



June 1, 2009

Doug Beckner
Westport Homes
9210 North Meridian St.
Indianapolis, IN 46260

RE: Docket # 18-V-09
Westport Homes – Timberstone rear yard set backs

Dear Doug:

This letter is confirmation of the decision of the Town of Fishers' Board of Zoning Appeals (BZA) on May 27, 2009. The BZA **granted** your requested variance from the Southeast Fishers PUD Ordinance Area C2 "Timberstone" amendment (#100305E) to reduce the minimum rear yard setback from 30' to 20', with the following voluntary commitment(s):

- **any addition on the back of the house, that extends past the 30' setback line, will not exceed 50% of the width of the house**

The official Minutes of the BZA Meeting will not be available until they are approved (usually at the next month's BZA Meeting.) If you would like a copy of the Minutes, please submit a request and we will send out a copy once they are approved.

It was a pleasure working with you on this matter. Should you have any questions, comments or concerns, feel free to contact me at your earliest convenience. When applying for your permits, please reference your BZA docket number (18-V-09) on the application.

Again thank you for your professionalism and I look forward to working with you in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick R. Brandau", is written over a horizontal line.

Richard (Rick) R. Brandau
Asst. Director/Zoning Administrator

pc: Neil Robson
File

DEVELOPMENT DEPARTMENT

TOWN OF FISHERS -- BOARD OF ZONING APPEALS

DEVELOPMENT STANDARDS VARIANCE

***** FINDING OF FACTS *****

Docket Number: 18-v-09

- [1] The approval of this variance WILL NOT be injurious to the public health, safety, morals and general welfare of the community because:
The variance will allow three season rooms on the rear of homes on lots backing up to existing open space slated as common area
- [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 because:
The variance will allow more expensive homes to be built which will increase overall home values in Timberstone
- [3] The strict application of the terms of the Zoning Ordinance to the property will result in practical difficulties in the use of the property because:
The homeowners wishing to purchase these lots want the three season rooms to greater enjoy the lake, creek behind the lots.

***** DECISION OF THE BOARD *****

IT IS THEREFORE the decision of the Town of Fishers Board of Zoning Appeals that the variance request and application for Docket 18-v-09, as filed by Westport Homes, is hereby Approved w/ Conditions, subject to any conditional and/or stipulations hereinafter stated in the official meeting minutes of the Board meeting, which are incorporated herein by reference and made a part hereof. ADOPTED THIS 27th DAY OF May, 2009.

[Signature]
Board President

[Signature]
Board Vice-President

[Signature]
Board Secretary

[Signature]
Board Member

[Signature]
Board Member

[Signature]
Board Member



DEVELOPMENT STANDARDS
VARIANCE APPLICATION

TOWN OF FISHERS
DEPARTMENT OF DEVELOPMENT
One Municipal Drive • Fishers, Indiana 46038-1574
317-595-3120 • Fax: 317-595-3134

(From the Requirements of the Master Plan and Zoning Ordinance #110380)

Docket Number: 18-V-09

Project #: 09050001

1. APPLICANT INFORMATION

Name: Westport Homes, Inc.
Address: 9210 N. Meridian St, Indianapolis, IN 46260
Telephone: 317-844-0433 Fax: 317-844-0622
Contact Person: Doug Beckner, Sales Manager
Email Address: doug@westport-home.com

2. OWNER OF PROPERTY WHERE VARIANCE IS BEING REQUESTED

Name: Triton Development
Address: 9210 N Meridian Indpls 46260
Telephone: 317-844-0433
Fax: 317-844-0622
Contact Person: Doug Beckner
Parcel ID #: 13-15-12-00-27-014.000, 023.000, 031.000

3. PROPERTY INFORMATION

Location: Brookwood 9801, 9850, 9873 Drive
Street Address
Lot #: 14, 23, 31
Subdivision: Timberstone Sec 1
Land Use: Residential
Zoning: PUD
●●●Legal Description Must Be Attached●●●

4. FULL STATEMENT OF VARIANCE REQUEST AS APPLIED FOR UNDER THE REQUIREMENTS OF THE MASTER PLAN AND ZONING ORDINANCE, #110380

Reduction from 30' to 20' for the min. rear yard

5. CERTIFICATION

I hereby certify that I have the authority to make the above application, that the information, to my knowledge and belief, is true and correct.

Signature of Property Owner John B. Schumann

Signature of Applicant Doug Beckner

STATE OF INDIANA, COUNTY OF HAMILTON, SS:
The information contained herein has been duly subscribed and sworn to me this 6th day of

May 2009
Shirley J. White
Notary Public

Printed Name Shirley J. White

My Commission Expires: May 21, 2009



NOTICE OF PUBLIC HEARING

Docket No. 18-V-09

The Town of Fishers Board of Zoning Appeals will hold a public hearing on the 27th day of May, 2009 at the Fishers Town Hall, One Municipal Drive, at 6:30 p.m. The Application submitted by Triton Development, LLC is requesting a Development Standards Variance from the Southeast Fishers PUD Ordinance Area C2 "Timberstone" Amendment (#100305E) approved by the Town of Fishers, December 19, 2005 which required 30' rear yard setbacks to allow the rear yard setback on Lots 14, 23, and 31 to be reduced to 20'. The subject property has a common address of 9801, 9873 and 9850 Brook Wood Drive, McCordsville 46055 and a legal description of "Lot 14, Lot 23 & Lot 31 in Timberstone Villas, Section One as recorded August 9, 2007 in Plat Cabinet 4, slide 352 as Instrument Number 2007045149 in the Office of the Recorder of Hamilton County, Indiana. Interested persons may file written comments or objections of the request with the Town of Fishers Department of Development, Fishers Town Hall, One Municipal Drive, Fishers, Indiana, 46038-1574 (www.fishers.in.us). Interested persons will also be given an opportunity to be heard by the Town of Fishers Board of Zoning at the above-specified public hearing.

Doug Beckner

~~Jim Van Ness~~

Applicant's Name

Triton Development, LLC

9210 North Meridian

Street, Indianapolis, Indiana 46260

(317) 844-0433

Applicant's Contact Information

TOWN OF FISHERS

RECEIPT NUMBER: 13000000570

RECEIVED BY: DISTLER
TODAY'S DATE: 05/06/09
TIME: *****

PAYOR: WESTPORT HOMES
REGISTER DATE: 05/06/09

DESCRIPTION	REFERENCE	AMOUNT
ZDEVVAR04	09050001	\$350.00
TOTAL DUE:		\$350.00

CASH PAID	CHECK PAID	CHECK NO	TENDERED	CHANGE
\$.00	\$350.00	15495	\$350.00	\$.00

WESTPORT HOMES

REORDER 901B - U.S. PATENT NO. 5538290, 5575508, 5641183, 5765353, 5984364, 6030000

Inv#	Date	Inv Amt	Dsc Amt	Chk Amt	Check #	Check Date
TBVVARI	5/06/9	****350.00	*****.00	****350.00	15495	5/06/09

Regular BZA

PRESCRIBED BY STATE BOARD OF ACCOUNTS

RECEIPT

13000000570

OFFICE OF THE CLERK - TREASURER

General FUND

No. 152961

FISHERS IN. May 6 2009

RECEIVED FROM Westport Homes \$ 350⁰⁰

THE SUM OF three hundred & fifty & 00/100 DOLLARS

ON ACCOUNT OF Timberstone BZA item

CASH _____ CHECK 15495 M.O. _____

E.F.T. _____ C.C/B.C. _____ OTHER _____


CLERK - TREASURER

SURVEYOR: OLKSTEAD
 STORPHEL WEATH & ASSOCIATES
 INC. 7865 EAST 10TH STREET
 FISHERS, INDIANA 46038
 PHONE: (317) 849-5935

OWNER/SUBDIVIDER:
 TRITON DEVELOPMENT
 9210 NORTH MERIDIAN STREET
 INDIANAPOLIS, INDIANA 46260
 PHONE: (317) 844-0433

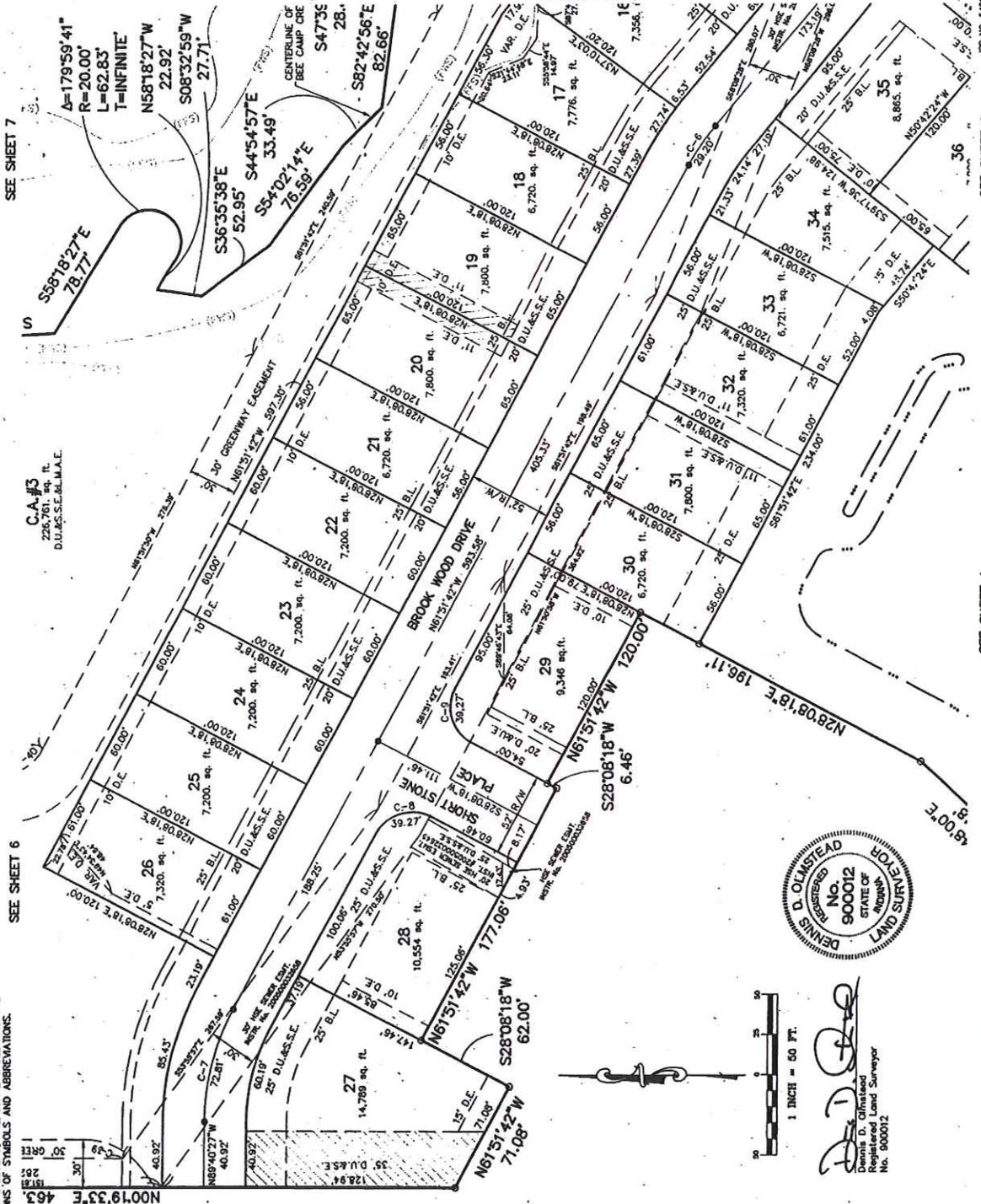
NOTE: PLEASE REFER TO PAGE ONE FOR GENERAL
 NOTES, THE LEGEND, THE CURVE TABLE AND THE
 DEFINITIONS OF SYMBOLS AND ABBREVIATIONS.

