swank indicating that "An organic market is a perfect fit for both Zionsville demographics and the rural area in which they want to locate the market. Salem Market would be a wonderful complement to the area and I hope they get variances they need to open, Sincerely Valerie Swank."
- Jones Does she note her address?
- DeLong She notes her address for the record as 9703 Hunt Club Road, Zionsville, Indiana.
- Jones Thank you.
- Morical Any further questions or comments by the Board? If none, I would be open to a motion.
- Wopshall Okay, I'll make a motion. I move that Docket #2014-03-UV for the property located at 6895 South 775 East be approved as presented with the caveat that the residence must be occupied prior to at least the completion of that, the farm stand.
- Morical Is there a second?
- Wolff Second.
- Morical All those in favor, please say aye?
- All but Jones Aye.
- Morical Any opposed?
- Jones Aye.

A summary of the request for a Second Variance for the property at Kissel and Hunt Club to be reviewed by the Zoning Board of Appeals on December 9, 2014.

Detailed Description of Request

Describe the Request:

Kevin and Laura Channell are requesting a Variance of Development Standards for the farm they have purchased at the northeast corner of Kissel and Hunt Club Roads. The 18 acre property is currently not a "farm" according to the ordinance definition, because it is not 20 acres. The prior use of this parcel was for farming. The Channells are using it to farm. The property is just 2 acres under the acreage to qualify as a "farm" by definition.

Currently there is a square footage limitation for accessory buildings on a property that is not a "farm" by definition. In addition, if a property is not a "farm", then accessory buildings are not permitted to be built until a residence is built. If granted, this variance will allow the Channells to build the infrastructure necessary to run their operation and allow them to get their barn built this winter prior to their residence, which will be built in the spring.

The Channells presently plan to build 5372 sq. ft. in accessory buildings, with a 3782 sq. ft. residence. Accessory buildings plans are presently 42% greater than residence.

The Channells are requesting that the BZA grant to them an official "farm" delineation, which will be consistent with past and present use, while also allowing them to build accessory buildings in a timely manner as needed for their farm and farmstand, which will open in June 2015.

Reasons for the Request:

- 11.1 The first reason for this request is that the property is being used for farming. It is being built out to suit a farm and will continue in agriculture indefinitely. This property is a farm by common definition.
- 2.05 The second reason is that this property has been a farm for the past several generations. Though the property lines were drawn a little tighter than 20 acres, this property has always been a farm. The people of Zionsville have always known it as such. Therefore, farm buildings on this property will not be out of character in any way.
- 3.3 The final reason for this request is that a large percentage of this farm is in the 100-year flood plain. This puts significant building limitations on a majority of the property rendering much of it ill-suited for non-farm purposes. So the property is better suited for a small family farm long into perpetuity. Farm buildings will be necessary to operate this small farm.

In sum, an official farm delineation suits the property because of its past use, its present use and its future use.

Zoning Ordinance Section Numbers:

11.1 / 2.05 / 3.3

10.14

Item 7:

Surveyor plan for the property at Kissel and Hunt Club showing a new entrance and road off of Hunt Club, 20 parking spaces, septic system, and large commercial buildings.

CONSTRUCTION NOTES:

