



CITY OF WESTFIELD, IN
BoardofZoningAppeals_Meeting_Agenda_10_12_2021

Tuesday, October 12, 2021 at 07:00 PM

BOARD OR COMMISSION: Board of Zoning Appeals (BZA)

MEETING DATE: Tuesday, October 12, 2021 at 07:00 PM

MEETING PLACE: Westfield City Hall, 130 Penn Street, Westfield, IN 46074

THE FOLLOWING AGENDA IS SUBJECT TO CHANGE AT THE DISCRETION OF THE BOARD OF ZONING APPEALS

Viewable online at: <https://www.youtube.com/user/CityofWestfieldIN>

To submit a comment for the record on any Public Hearing item, please email planners@westfield.in.gov

OPENING OF REGULAR MEETING

Documents: [Viewable online at: https://www.youtube.com/user/CityofWestfieldIN](https://www.youtube.com/user/CityofWestfieldIN)

Note the presence of a quorum

Approval of Minutes

September 14, 2021

Documents: [BZA Minutes - September 14, 2021](#)

Review Rules & Procedures

ITEMS OF BUSINESS:

2109-VS-33 [PUBLIC HEARING]

603 W 216th Street

Michael Quinn

The Petitioner requests a Variance of Development Standard to modify the Minimum Lot Frontage from 250 feet to zero (0) feet for an 8.96 acre +/- existing illegal, nonconforming lot in the AG-SF1: Agriculture/Single-Family Rural District (Article 4.2(D)).

(Planner: Daine Crabtree - dcrabtree@westfield.in.gov)

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Concept Plan](#)

2109-VS-35 [PUBLIC HEARING]

3810 W 146th Street

Indy Latin School

The Petitioner requests a Variance of Development Standard to delay Minimum Lot Landscaping and Buffer Yard requirements on the undeveloped portion of 30.84 acres +/- property in the AG-SF1: Agriculture / Single Family Rural District (Article 6.8(K) & (N)).

(Planner: Rachel Riemenschneider - rriemenschneider@westfield.in.gov)

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Overall Development Plan](#) | [Exhibit 4: Landscaping Plan](#) | [Exhibit 5: Variance Application](#)

2110-VS-37 [PUBLIC HEARING]

15431 Spring Winds Drive

Adam and Leah Alexander

The Petitioners request a Variance of Development Standard to encroach three (3) feet into the thirty (30) foot Rear Yard Setback of the SF2: Single-Family Low-Density District, the underlying zoning district of the Mapleridge Planned Unit Development (PUD) District (Article 4.5(E)(3)(a)).

(Planner: Caleb Ernest - cernest@westfield.in.gov)

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Site Plan](#) | [Exhibit 4: Application](#)

2110-VS-38 [PUBLIC HEARING]

220 E 206th Street

Chris Preissler

The Petitioner requests Variances of Development Standard to encroach ten (10) feet into the twenty (20) foot Minimum Front Yard Building Setback (south lot line) and to permit an Accessory Building within seventy-five (75) feet of a Right-of-way and within an Established Front Yard on 0.74 acres +/- in the SF5: Single-Family High Density (Villages) District (Articles 4.8(E)(1) and 6.1(D)(2)(a)).

(Planner: Daine Crabtree - dcrabtree@westfield.in.gov)

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Site Plan](#) | [Exhibit 4: Petitioner Proposed Findings of Fact](#)

2110-VU-04 [PUBLIC HEARING]

228 Maple Street

Bailey Speek

The Petitioner requests a Variance of Use to permit a Low-Intensity Retail Use (Beauty Salon) on 0.18 acres +/- in the MF1: Multi-Family Low-Density District (Chapter 13).

(Planner: Daine Crabtree - dcrabtree@westfield.in.gov)

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Petitioner's Findings of Fact](#) | [Exhibit 4: Grand Junction Task Group Letter](#)

2110-VU-05 & 2110-VS-39 [PUBLIC HEARING]

206th Street Tiny Home

Susan Viele

The Petitioner requests a Variance of Use to permit a Tiny House on Wheels (THOW) on 0.05 acres +/- in the SF5: Single-family High Density (Villages) District and Variances of

Development Standard modifying Minimum Lot Area, Lot Frontage, Building Setback Lines, Lot Width and Single-story Living Area of the SF5 Zoning District (Articles 4.8(C), (D),(E1),(E2),(E3),(F), (H1), and 13.2) on E 206th Street, generally 60 feet west of the Monon Trail Right-of-way.

