

Agenda Item #3

Case Number	BZNA-0133-2019 / BZNA-0143-2019	Property Size	9.63 AC
Address	21585 Cicero Road	Zoning	R-1 (Low Density Single Family Residential)
Owner	Thomas J. Weinschenk	Reviewer	Rina Neeley
Applicant	Thomas J. Weinschenk	BZA Meeting	November 4, 2019

Requested Action:

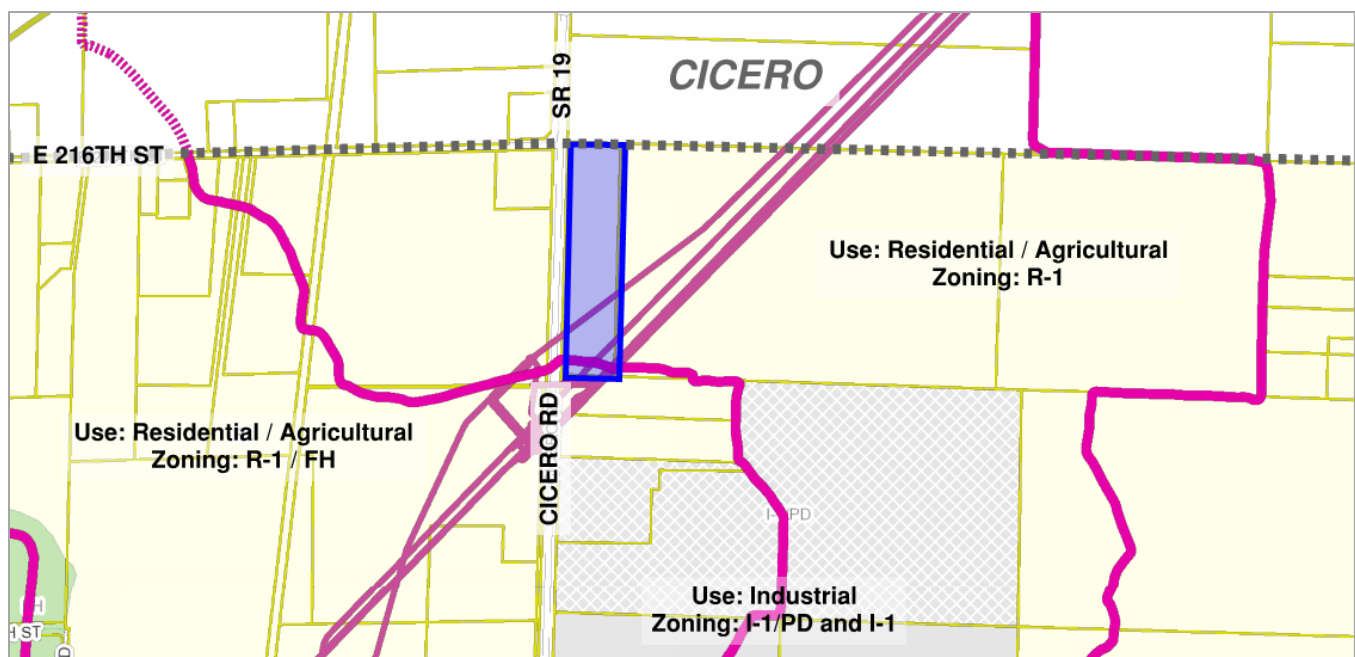
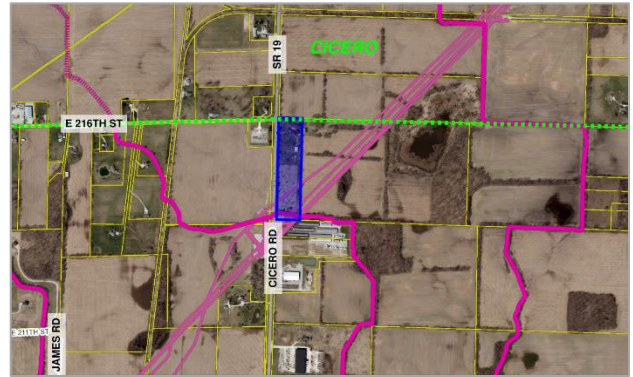
- a) UDO § Table 8.B Variance of Development Standards to allow the reduction of the minimum lot size in the R-1 (Low-Density Single-Family Residential) zoning district for a future 2-lot subdivision.
- b) UDO § 9.B.2.A and § 9.B.2.E Variance of Development Standards to permit an existing barn on a future lot without a primary residential use.

Recommendation:

Approve. See Findings of Facts for Approval on page 3 and Conditions of Approval on page 4

Table of Contents:

1. Staff Report
2. Parcel Map
3. Aerial Map
4. Application
5. Site Plan
6. Site and Neighborhood Pictures



ANALYSIS

The subject site is located on the east side of Cicero Road or State Road 19 at the intersection of Cicero Road and E 216th Street. The property is located just inside the limits of the Noblesville planning jurisdiction. The petitioner's property contains a 4,908 square foot single family residence and three detached accessory buildings. The property is surrounded by single family residential and agricultural uses to the north, south east and west, in addition to a small industrial park to the south (see Exhibits 2 and 3).

The property is a 9.63 acre parcel developed with the original 2-story farm house built in 1930, a detached garage constructed in 1995 and two other accessory buildings associated with the agricultural use of the land. The petitioner would like to subdivide the property into two (2) parcels so that they can build a new single-story home on the new lot, allowing them to age in place. Proposed Lot 1 would be approximately 1.84 acres and contain the existing single-family house, 1,008 square foot detached garage and 504 square foot shed. Proposed Lot 2 would be approximately 5.63 acres. The existing 2,400 square foot pole barn would remain on Lot 2 without a primary residence while the proposed house is under construction. The petitioner will be moving from the existing 2-story house on Lot 1 to the new single-story house on Lot 2. The petitioner is requesting the following variances of development standards (Exhibits 4 and 5) to allow:

- the reduction of the minimum lot size (3.00 acres required; 1.84 acres requested); and
- the existing pole barn to remain on a property without a primary residential use.

The petitioner cannot move forward with the plat to subdivide the property without the variances requested due to development constraints on the property.

Existing and Proposed Easements

The most significant development constraint are the existing gas pipeline and regulated drain easements on the property. There are two gas pipelines that occupy over a third of the southern portion of the site. The limits of the variable pipeline easement are unknown at this time, however the typical gas pipeline easement extends between 75 feet and 150 feet from the centerline of the pipeline. There is also existing 75-foot regulated drainage easement on both sides of the Ingerman Drain located near the southern property line. No development can occur within these easements. While proposed Lot 2 is significantly larger than the other lot, approximately 2.5 acres is constrained by existing easements.

State Road 19 (aka Cicero Road)

The petitioner will be dedicating a 60 foot wide strip of land along the entire western length of the property in addition to the existing 15-foot half-width for State Road 19 public right of way in association with the proposed plat. This right of way dedication is approximately 2.16 acres of the total property and reduces the total amount of private land to be subdivided.

Existing Driveway and Barn

The driveway for proposed Lot 2 is an existing driveway that provides access to the existing barn from State Road 19. The location of the proposed property line between the two lots is immediately north of the existing driveway. It is important that the existing driveway is used for Lot 2 because it has gone through the extensive process required to create and construct a driveway over a culvert required for drainage along a state road. It also provides Lot 2 with vehicle access to the existing barn as well as the lot. The existing barn was constructed in 1995 and the petitioner would like to keep it for personal storage in association with the proposed house to be constructed on Lot 2. The petitioner has agreed

to file and start construction of the proposed house within five (5) years of the approval of the variances requested. The existing barn may store materials and equipment associated with the construction of the new house as well as personal items of the property owners during the move from Lot 1 to Lot 2. The property owner will have a single-story home constructed on Lot 2. The petitioner's wife has a health condition that makes it difficult to live in a multi-story home. They would like to subdivide the property so that they can build a one-story house and live on their property as they age.