NOTE #1 NO CONSTRUCTION TRAFFIC ALLOWED ON AREA OF THE ABSORPTION FIELD AREA TO BE MOVED OFF

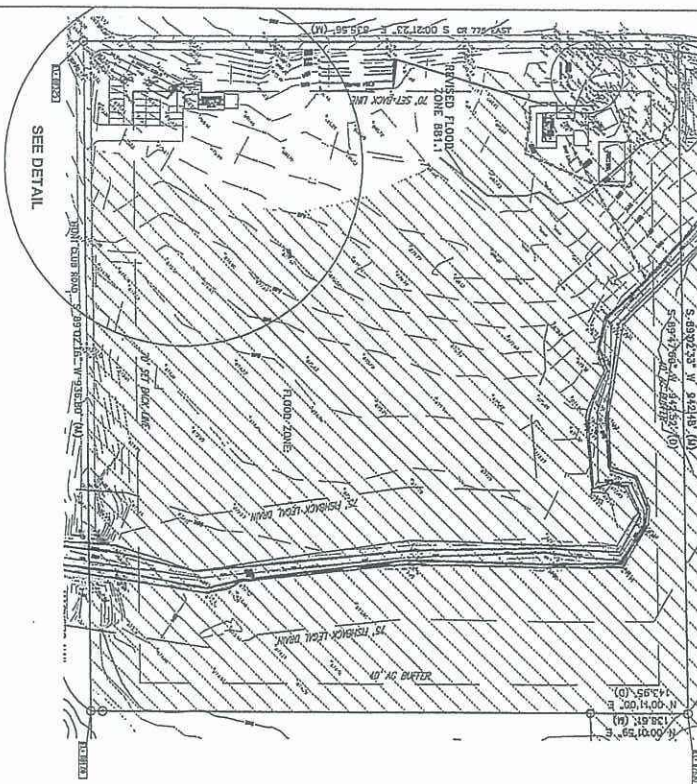
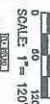
ABSORPTION FIELD. AREA TO BE ROPED OFF

NOTE #2

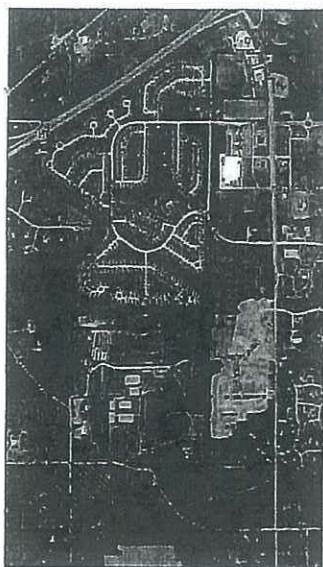
- ALL SURFACES, CONNECTIONS AND ACCESS TO ALL TANKS ARE TO BE SEALED WATER-TIGHT TO PREVENT BOTH GROUNDWATER AND SURFACE WATER LEAKAGE INTO THE SYSTEM.

NOTE #3 SAND OR SAND MIXTURES ARE NOT PERMITTED FOR BACKFILL.

NOTE #4 EACH ABSORPTION TRENCH MUST BE INDIVIDUALLY CONNECTED TO A DISTRIBUTION BOX BY AT LEAST FIVE (5) FEET OF UNPERFORATED PIPE WHICH IS LAID WITH A GRAVEL FREE BACKFILL.



