



Legal Notice of Public Hearing Metropolitan Board of Zoning Appeals

200 East Washington Street, Suite 1842, Indianapolis, IN 46204 317-327-5155

TO WHOM IT MAY CONCERN:

You are receiving this notice of a public hearing as a nearby property owner, or as a representative of a registered neighborhood organization, or as an affected City-County Councilor.

A **Public Hearing** of the Metropolitan Board of Zoning Appeals has been scheduled for **Tuesday, January 10, 2017, at 1:00 p.m.** in the Beurt SerVaas Public Assembly Room on the Second Floor of the City-County Building, 200 East Washington Street, Indianapolis, Indiana. At this hearing, the Metropolitan Board of Zoning Appeals will consider the following petition(s):

Case Number: 2016-DV2-040
Address: 5897 North College Avenue (approximate address)
Location: Washington Township, Council District #9
Zoning: C-4
Petitioner: Kessler Boulevard Investments, LLC, by David Kingen and Justin Kingen
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a liquor store (wine only), within two feet of a protected district (100-foot separation required), with a two-foot east side transitional setback and four-foot south side transitional setback and a trash container, with a zero-foot east side transitional setback (10-foot side transitional yard required).

The legal description and the details of the proposal are on file in the Department of Metropolitan Development, Suite 1842, City-County Building. All information may be reviewed between the hours of 8:00 a.m. to 4:45 p.m., Monday through Friday, excluding legal holidays.

All interested persons wishing to speak to this petition, either for or against, will be given an opportunity to be heard, in accordance with the Rules of Procedure. Written comments regarding this proposal may be filed with the Secretary of the Metropolitan Board of Zoning Appeals before the hearing at the above address and such comments will be considered.

Vicinity Map (approximate location is marked)



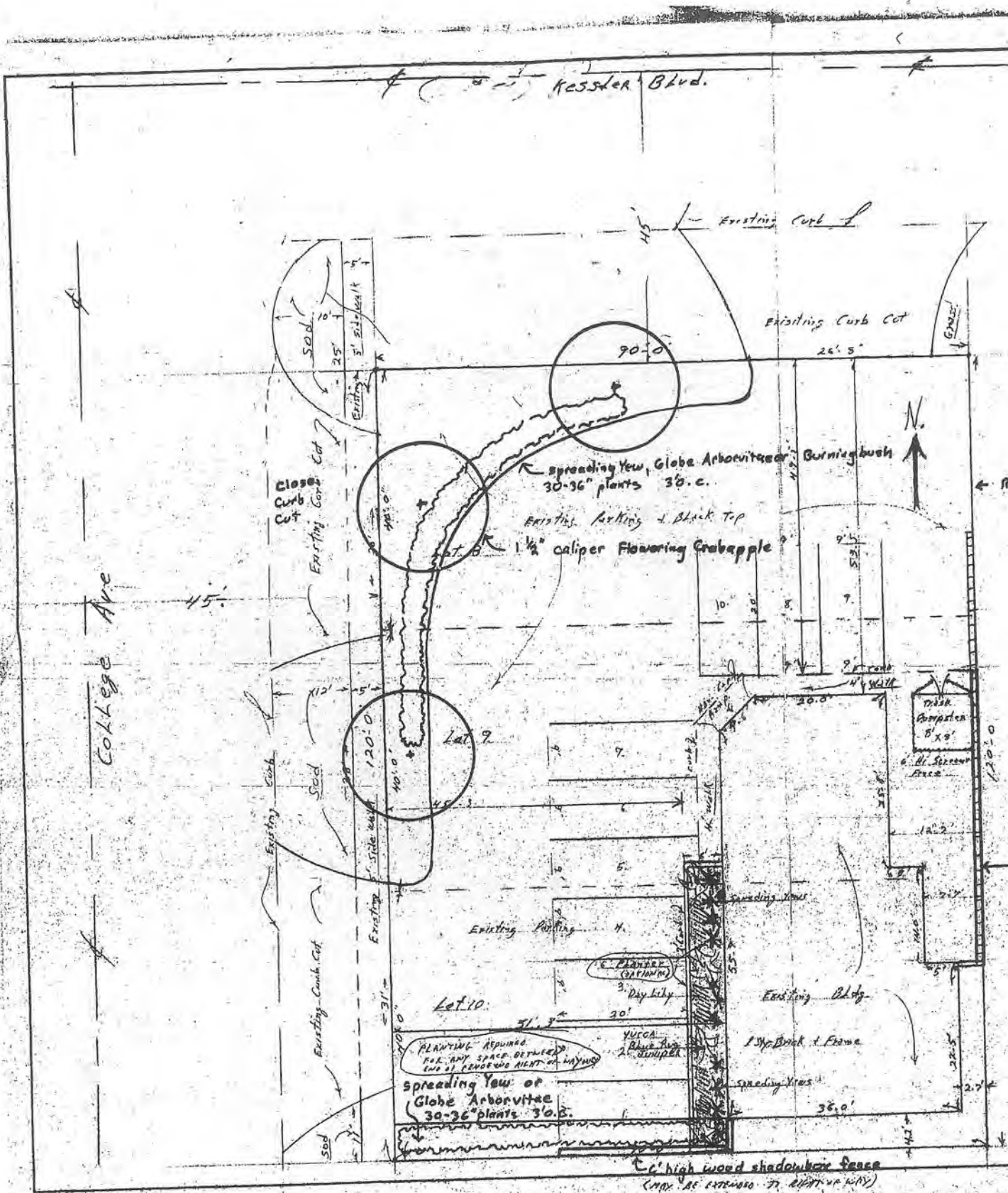
The hearing may be continued to a future date from time to time when found necessary. Any change in room location will be posted at the Public Assembly Room. For special accommodations needed by physically challenged individuals planning to attend, please call at least 48 hours prior to the meeting 317-327-5155. To ensure a fair hearing, contacting any member of the Metropolitan Board of Zoning Appeals regarding a pending or future proposal is strictly PROHIBITED by the Rules of Procedure and Indiana State statute.