VARIANCE OF DEVELOPMENT STANDARDS FINDINGS

AGENDA ITEM #3:

If the Board should decide to APPROVE the requested variance, please use the following findings of fact:

The Noblesville Board of Zoning Appeals is authorized to approve or deny variances of use from the terms of the zoning ordinance. **The BZA may impose reasonable conditions as part of its approval. A Variance of Development Standards may be approved only upon a determination in writing that the following three (3) conditions are met (see Indiana Code § 36-7-4-918.5):**

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community:

It is likely that this variance will NOT be injurious to the public health, safety, morals, and general welfare of the community. The petitioner is requesting the approval of both variances in order to move forward with a 2-lot residential subdivision including a right-of-way dedication to State Road 19. The single family residence and associated accessory buildings will remain on Lot 1, which is less than the required 3 acres. While Lot 2 is larger, over a third of the lot is undevelopable due to existing gas pipeline and regulated drain easements. The existing pole barn will remain on Lot 2 and be used for storage during the construction of the proposed primary residence. The proposed residential use will blend with the rural residential character of the surrounding community. It is not anticipated that the proposed residential use will be injurious to the public health, safety, morals and general welfare of the community if the variances are granted.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:

It is likely that the use and value of real estate adjacent to the subject site will NOT be affected in a substantially adverse manner by allowing the requested variance. Nearby property owners may remonstrate against this petition if they believe this request will have significant adverse effects on adjacent properties. Should nothing contrary be brought to light by adjacent owners at the public hearing, it is presumed that the approval of this variance request will not have a substantially adverse effect on the use and value of adjacent properties. There is no change to the underlying R-1 zoning district. The proposed use will remain single family residential. However, proposed Lot 1 will be 1.83 acres instead of the required 3 acres and Lot 2 will temporarily have a detached accessory structure without a primary residential house. Per the conditions of approval for these variance requests, a building permit for a single family residence on Lot 2 must be obtained within five (5) years of approval. The proposed 2-lot residential subdivision will blend with the existing rural residential nature of the surrounding neighborhood.

3. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought:

The strict application of the terms of the zoning ordinance WILL result in practical difficulties in the use of the property because the property has several development constraints that contribute to the variance request for a reduction in the minimum lot size from 3 acres to 1.8 acres, including existing gas pipeline and regulated drain easements on approximately 2.5 acres of the southern portion of the property, a 2.16 acre right-of-way dedication to State Road 19, the need to use the existing south driveway for proposed Lot 2 and have the existing barn remain on Lot 2. The location of the existing driveway, constructed by a previous property owner, and barn determined the proposed property line between the two lots and ultimately, the size of the lots, since irregular shaped lots are discouraged. The variance request to allow the existing barn to remain on proposed Lot 2 without an existing primary residential use would allow the barn to be used for the storage of construction materials and equipment as well as personal items during the construction of the new single family home. The petitioner is eager to move forward with the construction process and has agreed to obtain a building permit for a single family residence on Lot 2 within five (5) years of variance approvals.

RECOMMENDATIONS

AGENDA ITEM #3:

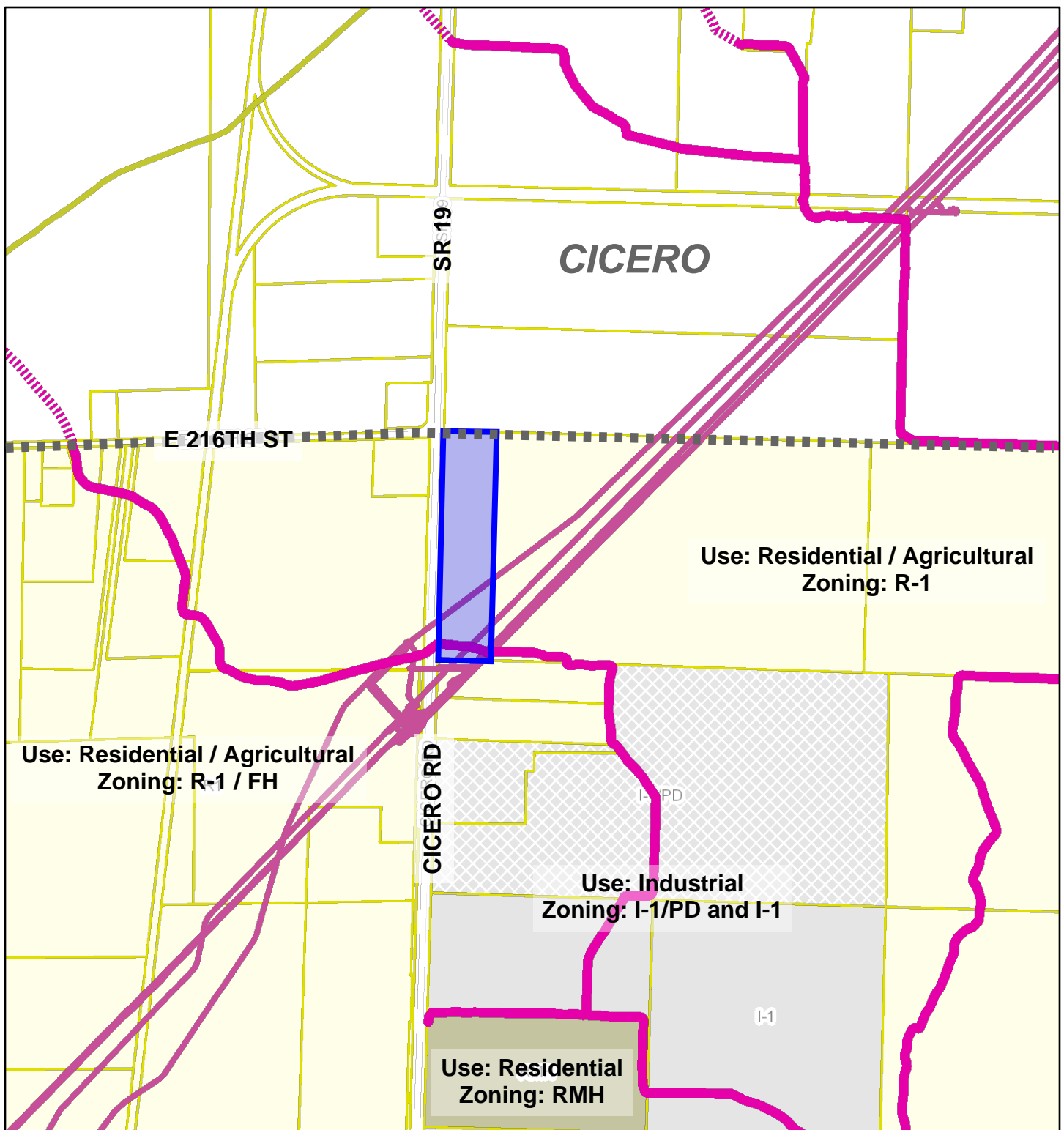
APPROVE the requested Variance of Development Standards based upon the following findings of fact:

- The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
- The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
- The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought.

With the following specific conditions:

1. The Applicant shall file a building permit for the construction of a primary residential structure on the future south lot (shown as Lot 2 on the attached Site Plan). The building permit must be issued within five (5) years of this approval.
2. The accessory structures on proposed Lots 1 and 2 shall be used for the storage of personal materials only and shall not be used for any commercial or separate residential purpose.
3. The Applicant shall sign the Acknowledgement of Variance document prepared by the Planning and Development Department Staff within 60 days of this approval. Staff will then record this document against the property and a file stamped copy of such recorded document shall be available in the Department of Planning and Development.
4. Any alterations to the approved building plan or site plan, other than those required by the Board of Zoning Appeals (BZA), shall be submitted to the Planning and Development Department prior to the alterations being made, and if necessary, a BZA hearing shall be held to review such changes.