(Planner: Caleb Ernest - cernest@westfield.in.gov)

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Plat Document \(August 16, 1882\)](#) | [Exhibit 4: Zoning Map \(1974\)](#) | [Exhibit 5: Existing Conditions](#) | [Exhibit 6: Existing vs. Proposed Standards](#) | [Exhibit 7: Tiny Home Examples](#) | [Exhibit 8: Application](#)

ITEMS CONTINUED TO A FUTURE MEETING:

None

REPORTS/COMMENTS:

Plan Commission Liaison

Community Development Department

ADJOURNMENT



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

October 12, 2021

2110-VS-37

Exhibit 1

Petition Number: 2110-VS-37

Subject Site Address: 15431 Spring Winds Drive ("the Property")

Petitioner: Leah Alexander ("the Petitioner")

Request: The Petitioner requests a Variance of Development Standard to encroach three (3) feet into the thirty (30) foot Rear Yard Setback of the underlying Zoning District in the Mapleridge PUD District (PUD: Article 6, UDO: 4.5(E)(3)(a)).

Current Zoning: Mapleridge Planned Unit Development (PUD) District

Current Land Use: Residential

Approximate Acreage: 0.34 acres +/-

Exhibits:

1. Staff Report
2. Location Map
3. Proposed Site Plan
4. Application

Staff Reviewer: Caleb Ernest, Associate Planner

OVERVIEW

Location: The subject property is 0.34 acres +/- in size (the "Property") and located at 15431 Spring Winds Drive (see **Exhibit 2**). The Property is zoned the Mapleridge PUD District. All adjacent properties are also zoned the Mapleridge PUD District.

Property History: The Property was zoned the Mapleridge PUD District (the "PUD") in January of 2015. The Overall Development Plan (the "ODP") and Primary Plat (the "SPP") for Mapleridge was approved in April of 2015. An amendment to the ODP and SPP was approved in January of 2016. The Secondary Plat, containing Sections 3 and 4, of which the Property is located, was recorded in January of 2019.

Requested Variances: The Petitioner is requesting a Variance of Development Standard to encroach three (3) feet into the thirty (30) foot Rear Yard Setback of the underlying Zoning District of the SF2 District in the Mapleridge PUD District.



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Exhibit 1

SUMMARY OF VARIANCE

For the Petitioner to install a pool, Article 6 of the PUD states:

“The standards of *Chapter 4: Zoning Districts*, as applicable to the Underlying Zoning District, shall apply to the development of the District, except as otherwise modified below.”

The PUD does not modify the Rear Yard Setback, which means the Rear Yard Setback defaults to the underlying Zoning District. The underlying Zoning District established in the PUD is SF2: Single-family Low Density District (the “SF2 District”). The Rear Yard Setback for the SF2 District is thirty (30) feet. To install the proposed pool, the Petitioner is requesting to encroach three (3) feet into the Rear Yard Setback (see **Exhibit 3**).

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Development Standard. This petition is scheduled to receive its public hearing at the October 12, 2021, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals’ Rules of Procedure.

Conditions: The UDO¹ and Indiana law provide that the Board of Zoning Appeals may impose reasonable conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of the UDO upon any Lot benefited by a variance as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject Lot or upon public facilities and services. Such conditions shall be expressly set forth in the order granting the variance.

Acknowledgement of Variance: If the Board of Zoning Appeals approves this petition, then the UDO² requires that the approval of the variance shall be memorialized in an acknowledgement of variance instrument prepared by the Department. The acknowledgement shall: (i) specify the granted variance and any commitments made or conditions imposed in granting of the variance; (ii) be signed by the Director, Property Owner and Applicant (if Applicant is different than Property Owner); and (iii) be recorded against the subject property in the Office of the Recorder of Hamilton County, Indiana. A copy of the recorded acknowledgement shall be provided to the Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

¹ Article 10.14(I) Processes and Permits; Variances; Conditions of the UDO.

² Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.



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BOARD OF ZONING APPEALS

October 12, 2021

2110-VS-37

Exhibit 1

Variances of Development Standard: The Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the underlying zoning ordinance. A variance may be approved under Indiana Code § 36-7-4-918.5 only upon a determination in writing that:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
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; and
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.