Petitioner Or Agent for Petitioner Contact Information

Signature: David Kingen
Printed Name: David Kingen and Justin Kingen
Street Address: 618 East Market Street
City, State, Zip: Indianapolis, IN 46202
Phone Number: 3317-916-0928 (David) 317-440-8948 (Justin) FAX:
Email: Kingen.david@gmail.com and jkingen@msn.com

General Information about this Legal Notice of the Metropolitan Board of Zoning Appeals (BZA)

Why am I getting this?	You are receiving this formal notice for one of three reasons. You are either a property owner within two (2) properties distance or within 660 feet of the property which is the subject of this petition; or you are a neighborhood representative; or you are a City-County Councilor.
Do I need to do anything or go anywhere?	This notice does <u>not</u> require you to attend the hearing or do anything. This notice simply informs you that a petition has been filed pertaining to property near you and that you have the opportunity to be informed and speak to that petition.
What is the Board of Zoning Appeals?	The Metropolitan Board of Zoning Appeals (BZA) is an official decision-making body authorized by State Statute. The BZA consists of five (5) citizens of Marion County who serve without compensation. The BZA members are appointed by the Mayor, City-County Council and the County Commission. There are three (3) Divisions of the BZA. Each Division meets monthly with an alternate swing meeting. The Metropolitan Board of Zoning Appeals has the authority to grant or deny variance petitions.
What is a Variance?	A variance is permission to deviate or depart from the zoning ordinance. The zoning ordinance identifies uses that are permitted in various zoning classifications and the basic standards that development must meet, such as height and setback from property lines. The Metropolitan Board of Zoning Appeals has the authority to grant or deny variance petitions.
What do the Zoning Districts mean?	C-4 is the Community-Regional Commercial District designed for major business groupings and regional-size shopping centers to serve a population ranging from a neighborhood to a major segment of the total metropolitan area. The district accommodates a number of large traffic generators, such as home improvement stores, department stores, and theatres, and allows limited outdoor activities. Consult the zoning code for specific details: www.indy.gov/cp
May I contact the petitioner?	Yes. The petitioner's contact information is on the front side of this notice.
May I contact Department of Metropolitan Development Staff?	Yes. While you cannot contact the BZA directly, you may contact DMD staff. A DMD staff planner is available to discuss questions you may have regarding the hearing process or the basis for the staff recommendation as written in the Staff Report. The Staff Planner assigned to this case is Edward Honea, Senior Planner. He can be contacted at 317-327-5901 or by email at Eddie.Honea@Indy.Gov . The Mayor's Neighborhood Advocate is Rosemary Stockdale, who can be reached at 317-833-4938, or by email at Rosemary.Stockdale@Indy.Gov . Neighborhood Advocates serve as a bridge between citizens and city government, acting as ombudsmen and providing a communication link between neighborhoods and the City.
What is a Staff Report?	The planner assigned to the petition prepares a written Staff Report prior to the hearing that includes an objective planning analysis and recommendation. The Staff Report is available to the public and petitioner six (6) days prior to the hearing date listed on the front side of this notice.