Exhibit 2 - Parcel Map



October 14, 2019

Regulated Drains

- CLOSED DRAIN
- MUNICIPAL DRAIN
- OPEN DRAIN

- SSD
- Regulated Drains Waterways
- Regulated Drains Drainage Pool

Subdivision Regulated Drains

- CLOSED DRAIN
- MUNICIPAL DRAIN

1:9,600

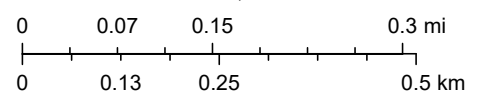
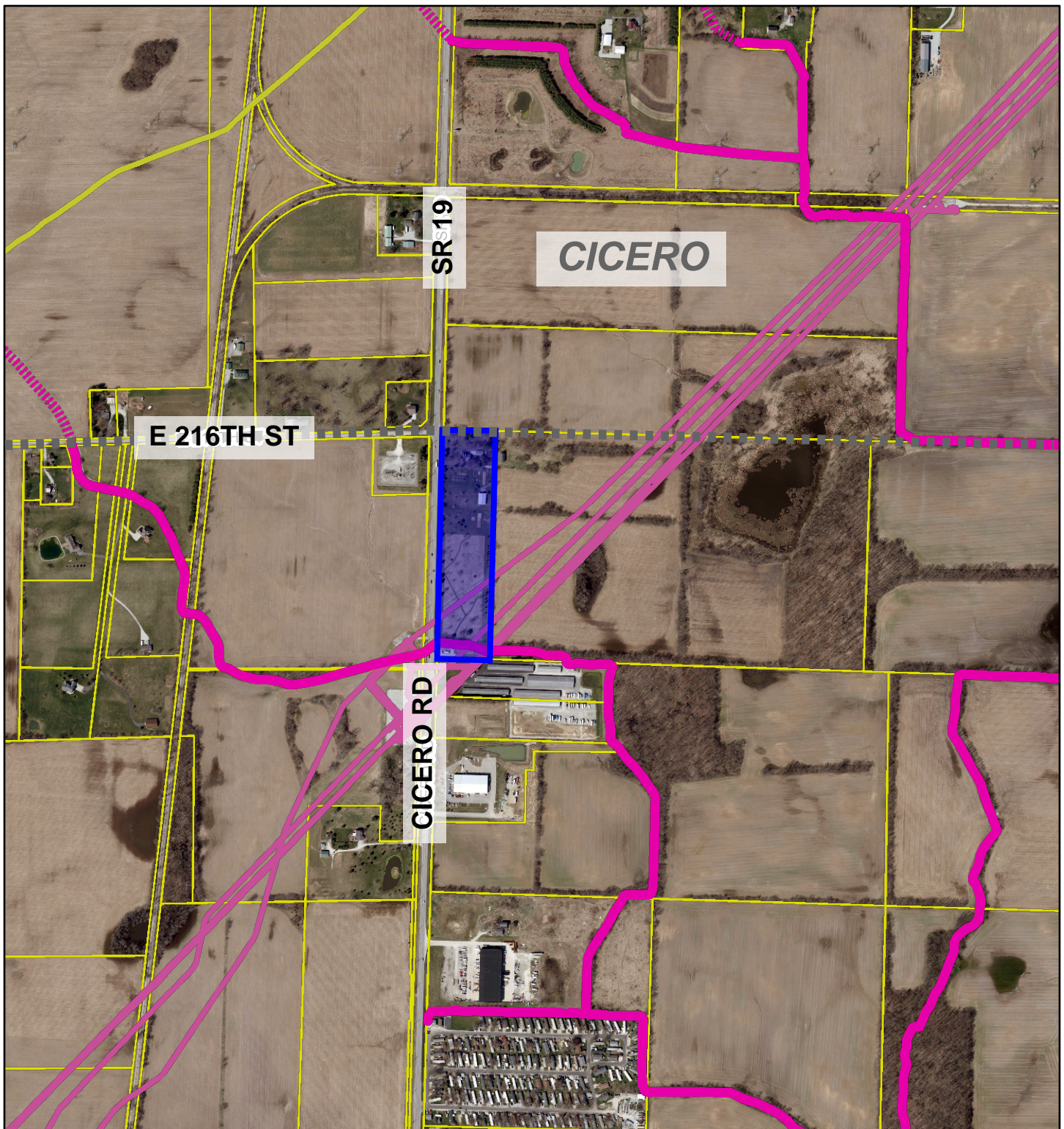


Exhibit 3 - Aerial Photo



October 14, 2019

1:9,600

Regulated Drains

CLOSED DRAIN

 MUNICIPAL DRAIN
 WATER
 ROAD
 PROPERTY LINE
 WOODLAND
 CROPLAND

OPEN DRAIN

SSD

— Regulated Drains Waterways

Regulated Drains Drainage Pool

Subdivision Regulated Drains

|||| CLOSED DRAIN

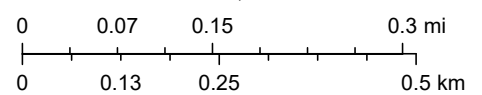
 MUNICIPAL DRAIN

Exhibit 4 - Application



CITY OF NOBLESVILLE BOARD OF ZONING APPEALS VARIANCE OF DEVELOPMENT STANDARD APPLICATION

Application Number:

BZNA-0133-2019

The undersigned requests a Variance of Development Standards as specified below. Should this variance request be approved, such approval shall only authorize the particular use described in this application and as further limited by reasonable conditions imposed upon such approval by the Board of Zoning Appeals.

Project Name or Occupant Name: Weinschenk Estate

Common Address 21585 Cicero Rd., Cicero, IN 46034

Applicant Name: Thomas J Weinschenk

Applicant Address: 21585 State Road 19

Applicant City/State/Zip: Cicero, IN 46034 E-mail: Weinschenk@comcast.net

Applicant Phone #1: 317-509-4465 Phone #2: _____ Fax: _____

Owner Name: same as applicant

Owner Address: _____

Owner City/State/Zip: _____ E-mail: _____

Owner Phone #1: _____ Phone #2: _____ Fax: _____

Property Location: ☒ Not located in a recorded subdivision, see legal description attached.

Subdivision Name: N/A

Subdivision Section: _____ Lot Number: _____ Last Deed of Record Number _____

Existing Land Use: Residentail

Common Description of Request: Reduce lot acreage requirement

Zoning District of Property: R-1 Code Section(s) Appealed: UDO § _____

Date: 9/26/2019 Applicant's Signature: _____

The Noblesville Board of Zoning Appeals (BZA) is authorized to approve or deny Variances of Development Standard from the terms of the Unified Development Ordinance. The BZA may impose reasonable conditions as part of its approval. A Variance of Development Standard may be approved only upon a determination in writing that the following three (3) statements are true (see Indiana Code § 36-7-4-918.5):

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community. Explain why this statement is true in this case:

We are asking to reduce acreage from required three acres to 1.84 acres and we are not asking for any additional driveway cuts _____

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner by the approval of this variance request. Explain why this statement is true in this case:

The land is already zoned R-1 for residential and we are not asking for any changes to the existing zoning _____

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property. Explain why this statement is true in this case:

The throughfare R/W take and the Gas Pipeline Easement actually make the lot smaller in regards to what is buildable on the larger lot two (5.63 acres). Also they need the existing barn to remain with Lot 2 _____



CITY OF NOBLESVILLE
BOARD OF ZONING APPEALS
VARIANCE OF DEVELOPMENT STANDARD APPLICATION

Application Number: BZNA-0143-2019

The undersigned requests a Variance of Development Standards as specified below. Should this variance request be approved, such approval shall only authorize the particular use described in this application and as further limited by reasonable conditions imposed upon such approval by the Board of Zoning Appeals.

Project Name or Occupant Name: Weinschenk Estate

Common Address 21585 Cicero Rd., Cicero, IN 46034

Applicant Name: Thomas J Weinschenk

Applicant Address: 21585 State Road 19

Applicant City/State/Zip: Cicero, IN 46034 E-mail: Weinschenkt@comcast.net

Applicant Phone #1: 317-509-4465 Phone #2: _____ Fax: _____

Owner Name: same as applicant

Owner Address: _____

Owner City/State/Zip: _____ E-mail: _____

Owner Phone #1: _____ Phone #2: _____ Fax: _____

Property Location: ☒ Not located in a recorded subdivision, see legal description attached.

Subdivision Name: N/A

Subdivision Section: _____ Lot Number: _____ Last Deed of Record Number _____

Existing Land Use: Residentail

Common Description of Request: Pole Barn on lot without primary use/residence

Zoning District of Property: R-1 Code Section(s) Appealed: UDO § _____

Date: 9/26/2019 Applicant's Signature: [Signature]

The Noblesville Board of Zoning Appeals (BZA) is authorized to approve or deny Variances of Development Standard from the terms of the Unified Development Ordinance. The BZA may impose reasonable conditions as part of its approval. A Variance of Development Standard may be approved only upon a determination in writing that the following three (3) statements are true (see Indiana Code § 36-7-4-918.5):

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community. Explain why this statement is true in this case:

We are asking to split the lot and leave the existing pole barn on site without an and existing home because the home owner is planning on building their new home on this site

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner by the approval of this variance request. Explain why this statement is true in this case:

The land is already zoned R-1 for residential and we are not asking for any changes to the existing zoning

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property. Explain why this statement is true in this case:

They need the existing barn to remain with Lot 2 where they plan on building their new home.
If not they will have to build a new pole barn.

