



FILING CHECKLIST FOR VARIANCE PETITION
Please read carefully

Your Variance Packet must be filed electronically via permits@cityoflawrence.org or in person with the Board Secretary, located at: Lawrence Government Center, 9001 E 59th St., Ste 205, Lawrence, IN 46216.

Filing fees must be paid to receive a docket number. Any additional fees must be paid prior to the initial hearing.

The initial packet must be filed thirty-five (35) days prior to the hearing date and include the following:

Your initial packet must include the following:

- a. Petition
- b. Findings of Fact
- c. Zoning Base Map (obtained thru Board Secretary) with subject property prominently marked
- d. Consent Form (if applicable)
- e. Set of Structural plans, including floor plans and elevations (if applicable)
- f. Site Plan (with landscaping, if applicable)
- g. Plot Plan

- Must be drawn to a scale of 1"=30', 1"=20', 1"=10'. Indicate scale on plans.

Plot Plan must include:

- The North arrow
- Address of the site
- All dimensions of the entire site
- Names, centerline and right-of-way widths of all street, alleys and easements (including: drainage easements, utility easements, etc)
- Location and horizontal dimensions of all structures, existing and proposed. Proposed structures indicated by cross-hatching. e.g. ////
- Use of each structure by labeling. (such as: residence, garage, existing shed, etc)
- Structures to be removed indicated by broken lines. e.g. - - - -
- Distance from front, rear and each side of property line to all structures. (This distance is measured from the point where the structure is nearest the property line.)
- Location of proposed or existing driveway and its width at the right-of-way (property) line. (Also show connection to street and alley.)
- Measurement of curb radius and/or taper.
- Locations, dimensions and use of any other paved areas.
- The name of legal ditches or streams on or adjacent to the site.
- Location, type (i.e. ground, pole, projected, wall or other) and dimensions of all signs. Include separate, elevation of proposed sign structures complete with all dimensions and drawn to scale.
- Location, size and type of all existing and proposed trees and landscaping.

Legal Notice:

- a. The Legal Notice of Public Hearing must be mailed to neighboring property owners and the Lawrence Council Members (available from Board Secretary) at least ten (10) days prior to the hearing.
- b. A copy of the Legal Notice of Public Hearing must also be posted on the property of which the Variance is being applied for.

Once Legal Notice has been mailed to neighboring property owners the following documents will need to be submitted to the Board Secretary no less than three (3) days prior to the hearing:

- c. Affidavit of Legal Notice of Public Hearing
- d. List of neighbors and Council members notified



LAWRENCE BOARD OF ZONING APPEALS
OF MARION COUNTY, INDIANA
PETITION FOR VARIANCE

DOCKET #: _____

ADDRESS OF PREMISES AFFECTED: _____
STREET ADDRESS CITY STATE ZIP

NAME OF PETITIONER(S): _____ PHONE: _____

PETITIONER(S) E-MAIL: _____

PETITIONER(S) ADDRESS: _____
STREET ADDRESS CITY STATE ZIP

AGENT: _____ PHONE: _____

AGENT E-MAIL: _____

AGENT ADDRESS: _____
STREET ADDRESS CITY STATE ZIP

NAME OF OWNER(S): _____ PHONE: _____
IF DIFFERENT FROM PETITIONER(S)

OWNER(S) E-MAIL: _____

OWNER(S) ADDRESS: _____
STREET ADDRESS CITY STATE ZIP

IS/ARE THE PETITIONER(S) THE OWNER(S) OF ONE HUNDRED PERCENT (100%) OF THE ARE INVOLVED IN THE PETITION?
YES NO

LEGAL DESCRIPTION (CHECK ONE):
COMPLETE METES & BOUNDS WITH LEGAL DESCRIPTION ATTACHED
PLATTED SITE WITHIN A RECORDED SUBDIVISION WITH COPY OF PLAT MAP ATTACHED
SUBDIVISION NAME: _____ SECTION: _____
LOT NUMBER(S): _____