TIMBERSTONE VILLAS

SECTION ONE

SECONDARY PLAT

2007045149 PLAT \$66.00
 09/09/2007 10:05:22R 18 PGS
 Jennifer J Hayden
 HAMILTON County Recorder - IN
 Reserved as Presented



Dennis D. Olkstead
 Dennis D. Olkstead
 Registered Land Surveyor
 No. 900012



SEE SHEET 7

SEE SHEET 6

SEE SHEET 4

SEE SHEET 8

JOB NO. 540865
 SHEET 5 OF 10

TIMBERSTONE VILLAS

SECTION ONE

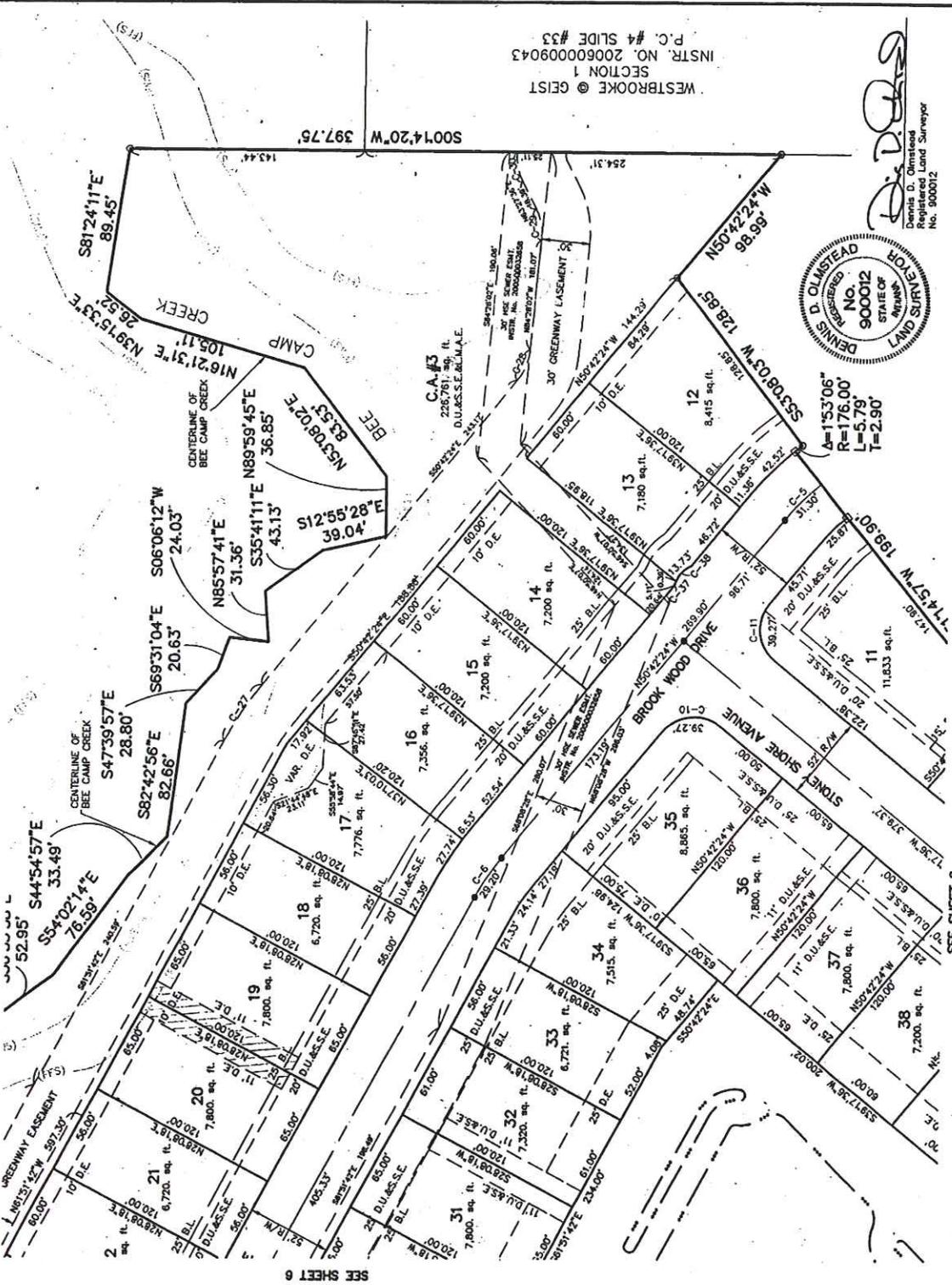
SECONDARY PLAT

2807945149 PLAT 566.00
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 DENNIS D. OLNSTEAD
 HERRILLTON, County Recorder-IN
 Recorded as Presented

SURVEYOR:
 DENNIS D. OLNSTEAD
 STOPPELWIRTH & ASSOCIATES,
 P.C., 7905 EAST 100TH STREET
 INDIANAPOLIS, INDIANA 46235
 PHONE: (317) 846-5835

OWNER/SUBDIVIDER:
 TRITON DEVELOPMENT
 3210 NORTH MERIDIAN STREET
 INDIANAPOLIS, INDIANA 46260
 PHONE: (317) 844-0433

NOTE: PLEASE REFER TO PAGE ONE FOR GENERAL NOTES, THE LEGEND, THE CURVE TABLE AND THE DEFINITIONS OF SYMBOLS AND ABBREVIATIONS.



SEE SHEET 6

SEE SHEET 8

WESTBROOKE © GEIST
 SECTION 1
 INSTR. NO. 200600009043
 P.C. #4 SLIDE #33



Dennis D. Olmstead
 Registered Land Surveyor
 No. 900012

DENVER QUARTER
 STRAPPELLMUTH & ASSOCIATES, INC.
 1000 EAST 17TH AVENUE, SUITE 100
 DENVER, COLORADO 80202
 PHONE: (317) 848-3030
 OWNER/DEVELOPER:
 TRITON DEVELOPMENT
 1000 EAST 17TH AVENUE, SUITE 100
 DENVER, COLORADO 80202
 PHONE: (317) 848-3030

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 Jennifer J Hayden
 HAMILTON County Recorder IN
 Recorded as Presented

TIMBERSTONE VILLAS

SECTION ONE

SECONDARY PLAT

There are designated parcels as shown on the within plot marked as Sanitary Sewer Easement or S.S.E., designated parcels marked as Drainage Easement, or D.E., designated parcels marked as Utility Easement or U.E., designated parcel marked as Non-Access Easement or N.A.E., and also as Landscape, Maintenance Access Easements, or L.M.A.E., either separately or in any combination of the same. Such designated parcels are hereby subjected to easements, which are hereby created and reserved for the uses defined as follows: (When easements are combined in the same strip of ground, or area, all uses specified by each easement description below shall apply.)

"Sanitary Sewer Easements" are hereby created for the use of the Developer, and of the Utility, public or private, having jurisdiction over the sanitary waste disposal system. Sanitary Sewer Easements shall be used to construct, extend, operate, inspect, maintain, reconstruct, and remove mains, ducts, or other related utility structures of sanitary sewers that are part of said system, and for ingress and egress thereto.

"Drainage Easements" are created for the use of the Developer and any governmental agency having jurisdiction over drainage and storm sewer systems to provide paths and courses and a system for natural area and local storm drainage, either overlaid or in appropriate underground installations to serve the needs of this and adjoining grounds and the public drainage system. Drainage Easements shall be used to grade, construct, operate, inspect, maintain, reconstruct, or remove mains, ducts, or other related structures of storm sewers that are part of said system, and for ingress and egress thereto. The owners of all lots are and shall be required to keep any areas of their lots designed for the natural flow of water unimpeded, and any improvements made on or under any such easements by the owner are and shall be at the risk of the property owner.

"Utility Easements" are created for the use of all public or private utility companies, including but not limited to sanitary sewers, gas, phone, electric, water, and cable television companies, but not including transportation companies; for the installation and maintenance of mains, ducts, poles, lines, wires, drains, pipes, and other utility installations for the purpose of furnishing utility services, and for ingress and egress thereto.

"Landscape, Maintenance Access Easements" are hereby created over and across lots or areas for the installation and maintenance of landscaping, earth mounds, screening material, fencing, walls, neighborhood and community identification signs, directories, lighting, irrigation systems, walking trails and other improvements, and for ingress and egress thereto by the Developer and the Homeowner Association, and/or their assigns.

"Non-Access Easements" are created for the specific purpose of restricting access to residential lots from existing public streets. No driveway or access, either permanent or temporary will be permitted across designated non-access easements.

"Building Lines" are established as shown on this plat, between which lines and the property lines of adjacent streets, there shall not be erected or maintained any building or structure.

All of the foregoing easements shall be deemed to include the necessary rights of ingress and egress, in, along, across and through the same to permit the construction, maintenance, beneficial use and enjoyment thereof for their intended purposes. The owners of all lots in this subdivision shall take and hold title to their lots subject to all of the foregoing easements, and to the rights of any entity entitled to use of said easements for this intended purpose.

"No fence, wall, hedge, tree or shrub planting which obstructs sight lines and elevations between 3 and 12 feet above the street shall be placed or permitted to remain on any corner lot within the triangular area formed by the street right-of-way lines and a line connecting points 40 feet from the intersection of said street lines or in the case of a rounded property corner, from the intersection of the street right-of-way lines extended. The same sight line limitations shall apply to any lot within ten feet of the intersection of a street right-of-way line with the edge of the driveway pavement or alley line. No driveway shall be located within 75 feet of the intersection of two street lines."

This subdivision meets the requirements of the Town of Fishers Subdivision Code Requirements and the A.D.A. Requirements.

I, Dennis D. Olmstead, a Registered Land Surveyor licensed in compliance with the laws of the State of Indiana, hereby certify that the within plat represents a survey completed by me on that all the monuments shown are to be set, and that the location, size, type and material of said monuments are accurate.



Dennis D. Olmstead
 Dennis D. Olmstead
 Registered Land Surveyor
 No. 900012

COMMISSION CERTIFICATE:

Under authority provided by Title 36, act of 1981, P.L. 309 enacted by the General Assembly of the State of Indiana, and all acts amendatory thereto and an ordinance adopted by the Town of Fishers, Indiana as follows:

Adopted by the Fishers Planning Commission of _____, 2007.

William Harling
 William Harling
 Secretary, Planning Commission

This subdivision shall be known and designated as Timberstone Villas, Section 1 as a subdivision in Hamilton County, Indiana. All streets shown are hereby dedicated to the public.

This plat is subject to the declaration of covenants, conditions and restrictions of Timberstone Villas recorded as Instrument Number 2007-045148 - and any amendments thereto.

In Testimony whereof, witness the signatures of Owner and Declarant: this 25th day of July, 2007.

Owner
 Triton Development LLC.
 By *Steven M. Dunn*
 Steven M. Dunn, President

State of Indiana)
 County of Hamilton) SS

Before me, the undersigned, a Notary Public in the said County and State, personally appeared Steven M. Dunn of Triton Development, and acknowledged the execution of this instrument as his voluntary act and deed and affixed his signature thereto.

Witness my signature and seal this 25th day of July, 2007.

Shirley F. White
 Shirley F. White
 Notary Public



LEGAL DESCRIPTION – Timberstone Villas Section One Lots 14, 23 & 31:

Lot 14, lot 23 & lot 31 in Timberstone Villas Section One as recorded August 9, 2007 in Plat Cabinet 4 Slide 352 as Instrument Number 2007045149 in the Office of Recorder, Hamilton County, Indiana

SURVEYOR:
 DENNIS D. OLMSTEAD
 STOEPPELWERTH & ASSOCIATES, INC.
 7965 EAST 106TH STREET
 FISHERS, INDIANA 46038
 PHONE: (317) 349-5935

OWNER/SUBDIVIDER:
 TRITON DEVELOPMENT
 9210 NORTH MERIDIAN STREET
 INDIANAPOLIS, INDIANA 46260
 PHONE: (317)-844-0433

SITE DATA	
ZONING	PUD
SIDE YARD	6' MIN.
REAR YARD	30' MIN.
OPEN SPACE	395,144 SQ. FT.
LAKE AREA	168,571 SQ. FT.
PAVEMENT WIDTH	30' BACK TO BACK

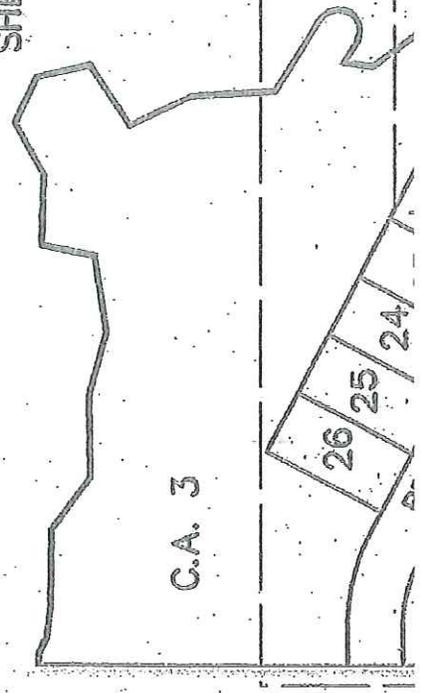
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 08/09/2007 10:05:22A 10 PGS
 Jennifer J Hayden
 HAMILTON County Recorder IN
 Recorded as Presented

TIMBERST SECT SECONI

PC4 SIDL 352

THE BUILDING LINES ILLUSTRATED ON THIS PLAT ARE CONSISTENT WITH THE FISHERS ACT OF THE DATE OF THE APPROVAL OF THIS PLAT. THEY ARE IN AND THE BUILDING SET BACK LINES APPLICABLE TO THIS SUBDIVISION SHA BUILDING SET BACK LINES APPLICABLE TO THE ZONE DISTRICT DESIGNATION ORDINANCES OF THE TOWN OF FISHERS THEN IN EFFECT AS OF THE DATE