ADMINISTRATIVE INFORMATION

PARCEL NUMBER
29-07-18-000-001.000-012

Parent Parcel Number

Property Address
21585 Cicero Rd

Neighborhood
600030 RURAL GOOD

Property Class
101 Agri Cash grain/general farm

TAXING DISTRICT INFORMATION

Jurisdiction 29

Area 010 Noblesville

Corporation N

District 012 Noblesville Township

OWNERSHIP

Weinschenk, Thomas J
21585 S R 19
Cicero, IN 46034

Acreage 9.60, Section 18, Township 19, Range 5,
Includes leased improvements:
Parcel 10-07-18-00-00-021.900

TRANSFER OF OWNERSHIP

Tax ID 1007180000001000

Date

03/01/2003 Weinschenk, Thomas J & Cynthia K

\$0

Printed 05/24/2019

Card No. 1

of 1

AGRICULTURAL

VALUATION RECORD

Assessment Year	03/01/2013	03/01/2014	03/01/2015	01/01/2016	01/01/2017	01/01/2018	01/01/2019
Reason for Change	Trend	Trend	REVAL	Trend	Trend	Trend	REVAL
VALUATION	I	77900	80100	75500	74700	72800	74200
Appraised Value	E	169200	169000	178100	176900	177500	186100
	T	247100	249100	253600	251600	250300	260300
VALUATION	I	77900	80100	75500	74700	72800	74200
True Tax Value	E	169200	169000	178100	176900	177500	186100
	T	247100	249100	253600	251600	250300	260300

Site Description

Topography:
Level

Public Utilities:
Electric

Street or Road:
Paved

Neighborhood:
Static

Zoning:

Legal Acres:
9.6000

Admin Legal
9.6000

Land Type	Rating -or- Soil ID	Measured -or- Acreage	Table Effective Depth	Prod. Factor -or- Depth Factor	Square Feet	Base Rate	Adjusted Rate	Extended Value	Influence Factor	Value
1 PUBLIC ROAD/ROW	Br	0.7700			1.00	1560.00	1560.00	1200 0	-100%	0
2 LEGAL DITCH	Br	0.4000			1.00	1560.00	1560.00	620 0	-100%	0
3 HOMESITE		1.0000			1.00	48000.00	48000.00	48000		48000
4 TILLABLE LAND	CrA	2.4011			1.02	1560.00	1591.00	3820		3820
5 TILLABLE LAND	Br	4.0500			1.28	1560.00	1997.00	8090		8090
6 FARM BUILDINGS	Br	0.2500			1.28	1560.00	1997.00	500 0	-40%	300
7 RESIDENTIAL EXCESS ACREAGE		0.7289			1.00	19200.00	19200.00	13990		13990

BP95: 94-080226 GARAGE

LO16: LAND 02/02/16 SRB/LJ

NC96: TW3AW 40% COMPLETE 3-1-96 CHECK 97

NC97: PBW 100% COMPLETE 3-1-97 KB

RV15: CORRECTED ACREAGE 3-1-15 DMS

RV19: LAND 01/01/19 RW

RVAL: 2012 LAND INFL, CORRECTED LAND & SKETCH ADG

FARMLAND COMPUTATIONS

Parcel Acreage

81 Legal Drain NV [-]

82 Public Roads NV [-]

83 UT Towers NV [-]

9 Homesite(s) [-]

91/92 Excess Acreage[-]

TOTAL ACRES FARMLAND

TRUE TAX VALUE

Supplemental Cards

TRUE TAX VALUE

Measured Acreage

9.6000 Average True Tax Value/Acre

0.4000 TRUE TAX VALUE FARMLAND

0.7700 Classified Land Total

1.0000 Homesite(s) Value (+)

0.7289 Excess Acreage Value (+)

6.7011 Supplemental Cards

TOTAL LAND VALUE

6.7011

1822

12210

48000

13990

74200

PHYSICAL CHARACTERISTICS

Style: 21 Older Convent'l 1+ story
Occupancy: Single family
Story Height: 1.0
Finished Area: 3300
Attic: Finished
Basement: 1/2

ROOFING
Material: Asphalt shingles

FLOORING
Slab B
Sub and joists 1.0, A
Carpet 1.0

EXTERIOR COVER
Brick 1.0
Wood siding A

INTERIOR FINISH
Drywall A

ACCOMMODATIONS
Finished Rooms 8
Bedrooms 3
Family Rooms 1
Formal Dining Rooms 1
Fireplaces: 3

HEATING AND AIR CONDITIONING
Primary Heat: Central Warm Air
Lower Full Part
/Bsmt 1 Upper Upper
Air Cond 0 1608 0 1692

PLUMBING

3 Fixt. Baths # 1 3
2 Fixt. Baths 1 2
Kit Sink 1 1
Water Heat 1 1
Extra Fixt 3
TOTAL 10

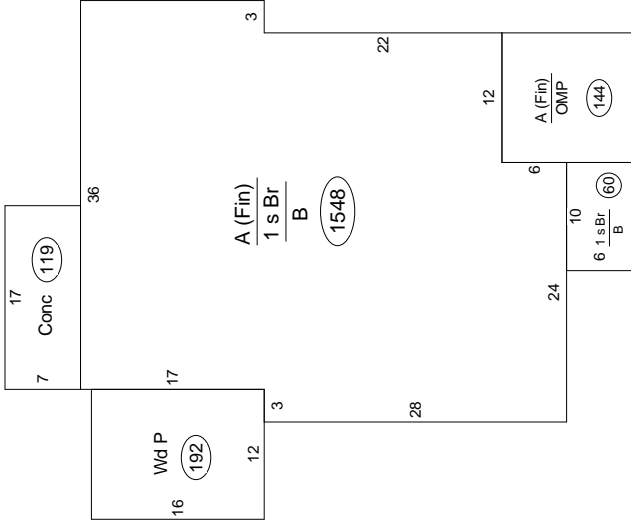
REMODELING AND MODERNIZATION
Amount Date

IMPROVEMENT DATA

06

05

07



	Construction	Base Area	Floor Area	Sq Ft	Finished
1	WOOD FRAME	1608	1.0	1608	97180
1	WOOD FRAME	1692	Attic	1692	8330
4	CONCRETE BLOCK	1608	Bsmt	0	32330
		0	Crawl	----	0

TOTAL BASE					137840
Row Type Adjustment					1.00%
SUB-TOTAL					137840
0	Interior Finish	14430			
0	Ext Lvg Units	0			
0	Basement Finish	7700			
0	Fireplace(s)	7700			
0	Heating	0			
0	Air Condition	4470			
0	Frame/Siding/Roof	10840			
0	Plumbing Fixt: 10	4000			
SUB-TOTAL ONE UNIT					179280
Garages					179280
0	Integral	0			
0	Att Garage	0			
0	Att Carports	0			
0	Bsmt Garage	0			
0	Ext Features	7440			
SUB-TOTAL					186720
Quality Class/Grade					C+2
GRADE ADJUSTED VALUE					205390

(LCM: 100.00)

SUMMARY OF IMPROVEMENTS

SPECIAL FEATURES

Description	Value	ID	Use	Sty	Hgt	Const	Year	Eff	Base	Feat-	Adj	Size	or	Computed	Phys	Obsol	Market	%
D :WAS	6800	D	DWELL	0.00		C+2	1930	1930	G	0.00	Y	0.00	4908	205390	40	0	115	100
MAS-STK	900	05	POULTRY	6.00	1	C	1940	1940	F	25.63	Y	19.33	12x 42	9740	70	0	100	100
05 :D	-3	06	DETGAR	0.00	1	C	1995	1995	A	22.52	N	22.52	24x 42	22700	22	0	100	100
NE	-1	07	T3AWI	12.00	5	C	1995	1995	A	15.13	Y	18.05	40x 60	43320	45	0	100	100
NP	-1																	
07 :SSW	3																	

Supplemental Cards
TOTAL IMPROVEMENT VALUE

Neighborhood
Neigh 600030 G

Appraiser/Date
JP 05/25/2018 01/01/1900

186100

09872 Right-of-Way Grant

KNOW ALL MEN BY THESE PRESENTS, That Raymond E. McBride and Audrey L. McBride, his wife