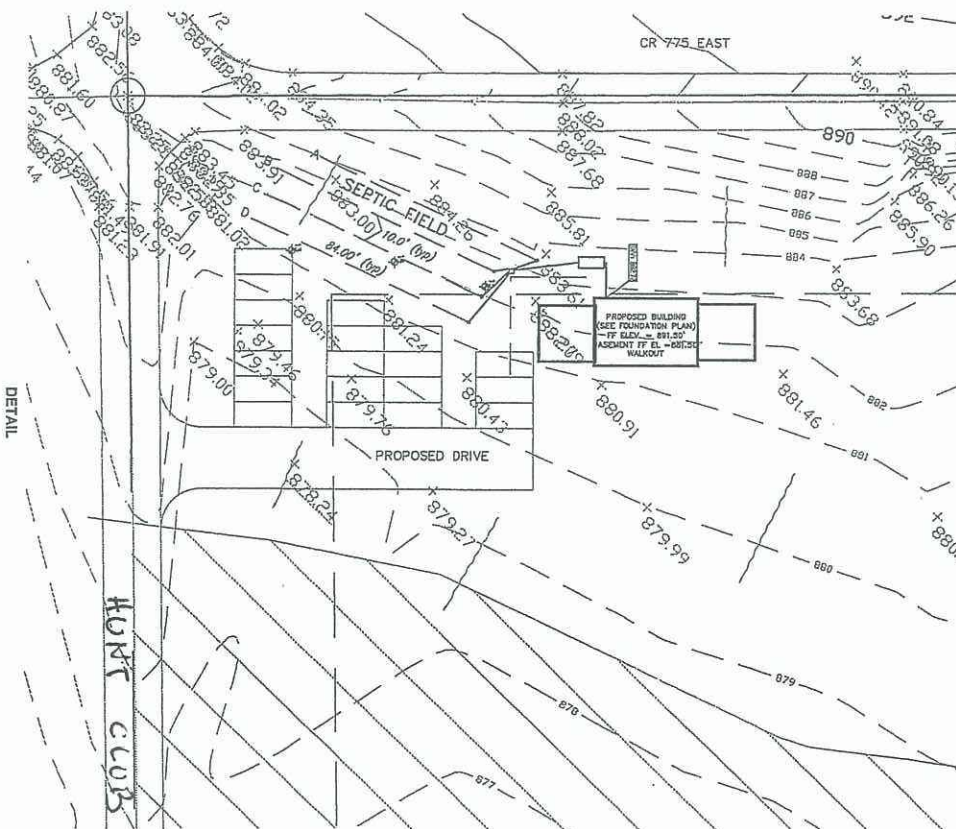
SEE DETAIL



LOCATION MAP (NO SCALE)

LEGEND

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DETAIL

NOTES:

1.) All physical improvements hereon are shown as they were located in the field on June 10, 2014.



No.	Date	Revisions	DRAWN BY: DRH
			CHECKED BY: JEH
			DATE: 10/21/14
			SCALE: 1"=30'

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A SERVICE DISABLED VETERAN
OWNED SMALL BUSINESS

SEPTIC PLOT PLAN - SALEM STOR

KEVIN CHANNELL
PT SE 1/4, SE 1/4, SEC 5, T17N, R2E
EAGLE TOWNSHIP, BOONE COUNTY

SHEET NO.

OF 2 SHEETS

14N199

12.14

Item 8:

Property plan description provided to Boone County Board of Health in November, 2014, showing plans for a commercial establishment, including retail sales.

This is a narrative describing the use of the farm building proposed at the corner of Hunt Club and Kissel Roads, per request of Greg Inman at Boone County Health Dept.

This building is multi-use. First, the farmstand section will be open to the public seasonally from May through mid-December (8 months or less) for retail sales of produce and other complementary products. Hours of operation will typically be 8 hours open, starting and ending at 2-3 days/week during shoulder seasons to 6 days/week at the peak season. We intend to accommodate customers as needed with shade and seating to encourage safety and health during the season. (i.e., elderly, children and parents)

The packhouse section will be utilized seasonally by owners and farm staff to rinse fresh vegetables, pack out into containers and for cold storage.

The barn section will be used for membership pickups of vegetables, winter storage and other unforeseen needs.

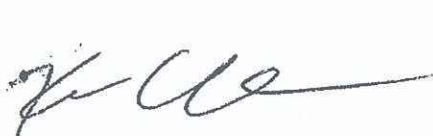
The kitchen section will be utilized seasonally to minimally process fruits, grains and vegetables that would otherwise be wasted or be damaged in the field. We intend for products to be sold onsite.

The office and bathrooms will be utilized by farm staff and the public as needed seasonally.

The size of the building will dictate capacity. The farmstand is 400 sq. ft. We estimate foot traffic to range from 20 to 30 customers daily during peak months (July-Sept.). And we estimate only 10% using the bathroom since the store is small and it is an unlikely stop for a restroom break. We estimate that total farm staff will range from 0 to 4 people at peak season, utilizing bathrooms 2 to 3 times daily.

The kitchen capacity will vary year to year and seasonally depending on unpredictable weather patterns and field conditions. In our experience, early frost will increase the use of the kitchen, and good growing seasons will increase the use of the kitchen. Processing capacity will vary with seasonal use also, peaking in the months of August and September. We will typically have a few farm staff working together on this project. They will use a hand sink to wash hands and a dishwashing sink to clean up surfaces, equipment and utensils.

See Plan for corresponding details.



11/18/14

Plans for the "Farm Stand".

BARN BASEMENT FLOOR