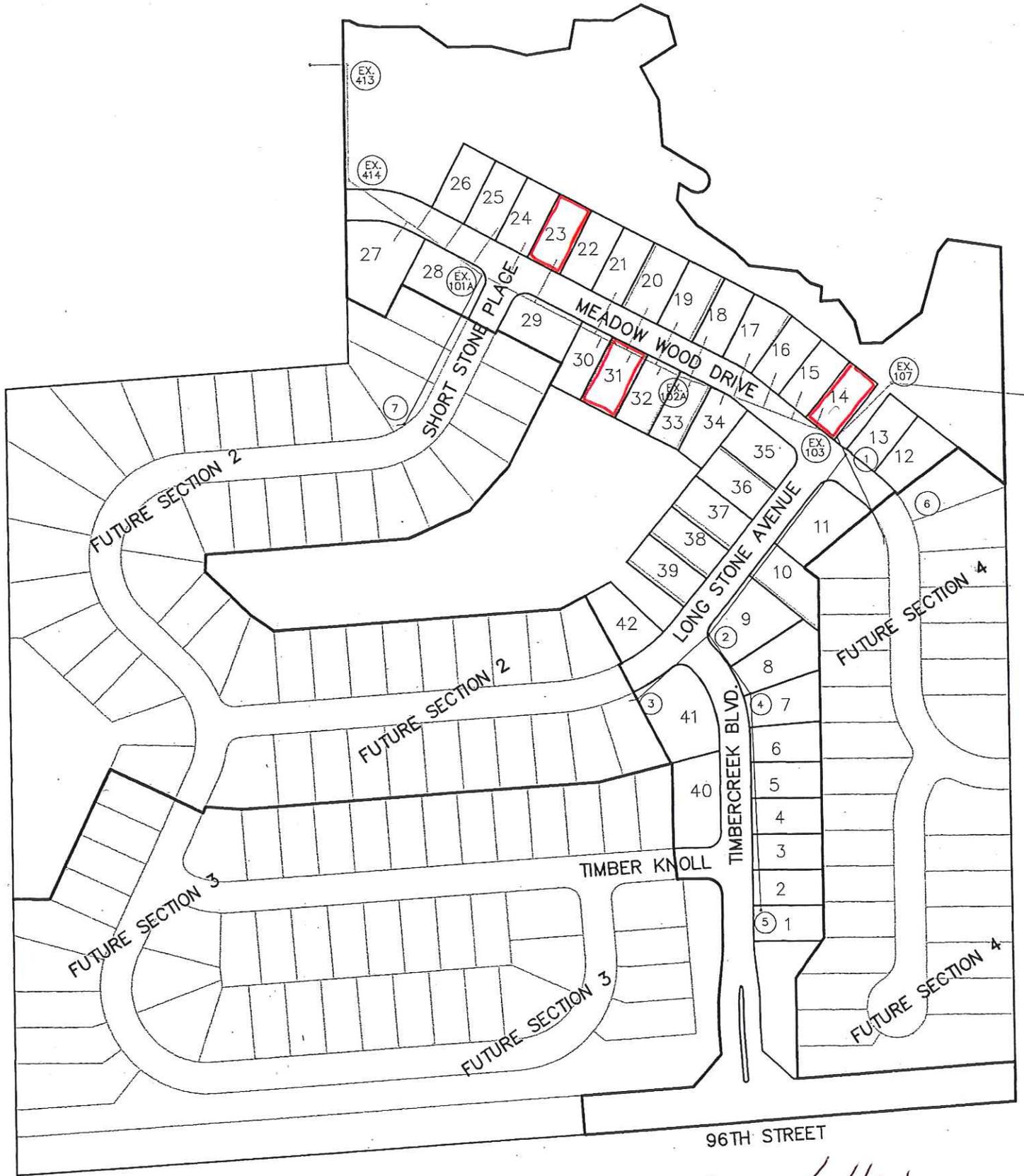
SHEET 6



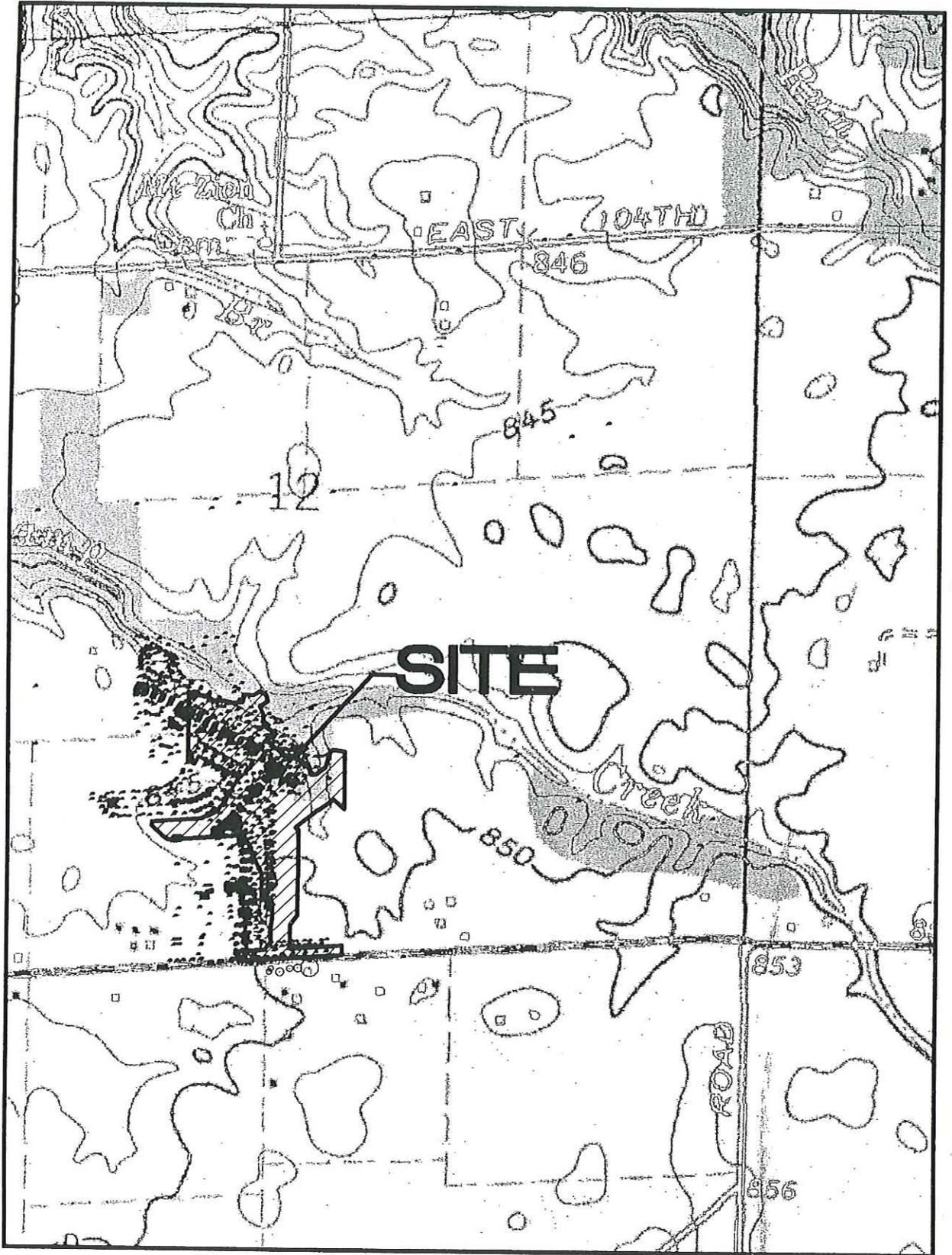
Dennis D. Olmstead

Dennis D. Olmstead
 Registered Land Surveyor
 No. 900012

REGISTERED PROFESSIONAL SURVEYOR



*Timberstone Villas
Location Map*



Timberstone Villas
Site Map

Villas at Timberstone of Fishers

Front yard set back at 25'

Rear Set back at 30'

Plan Name	Sq. Ft.	Length of Home	Concrete patio, Screened in Porch or Sunroom	Average lot Depth	Encroaching into rear 30' set back by
Appleton	1402	52'	12 x 12	120'	Ok by 1'
Evanston	1409	48'	12 x 12	120'	Ok by 5'
Jackson II	1441	54'	12 x 12	120'	Does not fit by 1'
Jackson	1533	54'	12 x 12	120'	Does not fit by 1'
Lafayette	1535	54'	12 x 12	120'	Does not fit by 1'
Ascott	1623	52'	12 x 12	120'	Ok by 1'
Edgewater	1712	50'	12 x 12	120'	Ok by 3'
Monticello	1829	60'	12 x 12	120'	Does not fit by 7'
Hawthorne	2002	58'	12 x 12	120'	Does not fit by 5"

Front yard set back at 25'

Requesting to change the Rear Set back to 20' at Timberstone.

Plan Name	Sq. Ft.	Length of Home	Screened in Porch or Sunroom	Average lot Depth	Will fit with all plans
Appleton	1402	52'	12 x 12	120'	Ok by 11'
Evanston	1409	48'	12 x 12	120'	Ok by 15'
Jackson II	1441	54'	12 x 12	120'	Ok by 9'
Jackson	1533	54'	12 x 12	120'	Ok by 9'
Lafayette	1535	54'	12 x 12	120'	Ok by 9'
Ascott	1623	52'	12 x 12	120'	Ok by 11'
Edgewater	1712	50'	12 x 12	120'	Ok by 13'
Monticello	1829	60'	12 x 12	120'	Ok by 3'
Hawthorne	2002	58'	12 x 12	120'	Ok by 5'

100305E

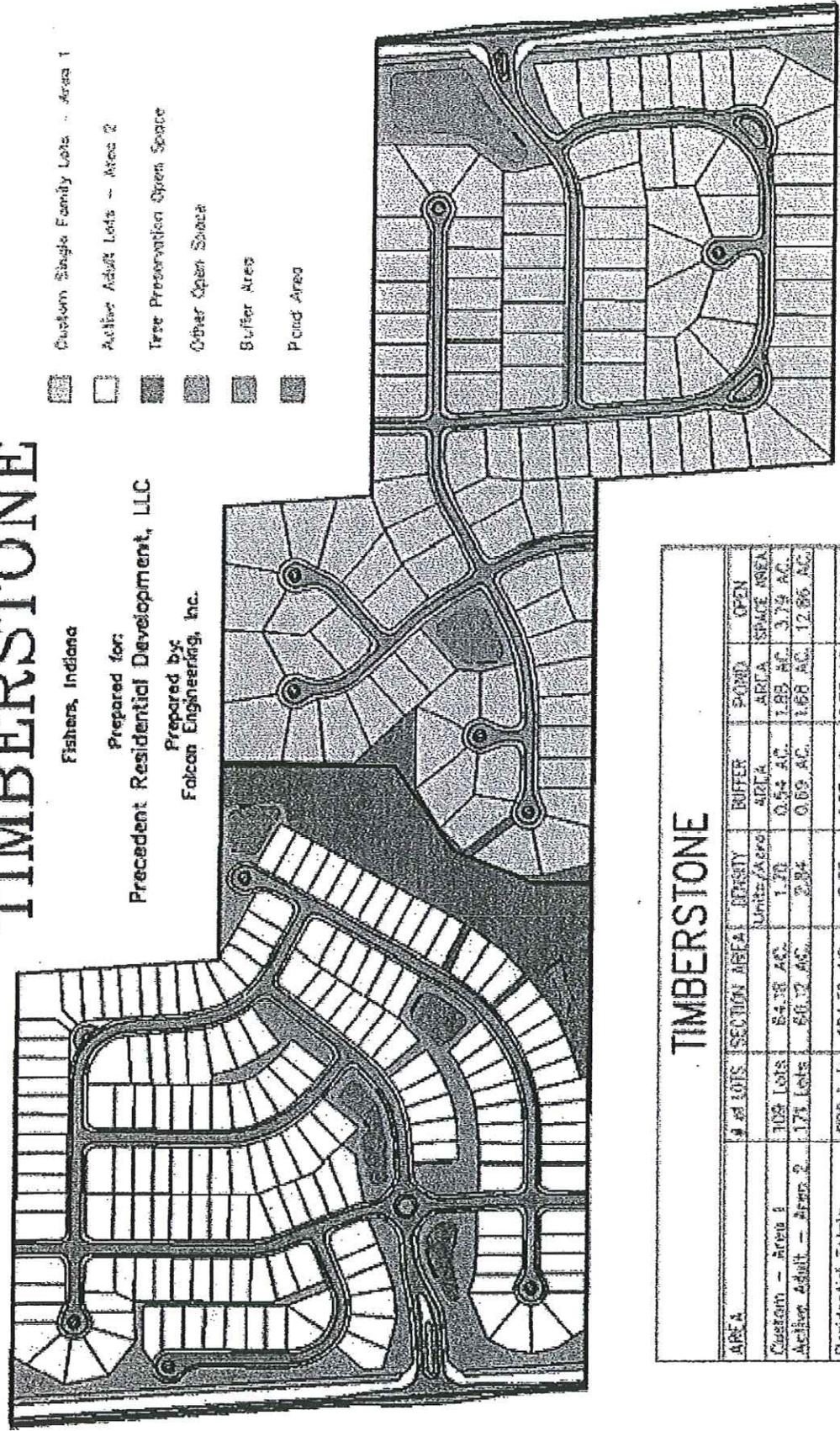
Area C

TIMBERSTONE

Fishers, Indiana

Prepared for:
Precedent Residential Development, LLC
 Prepared by:
Falcon Engineering, Inc.

-  Custom Single Family Lots - Area 1
-  Active Adult Lots - Area 2
-  Tree Preservation Open Space
-  Other Open Space
-  Buffer Area
-  Pond Area



TIMBERSTONE						
AREA	# of LOTS	SECTION AREA	DENSITY	BUFFER AREA	POUND AREA	OPEN SPACE AREA
			Units/Acre	AC.	AC.	AC.
Custom - Area 1	109 Lots	54.18 AC.	1.70	0.54 AC.	1.83 AC.	3.79 AC.
Active Adult - Area 2	171 Lots	50.17 AC.	2.84	0.69 AC.	1.68 AC.	12.86 AC.
Residential Totals	280 Lots	124.30 AC.	2.25	1.23 AC.	3.56 AC.	16.65 AC.
				0.89 %	2.86 %	13.40 %

Note: Subject to change without notice.



TIMBERSTONE

Fishers, Indiana

Prepared for:
 Precedent Residential Development, LLC
 Prepared by:
 Falcon Engineering, Inc.



TIMBERSTONE						
AREA	# of LOTS	SECTION AREA	DENSITY	BUFFER	POND	OPEN
			Units/Acre	AREA	AREA	SPACE AREA
Custom - Area 1	109 Lots	64.18 AC.	1.70	0.54 AC.	1.88 AC.	3.79 AC.
Active Adult - Area 2	171 Lots	60.72 AC.	2.84	0.69 AC.	1.68 AC.	12.86 AC.
Residential Totals	280 Lots	124.30 AC.	2.25	1.23 AC. 0.99 %	3.56 AC. 2.86 %	16.65 AC. 13.40 %

Note: Subject to change without notice.