DEPARTMENT COMMENTS:

Approval: If the Board finds that adequate evidence is shown that the Variance of Development Standard meets the applicable review criteria, then the Department recommends approval of the Variance of Development Standard (2110-VS-37), with the recommended conditions and findings as set forth below:

Recommended Conditions of Approval:

1. That the pool be installed in substantial compliance with **Exhibit 3;**
2. That the Petitioner shall record an acknowledgement of this approval with the Hamilton County Recorder's Office and return a copy of the recorded instrument to the Community Development Department.

Recommended Findings for Approval:

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

Finding: It is unlikely that approving the requested variance would be injurious to the public health, safety, morals, and general welfare of the community because the existing use and proposed pool will otherwise comply with the applicable standards of the Mapleridge PUD and the underlying Zoning District.

- 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:*

Finding: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The proposed variance should not have a negative impact on surrounding properties because the use of the property will not change.



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2110-VS-37

Exhibit 1

- 3) *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:*

Finding: Strict adherence to the zoning ordinance would result in the inability to install a pool on the Property in the location currently proposed.

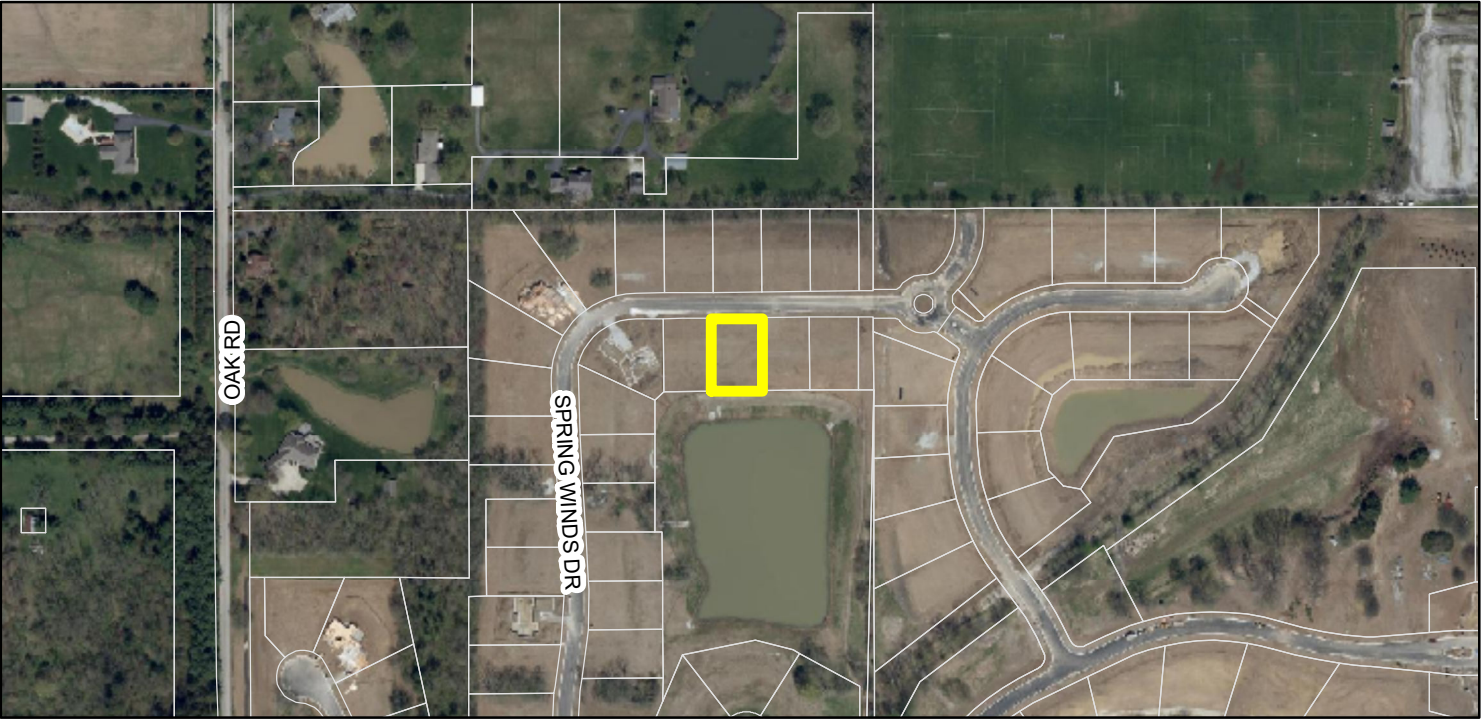
Denial: If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.