IS THIS PROPERTY THE SUBJECT OF ANY CODE ENFORCEMENT ACTION? YES NO

WAS THIS PROPERTY THE SUBJECT OF ANY PREVIOUS PETITION(S)? YES NO

IF YES, LIST THE DOCKET NUMBER(S): _____

CURRENT ZONING: _____ TOWNSHIP: _____ ACREAGE: _____

EXISTING USE OF THE SUBJECT PREMISES: _____

THE VARIANCE REQUEST IS FOR A VARIANCE OF:
USE DEVELOPMENT STANDARDS
USE AND DEVELOPMENT STANDARDS SPECIAL EXCEPTION
ReZoning

PROVIDE A DETAILED DESCRIPTION OF THE PROPOSED USE: STATE THE SPECIFIC ORDINANCE(S), STANDARDS(S), AND/OR REGULATION(S) SOUGHT TO BE MODIFIED (ATTACH ADDITIONAL PAGES IF NECESSARY)

The proposed use is commercial/retail in two buildings. Two variances to Lawrence Village PUD Ordinance are being requested:
1. Section 2.2.5 Curb Cuts (Location) to allow two (2) curb cuts on the west side of a proposed development to be located within 100 feet of a public street intersection (100-foot separation required).
2. Section 3.3.7 (3.2.7) Required Building Line Standards to allow a Required Building Line of greater than 15 feet along the north side of East 56th Street (Required Building Line of 15 feet is required from the back of the street curb).



THE ABOVE INFORMATION, TO MY KNOWLEDGE AND BELIEF, IS TRUE AND CORRECT.

Kevin G. Buchheit
SIGNATURE(S) OF PETITIONER(S) OR AGENT
Kevin G. Buchheit, Agent for Foamcraft, Inc.

SIGNATURE(S) OF OWNER(S) IF DIFFERENT THAN PETITIONER
Fort Harrison Reuse Authority by Keith Johnson, Executive Director

STATE OF INDIANA, COUNTY OF MARION, SS:

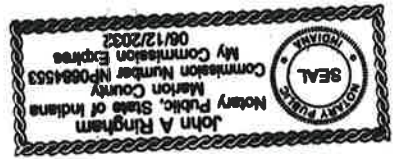
SUBSCRIBED AND SWORN TO BEFORE ME THIS 16th DAY OF October, 2024

NOTARY PUBLIC John A. Ringham

PRINTED NAME John A. Ringham

MY COMMISSION EXPIRES June 12, 2032

COUNTY OF RESIDENCE Marion





THE ABOVE INFORMATION, TO MY KNOWLEDGE AND BELIEF, IS TRUE AND CORRECT.

[Handwritten signature]

SIGNATURE(S) OF PETITIONER(S) OR AGENT
Kevin G. Buchheit, Agent for Foamcraft, Inc.

SIGNATURE(S) OF OWNER(S) IF DIFFERENT THAN PETITIONER
Fort Harrison Reuse Authority by ~~Keith Johnson, Executive Director~~

RUSSELL BROWN, BOAM
PRESIDENT

STATE OF INDIANA, COUNTY OF MARION, SS:

SUBSCRIBED AND SWORN TO BEFORE ME THIS 16th DAY OF October, 2024

NOTARY PUBLIC *[Handwritten signature]*

PRINTED NAME Megan N Webb

MY COMMISSION EXPIRES 5/24/28

COUNTY OF RESIDENCE Marion





City of
Lawrence
Indiana

DOCKET NO.: _____


LAWRENCE BOARD OF ZONING APPEALS
OF MARION COUNTY, INDIANA

CONSENT FORM

The undersigned, FHRA by Russell L. Brown, Board President, being the owner(s) of the property commonly known as 9335 OTIS AVE; 9435 OTIS AVE; 9330 E 56TH ST; 9440 E 56TH ST, hereby authorize(s) Foamcraft, Inc. by Krieg DeVault LLP and Kevin G. Buchheit to file land development petitions necessary for the aforementioned address.