Area C



EXHIBIT I

- One (1) shrub per six (6) lineal feet around the perimeter, maintained at a height of at least 36" at maturity in order to minimize headlights projecting onto adjacent properties; or
- A wall or mound between 36" and 42" in height. The screen may be broken into segments to allow pedestrian and traffic movement or drainage.

Trees. One (1) deciduous tree per thirty-five (35) feet of parking lot perimeter shall be planted within ten (10) feet of the parking lot edge if the parking lot is located more than thirty (30) feet from the adjacent right of way, so as not to duplicate or crowd the required street tree plantings.

Interior Parking Lot Landscaping. Commercial parking lots with twenty (20) or more parking spaces are required to have the landscaping islands as follows:

One (1) landscape island shall be provided with an additional one (1) landscape island per every twenty (20) spaces over the initial twenty (20) spaces. Each landscape island shall be at least 180 square feet in size and contain at least one (1) tree, and 1/3 of all landscape island trees shall be canopy trees. Landscape islands shall be distributed throughout the parking lot.

Commercial/Residential Buffer Yard Standards.

- A landscape area shall be located adjacent to the property line and within the required side and rear yard setbacks.
- Where a commercial use is adjacent to a residential use, the commercial use property shall provide a twenty (20) foot landscaping area. The landscaping area shall include a landscape screen of 6' evergreen trees spaced a minimum of eight (8) trees per 100 lineal feet.
- In the case of mini-storage facilities,
 - When adjacent to a multi-family use, the landscape area shall be twenty (20) feet and shall include a landscape screen of 6' evergreen trees spaced a minimum of eight (8) trees per 100 lineal feet.
 - When adjacent to a single-family use, the landscape area shall be thirty-five (35) feet and shall include: (i) a minimum 3' high non-continuous mound extending at least sixty percent (60%) of the area; and (ii) 6' evergreen trees spaced a minimum of eight (8) trees per 100 lineal feet.

Conservation/Preservation Plan.

The developer of any Real Estate shall work with the Town's development staff to develop a tree preservation plan as part of the platting process for any significant woods located on the Real Estate.

Preservation of Existing Trees.

The preservation of an existing healthy tree shall constitute a credit toward meeting the landscape requirements in this ordinance. An in kind credit will be given per tree that contributes to and satisfies the intent of a particular section of this ordinance.

Timberstone Villas



Prepared For:



Not to Scale

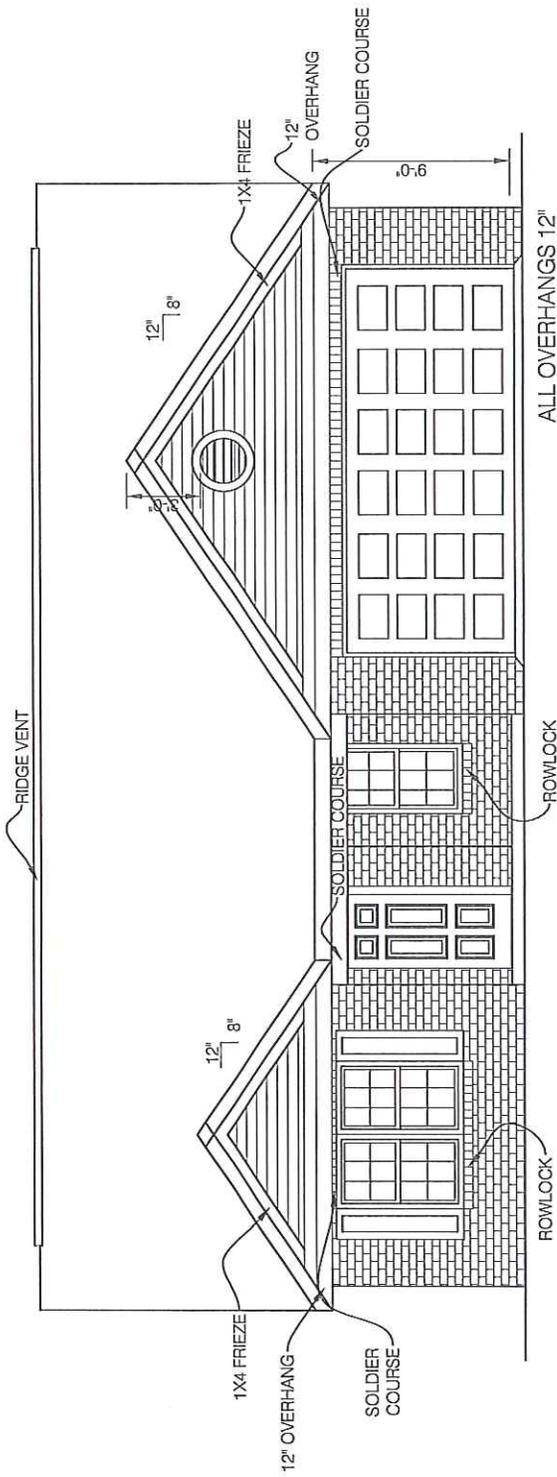
Prepared By:



Staepfelwerth & Associates, Inc.
CONSULTING ENGINEERS LAND SURVEYORS
PHONE: 317 849-5335 WWW.STAEPFELWERTH.COM

TIMBERSTONE VILLAS: 14

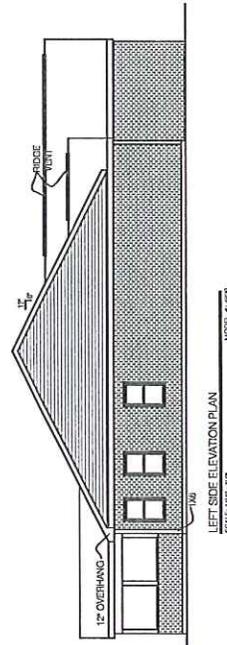
MONTICELLO: #4829



FRONT ELEVATION - B

SCALE: 3/16" = 1'-0"

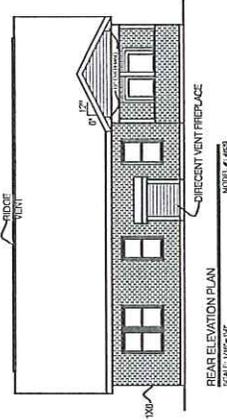
MODEL #: 4829



LEFT SIDE ELEVATION PLAN

SCALE: 1/8" = 1'-0"

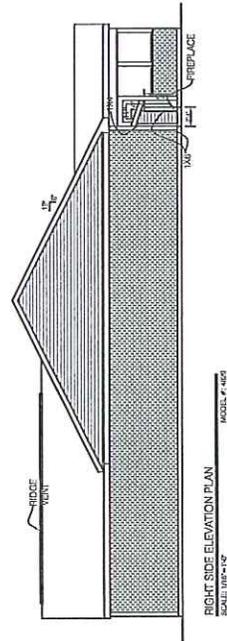
MODEL #: 4829



REAR ELEVATION PLAN

SCALE: 1/8" = 1'-0"

MODEL #: 4829



RIGHT SIDE ELEVATION PLAN

SCALE: 1/8" = 1'-0"

MODEL #: 4829

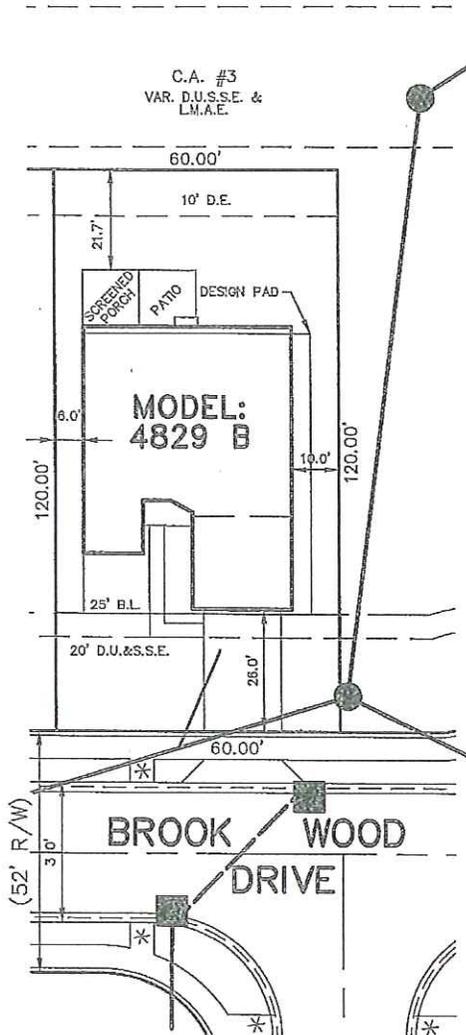


**CONSULTING ENGINEERS
LAND SURVEYORS**
7965 East 106th Street • Fishers, IN 46038-2505
(317) 849-5935 • 1-800-728-6917 • FAX: (317) 849-5942

JOB ID TBSTNV.14

CONTROL # 59600 WEST

PRELIMINARY



1" = 30'
LOT AREA: 7,800 Sq. Ft.

**LOT 14
TIMBERSTONE VILLAS
SECTION ONE**
INST. #2007045149
P.C. #4, SLIDE #352
ZONING: PUD.
6' MINIMUM SIDE YARD
30' MINIMUM REAR YARD

**ATTN.: MARY OLIVER
FROM: KELLY JONES**

*** NOTICE ***

THIS HOUSE WILL NOT FIT AS REQUESTED DUE TO THE SCREEN PORCH ENCRANCHING THE REAR YARD REQUIREMENT BY 8.3'.

PLEASE CALL IF ANY QUESTIONS.



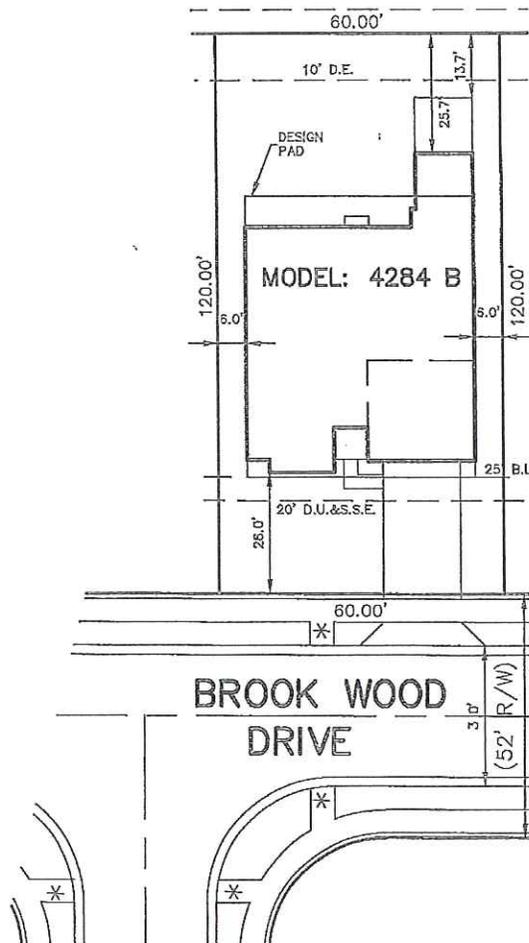
5/8/08 GJK
"HOLEY MOLEY SEZ"
"DON'T DIG BLIND"
CALL TWO WORKING DAYS BEFORE YOU DIG.
IT'S THE LAW
1-800-382-5544



**CONSULTING ENGINEERS
LAND SURVEYORS**
7965 East 106th Street • Fishers, IN 46038-2505
(317) 849-5935 • 1-800-728-6917 • FAX: (317) 849-5942

JOB ID TBSTNV.23
CONTROL # 59599 WEST

PRELIMINARY



1" = 30'
LOT AREA: 7,200 Sq. Ft.

**LOT 23
TIMBERSTONE VILLAS
SECTION ONE**
INST. 2007045149
P.C. #4, SLIDE #352
C.O.C. INST. #2007057727
ZONING: PUD
6' MINIMUM SIDE YARD
30' MINIMUM REAR YARD

**ATTN.: MARY OLIVER
FROM: KELLY JONES**

*** NOTICE ***

THIS HOUSE DOES NOT FIT AS REQUESTED DUE TO THE
THREE SEASON ROOM ENCRANCHING THE REAR YARD
REQUIREMENT BY 4.3'.

PLEASE CALL IF ANY QUESTIONS.



05/09/09 LAF
"HOLEY MOLEY SEZ"
"DON'T DIG BLIND"
CALL TWO WORKING DAYS BEFORE YOU DIG.
IT'S THE LAW
1-800-382-5544

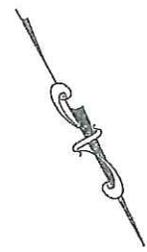
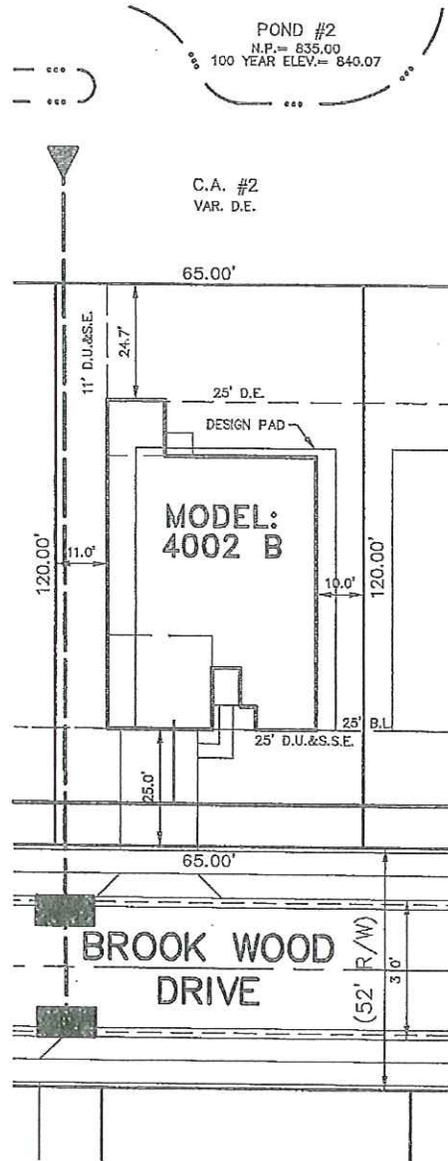


**CONSULTING ENGINEERS
LAND SURVEYORS**
7865 East 106th Street • Fishers, IN 46038-2505
(317) 849-5935 • 1-800-728-6917 • FAX: (317) 849-5942

JOB ID TBSTNV.31

CONTROL # 59598 WEST

PRELIMINARY



1" = 30'
LOT AREA: 7,800 Sq. Ft.