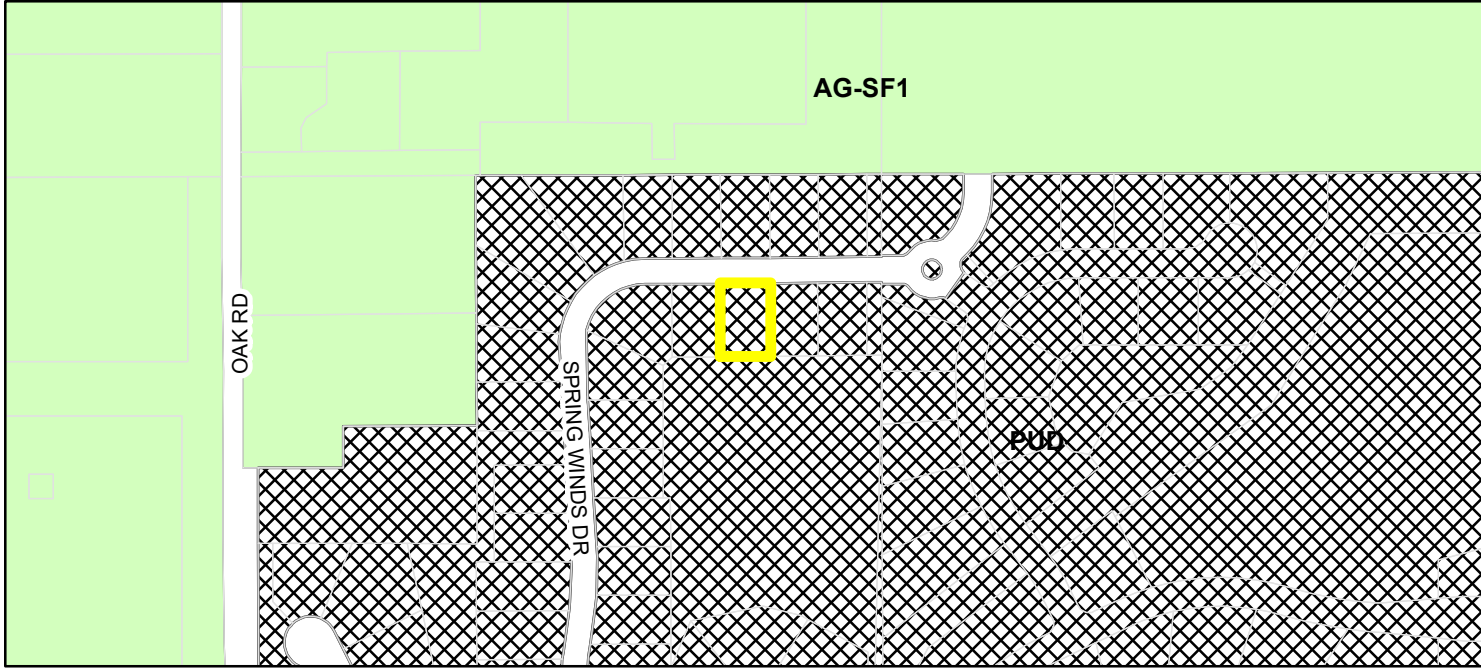
Property Location Map
15431 Spring Winds Drive
Variance of Development Standard
2110-VS-37