This consent shall:

- remain in effect until revoked by a written statement filed with the Lawrence Board of Zoning Appeals
- OR
- remain in effect until _____, 20____.



 Property Owner
 Date: 10/16/24

~~_____~~

 Property Owner
 Date: _____

STATE OF INDIANA)
)
 COUNTY OF Marion) SS:
)

Before me, a Notary Public in and for said County and State, appeared the Property Owner(s) herein, who acknowledged the execution of the foregoing as his/her/their voluntary act and deed for the uses and purposes expressed therein.

Witness my hand and notarial seal this 16 day of October, 2024.

My commission expires:
5/24/28



 NOTARY PUBLIC

Marion

 County of Residence:

Megan N. Webb

 Printed Name



LAWRENCE BOARD OF ZONING APPEALS OF MARION COUNTY, INDIANA

PREPARING YOUR FINDINGS OF FACT

It is important to prepare your Findings of Fact properly. If your petition is granted, the Findings of Fact are adopted by the Lawrence Board of Zoning Appeals as the basis for granting the petition. If the petition granted is judicially reviewed by a court of law, these findings would be the primary evidence in the court's review. Therefore, the following suggestions are offered to assist you in your preparation:

Read each statement carefully before completing the finding. What you write after the word "because" in each of the findings must support the statement that introduces the finding.

Be sure that you understand the statements in the Findings of Fact. For example, if you do not know what the comprehensive plan recommendation is, do not try to complete the finding regarding the comprehensive plan until you learn what it is.

Do not use personal matters as reasons for findings. The findings must relate to the property, not to a person.

Check your spelling.

Use correct grammar. When in doubt, please get assistance.

Do not use pronouns (I, he, she, we or the possessives my, his, her, our) to describe yourself or the petitioner, i.e., the person or entity seeking the variance. Simply repeat the word "petitioner" or "petitioner's".

You may want to consider obtaining professional assistance if you are uncertain about how to proceed.



PETITION NO.: _____

LAWRENCE BOARD OF ZONING APPEALS
OF MARION COUNTY, INDIANA

VARIANCE OF DEVELOPMENT STANDARDS
FINDINGS OF FACT

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS AND GENERAL WELFARE OF THE COMMUNITY BECAUSE:

The proposed development generally aligns with the Lawrence Village Center Master Plan, existing development to the west and existing public rights-of-way influence the site design for the proposed development, the Fort Harrison Reuse Authority is guiding the design process through its plan review authority, and additional commercial will provide amenities to area Lawrence residents and visitors.

2. THE USE OR VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE:

The requested variances will allow for a new development that reflects the design of other nearby development, building off of existing infrastructure improvements and adding compatible commercial development to the existing mix of land uses in the village.

3. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE WILL RESULT IN PRACTICAL DIFFICULTIES IN THE USE OF THE PROPERTY BECAUSE

Site design is limited by existing development and the fact that the site is bound by public streets on the north, east and south sides and existing development on the west side and the site design evolved given those limitations and to accommodate infrastructure within the existing rights-of-way that prohibit compliance with some development standards.



DECISION

IT IS THEREFORE THE DECISION OF THIS BODY THAT THIS VARIANCE PETITION IS GRANTED, SUBJECT TO ANY CONDITIONS STATED IN THE MINUTES (WHICH CONDITIONS ARE INCORPORATED HEREIN BY REFERENCE AND MADE A PART OF THIS DECISION).