**LOT 31
TIMBERSTONE VILLAS
SECTION ONE**
INST. #2007045149
P.C. #4, SLIDE #352
ZONING: PUD.
6' MINIMUM SIDE YARD
30' MINIMUM REAR YARD

**ATTN.: MARY OLIVER
FROM: KELLY JONES**

*** NOTICE ***

THIS HOUSE WILL NOT FIT AS REQUESTED DUE TO THE HOUSE ENCRoACHING THE REAR EASEMENT BY 0.3' AND THE REAR YARD REQUIREMENT BY 5.3'.

PLEASE CALL IF ANY QUESTIONS.



5/8/09 GSK
"HOLEY MOLEY SEZ"
"DON'T DIG BLIND"
CALL TWO WORKING DAYS BEFORE YOU DIG.
IT'S THE LAW
1-800-382-5544



LETTER OF TRANSMITTAL

STOEPPELWERTH & ASSOCIATES, INC.

7965 East 106th Street
Fishers, Indiana 46038
Phone (317) 849-5935
FAX (317) 849-5942

DATE: May 18, 2009 **JOB NUMBER:** 54260TRT-S1

TO: Town of Fishers
One Municipal Drive
Fishers, Indiana 46038

ATTENTION: Ryan Crum

RE: Timberstone Villas, Section One, Lots 14, 23 & 31

WE ARE SENDING YOU UPS Courier Other: _____

COPIES	SHEET NO.	DESCRIPTION
1		Proof of Publication – Noblesville Star (fka Noblesville Ledger)
1		Proof of Publication – Noblesville Daily Times
1		List of Affected Persons
1		Hamilton County Auditor Affidavit
1		Green Cards with Certified Mail Receipts

THESE ARE TRANSMITTED as checked below:

For Approval As Requested For Review and Comment
 For Your Use _____

REMARKS:

If you have any questions, please feel free to give me a call at (317) 570-4763.

Thank you,

Brian K. Robinson

PROOF OF PUBLICATION

Hamilton County)
SS:
State of Indiana)

Personally appeared before me, a Notary Public in and for said county, and state, the undersigned Tim Timmons, who being duly sworn says that he is of competent age and is Publisher of The Times, a daily newspaper which for at least five (5) consecutive years has been published in the City of Noblesville, County of Hamilton, State of Indiana, and which, during that time, has been a newspaper of general circulation, having a bona fide paid circulation, printed in the English language and entered, authorized and accepted by the post office department of the United States of America as mailable matter by the second class as defined by the Act of Congress of the United States of March 3, 1879, and that the printed matter attached hereto is a true copy, which published in said newspaper 1 time(s), the dates of publication being as follows:

May 8, 2009

NOTICE OF PUBLIC HEARING
Docket No. 18-V-09

The Town of Fishers Board of Zoning Appeals will hold a public hearing on the 27th day of May, 2009 at the Fishers Town Hall, One Municipal Drive, at 6:30 p.m. The Application submitted by Triton Development, LLC is requesting a Development Standards Variance from the Southeast Fishers PUD Ordinance Area C2 "Timberstone" Amendment (#100305E, Exhibit H) approved by the Town of Fishers, December 19, 2005 which required 30' rear yard setbacks to allow the rear yard setback on Lots 14, 23, and 31 to be reduced to 20'. The subject property has a common address of 9801, 9873 and 9850 Brook Wood Drive, McCordsville, IN 46055 and a legal description of "Lot 14, Lot 23 & Lot 31 in Timberstone Villas, Section One as recorded August 9, 2007 in Plat Cabinet 4, slide 352 as Instrument Number 2007045149 in the Office of the Recorder of Hamilton County, Indiana. Interested persons may file written comments or objections of the request with the Town of Fishers Department of Development, Fishers Town Hall, One Municipal Drive, Fishers, Indiana, 46038-1574 (www.fishers.in.us). Interested persons will also be given an opportunity to be heard by the Town of Fishers Board of Zoning at the above-specified public hearing.

Jim Van Ness
Applicant's Name
Triton Development, LLC
9210 North Meridian Street
Indianapolis, Indiana 46260
(317) 844-0433
Applicant's Contact Information
05/08 3775

"Pursuant to the provisions and penalties of Chapter 155, Acts 1953, he further says that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."



AFFIANT

Subscribed and sworn to before me this 8
day of May, 2009.



Notary Public

(Seal)

Melissa Bowyer
Resident of
Hamilton County

My commission
expires **3-1-2014**

Publisher's Fee: \$ 31.50

PUBLISHER'S AFFIDAVIT

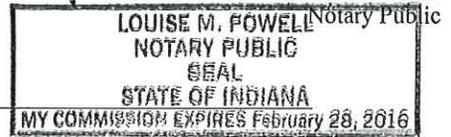
State of Indiana SS:
Hamilton County

Personally appeared before me, a notary public in and for said county and state,
the undersigned **Kerry Dodson** who, being duly sworn, says that SHE is clerk
of the Noblesville Ledger a newspaper of general circulation
printed and published in the English language in the city of NOBLESVILLE in state
and county aforesaid, and that the printed matter attached hereto is a true copy,
which was duly published in said paper for 1 time(s), between the dates of:
05/09/2009 and 05/09/2009

Kerry Dodson Clerk
Title

Subscribed and sworn to before me on **05/09/2009**

Louise M Powell



My commission expires: _____

PUBLIC NOTICES

NOTICE OF PUBLIC HEARING
Docket No. 18-V-09
The Town of Fishers Board of Zoning Appeals will hold a public hearing on the 27th day of May, 2009 at the Fishers Town Hall, One Municipal Drive, at 6:30 p.m. The Application submitted by Triton Development, LLC is requesting a Development Standards Variance from the Southeast Fishers PUD Ordinance Area C2 "Timberstone" Amendment (#100305E) Exhibit H approved by the Town of Fishers, December 19, 2005 which required 30' rear yard setbacks to allow the rear yard setback on Lots 14, 23, and 31 to be reduced to 20'.
The subject property has a common address of 9801, 9873 and 9850 Brook Wood Drive, McCordsville, IN 46033 and a legal description of "Lot 14, Lot 23 & Lot 31 in Timberstone Villas, Section One as recorded August 9, 2007 in Plat Cabinet 4, slide 352 as Instrument Number 2007045149 in the Office of the Recorder of Hamilton County, Indiana.
Interested persons may file written comments or objections of the request with the Town of Fishers Department of Development, Fishers Town Hall, One Municipal Drive, Fishers, Indiana, 46038-1574 (www.fishers.in.us). Interested persons will also be given an opportunity to be heard by the Town of Fishers Board of Zoning at the above-specified public hearing.
Jim Van Ness, Applicant
Triton Development, LLC
9210 North Meridian Street
Indianapolis, Indiana 46260
(317) 844-0433
(NL - 5/9/09 - 5463408)

HAMILTON COUNTY AUDITOR

I, DAWN COVERDALE, AUDITOR OF HAMILTON COUNTY, INDIANA,

CERTIFY MY OFFICE HAS SEARCHED OUR RECORDS AND BASED ON THAT SEARCH, IT APPEARS THAT THE PROPERTY OWNERS IN EXHIBIT A ATTACHED HERETO ARE THE PROPERTY OWNERS THAT ARE TWO PROPERTIES OR 660' FROM THE REAL ESTATE MARKED AS SUBJECT PROPERTY.

THIS DOCUMENT DOES NOT CERTIFY THAT THE ATTACHED LIST OF PROPERTY OWNERS IS ACCURATE OR INCLUDES ALL PROPERTY OWNERS ENTITLED TO NOTICE PURSUANT TO LOCAL ORDINANCE. ANY PERSON SEEKING A MORE ACCURATE SEARCH OF THE REAL ESTATE RECORDS OF THE COUNTY SHOULD SEEK THE OPINION OF A TITLE INSURANCE COMPANY.

DAWN COVERDALE, HAMILTON COUNTY AUDITOR

DATED:

Barton Guesmaner
5/7/09

Pursuant to the provisions of Indiana Code 5-14-3-3-(e), no person other than those authorized by the County may reproduce, grant access, deliver, or sell any information obtained from any department or office of the County to any other person, partnership, or corporation. In addition, any person who receives information from the County shall not be permitted to use any mailing lists, addresses, or data bases for the purpose of selling, advertising, or soliciting the purchase of merchandise, goods, services, or to sell, loan, give away, or otherwise deliver the information obtained by the request to any other person.

HAMILTON COUNTY NOTIFICATION LIST

PREPARED BY THE HAMILTON COUNTY AUDITORS OFFICE, DIVISION OF TAX MAPPING

PLEASE NOTIFY THE FOLLOWING PERSONS

13-15-12-00-27-014.000	Subject
Triton Development LLC	
9210	Meridian St N
INDIANAPOLIS IN	46260

13-15-12-00-27-023.000	Subject
Triton Development LLC	
9210	Meridian St N
INDIANAPOLIS IN	46260

13-15-12-00-27-031.000	Subject
Triton Development LLC	
9210	Meridian St N
INDIANAPOLIS IN	46260

13-15-12-00-00-018.001	Neighbor
Triton Development LLC	
9210	Meridian St N
INDIANAPOLIS IN	46260

13-15-12-00-00-018.001	Neighbor
Triton Development LLC	
9210	Meridian St N
INDIANAPOLIS IN	46260

13-15-12-00-00-018.101	Neighbor
Triton Development LLC	
9210	Meridian St N
INDIANAPOLIS	IN 46260
13-15-12-00-00-018.101	Neighbor
Triton Development LLC	
9210	Meridian St N
INDIANAPOLIS	IN 46260
13-15-12-00-00-018.101	Neighbor
Triton Development LLC	
9210	Meridian St N
INDIANAPOLIS	IN 46260
13-15-12-00-11-026.000	Neighbor
Timberstone Homeowners Association Inc	
9339	Priority Way Dr W Ste 100
INDIANAPOLIS	IN 46240
13-15-12-00-13-027.000	Neighbor
Triton Development LLC	
9210	Meridian St N
INDIANAPOLIS	IN 46260
13-15-12-00-13-028.000	Neighbor
England, Steven W & Tina T	
9792	Brook Meadow Dr
MC CORDSVILL	IN 46055

13-15-12-00-13-043.000 Neighbor
Westbrooke at Geist Homeowners Association Inc
3002 56th St E
INDIANAPOLIS IN 46220

13-15-12-00-23-050.000 Neighbor
Macs Landing LLC
5300 Hessler Rd
MUNCIE IN 47304

ADDRESS CHANGE
10318 COPPER RIDGE DR.
FORTVILLE, IN 46040

13-15-12-00-25-020.000 Neighbor
Precedent Residential Development LLC
9339 Priority Way W Dr Ste
INDIANAPOLIS IN 46240

13-15-12-00-27-010.000 Neighbor
Westport Homes Inc
9210 Meridian St N
INDIANAPOLIS IN 46260

13-15-12-00-27-011.000 Neighbor
Triton Development LLC
9210 Meridian St N
INDIANAPOLIS IN 46260

13-15-12-00-27-012.000 Neighbor
Triton Development LLC
9210 Meridian St N
INDIANAPOLIS IN 46260

13-15-12-00-27-013.000		Neighbor
Triton Development LLC		
9210	Meridian St N	
INDIANAPOLIS	IN	46260

13-15-12-00-27-015.000		Neighbor
Triton Development LLC		
9210	Meridian St N	
INDIANAPOLIS	IN	46260

13-15-12-00-27-016.000		Neighbor
Triton Development LLC		
9210	Meridian St N	
INDIANAPOLIS	IN	46260

13-15-12-00-27-017.000		Neighbor
Triton Development LLC		
9210	Meridian St N	
INDIANAPOLIS	IN	46260

13-15-12-00-27-018.000		Neighbor
Wilberding, Charles B & Nancy A		
9833	Brook Wood Dr	
MC CORDSVILL	IN	46055

13-15-12-00-27-019.000		Neighbor
Triton Development LLC		
9210	Meridian St N	
INDIANAPOLIS	IN	46260

13-15-12-00-27-020.000	Neighbor
Triton Development LLC	
9210 Meridian St N	
INDIANAPOLIS IN	46260

13-15-12-00-27-021.000	Neighbor
Triton Development LLC	
9210 Meridian St N	
INDIANAPOLIS IN	46260

13-15-12-00-27-022.000	Neighbor
Triton Development LLC	
9210 Meridian St N	
INDIANAPOLIS IN	46260

13-15-12-00-27-024.000	Neighbor
Triton Development LLC	
9210 Meridian St N	
INDIANAPOLIS IN	46260

13-15-12-00-27-025.000	Neighbor
Triton Development LLC	
9210 Meridian St N	
INDIANAPOLIS IN	46260

13-15-12-00-27-027.000	Neighbor
Triton Development LLC	
9210 Meridian St N	
INDIANAPOLIS IN	46260