Aerial Location Map



Zoning Map



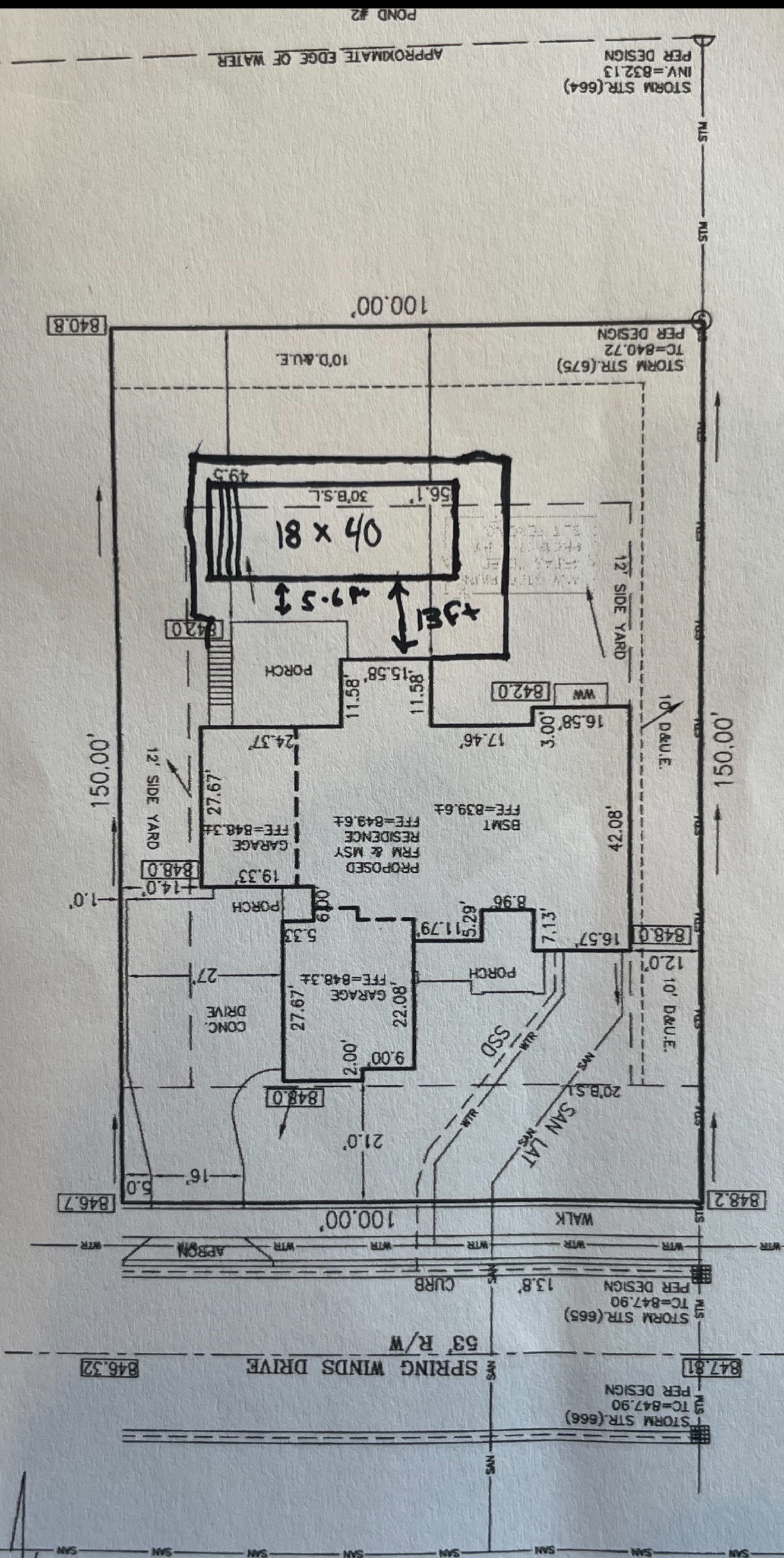
Parcel

Zoning

Zoning - All

AG-SF1 (Agriculture - Single Family - 1)

PUD (Planned Unit Development)



VARIANCE APPLICATION

OFFICE USE ONLY

DOCKET #

FILING DATE

FILING FEE \$

PER PLUS \$

PER ADDITIONAL VARIANCE \$

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: Caleb Ernest (STAFF NAME)

DATE: 8/21

PRIOR OR RELATED DOCKET NUMBERS

CHANGE OF ZONING: _____ AMENDMENTS: _____ DEVELOPMENT PLAN: _____

PRIMARY PLAT: _____ SECONDARY PLAT: _____ VARIANCE(S): _____

APPLICANT INFORMATION

APPLICANT'S NAME: Adam & Leah Alexander

TELEPHONE: 317.384.9331

ADDRESS: 15431 Spring Winds Dr. Carmel, IN 46033

EMAIL: leahrmusic@yahoo.co

PROPERTY OWNER'S NAME: Adam & Leah Alexander

TELEPHONE: 317.384.9331

ADDRESS: 15431 Spring Winds Dr. Carmel, IN 46033

EMAIL: leahrmusic@yahoo.co

REPRESENTATIVE'S NAME: _____

TELEPHONE: _____

COMPANY: _____

EMAIL: _____

ADDRESS: _____

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 15431 Spring Winds Dr. Carmel, IN 46033