Adopted this _____ day of _____, 20_____

Chairman

Vice-Chairman

Member

Member

Member

**PROCEDURES FOR FILLING OUT THE
LEGAL NOTICE OF PUBLIC HEARING
AND THE
AFFIDAVIT OF PUBLIC HEARING**

As a petitioner seeking a variance, you must notify other interested parties and property owners. Your responsibilities and the procedures you must follow are set out in the Rules of Procedure of the Lawrence Board of Zoning Appeals. The procedures for notice are summarized below:

1. *The Petitioner* must prepare the LEGAL NOTICE OF PUBLIC HEARING for mailing. The notice must be sent by registered, certified or first-class mail at least ten (10) days before the date of hearing. The notice must be mailed to the owners of all adjacent parcels of land surrounding the subject property to a depth of two (2) property ownerships, but not exceeding 660 feet from the subject property. You can obtain all information on ownership of surrounding property from the Board of Zoning Appeals Secretary, 9001 E 59th St, Suite 205, (317-545-5566).
2. The LEGAL NOTICE OF PUBLIC HEARING must also be sent to appropriate neighborhood organizations. This information can be obtained from the Board of Zoning Appeals Secretary, 9001 E 59th St, Suite 205, (317-545-5566).
3. The LEGAL NOTICE OF PUBLIC HEARING must also be sent to all members of the Lawrence Common Council as well as the At-Large members of the Lawrence Common Council. This information can be obtained from the Board of Zoning Appeals Secretary, 9001 E 59th St, Suite 205, (317-545-5566).
4. A copy of the LEGAL NOTICE OF PUBLIC HEARING must be posted in a conspicuous place on the subject property at least ten (10) days before the hearing and remain there until final hearing of the petition.
5. The AFFIDAVIT OF NOTICE OF PUBLIC HEARING must be notarized and then filed in the office of the Lawrence Board of Zoning Appeals along with a copy of the LEGAL NOTICE OF PUBLIC HEARING within three (3) business days after mailing of the notices. These documents may be filed in person or mailed to the Lawrence Board of Zoning Appeals, Attn.: Board Secretary, 9001 E. 59TH Street, Suite 205, Lawrence, Indiana 46216. The affidavit must include the names and addresses of all property owners, neighborhood organizations and Lawrence City Councilors to whom the notice was sent.

**NOTE: IF YOU FAIL TO FOLLOW THESE DIRECTIONS,
THE SCHEDULED HEARING MAY BE POSTPONED.**

LEGAL NOTICE OF PUBLIC HEARING

LAWRENCE BOARD OF ZONING APPEALS OF MARION COUNTY, INDIANA

Notice is hereby given that the undersigned has filed a petition with the Lawrence Board of Zoning Appeals of Marion County, Indiana, requesting the following:

9335 OTIS AVE; 9435 OTIS AVE; 9330 E 56TH ST; 9440 E 56TH S

_____ Docket Number

_____ Address of subject property

REQUEST:

Two variances to Lawrence Village PUD Ordinance are being requested:
1. Section 2.2.5 Curb Cuts (Location) to allow two (2) curb cuts on the west side of a proposed development to be located within 100 feet of a public street intersection (100-foot separation required).
2. Section 3.3.7 (3.2.7) Required Building Line Standards to allow a Required Building Line of greater than 15 feet along the north side of East 56th Street (Required Building Line of 15 feet is required from the back of the street curb).

LEGAL DESCRIPTION:

Lots 1, 2, 3, and 4, Otis Place Subdivision (A202200012847), a Re-plat of Lot 2 of the Final Plat of Ft. Benjamin Harrison Branch Library Minor Plat per Instrument A202100150837.

This petition and all exhibits and plans filed therewith may be examined in the Board's office at the Lawrence Government Center, 9001 East 59th Street, Ste #205, between the hours of 10:00 a.m. and 4:00 p.m., Monday through Friday. Written objections to the petition may be filed with the Secretary to the Lawrence Board of Zoning Appeals before the hearing at the above address and such objections will be considered.

Contacting members of the Lawrence Board of Zoning Appeals regarding a pending petition is prohibited.