13-15-12-00-27-028.000		Neighbor
Triton Development LLC		
9210	Meridian St N	
INDIANAPOLIS	IN	46260

13-15-12-00-27-029.000		Neighbor
Triton Development LLC		
9210	Meridian St N	
INDIANAPOLIS	IN	46260

13-15-12-00-27-030.000		Neighbor
Triton Development LLC		
9210	Meridian St N	
INDIANAPOLIS	IN	46260

13-15-12-00-27-032.000		Neighbor
Triton Development LLC		
9210	Meridian St N	
INDIANAPOLIS	IN	46260

13-15-12-00-27-033.000		Neighbor
Triton Development LLC		
9210	Meridian St N	
INDIANAPOLIS	IN	46260

13-15-12-00-27-034.000		Neighbor
Triton Development LLC		
9210	Meridian St N	
INDIANAPOLIS	IN	46260

13-15-12-00-27-035.000		Neighbor
Triton Development LLC		
9210	Meridian St N	
INDIANAPOLIS	IN	46260

13-15-12-00-27-036.000		Neighbor
Triton Development LLC		
9210	Meridian St N	
INDIANAPOLIS	IN	46260

13-15-12-00-27-037.000		Neighbor
Triton Development LLC		
9210	Meridian St N	
INDIANAPOLIS	IN	46260

13-15-12-00-27-038.000		Neighbor
Triton Development LLC		
9210	Meridian St N	
INDIANAPOLIS	IN	46260

13-15-12-00-27-039.000		Neighbor
Triton Development LLC		
9210	Meridian St N	
INDIANAPOLIS	IN	46260

13-15-12-00-27-042.000		Neighbor
Triton Development LLC		
9210	Meridian St N	
INDIANAPOLIS	IN	46260

13-15-12-00-27-044.000 Neighbor

Triton Development LLC

9210 Meridian St N

INDIANAPOLIS IN 46260

13-15-12-00-27-045.000 Neighbor

Timberstone Villas Homeowners Association Inc

3002 56th St E

INDIANAPOLIS IN 46220

13-15-12-00-27-047.000 Neighbor

Triton Development LLC

9210 Meridian St N

INDIANAPOLIS IN 46260

13-15-12-00-31-015.000 Neighbor

Westbrooke at Geist Homeowners Association Inc

3002 56th St E

INDIANAPOLIS IN 46220

Timberstone Homeowners Association, Inc.
9339 Priority Way Drive W, Suite 100
Indianapolis, Indiana 46240

1. Article Addressed to:

- SENDER: COMPLETE THIS SECTION**
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
 - Print your name and address on the reverse so that we can return the card to you.
 - Attach this card to the back of the mailpiece, or on the front if space permits.

COMPLETE THIS SECTION ON DELIVERY

SENDER: COMPLETE THIS SECTION

1. Article Addressed to:

2. Article Number (Transfer from service label):

3. Service Type

4. Restricted Delivery? (Extra Fee)

COMPLETE THIS SECTION ON DELIVERY

A. Signature: *E. Huntley*

B. Received by (Printed Name): *E. Huntley*

C. Date of Delivery: *5/11/09*

D. Is delivery address different from item 1? Yes No

If YES, enter delivery address below:

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Precedent Residential Development, LLC
9339 Priority Way W Drive, Suite 100
Indianapolis, Indiana 46240

COMPLETE THIS SECTION ON DELIVERY

A. Signature: *E. Huntley* Agent Addressee

B. Received by (Printed Name): *E. Huntley*

C. Date of Delivery: *5/11/09*

D. Is delivery address different from item 1? Yes No

If YES, enter delivery address below:

Service Type

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number

7008 0500 0002 0927 8428

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-15

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Westport Homes, Inc.
9210 North Meridian Street
Indianapolis, Indiana 46260

COMPLETE THIS SECTION ON DELIVERY

A. Signature: *Jason Steinberg* Agent Addressee

B. Received by (Printed Name): *JASON STEINBERG*

C. Date of Delivery:

D. Is delivery address different from item 1? Yes No

If YES, enter delivery address below:

3. Service Type

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number

7008 0500 0002 0927 8374

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-15

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Triton Development, LLC
9210 North Meridian Street
Indianapolis, Indiana 46260

COMPLETE THIS SECTION ON DELIVERY

A. Signature: *Charles B. Wilberding* Agent Addressee

B. Received by (Printed Name): *CHARLES B WILBERDING*

C. Date of Delivery:

D. Is delivery address different from item 1? Yes No

If YES, enter delivery address below:

3. Service Type

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number

7008 0500 0002 0927 8336

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-15

Charles B. & Nancy A. Wilberding
9833 Brook Wood Drive
McCordsville, Indiana 46055

1. Article Addressed to:

- SENDER: COMPLETE THIS SECTION**
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
 - Print your name and address on the reverse so that we can return the card to you.
 - Attach this card to the back of the mailpiece, or on the front if space permits.

COMPLETE THIS SECTION ON DELIVERY

SENDER: COMPLETE THIS SECTION

1. Article Addressed to:

2. Article Number (Transfer from service label):

3. Service Type

4. Restricted Delivery? (Extra Fee)

COMPLETE THIS SECTION ON DELIVERY

A. Signature: *Charles B. Wilberding* Agent Addressee

B. Received by (Printed Name): *CHARLES B WILBERDING*

C. Date of Delivery:

D. Is delivery address different from item 1? Yes No

If YES, enter delivery address below:

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Steven W. & Tina T. England
9792 Brook Meadow Drive
McCordsville, Indiana 46055

2. Article Number
(Transfer from service label)

7008 0500 0002 0927 8312

COMPLETE THIS SECTION ON DELIVERY

- A. Signature Agent
 [Signature] Address
- B. Received by (Printed Name) *Steve England* C. Date of Delivery *5-9-09*
- D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Macs Landing, LLC
10318 Copper Ridge Drive
Fortville, Indiana 46040

2. Article Number
(Transfer from service label)

7008 0500 0002 0927 8398

COMPLETE THIS SECTION ON DELIVERY

- A. Signature Agent
 [Signature] Address
- B. Received by (Printed Name) C. Date of Delivery
- D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

7008 0500 0002 0927 8428

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$	
Certified Fee		.42
Return Receipt Fee (Endorsement Required)		2.70
Restricted Delivery Fee (Endorsement Required)		2.20
Total Postage & Fees		5.32

Postmark Here
MAY - 8 2009
INDIANAPOLIS, INDIANA 46204

Sent To
Precedent Residential Development, LLC
9339 Priority Way W Drive, Suite 100
Indianapolis, Indiana 46240

PS Form 3800, August 2006 See Reverse for Instructions

7008 0500 0002 0927 8381

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$.42
Certified Fee		2.70
Return Receipt Fee (Endorsement Required)		2.20
Restricted Delivery Fee (Endorsement Required)		5.32
Total Postage & Fees		5.32

Postmark Here
MAY - 8 2009
INDIANAPOLIS, INDIANA 46204

Sent To
Precedent Residential Development, LLC
9339 Priority Way W Drive, Suite 100
Indianapolis, Indiana 46240

PS Form 3800, August 2006 See Reverse for Instructions

7008 0500 0002 0927 8367

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$.42
Certified Fee		2.70
Return Receipt Fee (Endorsement Required)		2.20
Restricted Delivery Fee (Endorsement Required)		5.32
Total Postage & Fees	\$	



Sent To Charles B. & Nancy A. Wilberding
9833 Brook Wood Drive
McCordsville, Indiana 46055

PS Form 3849, Instructions

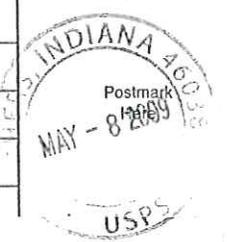
7008 0500 0002 0927 8398

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$.42
Certified Fee		2.70
Return Receipt Fee (Endorsement Required)		2.20
Restricted Delivery Fee (Endorsement Required)		5.32
Total Postage & Fees	\$	



Sent To Macs Landing, LLC
10318 Copper Ridge Drive
Fortville, Indiana 46040

PS Form 3849, Instructions

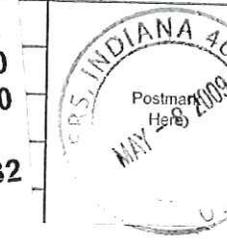
7008 0500 0002 0927 8312

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$.42
Certified Fee		2.70
Return Receipt Fee (Endorsement Required)		2.20
Restricted Delivery Fee (Endorsement Required)		5.32
Total Postage & Fees	\$	



Sent To Steven W. & Tina T. England
9792 Brook Meadow Drive
McCordsville, Indiana 46055

PS Form 3849, Instructions

7008 0500 0002 0927 8435

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$.42
Certified Fee		2.70
Return Receipt Fee (Endorsement Required)		2.20
Restricted Delivery Fee (Endorsement Required)		5.32
Total Postage & Fees	\$	



Sent To Timberstone Villas Homeowners Association, Inc.
3002 East 56th Street
Indianapolis, Indiana 46220

PS Form 3849, Instructions

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PS Form 3849, Instructions

ORDINANCE NO. 100305E

**AN ORDINANCE AMENDING THE ZONING
ORDINANCE OF FISHERS, INDIANA - 1980.**

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF FISHERS, INDIANA - 1980. BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FISHERS, INDIANA, THAT THE ZONING ORDINANCE, A PART OF THE COMPREHENSIVE PLAN AND ORDINANCE - 1980, ORDINANCE NO. 110380, AS AMENDED, IS HEREBY AMENDED AS FOLLOWS:

SECTION 1. DECLARATION

That the text of the Zoning Code of the Town of Fishers, Indiana, Ordinance No. 110380, and the Official Zoning Map, Town of Fishers, Indiana, dated November 3, 1980, which accompanies and is part of the Zoning Code of the Town of Fishers, Indiana, as amended, and Fishers Ordinance No. 070605C are hereby amended as follows:

That the Zoning Classification of the following described Real Estate is hereby zoned as PUD-M and this ordinance shall hereinafter be referred to as the Southeast Fishers PUD Ordinance.

SEE "EXHIBIT A" ATTACHED HERETO.

SECTION 2. PURPOSE AND INTENT

The purpose and intent of this PUD-M is to provide an innovative mixed use development which promotes creativity and flexibility in the development of the Real Estate. The Real Estate includes numerous parcels that are identified as Areas B – G on Exhibits B – G attached hereto.

SECTION 3. LAND USE

Area B: All uses of the R-3 zoning classification are permitted in Areas 1, 2 and 3 as identified in the concept plan ("Concept Plan") attached hereto as "Exhibit B."

Area C: All uses of the R3 zoning classification are permitted.

Area D: Attached 2 and 4-unit residential dwellings and all uses described in Section 151.070 Residential District R6 shall be permitted in the residential area ("Residential Area") of the Real Estate as identified in the concept plan ("Concept Plan") attached hereto as "Exhibit D." All uses described in Sections 151.073, 151.074 and 151.075 (C1, C2 and C3) of the Fishers Zoning Code and mini-storage/self-storage uses shall be permitted in the commercial area ("Commercial Area") of the Real Estate as identified on the Concept Plan.

Area E: All uses of the R-3 zoning classification are permitted.

Area F: All uses of the R-3 zoning classification are permitted.

Area G: Two-family dwellings, eight-unit condominium dwellings, and all uses described in Section 151.070 Residential District R6 are permitted.

SECTION 4. CONCEPTUAL DEVELOPMENT PLAN.

The Concept Plans, attached hereto as "Exhibits B-G", are adopted as part of this ordinance. Adoption of the Concept Plans, however, does not constitute approval of any detailed and final development plans; such further approval is subject to the procedures set out in Section 6, below.

SECTION 5. DEVELOPMENT STANDARDS.

Residential. The residential bulk and density standards are set out in the Development Standards Matrix attached hereto as "Exhibit H" and adopted as part of this ordinance. The landscaping, architecture and parking standards are attached hereto as "Exhibit I" and adopted as part of this ordinance.

Commercial. For Area D-2, no single retail use may exceed 65,000 square feet and no more than 90,000 square feet in total of retail use shall be allowed. Minimum building set backs shall be: front yard – 50'; side yard – 10'; rear yard – 20'. Except where in conflict with this ordinance (in which event, this ordinance will control), all other bulk and density standards shall be consistent with the C2 development standards numbered (2) – (6) as set forth in the Fishers Zoning Code as of this date.

All Areas. The development, landscaping and parking standards set forth herein replace the otherwise applicable standards set forth in the Fishers zoning code.

SECTION 6. PROCEDURES.

The adoption of this ordinance and the subsequent consideration of any detailed and final development Plan shall be consistent and pursuant to the provisions of the Planned Unit Development process as set forth in Section 151.072 Planned Unit Development District.

SECTION 7. APPROVAL

This ordinance shall be in full force and effect from and after its passage by the Town Council and after the occurrence of all other actions required by law. All provisions or parts thereof in conflict herewith are hereby repealed.

ADOPTED BY THE Town Council of the Town of Fishers, Indiana on this 19th day of December, 2005.