R. F. D. No. 1, Cicero

Book 68

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of the Post Office of NEWDESMOND, in the State of Indiana,
hereinafter referred to as "Grantor" (whether one or more), in consideration of One (\$1.00) Dollar, to
us 1.50, in hand paid, receipt of which is hereby acknowledged, and the further considera-
tion of \$ 1.50 per linear rod, to be paid before the first pipe line hereinafter specified is laid
do hereby grant and convey unto PANHANDLE EASTERN PIPE LINE COMPANY, a
Delaware Corporation, having an office in Kansas City, Missouri, its successors and assigns, hereinafter re-
ferred to as "Grantee," a Right-of-Way to lay, construct, maintain, alter, inspect, repair, replace, relocate,
change the size of, operate, and remove a pipe line and from time to time additional pipe line or lines, drips,
gates, cathodic equipment, and all appurtenances convenient for the maintenance and operation of said lines
and for the transportation of oil, gas, or other substances therein, under, on, over and through the premises
hereinafter described, and the Grantee is granted the right of ingress and egress, to, on, from and over the
following described premises for the purposes aforementioned in the County of Hamilton
in the State of Indiana, to-wit: A part of the Northwest Quarter (NW-1/4) of Section Eighteen
(18), Township Nineteen (19) North, Range Five (5) East, described as follows: Begin at
the southwest corner of the North Half (N-1/2) of the Northwest Quarter (NW-1/4) of
Section Eighteen (18), Township Nineteen (19) North, Range Five (5) East, run thence north
along the west section line of Section Eighteen (18), Township Nineteen (19) North, Range
Five (5) East 1257.3 feet to a point, thence east parallel with the south line of said quarter
334.0 feet to a point; thence south parallel with the west line of said quarter 1257.3
feet to a point; thence west 334.0 feet to the place of beginning, containing 9.84 acres,
more or less.

TO HAVE AND TO HOLD said easements, rights, and right-of-way unto the said PANHANDLE EASTERN PIPE LINE COMPANY, its successors and assigns.

Should additional pipe line or lines be laid at any time \$ 1.50 per linear rod shall be paid
for each such line so laid. Grantee to have the right to select, change or alter the routes of all pipe lines
herein authorized to be laid under, upon, over and through the above described premises. All pipe installed
hereunder shall be buried a minimum of thirty (30) inches. Grantor shall not place anything over or so
close to any pipe line or other facility of Grantee as will be likely to interfere with Grantee's access thereto
by use of equipment or means customarily employed in the maintenance of pipe lines. All damage to grow-
ing crops, drainage tile, fences and buildings of Grantor occasioned by the construction or repair of any of
the facilities herein authorized to be maintained and operated by Grantee shall be paid by Grantee after
the damage is done, said damage, if not mutually agreed upon, to be ascertained and determined by three
disinterested persons, one to be appointed by the Grantor, one to be appointed by the Grantee, and the third
to be chosen by the two so appointed. The written award of such three persons shall be final and conclusive.
The pipe line shall enter the within described property at a point approximately
253' North of the Southwest corner thereof and leave the property approximately 462'
North of the Southeast corner thereof.
It is hereby agreed that said pipe line shall be laid under the existing sewer tile
and that after construction and before final clean up of the right of way tile crossed
by the pipe line will be examined across the right of way, and if broken or impaired,
will be restored to the condition of said tile prior to construction. This agreement
is based on the depth of the existing sewer tile not to be more than 33" in depth.

Payment of all moneys becoming due hereunder may be paid to Raymond E. McBride

at R.F.D. No. 1, Cicero, Indiana

This Grant shall be binding upon the heirs, executors, administrators, successors, and assigns, of the
parties hereto, and it is understood that this Grant cannot be changed in any way except in writing, signed
by the Grantor, and a duly authorized agent of the Grantee.

This instrument prepared by W. A. Livingston
IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals on this 6th
day of March April, A.D., 19

Witnesses:

L. G. Pence
L. G. Pence

Raymond E. McBride
Raymond E. McBride
Audrey L. McBride
Audrey L. McBride

ACKNOWLEDGMENT FOR HUSBAND AND WIFE

STATE OF INDIANA,

COUNTY OF Hamilton } ss.

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Before me, a Notary Public, this 6 day of April, 1962,
Raymond E. McBride and Audrey L. McBride, his wife,
 severally acknowledged the execution of the annexed Right of Way Grant.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

My Commission expires

April 22, 1962

Naomi E. Hunt
 Notary Public

ACKNOWLEDGMENT FOR SINGLE PERSON

STATE OF INDIANA,

COUNTY OF _____ } ss.

BE IT REMEMBERED, that on this _____ day _____, 19____,

_____ acknowledged the execution of the annexed Right of Way Grant.

And the said _____ further declared _____ to be single and unmarried.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

My Commission expires

Notary Public

LINE NO Zionsville C-400

Right-of-Way Grant

FROM

Raymond E. McBride & Audrey L. McBride

TO

PANHANDLE EASTERN PIPE LINE COMPANY

STATE OF INDIANA,

COUNTY OF _____ } ss.

This instrument was filed for record on the

_____ day of _____, 19____, at _____ o'clock

_____ M., and duly recorded in book _____

page _____ of the records of this office.

Recorder

By:

Deputy

NUMBER _____

RECORDED FOR RECORD

AT 9:00 O'CLOCK 6 M

SEP - 7 1962

PAGE

68
Myra E. Clower
 RECORDER HAMILTON COUNTY, IND

3297

GRANT OF EASEMENT

BY

BOOK

223

PAGE

42

RAYMOND E. McBRIDE AND AUDREY L. McBRIDE

TO

INDIANA GAS COMPANY, INC.

OF REAL ESTATE IN HAMILTON COUNTY, INDIANA

THIS INDENTURE WITNESSETH, That Raymond E. McBride and Audrey L. McBride, husband and wife

_____ of Hamilton County, Indiana, GRANT AND CONVEY to INDIANA GAS COMPANY, INC., an Indiana corporation, and its successors and assigns, for One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, an easement, right and privilege to construct and permanently (except as hereinafter provided) maintain, operate, use, repair, replace and remove structures, gas metering houses, compressor station, and regulator station, together with regulators, chemical injectors, valves, gauges, pipe and all other auxiliary equipment and appurtenances installed therein or attached thereto, or useful in connection with the operation thereof, upon and within the following described real estate which is situated in _____, Township 12 North, Range 1 East, County of _____, Hamilton, State of Indiana, and is described as follows, to-wit:

Beginning at a point 40 feet east of the southwest corner of the north half ($N\frac{1}{2}$) of the northwest quarter ($NW\frac{1}{4}$) of aforesaid Section 18, and thence north parallel to the west line of said section a distance of 20 feet to the TRUE PLACE OF BEGINNING; (said point the northwest corner of a 20' x 25' tract previously acquired by Grantee by easement on May 29, 1953) thence continuing north along said west line of said Section 18, a distance of 20 feet to a point, thence east a distance of 97.5 feet, to a point, thence south a distance of 40 feet to a point on the north line of an 18-foot wide lane, thence west along the north line of said lane, 72.5 feet to a point, which is the southeast corner of original 20'x 25' tract described above, thence north along said 20' x 25' tract a distance of 20 feet, to a point, thence west, along said 20' x 25' tract a distance of 25 feet to the place of beginning, containing in said new tract 3,400 square feet or 0.0782 acre, more or less.

This easement bounds on existing easement 20' x 25' made May 29, 1953, by Raymond E. McBride, et ux, to Indiana Gas & Water Company, Inc., as recorded at DR 138, page 271, Office of the Recorder, Hamilton County, Indiana.

Said Grantee, Indiana Gas Company, Inc., its successors and assigns, shall have the further right to clear said parcel and keep it cleared of any brush or other obstructions which in their judgment might interfere with the efficient operation of said gas metering houses and regulator station, and also the right of access to and egress from said land.

BOOK 223 PAGE 43

If said Grantee or its successors or assigns shall ever abandon the use of said parcel of real estate as and for such gas metering houses, compressor station, and/or regulator station, their rights hereby granted, except the right to remove from said parcel, within ninety days after such abandonment, all buildings, equipment and facilities of said Grantee or its successors or assigns, shall terminate.

Any damage to the crops of the undersigned or of his, her or their heirs, assigns and tenants, caused by said Indiana Gas Company, Inc., or its successors or assigns, during and after the original construction, shall be promptly paid by the Grantee, provided notice thereof, in writing is given to the Grantee at its Indianapolis offices within thirty (30) days after the occurrence of such damage.

The grantors hereby covenant that t he y are _____ the owners in fee simple of said real estate, are _____ lawfully seized thereof, and have good right to grant and convey the foregoing easement therein; and t he y guarantee _____ the quiet possession thereof, that the said real estate is free from all encumbrances, and that the grantors will warrant and defend the grantee's title to the said easement against all lawful claims.