A public hearing will be held at the Lawrence Government Center, 9001 E. 59th Street on Tuesday, November 19, 2024, at 6:00 p.m. All interested persons will be given an opportunity to be heard in reference to the matters set out in said petition. The hearing may be continued from time to time as may be found necessary. This notice is sent to you as an owner of property adjacent to the property included in said petition, pursuant to the applicable Rules of Procedure.

PETITIONER


Signature

Foamcraft, Inc. by Krieg DeVault LLP & Kevin G. Buchheit, Agent

Name Printed

12800 N. Meridian St., Suite 300

Street Address

Carmel IN 46032
City State Zip

DEVELOPER (if different from Petitioner)

Signature

Name Printed

Street Address

City State Zip

AFFIDAVIT OF NOTICE OF PUBLIC HEARING

**LAWRENCE BOARD OF ZONING APPEALS
OF MARION COUNTY, INDIANA**

I/We _____ do hereby certify that the Legal Notice of Public Hearing to consider Docket No. _____ was sent by certified, registered or first-class mail to the last known address of each of the following persons, they being all persons to whom notice was required to be sent by the rules, regulations and order of the Lawrence Board of Zoning Appeals of Marion County, Indiana:

OWNER'S NAME

ADDRESS

(list attached)

Said notices were mailed by certified, registered or first-class mail on the _____, being at least ten (10) days prior to the scheduled public hearing, and that receipts for said certified or registered mailings are attached hereto.

I/We further certify that the notice required by said rules, regulations and order to be posted in a conspicuous place on the property described in Petitioner's petition was posted on the property on the _____, being at least ten (10) days prior to the scheduled hearing.

Petitioner's Agent

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Subscribed and sworn to before me this _____ day of _____, 20____.

My commission expires: _____

Notary Public

County of residence:

Printed Name

NOTICE

City of Lawrence Board of Zoning Appeals

Date of Hearing:

November 19, 2024

Location of Hearing:

Lawrence Gov't Center

9001 E 59th St

Assembly Room

Time: 6:00 pm

Petition Number:

Petitioner:

Petition Address:

9335 OTIS AVE; 9435 OTIS AVE; 9330 E 56TH ST; 9440 E 56TH ST

Request for Petition:

Two (2) variances to Lawrence Village PUD Ordinance are being requested:

1. Section 2.2.5 Curb Cuts (Location) to allow two (2) curb cuts on the west side of a proposed development to be located within 100 feet of a public street intersection (100-foot separation required).
2. Section 3.3.7 (3.2.7) Required Building Line Standards to allow a Required Building Line of greater than 15 feet along the north side of East 56th Street (Required Building Line of 15 feet is required from the back of the street curb).

A202200012847

01/27/2022 02:56 PM
KATHERINE SWEENEY BELL
MARION COUNTY IN RECORDER

FEE: \$ 40.00

PAGES: 3

By: DG



PLAT

Subdivision/HPR OTIS PLACE

Legal Description Re-Plat of Lot 2 of the Final Plat Ft. Benjamin Harrison Branch

Library Minor Plat per Instrument No. A202100150837

SW 1/4 Section 5, T. 16 N., R. 5 W.

Owner Fort Harrison Reuse Authority

Declaration _____

Other 9440 E 56th St & 9330 E 56th St + 9335 OTIS AVE +

Township Lawrence Pages 3 (including cover sheet) 9435 OTIS AVE

Cross Reference(s) A202100150837

199900104504

Contact Person Anthony Syers Phone Number 317-655-7777

Email Address asyers@cecinc.com

Pick up _____ Mail back (check one)

For Recorder's Office Use Only: Land Surveyor Notary

DMD/Planning Assessor Transfer Assessor Mapping _____

13



OTIS PLACE

A Re-plot of Lot 2 of the Final Plat Ft. Benjamin Harrison Branch Library Minor Plat as laid out in the plat thereof recorded as Instrument Number A202100150837 in the Office of the Recorder of Marion County, Indiana, situated in the Southwest Quarter of Section 5, Township 16 North, Range 5 East of the Second Principal Meridian in Lawrence Township, Marion County, Indiana