THE TOWN COUNCIL OF FISHERS, HAMILTON COUNTY, INDIANA

AYE	NAY
BY: <u>Scott A. Faultless</u>	_____
Scott A. Faultless, President	_____
<u>Eileen Pritchard</u>	_____
Eileen N. Pritchard, Vice President	_____
<u>Stuart F. Easley</u>	_____
Timothy O. Lima, Member	_____
Stuart F. Easley, Member	_____
<u>Charles P. White</u>	_____
Dan E. Henke, Member	_____
<u>David C. George</u>	_____
Charles P. White, Member	_____
David C. George Member	

ATTEST: Linda Gaye Cordell
Linda Gaye Cordell, Clerk-Treasurer,
The Town of Fishers, Indiana 100305E

Approved by: Douglas D. Church, Esq.
Church, Church, Hittle and Antrim
Town Attorney

Prepared by: Steven D. Hardin, Esq.
Bingham McHale LLP
970 Logan Street
Noblesville, IN 46060
(317) 776-8650

SOUTHEAST FISHERS PLANNED DEVELOPMENT
Development Standards Matrix
Residential

Area / Land Use	A Single-Family	B-1 Single-Family	B-2 Active-Adult Detached	B-3 Single-Family	C-1 Single-Family	C-2 Active-Adult Detached	D-1 Active-Adult 4-unit	E Single-Family	F Single-Family	G-1 Active-Adult 2-unit	G-2 Active-Adult Townhomes	G-3 Active-Adult Detached	TOTAL	R3 Single-Family
Acres	57.5	134.4	36.4	74.6	64.2	60.1	18.1	30.2	33.7		47.5		556.1	N/A
Max. Number of Lots ¹	115	218	70	141	109	171	78	60	84		238 ²		1,284	N/A
Maximum Density	2.00	1.62	1.92	1.89	1.70	2.84	4.32	1.99	2.49		5.01		2.30	N/A
Min. Lot Area (SF)	15,000	12,350	9,100	11,700	11,700	6,600	N/A	11,700	8,840	11,250	no min.	5,625		12,000
Min. Lot Width	100'	95' ³	70'	90'	90'	55' ⁴	N/A	90'	68'	90' ⁵	no min.	45'		90'
Min. Lot Depth	130'	130'	130'	130'	130'	120'	N/A	130'	130'	125'	no min.	125'		120'
Min. Front Yard	40'	25'	25'	25'	25'	25'	15'	25'	25'	20'	10'	20'		30'
Min. Side Yard	15'	5'/15' ⁶	5'/15'	5'/15'	5'/15'	6'/12'	20'	5'/15'	5'/15'	10'/	10'/	5'/10'		10'
Min. Rear Yard	40'	30'	30'	30'	30'	30'	20'	30'	30'	25'	no min.	25'		30'
Min. Living Space (SF) ⁸	1,500/1,800	2,000/2,400	1,900	1,900/2,400	2,000/2,400	1,350/1,400 ⁹	1,500	1,800/2,400	1,700/2,400	1,400	1,500	1,350		1,400/1,800
Max. Lot Coverage	25%	35%	35%	35%	35%	35%	N/A	35%	35%	35%	no max.	35%		35%
Max. Building Height ¹⁰	35'/20'	35'/25'	35'/25'	35'/25'	35'/25'	35'/25'	35'/25'	35'/25'	35'/25'	35'	40'	35'/35'		35' ² 25'
Min. Parking Spaces ¹¹	3	3	3	3	3	3	3	3	3	3	2	3		2
Open Space	N/A	YES	YES	YES	YES	YES	N/A	YES	YES	YES	10 ACRES ¹²			N/A

¹ Refers to maximum lots for single-family units and to maximum units for multiple-family units
² No single sub-area within Area G may include more than one hundred and fifty-five (155) units
³ At least one hundred and twenty (120) lots shall have a minimum lot width of one hundred feet (100')
⁴ Lots along the frontage road facing 96th Street shall be a minimum of sixty feet (60') wide
⁵ Refers to minimum combined width of lot(s) that the 2-unit structure occupies
⁶ Refers to setback/ building separation
⁷ Refers to minimum building separation
⁸ Refers to 1-story/2-story square footage minimum unless otherwise noted (and does not include basements)
⁹ Refers to 1 1/2 story minimum square footage
¹⁰ Refers to maximum building height for primary/accessory structures
¹¹ Refers to minimum off-street parking spaces and includes the number of spaces inside a garage and on a driveway
¹² Refers to total common area

**ACTIVE ADULT FEATURES
AND
LANDSCAPING, ARCHITECTURE AND PARKING STANDARDS**

Active Adult Features (Areas B-2, C-2, D-1 and G)

Area B-2 Active Adult Features:

- single family detached active adult
- mandatory maintenance fee for lawn mowing, lawn maintenance and snow removal shall be a part of the homeowners' association (HOA) dues
- all homes shall have main floor master bedrooms
- all homes shall have 9' or cathedral ceilings in the primary living areas
- no more than 3 bedrooms per unit
- all homes shall be one-story units.

Area C-2 Active Adult Features:

- single family detached active adult
- mandatory maintenance fee for lawn mowing, lawn maintenance, and snow removal shall be a part of the HOA dues
- all homes will feature 1st floor master bedrooms
- no homes will have more than 3 bedrooms
- all homes will feature at least 9' ceilings in the primary living areas
- the homeowners' covenants shall include provisions that prohibit playsets, sandboxes and mini storage barns. Such provisions shall include language to prohibit any modification to the homeowners' covenants without Town Council approval that would allow playsets, sandboxes and mini storage barns to be permitted.
- a home that includes three bedrooms shall not also include a separate den
- homes shall be one (1) or one and one half (1 ½) story¹ units, no two story units shall be permitted
- a minimum of thirty five percent (35%) of the homes shall be one-story

Area D-1 Active Adult Features:

- 4-unit attached active adult
- mandatory maintenance fee for lawn mowing, lawn maintenance, exterior building maintenance and snow removal shall be a part of the HOA dues
- no more than three (3) bedrooms per unit
- all primary living areas will have either 9' or cathedral ceilings
- at least seventy percent (70%) of the units will be 1-story units

¹ One and one half (1 ½) story shall be defined as the second story liveable area being smaller than the first story liveable area.

Area G Active Adult Features

- single family, two-family and townhome active adult
- mandatory maintenance fee for lawn mowing and maintenance, exterior building maintenance and snow removal shall be a part of the HOA dues
- single family and two-family dwellings: all homes will feature 1st floor master bedrooms
- single family and two-family dwellings – all homes will feature 9’ ceilings on the first floor
- single family and two-family dwellings: no more than three (3) bedrooms per unit

LANDSCAPING

Common Area

Area B shall have a minimum of 37 acres of common area exclusive of ponds.

Perimeter Planting Standards

Residential Projects: Properties that abut 96th Street, Olio Road, or 104th Street shall include a 20’ landscaping common area (the “Perimeter Buffer Area”) adjacent to the right of way. The Perimeter Buffer Area shall include:

Trees and Shrubs: six (6) trees and ten (10) shrubs per 100 lineal feet, planted in clusters and irregular patterns; and

Either Fencing or Mounding:

Fencing. Fencing between 36” and 72” in height and constructed of masonry, stone, wood, metal or synthetic materials that simulate natural materials; or

Mounds. Minimum 3’ in height. Maximum side slope shall be a 3:1 ratio. Continuous mounds are not permitted.

Area B. Properties that abut Georgia Road shall include:

Wider Buffer Area: a 40’ landscaping common area adjacent to the right of way;

Enhanced Landscaping: ten (10) trees and ten (10) shrubs per 100 lineal feet, planted in clusters and irregular patterns; and

Mounds. An undulating mound 4’-6’ in height. Maximum side slope shall be a 3:1 ratio. Continuous mounds are not permitted.

Area F. The Perimeter Buffer Area for Area F shall include:

Wider Buffer Area: a 30’ landscaping common area adjacent to the right of way;

Enhanced Landscaping: ten (10) trees and ten (10) shrubs per 100 lineal feet, planted in clusters and irregular patterns; and

Either Fencing or Mounding: as described above

Area G. Townhomes that are immediately adjacent to the southern property line of Area G shall be buffered as follows:

Landscaping: two (2) staggered rows of evergreen trees planted twenty (20’) feet on center, a minimum of five (5) to six (6) feet in height at planting, and shall be installed upon:

Mounding: a three (3) foot undulating mound.

Street Trees

Streets shall have street trees on both sides of the street, except for frontage roads (which only require street trees on the side of the street where primary structures are located). Street trees shall be placed on average between 40 - 60 feet on center in a planting strip between the curb and the sidewalk if available. The planting strip shall be a minimum of four feet wide. Within 100' of an intersection, trees may be planted back of sidewalk in order to maintain vision clearance of traffic control signs. Trees shall be deciduous and selected from the Town's approved List of Recommended Species. Trees, as mentioned hereafter, shall be a minimum of two (2) inch caliper, as measured twelve (12) inches from the ground.

Single Family Residential Lot and Foundation Plantings

- Lots with 6,000 or less square feet shall be required to have one (1) deciduous tree or one (1) evergreen lawn tree in the lot planting area in the front yard.
- Lots over 6,000 square feet but less than 15,000 square feet shall be required to have two (2) trees in the lot planting area in the front yard or sideyard within ten (10) feet of the established building line.
- Lots over 15,000 square feet shall be required to have three (3) trees in the lot planting area with at least one in the front yard.
- All lots shall have a minimum of six (6) shrubs planted along the foundation facing a street. Corner lots shall install a minimum of six (6) shrubs per side facing a street.

Multifamily and Commercial Lot and Foundation Plantings

- Lots over 15,000 square feet but less than 30,000 square feet shall be required to have one (1) canopy tree in the lot planting area in the front yard.
- Lots over 30,000 square feet but less than 45,000 square feet shall be required to have two (2) trees, one (1) of which must be a canopy tree, in the lot planting area in the front yard.
- Lots over 45,000 square feet shall be required to have three (3) trees, plus one (1) more per every 15,000 square feet over 45,000 square feet. At least 1/3 of the trees must be canopy trees.
- Foundation plantings shall be at least six (6) feet wide and be located within twenty (20) feet of the foundation wall. At least one (1) shrub or ornamental tree shall be planted for every twelve (12) lineal feet of building circumference, excluding doors, windows and loading docks.
- Trash enclosures shall be gated and enclosed by a fence or wall constructed of similar materials as the primary structure and shall be supplemented with landscaping to soften the effect of the fence or wall. Ground-mounted heating and cooling units, telecommunications and gas utilities or other such above ground utilities shall be screened with landscaping.

Commercial Parking Lot Planting Standards.

Perimeter Landscaping. Commercial parking lots with six (6) or more spaces must include the following perimeter plantings:

Shrubs, Walls or Mounds. Either:

- One (1) shrub per six (6) lineal feet around the perimeter, maintained at a height of at least 36" at maturity in order to minimize headlights projecting onto adjacent properties; or
- A wall or mound between 36" and 42" in height. The screen may be broken into segments to allow pedestrian and traffic movement or drainage.

Trees. One (1) deciduous tree per thirty-five (35) feet of parking lot perimeter shall be planted within ten (10) feet of the parking lot edge if the parking lot is located more than thirty (30) feet from the adjacent right of way, so as not to duplicate or crowd the required street tree plantings.

Interior Parking Lot Landscaping. Commercial parking lots with twenty (20) or more parking spaces are required to have the landscaping islands as follows:

One (1) landscape island shall be provided with an additional one (1) landscape island per every twenty (20) spaces over the initial twenty (20) spaces. Each landscape island shall be at least 180 square feet in size and contain at least one (1) tree, and 1/3 of all landscape island trees shall be canopy trees. Landscape islands shall be distributed throughout the parking lot.

Commercial/Residential Buffer Yard Standards.

- A landscape area shall be located adjacent to the property line and within the required side and rear yard setbacks.
- Where a commercial use is adjacent to a residential use, the commercial use property shall provide a twenty (20) foot landscaping area. The landscaping area shall include a landscape screen of 6' evergreen trees spaced a minimum of eight (8) trees per 100 lineal feet.
- In the case of mini-storage facilities,
 - When adjacent to a multi-family use, the landscape area shall be twenty (20) feet and shall include a landscape screen of 6' evergreen trees spaced a minimum of eight (8) trees per 100 lineal feet.
 - When adjacent to a single-family use, the landscape area shall be thirty-five (35) feet and shall include: (i) a minimum 3' high non-continuous mound extending at least sixty percent (60%) of the area; and (ii) 6' evergreen trees spaced a minimum of eight (8) trees per 100 lineal feet.

Conservation/Preservation Plan.

The developer of any Real Estate shall work with the Town's development staff to develop a tree preservation plan as part of the platting process for any significant woods located on the Real Estate.

Preservation of Existing Trees.

The preservation of an existing healthy tree shall constitute a credit toward meeting the landscape requirements in this ordinance. An in kind credit will be given per tree that contributes to and satisfies the intent of a particular section of this ordinance.

ARCHITECTURE

Traditional Single Family Residential Architecture Standards (Areas B-1, B-3, C-1, E and F)

Brick/Masonry

- Masonry shall be defined as brick, stone, cultured stone, stucco or EFIS materials
- All homes shall have masonry on 50% of the front elevation, not including doors, windows and other openings
- All homes in Areas B-1, C-1 and E, as shown on the attached Site Location Map, shall have masonry on at least 3 sides, first floor
- 96th Street/104th Street. Any home on a lot that immediately abuts and backs up to 96th Street or 104th Street shall have masonry on 4 sides, first floor. The affected lots in Area B are identified on the attached Exhibit.
- The foregoing requirements may be modified by an individual neighborhood's architectural committee on a case by case basis (e.g., Victorian, Country French, Colonial, Cape Cod or other styles that lend themselves to the use of less brick, stone or stucco material)
- The exterior chase of fireplaces shall be brick or other masonry material, except for direct vent and interior fireplaces.

Siding/Window Requirements

- All siding shall be masonry, wood or Cemplank/Hardiplank type material (no vinyl or aluminum siding is allowed)
- All windows shall be wood, vinyl, vinyl clad or aluminum clad type material

Roof Pitch Requirements

- Front to back 6/12 minimum; in Areas B-1, C-1 and E, however, the minimum shall be 8/12
- All homes shall have a minimum 6" overhangs; in Areas B-1, C-1 and E, however, the minimum shall be 8"

Additional Requirements.