These presents to be binding on the heirs, executors, administrators, grantees and assigns of the grantors, and upon the grantee, its successors or assigns.

IN WITNESS WHEREOF, said Raymond E. McBride and Audrey L. McBride,
husband and wife,

have hereunto affixed their signatures this 10 day of September, 1968

Raymond E. McBride
Raymond E. McBride

Audrey L. McBride
Audrey L. McBride

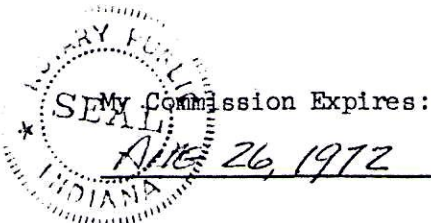
STATE OF INDIANA)
COUNTY OF HAMILTON) SS:

BOOK 223 PAGE 44

Before me the undersigned, a Notary Public in and for said county and state, personally appeared Raymond E. McBride and Audrey L. McBride, husband and wife who acknowledged the execution and delivery of the foregoing "Grant of Easement by Raymond E. McBride and Audrey L. McBride to Indiana Gas Company, Inc., of Real Estate in Hamilton County, Indiana," and swore to the truth of the statements therein.

WITNESS my hand and Notarial Seal this 10 day of September, 1968.

Julian Gene Piercefield
Notary Public
JULIAN GENE PIERCEFIELD



This instrument prepared by Grantee named herein by Charles M. Wells, Attorney.

A DEDUM:

In the event a line of trees and shrubs located to the North of the Station Site (along a small ditch or creek) are damaged, killed, or removed thru, or due to Grantee's negligence, fault or cause, Grantee, with acceptance of this grant agrees and guarantees to replace at its expense trees and shrubs of like kind to re-establish a visual screen or shield to the station area. Grantee is not obligated to replacing the above if same is removed or damaged by the owner of the lands or other agencies

September 10, 1968

Raymond E. McBride
Raymond E. McBride

Acknowledged: Indiana Gas Company Inc

Julian Piercefield
Julian Piercefield

This Instrument Recorded Sept. 10 1968
CHARLOTTE E. HALL, RECORDER HAMILTON COUNTY, IND.

Page 3 of 3

PART OF THE N.W. QUARTER, SECTION 18, TOWNSHIP 19 NORTH, RANGE 5 EAST
NOBLESVILLE TOWNSHIP, HAMILTON COUNTY, INDIANA

DESCRIPTION OF REAL ESTATE PER INSTRUMENT No. 200300021762

PART OF THE NORTHWEST QUARTER OF SECTION 18 NORTH, TOWNSHIP 19 NORTH, RANGE 5 EAST, DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF THE NORTH ONE-HALF OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 19 NORTH, RANGE 5 EAST, RUN THENCE NORTH ALONG THE WEST SECTION LINE OF SECTION 18, TOWNSHIP 19 NORTH, RANGE 5 EAST 1257.3 FEET TO A POINT; THENCE EAST PARALLEL WITH THE SOUTH LINE OF SAID QUARTER 334.0 FEET TO A POINT; THENCE SOUTH PARALLEL WITH THE WEST LINE OF SAID QUARTER 1257.3 FEET TO A POINT; THENCE WEST 334.0 FEET TO THE PLACE OF BEGINNING.

VICINITY MAP
NOT TO SCALE



ZONING MAP

NOT TO SCALE

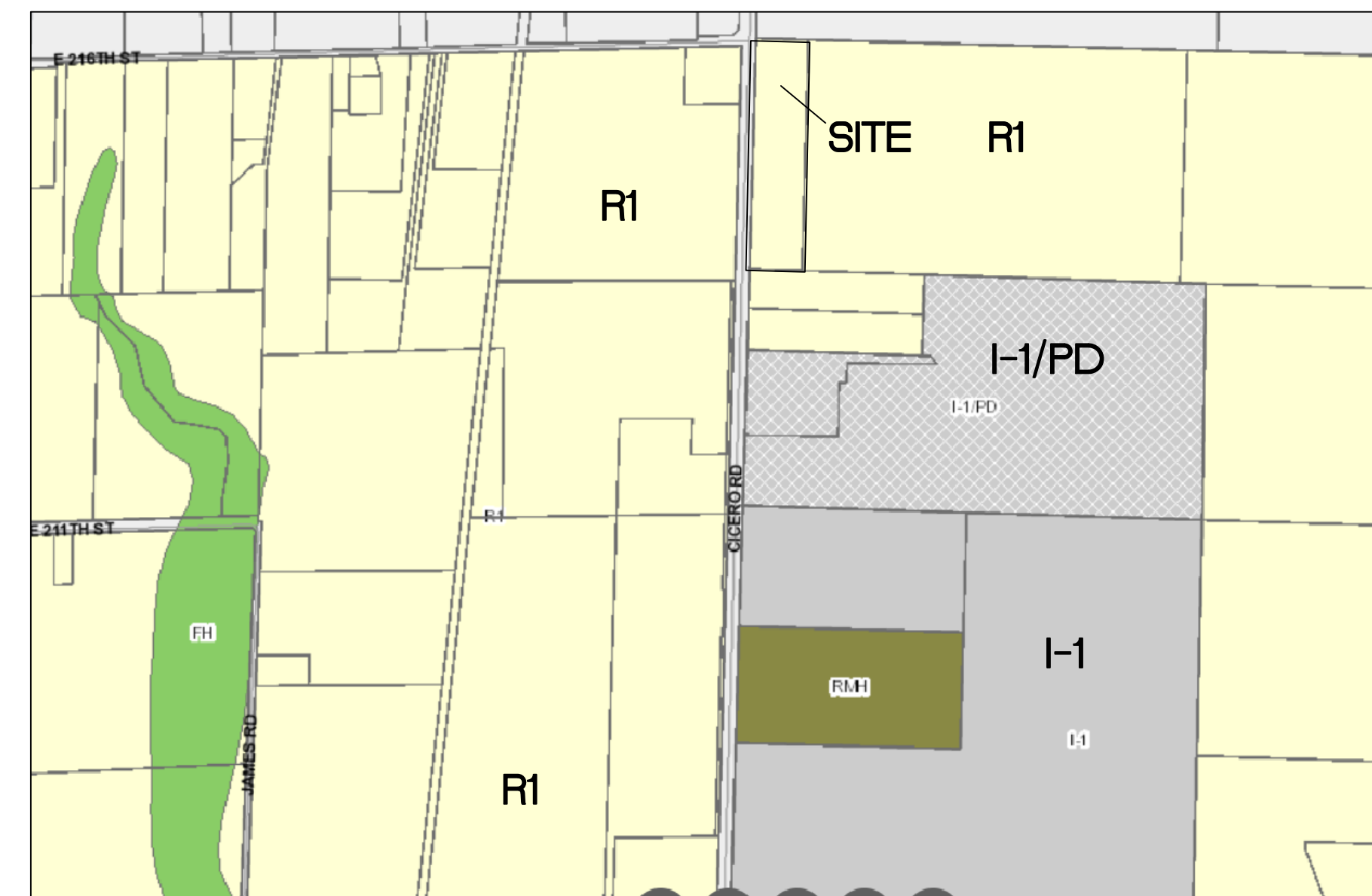


Exhibit 5 - Site Plan

HORIZONTAL AND VERTICAL CONTROL:

COORDINATE SYSTEM:
US STATE PLANE 1983 (AT GROUND)

PROJECT DATUM:
WORLD GEODETIC SYSTEM (WGS 1984)

VERTICAL DATUM
NAVD 88

ZONE:
INDIANA EAST 1301

GEOID MODEL:
GEOID03 (CONUS)