FROM: ESTE PLATE
LOT: ONE, TWO, THREE

A202100150837
01/27/2023 03:56 PM
MAYHEW SURVEY HILL
MAYHEW SURVEY HILL
FILE: A202100150837
FILE: A202100150837

REVISION RECORD
NO. DATE DESCRIPTION

Civil & Environmental Consultants, Inc.
333 Baldwin Road • 800-365-2324
412-429-2324 (info.com)

LOT 4
SANITARY SEWER EASEMENT
LINE TABLE

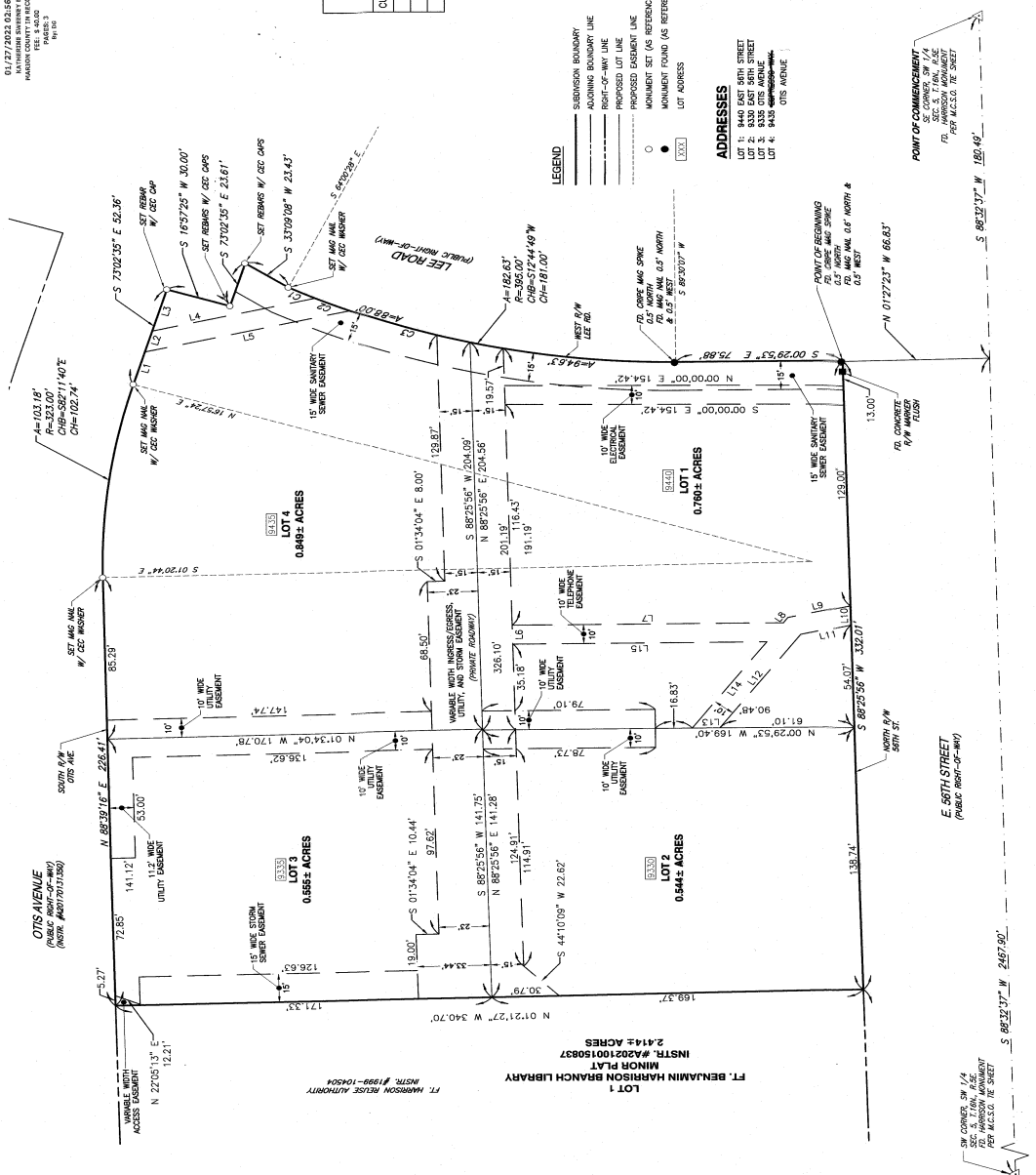
LINE #	DIRECTION	LENGTH	CHL	CHB
L1	S 7302.35° E	17.80'	11.44'	S 2970.07° W
L2	S 7302.35° E	11.90'	10.68'	S 2246.16° W
L3	S 7302.35° E	22.84'	22.84'	
L4	S 1304.44° E	76.02'		
L5	N 1304.44° W	18.02'		