How do I get a Continuance?	An "automatic" continuance of the petition is allowed (except Supplemental Review petitions), one for the petitioner (those presenting the petition) and one for the remonstrator (those against the petition), as a matter of right, if it is the first request for continuance by that party and is requested in compliance with the Metropolitan Board of Zoning Appeals Rules of Procedure. The Rules of Procedure are available in the City-County Building, 200 East Washington Street, Suite 1842. All automatic continuances move the petition to the next regularly scheduled hearing of the same Division of the BZA that is at least three (3) weeks later. The request for an automatic continuance must include the new date of the hearing. The petition will be automatically continued to the hearing date stated in the request unless notice of a different date is subsequently given. The person requesting the continuance shall give notice to everyone required to be served with notice and to attorneys or agents who have entered their appearance or are known by the person requesting the continuance to represent petitioner or remonstrator. However, registered neighborhood organizations are only required to give notice to attorneys, agents, petitioner and remonstrators of record. A request for an automatic continuance must be filed in writing with the Administrator no later than five (5) calendar days prior to the day of the scheduled hearing. The BZA decides all other continuance requests. Continuances do not require a fee.
What about Commitments or Conditions?	If the petition is approved, commitments or conditions may be attached to its approval. After the hearing process has been completed, the commitments or conditions may be obtained by mailing a self-addressed, stamped envelope, with the petition number, to the staff planner indicated above at 200 East Washington Street, Suite 1842, Indianapolis, Indiana 46204.
Where can I get more information?	In addition to contacting the petitioner or city staff as indicated above, you might also contact your City-County Councilor, your neighborhood organization, the Indianapolis Neighborhood Resource Center, or the public library. Online resources include: Current Planning (Zoning) office for general information: http://www.indy.gov/cp Determine the neighborhood organizations in your area: http://maps.indy.gov/Indy.Organizations.Web/ Determine your elected officials, including City-County Councilors: http://maps.indy.gov/GovProfile/



K&E ARCHITECTS © 1984
 ARCHITECTS' STANDARD FORM

Kessler Blvd.

College Ave

Existing Curb Cut 26' 5"

Close Curb Cut Existing Curb Cut

spreading Yew, Globe Arborvitae 30-36" plants 30.c.
 Existing Parking 1 Black Top
 1 1/2" caliper Flowering Crabapple

Burningbush

Lot 9
 120'-0"

Existing Parking 4

Lot 10
 51'-9"

PLANTING REQUIRED FOR ANY SPACE BETWEEN END OF DRIVEWAY AND DRIVEWAY
 spreading Yew or Globe Arborvitae 30-36" plants 30.B.

3 PLANTED (SITING)
 3 Day Lily

YUCCA
 2 Blue Top
 2. ANEMONE

Existing Blotg

1 3/4" Brick 1 Frame

Trash Compactor 8' x 9'
 6' H. Screen Area

6' high wood shadowbox fence (MAX. 66' EXTENSION TO ADJACENT WAY)

ATTACHMENT "D":

Petitioner commits to the following;

1. The building will be open for business only between the hours of 10 am to 9 pm Monday through Thursday; 10 am to 10 pm, Fridays and Saturdays, if in the future such stores are permitted to be open on Sundays, those hours would be 11 am to 7 pm. This commitment is valid only as long as the premises are occupied by a Vine and Table facility.
2. The variance shall be valid only as long as the premises are occupied by a Vine and Table facility and operated by the management of Big Red Liquors, Inc.
3. No free-standing signs shall be located on the premises as long as the property is occupied by a Vine and Table facility.
4. Refuse collection shall occur between the hours of 8 am and 8 pm, Mondays through Saturdays, only.