COUNTY PARCEL ID #(S): 08-10-18-00-08-008.000

EXISTING ZONING DISTRICT(S): Maple Ridge pud EXISTING LAND USE(S): residential

PROPERTY AND PROJECT INFORMATION

☐ VARIANCE OF LAND USE

CODE CITATION: _____

☒ VARIANCE OF DEVELOPMENT STANDARD(S)

CODE CITATION: _____

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

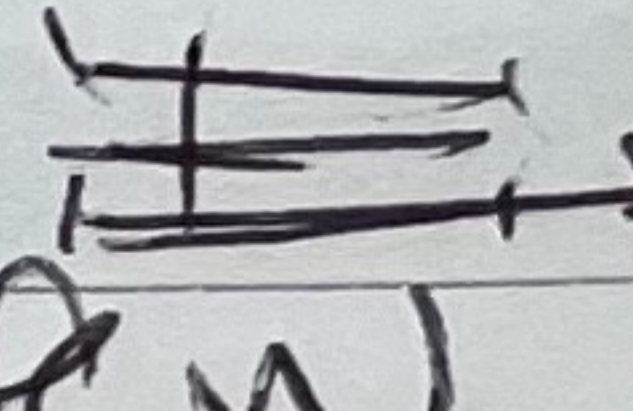
STATEMENT OF INTENT (EXPLANATION OF REQUEST - ATTACH SEPARATE SHEET IF NECESSARY): _____

FINDINGS OF FACT (VARIANCE OF DEVELOPMENT STANDARD)

APPLICANT: Leah Alexander

DOCKET #:

In taking action on a variance request, the Board of Zoning Appeals uses the following decision criteria to approve or deny a variance, as established by Indiana Code, and the Board may impose reasonable conditions as part of its approval. The applicant must address the criteria below (if multiple variances of development standard are being requested, then this sheet should be completed separately for each requested variance). A variance of land use may be approved by the Board of Zoning Appeals only upon a determination that the Board finds all of the following to be true:

- A. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because: 
Moving the proposed location of this pool a few feet in one direction doesn't have any affect on the above mentioned concerns.
- B. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:
This pool setting in ~~one~~ ^{one} location vs another will not change the use or value of the adjacent property.
- C. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property because: The rear yard set back line is restricting us from having ~~proper~~ spacing between the back of the house and the edge of the pool!

APPLICANT AFFIDAVIT

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says that above information is true and correct as he/she is informed and believes and that Applicant owns or controls the property involved in this application.

Leah Alexander

Leah Alexander
Applicant/Representative (printed)

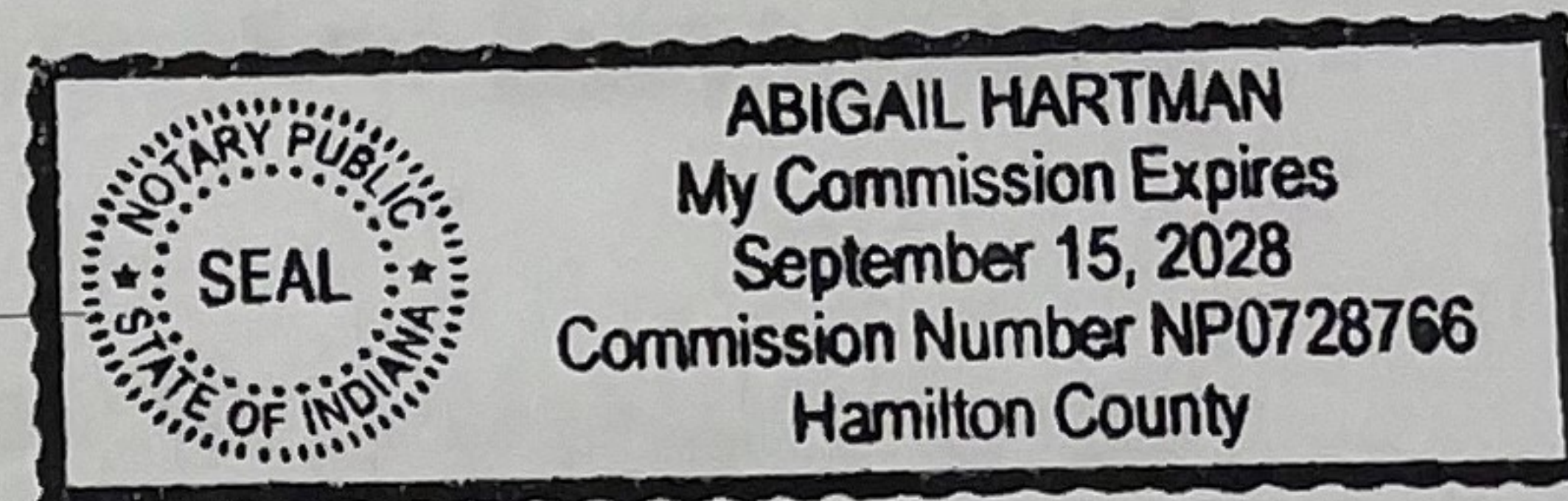
Before me the undersigned, a Notary Public in and for said County and State, personally appeared the above party, who having been duly sworn acknowledged the execution of the foregoing Application.