LOT 4
SANITARY SEWER EASEMENT
CURVE TABLE

CURVE #	RADIUS	DELTA	LENGTH	CHL	CHB
C1	386.00'	193.01°	13.44'	11.44'	S 2970.07° W
C2	386.00'	228.20°	17.80'	10.68'	S 2246.16° W
C3	386.00'	820.20°	17.40'	17.44'	S 1729.31° W

10' WIDE
TELEPHONE EASEMENT
LINE TABLE

LINE #	DIRECTION	LENGTH
L6	N 8825.56° E	10.00'
L7	S 0029.53° E	13.83'
L8	S 2518.42° E	3.47'
L9	S 1304.44° E	29.19'
L10	S 8825.56° W	10.00'
L11	N 1304.44° W	23.49'
L12	N 0791.96° W	61.47'
L13	N 0791.96° W	12.85'
L14	S 3518.42° E	56.70'
L15	N 0791.96° W	118.86'



- ADDRESSES
- LOT 1: 840 EAST 58TH STREET
 - LOT 2: 830 EAST 58TH STREET
 - LOT 3: 820 EAST 58TH STREET
 - LOT 4: 810 EAST 58TH STREET
 - OTIS AVENUE

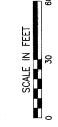
- LEGEND
- SUBMISSION BOUNDARY
 - BOUNDING BOUNDARY LINE
 - PROPOSED LOT LINE
 - PROPOSED EASEMENT LINE
 - MONUMENT SET (AS REFERENCED)
 - MONUMENT FOUND (AS REFERENCED)
 - LOT ADDRESS

POINT OF COMMENCEMENT
SE CORNER, SW 1/4
SECTION 5, T16N, R5E
MARION COUNTY
PER M.C.S.O. THE SHEET

POINT OF BEGINNING
SE CORNER, SW 1/4
SECTION 5, T16N, R5E
MARION COUNTY
PER M.C.S.O. THE SHEET

SE CORNER, SW 1/4
SECTION 5, T16N, R5E
MARION COUNTY
PER M.C.S.O. THE SHEET

BASIS OF BEARINGS
THIS PLAT SHOWS THE BASIS OF BEARINGS AS THE NORTH NORTH-WEST-AROUND
LINE OF E. 58TH STREET AT S. 8825.56° W. THE ORIGINAL PLAT, FINAL
PLAT OF E. 58TH STREET, BRANCH LIBRARY MINOR PLAT, T16N, R5E, S40
NORTH LINE AT S. 8724.55° W.



812498
JUN 27 2 14
PLAT

APPROVED BY:
PROJECT NO.:
DATE: DECEMBER 13, 2023
DRAWN BY:
CHECKED BY:
TITLE: BRANCH LIBRARY MINOR PLAT
FILE: A202100150837
SCALE: 1" = 40'