COORDINATE UNITS US SURVEY FEET
DISTANCE UNITS US SURVEY FEET
HEIGHT UNITS US SURVEY FEET



ZONE	EXPLANATION
------	-------------

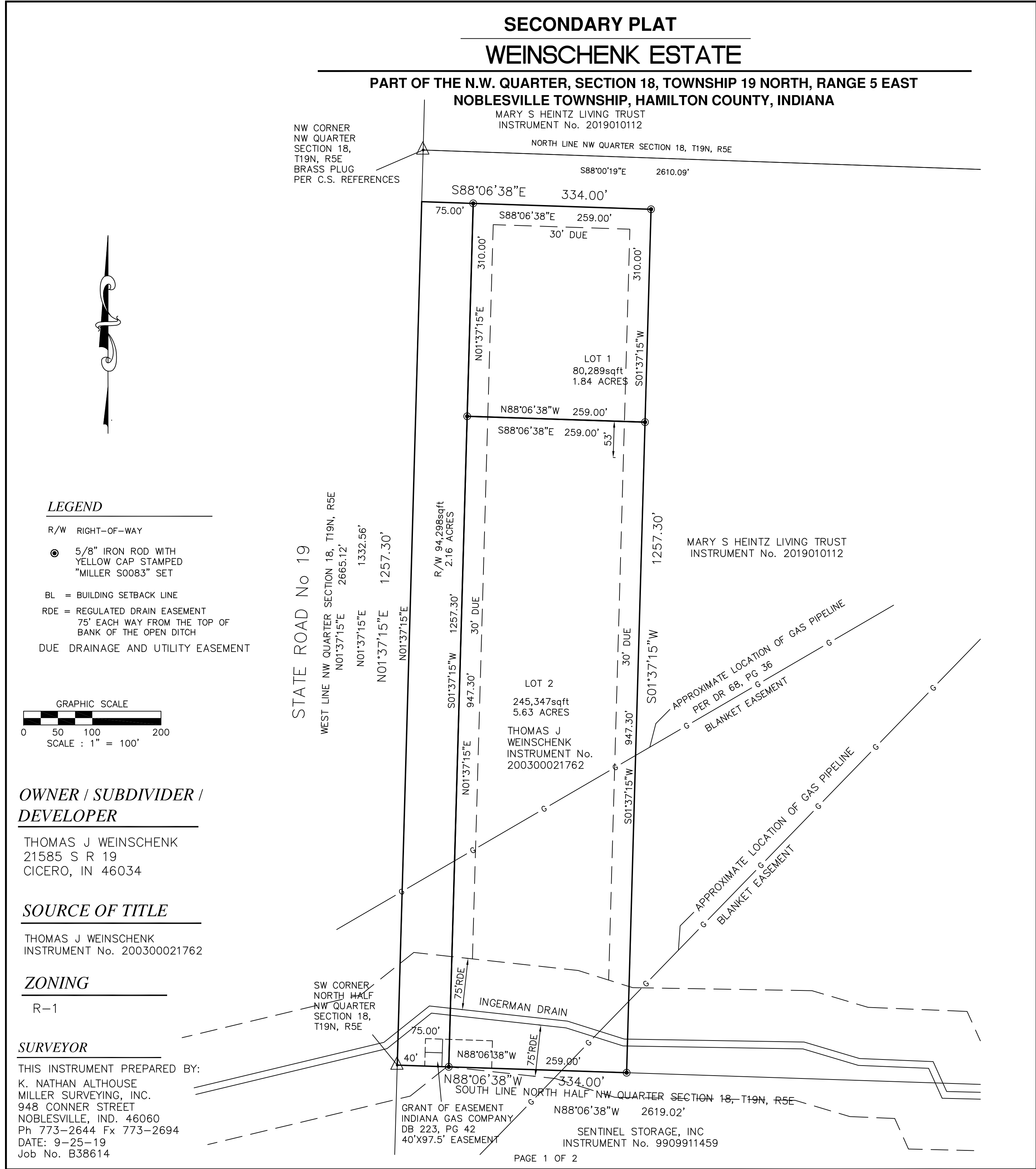
"X" AREAS DETERMINED TO BE OUTSIDE
500-YEAR FLOODPLAIN.

THE SUBJECT PROPERTY IS LOCATED IN A SPECIAL FLOOD HAZARD AREA AS ESTABLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY NATIONAL FLOOD INSURANCE PROGRAM AS PER SCALED INTERPRETATION OF FLOOD RATE MAP #18057C0132G, AREA IN ZONE X" MAP DATED 11-19-2014

5/8" IRON ROD WITH
 YELLOW CAP STAMPED
 "MILLER S0083" SET
 UNDERGROUND GAS LINE
 P.O.B. POINT OF BEGINNING
 R/W RIGHT OF WAY
 (D) DEEDED DIMENSION
 (M) MEASURED DIMENSION
 BL = BUILDING SETBACK LINE
 DUE DRAINAGE AND UTILITY EASEMENT
 R.D.E. = 75' EASEMENT EACH SIDE OF THE
 CENTERLINE OF A TILE DRAIN, 75' EASEMENT
 FROM THE TOP OF BANK OF EACH SIDE OF A
 OPEN DRAIN

THIS SURVEY REFLECTS ABOVE GROUND INDICATIONS OF EXISTING UTILITIES. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

<div><div>GRAPHIC SCALE</div><div><div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div></div><div>050100200</div></div><div>SCALE : 1" = 100'</div></div>			<div><div>R.L.S.</div><div>LS20400007</div><div>9-30-19</div><div>DATE:</div></div>																																
<div>REVISIONS</div> <table><tr><th>REV. DATE</th><th>BY</th><th>DESCRIPTION</th></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr></table>			REV. DATE	BY	DESCRIPTION																												<div><div></div><div><div>MILLER SURVEYING INC.</div><div>948 CONNER STREET</div><div>NOBLESVILLE INDIANA 46060</div><div>Ph. # (317) 773-2844 FAX 773-2894</div></div><div></div></div>		
REV. DATE	BY	DESCRIPTION																																	
			LOCATION:	PART OF THE N.W. 1/4 SECTION 18-19-5 NOBLESVILLE, INDIANA	DRAWN BY: KNA SCALE: 1" = 60' FIELD BOOK: 508	CHK'D BY: KNW																													
			FIELD WORK COMPLETED:	9-20-19	DATE: 9-30-19	PAGE: 103																													
			CLIENT:	KIMBERLY MACE	JOB NUMBER	SURVEY 4 FILE:																													
			DESCRIPTION:	PRIMARY PLAT	B38614	500 CRAIG																													



SECONDARY PLAT
WEINSCHENK ESTATE

PART OF THE N.W. QUARTER, SECTION 18, TOWNSHIP 19 NORTH, RANGE 5 EAST
NOBLESVILLE TOWNSHIP, HAMILTON COUNTY, INDIANA

LAND DESCRIPTION

DESCRIPTION OF REAL ESTATE PER INSTRUMENT No. 200300021762

PART OF THE NORTHWEST QUARTER OF SECTION 18 NORTH, TOWNSHIP 19 NORTH, RANGE 5 EAST, DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF THE NORTH ONE-HALF OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 19 NORTH, RANGE 5 EAST, RUN THENCE NORTH ALONG THE WEST SECTION LINE OF SECTION 18, TOWNSHIP 19 NORTH, RANGE 5 EAST 1257.3 FEET TO A POINT; THENCE EAST PARALLEL WITH THE SOUTH LINE OF SAID QUARTER 334.0 FEET TO A POINT; THENCE SOUTH PARALLEL WITH THE WEST LINE OF SAID QUARTER 1257.3 FEET TO A POINT; THENCE WEST 334.0 FEET TO THE PLACE OF BEGINNING.

CERTIFICATE OF SURVEY

THIS SUBDIVISION CONSISTS OF 2 LOT NUMBERED LOT 1 AND 2.

THE SIZE OF LOTS AND WIDTH OF STREET ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.

I, K. NATHAN ALTHOUSE, THE UNDERSIGNED CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA AND THAT THE WITHIN PLAT REPRESENTS A SUBDIVISION OF THE LANDS SURVEYED WITHIN THE CROSS REFERENCED SURVEY PLAT, AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THERE HAS BEEN NO CHANGE FROM THE MATTERS OF THE SURVEY REVEALED BY THE CROSS-REFERENCE SURVEY AND ANY LINES THAT ARE COMMON WITH THE NEW SUBDIVISION.

WITNESS MY SIGNATURE THIS ____ DAY OF _____, 2019

K. NATHAN ALTHOUSE, PLS
PROFESSIONAL LAND SURVEYOR No. LS 20400007
STATE OF INDIANA

OWNER / SUBDIVIDER / DEVELOPER

THOMAS J WEINSCHENK
21585 S R 19
CICERO, IN 46034

ZONING

R-1

SOURCE OF TITLE

THOMAS J WEINSCHENK
INSTRUMENT No. 200300021762

COUNTY COMMISSIONERS CERTIFICATE:

"UNDER AUTHORITY PROVIDED BY INDIANA CODE 36-7-3, AS AMENDED, THIS PLAT WAS GIVEN APPROVAL BY THE BOARD OF COMMISSIONERS FOR THE COUNTY OF HAMILTON, STATE OF INDIANA, AT A MEETING HELD ON THE _____ DAY OF _____, 20____."