- **Georgia Road.** Any home on a lot that immediately abuts and backs up to Georgia Road shall have masonry on 4 sides, first floor. The affected lots in Area B are identified on the attached Exhibit.
- **Area B-3:**
 - For lots adjacent to Area B-1, all homes shall be 4-sided masonry on the 1st floor.
 - All homes shall include at least 2200 square feet for a 1-story home and 2500 square feet for a multi-story home. All homes shall include a basement. All homes shall include at least a 3-car garage; however, a 2-car garage is allowed as long as it is side loaded.
- **Area F:**

- All homes on the perimeter and a minimum of 50% of all total homes shall have one or more of the following features on the rear elevation: first floor masonry, sun room, screened porch or breakfast nook with Landscaped Patio.
- All homes within 200' of and backing up to Bee Camp Creek shall have 4-sided masonry on the 1st floor.

Model Home Requirements

Area B-3: model homes shall include:

- all model homes must be at least 3000 square feet (not including the basement); however, if a builder builds and uses at one time more than one model home, then one of the model homes must be the largest model offered by that builder in that project
- 3-car garage (unless impractical due to easements or similar site restrictions)
- a finished basement; and
- one of the following features on the rear façade: first floor masonry, sunroom, screened porch or breakfast nook with Landscaped Patio.

Area F: model homes shall include:

- if one model home is built, then it shall include at least 3000 square feet (not including the basement), and if two model homes are built, then the second model home shall include at least 2600 square feet (not including the basement);
- 3-car garage;
- 9' ceilings on the first floor;
- one of the following features on the rear façade: first floor masonry, sun room, screened porch or breakfast nook with Landscaped Patio

Active Adult Residential Architecture Standards (Areas B-2, C-2, D-1 and G)

Elevations

- In Area G: The residential dwellings shall be substantially similar in quality and character as the conceptual elevations as identified on the attached Exhibit.

Brick/Masonry Standards

- All front elevations shall include masonry. Single family detached, two-family attached, four-family attached, and multi-family attached units (including townhomes) shall include 50% masonry on all front elevations not including doors, windows and other openings.
- All residential units that immediately abut (e.g., within 200') and back up to either 104th Street, Olio Road or 96th Street shall be 4-sided masonry on the first floor. The affected lots in Area B are identified on the attached Exhibit. The affected buildings in Area G-2 are identified on the attached Exhibit.
- In Area G-2, all townhome unit facades that immediately face (e.g., within 285') Olio Road shall also have 100% masonry, not including doors, windows, other

openings, gables and dormers. The affected buildings in Area G-2 are identified on the attached Exhibit.

- All units in Area B-2 shall have masonry on at least 3 sides, first floor
- The foregoing requirements may be modified by an individual neighborhood's architectural committee on a case by case basis (e.g., Victorian, Country French, Colonial, Cape Cod or other styles that lend themselves to the use of less brick, stone or stucco material). In Area G, the foregoing requirements may be modified by the Town's PUD Committee on a case-by-case basis.
- The exterior chase of fireplaces shall be brick or other masonry material, except for direct vent and interior fireplaces.
- In Area C-2:
 - All homes shall have masonry on 100% of the front elevation not including doors, windows, other openings, gables and dormers
 - All corner lots also shall have 1st floor sides masonry
 - All lots backing up to Bee Camp Creek shall have 4-sided masonry. Walkout lots shall have 3-sided masonry and rear walkout level masonry.
- In Area G-1 and G-3:
 - All homes shall have masonry on 100% of the front elevation not including doors, windows, other openings, gables and dormers.
 - All corner lots also shall have 1st floor sides masonry.
 - All lots backing up to Bee Camp Creek shall incorporate one of the following features on the rear façade: first floor masonry, sunroom, screened porch, breakfast nook with landscaped patio (minimum 1 tree and 8 shrubs), or have a minimum four-foot (4') offset from the rear facade over the course of twenty-five (25%) percent to seventy-five percent (75%) of the rear façade.
 - Any fence installed on the perimeter of any lot backing up to Bee Camp Creek shall be limited to a maximum height of sixty inches (60") and be uniform, black and consist of an open design (e.g., chain link or wrought iron style).

Siding/Window Requirements

- Areas B-2, D-1 and G: all siding shall be masonry, wood or Cemplank/Hardi plank type material (no vinyl or aluminum siding is allowed)
- Area C-2: all siding shall be masonry, wood, Cemplank/Hardi plank type material or heavy gauge vinyl (0.042 in.)
- All windows shall be wood, vinyl or a vinyl clad or aluminum clad type material

Roof Pitch Requirements

- One-family, two-family and four-family units: 6/12 minimum
- Townhomes: 5/12 minimum
- All homes shall have 8" overhangs

Commercial Architecture Standards

PUD Committee Review

All architectural designs shall be approved by the 116th Street and Olio Road PUD Committee.

Facades

Facades that have greater than one hundred (100) feet in length, measured horizontally shall incorporate wall plane projections or recesses having a depth of at least two (2) percent of the length of the facade and extending at least twenty (20) percent of the length of the facade. No uninterrupted length of any façade shall exceed one hundred (100) horizontal feet.

Exterior Materials

The exterior of all buildings adjacent to residentially zoned real estate shall have a residential appearance consisting of brick, masonry or stone façade or stucco materials with masonry surface and appearance.

Mechanical Equipment

All buildings shall screen all mechanical equipment including that which is mounted to the roof and/or ground.

Roofs

Roofs of gasoline station canopies shall have similar roof patterns as the principal structure.

Roofs shall have some combination of the following features:

- All roof areas shall restrict rooftop equipment such as HVAC units from public view.
- Overhanging eaves, extending no less than three (3) feet past the supporting walls.
- All roofs shall be residential in appearance and have gables, dormers and be pitched.

Materials and Colors

- Predominant exterior building materials shall be high quality materials, including, but not limited to, brick, limestone, other native stone and tinted/textured concrete masonry units.
- Facade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors shall be prohibited.
- Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.

Accessory Uses

Dumpster and trash compactors shall be gated and enclosed by a minimum 6' high masonry and brick enclosure designed to match the building(s).

Signage

The Real Estate will conform to all applicable C2 standards relating to signage, landscaping and development requirements, as amended.

Lighting

- Light poles shall be limited to 25' in height, measured at the base.

- Lighting shall be limited to 0.5 foot candles at the property line except at the entryway. The primary parking lot poles shall incorporate bulbs that are recessed and shielded.
- Light fixtures shall be decorative along the entrance drives and along public rights-of-way as part of the overall architecture. The decorative light fixtures shall be shielded.
- There shall be a ten (10) foot-candle maximum on site except where a higher maximum is required by insurance (e.g., at a gas/convenience store).

Mini-storage

Mini-storage facilities shall be self-enclosed (no perimeter fencing is allowed). Access to the individual storage facilities shall be from the interior of the buildings; no doors shall be located on the exterior of the building façade. Exclusive of entryways, windows and trim, the exterior building façade shall be covered by opaque materials including a minimum of fifty percent (50%) brick, masonry or stone material with masonry surface and appearance (except the minimum shall be 100% when adjacent to single family residential). Façade colors shall be subtle, neutral or earth tone colors. The use of high-intensity colors, black or fluorescent colors shall be prohibited.

PARKING

Single family, two-family and four-family dwellings:

- Minimum 2-car garage per home and one open space a minimum of eighteen (18) feet in length.

Townhomes:

- Two (2) off-street parking spaces per unit, one of which must be covered.
- At least one (1) space per two (2) units is required for visitor parking and shall be spread evenly throughout Area G-2.
- Visitor parking spaces cannot include spaces in carports or garages, but may include spaces on driveways.

Commercial:

- Per the applicable Parking Space Standards, as amended.

SOUTHEAST FISHERS GUIDEBOOK

PROJECT SPECIFIC ADDITIONAL STANDARDS

ASSET MIDWEST (AREA B)

Miscellaneous Requirements (Applicable to Areas B-1, B-2 and B-3)

1. All plans, including exterior colors, to be approved by the individual community's New Construction Committee ("NCC") prior to construction
2. All homes to have minimum 2-car garage
3. No equipment vents allowed on the front of homes
4. In area B-1, basement or crawl space required (no slab allowed)
5. No outbuildings or storage sheds allowed
6. All driveways to be concrete. Any modifications (i.e., color changes, stamping) must be approved by the ACC.
7. Public sidewalks on all lots
8. Uniform location of yard lights or coach lights as determined by the developer
9. Uniform mailboxes as determined by the developer
10. Prior to approval of a final development plan that includes any lot adjacent to the Bee Camp Creek corridor, the developer shall dedicate an easement for a future Bee Camp Creek trail in a location that is satisfactory to the Development Department Director, the Parks Department Director and the developer.
11. The homes to be built within Area B-3 shall be limited to either:
 - a. Homes that meet the architectural standards for homes built in Area B-1; or
 - b. The following plans as designed, marketed and built by Drees Homes:
 - i. The Scarborough
 - ii. The Savoy
 - iii. The Yardley
 - iv. The Hartwicke
 - v. The Easton
 - vi. The Dorchester
 - vii. The Dartmouth
 - viii. The Ashville
 - ix. The Langdon
 - x. The Mark I
 - xi. The Robinson
 - xii. The Wyngate
 - xiii. The Wainwright
 - xiv. The Preston V
 - xv. The Regent

These plans shall be filed with the Town of Fishers Department of Development, and no other plans shall be permitted to be constructed within Area B-3 unless such plans are approved by the Town of Fishers PUD Committee.

12. Garage Doors:
 - a. For any lot fronting a primary thoroughfare (regardless of lot or building width), and for all lots between 50' and 65' in width, if the garage is equal to or exceeds

- 50 percent of the width of the residence, the garage shall be side or rear loading or be recessed a minimum of eight (8) feet behind the front façade;
- b. Except for any residence on a lot fronting a primary thoroughfare, if the garage is less than 50 percent of the width of the residence, the garage may be front loading, but shall not protrude more than fourteen (14) feet from the first floor front façade;
 - c. Side loading or courtyard entry garages shall have two (2) windows located on the front elevation of the garage;
 - d. Front loading garages protruding more than eight (8) feet shall also contain a window on the side of the garage closest to the entry. Residences which are on lots more than sixty-five (65) feet in width and which have a front-loading garage that protrudes in front of the first floor façade shall, including the garage, be equal to or greater than forty (40) feet wide; and
 - e. For homes with front-loading three-car garages, the third car garage entrance must be recessed a minimum of two (2) feet from the two-car garage door. Any three-car garage driveway must taper to a maximum of sixteen (16) feet wide at the lot line.

PRECEDENT (Areas C-1 and C-2)

Miscellaneous Requirements

- 1. All plans, including exterior colors, to be approved by the individual community's New Construction Committee ("NCC") prior to construction
- 2. All homes to have minimum 2-car garage
- 3. No equipment vents allowed on the front of homes
- 4. In area C-1, basement or crawl space required (no slab allowed)
- 5. No outbuildings or storage sheds allowed
- 6. All driveways to be concrete. Any modifications (i.e., color changes, stamping) must be approved by the home owners' association.
- 7. Public sidewalks on all lots
- 8. Uniform location of yard lights or coach lights as determined by the developer
- 9. Uniform mailboxes as determined by the developer

SHAMROCK (AREA E)

Miscellaneous Requirements

- 1. All plans, including exterior colors, to be approved by the individual community's New Construction Committee ("NCC") prior to construction
- 2. All homes to have minimum 2-car garage
- 3. No equipment vents allowed on the front of homes
- 4. Basement or crawl space required (no slab allowed)
- 5. No outbuildings or storage sheds allowed
- 6. All driveways to be concrete or asphalt. Any modifications (i.e., color changes, stamping) must be approved by the home owners' association.
- 7. Public sidewalks on all lots
- 8. Uniform location of yard lights or coach lights as determined by the developer

9. Uniform mailboxes as determined by the developer

TRI-NORTH DEVELOPMENT (AREA F)

Miscellaneous Requirements

1. All plans, including exterior colors, to be approved by the individual community's New Construction Committee ("ACC") prior to construction
2. All homes to have minimum 2-car garage
3. No equipment vents allowed on the front of homes
4. No outbuildings or storage sheds allowed
5. All driveways to be concrete. Any modifications (i.e., color changes, stamping) must be approved by the home owners' association.
6. Public sidewalks on all lots
7. Uniform location of yard lights or coach lights as determined by the developer
8. Uniform mailboxes as determined by the developer

GBC DEVELOPMENT (AREA G)

Miscellaneous Requirements

1. No resident storage sheds allowed
2. Public sidewalks shall be provided
3. Uniform exterior lighting as determined by the developer
4. Uniform mailboxes as determined by the developer
5. In Area G-3, like model homes shall be separated by at least one (1) lot and no like model elevations shall be directly across the street from one another. No two (2) adjacent homes shall have the same exterior siding color.
6. Garage Doors:
 - a. For any lot fronting a primary thoroughfare (regardless of lot or building width), if the garage door is equal to or exceeds fifty percent (50%) of the width of the residence, the garage shall be side or rear loading or be recessed a minimum of eight (8) feet behind the front façade;
 - b. Except for any residence on a lot fronting a primary thoroughfare, if the garage door is less than fifty percent (50%) of the width of the residence, the garage may be front loading, but shall not protrude more than thirteen (13) feet from the first floor front façade;
 - c. Side loading or courtyard entry garages shall have two (2) windows located on the front elevation of the garage;
 - d. Front loading garages protruding more than eight (8) feet from the edge of the porch or nearest offset shall have at least one (1) window installed in the garage wall that is perpendicular to the façade of the dwelling.