PRESIDENT VICE PRESIDENT

MEMBER AUDITOR ROBIN M. MILLS

SURVEYOR

THIS INSTRUMENT PREPARED BY:
K. NATHAN ALTHOUSE
MILLER SURVEYING, INC.
948 CONNER STREET
NOBLESVILLE, IND. 46060
Ph 773-2644 Fx 773-2694
DATE: 8-25-19
Job No. B38614

I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THE DOCUMENT, UNLESS REQUIRED BY LAW (KEITH NATHAN ALTHOUSE).

OWNERS CERTIFICATE

THE UNDERSIGNED THOMAS J WEINSCHENK, OWNER OF THE REAL ESTATE SHOWN HEREIN AND RECORDED IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA AS INSTRUMENT No. 200300021762, DO HEREBY CERTIFY THAT I HAVE LAID OFF, PLATTED AND SUBDIVIDED AND DO HEREBY LAY OFF, PLAT AND SUBDIVIDE SAID REAL ESTATE IN ACCORDANCE WITH THE WITHIN PLAT.

THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS WEINSCHENK ESTATE

ALL STREETS SHOWN AND NOT HEREFOR DEDICATED, ARE HEREBY DEDICATED TO THE PUBLIC.

IN TESTIMONY WHEREOF, WITNESS THE SIGNATURES OF OWNER AND DECLARANT

THIS ____TH DAY OF _____, 2019

OWNER
THOMAS J WEINSCHENK

STATE OF INDIANA } SS
COUNTY OF HAMILTON)

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED AND ACKNOWLEDGED THE EXECUTION OF THE INSTRUMENT AS HIS VOLUNTARY ACT AND DEED AND AFFIX HIS SIGNATURE THERETO.

WITNESS MY SIGNATURE AND SEAL THIS ____day of _____, 2019

NOTARY PUBLIC

PRINTED NAME

COUNTY OF RESIDENCE: _____
MY COMMISSION EXPIRES: _____

COMMISSION CERTIFICATE

UNDER AUTHORITY PROVIDED BY THE ACTS OF 1981 P.C. 309 ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA AND ALL ACTS AMENDATORY THERETO AND AN ORDINANCE ADOPTED BY THE COMMON COUNCIL OF THE CITY OF NOBLESVILLE, INDIANA, THIS PLAT WAS GIVEN APPROVAL BY THE CITY OF NOBLESVILLE AS FOLLOWS:
ADOPTED BY THE CITY PLAN COMMISSION AT A MEETING HELD ON THE _____DAY OF _____, 2019.

NOBLESVILLE PLAN COMMISSION

GRETCHEN A. HANES, PRESIDENT SARAH REED, AICP, SECRETARY

BOARD OF PUBLIC WORKS AND SAFETY CERTIFICATE

ALL OF WHICH IS APPROVED BY THE BOARD OF PUBLIC WORKS AND SAFETY OF THE CITY OF NOBLESVILLE THIS ____ DAY OF _____, 2019.

JACK MARTIN, PRESIDENT

LAWRENCE STORK, MEMBER

ROBERT J. ELMER, MEMBER

ATTEST:

EVELYN L. LEES, CLERK
CITY OF NOBLESVILLE, INDIANA

PLANNING AND DEVELOPMENT CERTIFICATE

I, SARAH REED, DIRECTOR OF PLANNING AND DEVELOPMENT FOR THE CITY OF NOBLESVILLE, HEREBY CERTIFY THAT THE APPLICATION FOR APPROVAL OF THIS PLAT MEETS ALL OF THE MINIMUM REQUIREMENTS SET FORTH IN THE COMPREHENSIVE PLAN OF NOBLESVILLE, INDIANA AND SUCH OTHER APPLICATION REQUIREMENTS CONTAINED IN THE CODE OF ORDINANCES OF THE CITY OF NOBLESVILLE, DECEMBER 11, 1961 AS AMENDED.

SARAH REED, AICP

DIRECTOR OF PLANNING AND DEVELOPMENT
DATE: _____

PAGE 2 OF 2

Exhibit 6 - Site Photos



Southeast to house and garage from the NW corner of the property.



East to house and garage from the driveway off of State Road 19.



West to garage from end of driveway along east property line.



South to former chicken structure/shed along east property line.



Southeast from the northwest corner of the property. (Proposed Lot 1)



Southwest from the northeast corner of the property. (Proposed Lot 1)



View north from the southeast corner of proposed Lot 1. The driveway is just inside the east property line. The barn to the right is on a neighboring property.



Panorama looking west from the proposed property line between Lot 1 (to the right) and Lot 2.



View of garden and accessory buildings on Lot 1 from the driveway in front of the existing pole barn on Lot 2.



Existing pole barn at the northeast corner of Lot 2.



View of existing gravel driveway to SR-19 on proposed Lot 2.



North to existing barn from the midpoint of the east property line.



Looking southwest to Cicero Road from the southwest corner of the existing pole barn on proposed Lot 2.



Looking northeast towards the natural pad for the proposed single family residence and existing pole barn on Lot 2.



Looking north to developable area of Lot 2 from the approximate edge of the gas pipeline easement.



Looking east along the approximate edge of the gas pipeline easement on proposed Lot 2.



Looking south to the easement area from the approximate edge of the gas pipeline easement on proposed Lot 2.



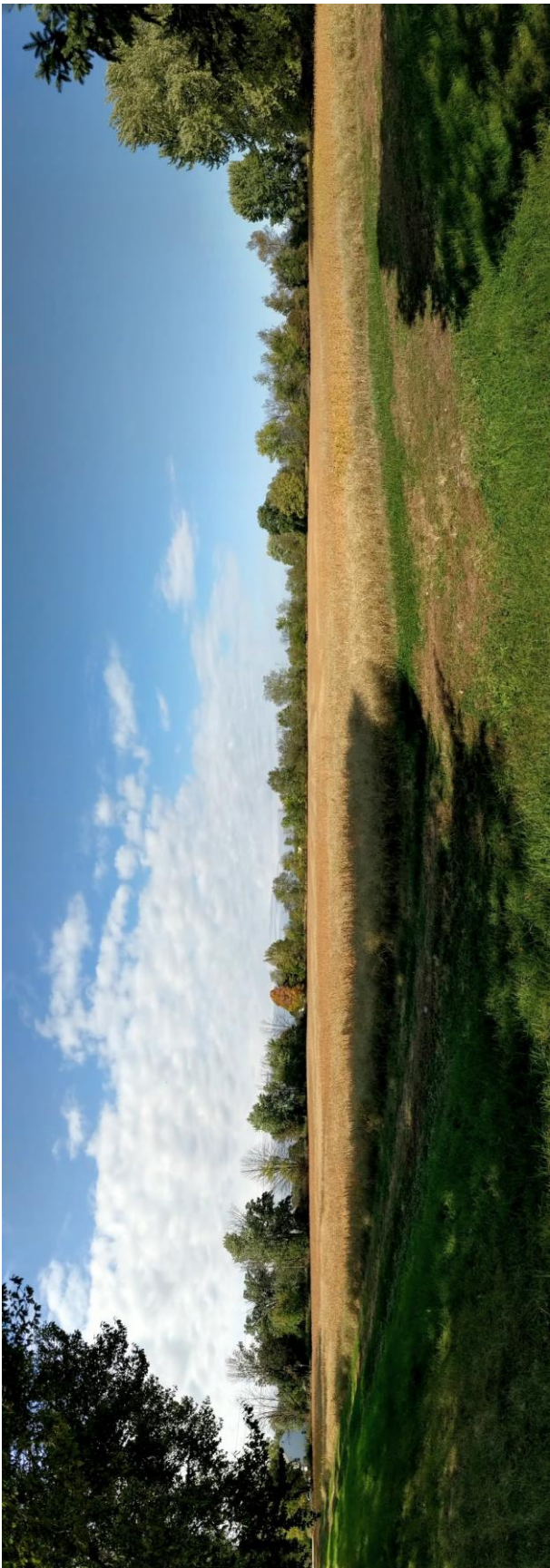
Looking north from within the easement area of proposed Lot 2



Looking north along State Road 19 from the west property line.



Looking south along State Road 19 from the west property line.



Looking to the neighboring property to the north and east from the northeast corner of the site.



Looking to the neighboring property to the east from the easement area at the south portion of the property.