Witness my hand and Notarial Seal this 1st day of September, 2021

State of INDIANA, County of HAMILTON, SS: _____

Abigail Hartman

Abigail Hartman
Notary Public (printed)



PROPERTY OWNER AFFIDAVIT

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says they are the owners of the property involved in this application and that they hereby acknowledge and consent to the foregoing Application.

Leah Alexander

Leah Alexander
Property Owner (printed)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the Property Owner, who having been duly sworn acknowledged and consents to the execution of the foregoing Application.

Witness my hand and Notarial Seal this 1st day of September, 2021

State of INDIANA, County of HAMILTON, SS: _____

Abigail Hartman

Abigail Hartman
Notary Public (printed)



A signature from each party having interest in the property involved in this application is required. If the Property Owner's signature cannot be obtained on the application, then a notarized statement by each Property Owner acknowledging and consenting to the filing of this application is required with the application.



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

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2110-VU-05 & 2110-VS-39
Exhibit 1

Petition Number: 2110-VU-05 & 1220-VS-39

Subject Site Address: 0 E. 206th Street, generally 60 feet west from the Monon Trail Right-of-way. (the "Property")

Petitioner: Susan Viele (the "Petitioner")

Request: The Petitioner requests a Variance of Use to permit a Tiny House on Wheels (THOW) in the SF5: Single-family High Density District (Villages) and Variances of Development Standard from the Minimum Lot Area, Lot Frontage, Building Setback Lines, Lot Width and Single-story Living Area of the SF5 Zoning District (Articles 4.8(C),(D),(E1),(E2),(E3),(F), (H1), and 13.2).

Current Zoning: SF5 District

Current Land Use: Vacant

Approximate Acreage: 0.1 acres +/-

Exhibits:

1. Staff Report
2. Location Map
3. Plat Document (August 16, 1882)
4. Zoning Map (1974)
5. Existing Conditions
6. Existing vs. Proposed Standards
7. Tiny Home Examples
8. Application

Staff Reviewer: Caleb Ernest, Associate Planner

OVERVIEW

Location: The subject property is 0.1 acres +/- in size and located at 0 E. 206th Street, generally 60 feet west from the Monon Trail Right-of-way (see **Exhibit 2**). The Property is zoned the SF5 District. The adjacent property to the west, north and east are zoned the OI: Open Industrial District. The adjacent property to the south is also zoned the SF5 District.

Property History: The Petitioner supplied a plat document dating back to August 16, 1882 showing the location of the Property (see **Exhibit 3**). The zoning for the Property is SF5 and can be confirmed as having been always zoned SF5 as far back as 1974 (see **Exhibit 4**). The Property has since not been rezoned or platted as far as the City can tell at this time. This Property is



WESTFIELD-WASHINGTON TOWNSHIP
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Exhibit 1

currently considered Legal Nonconforming¹ according to the City's Unified Development Ordinance (UDO) Chapter 9.4(C). However, because the Property does not meet standards 9.4(C)(2) and 9.4(C)(3) of the UDO, the Property cannot be built on.

Requested Variances: The Petitioner is requesting a Variance of Use to permit a Tiny House on Wheels (THOW) (the "Tiny House") in the SF5 District. The Petitioner is also requesting Variances of Development Standard from the Minimum Lot Area, Lot Frontage, Building Setback Lines, Lot Width and Single-story Living Area of the SF5 District.

SUMMARY OF VARIANCES

The Petitioner is proposing to build a Tiny House on the Property. The City does not currently have a land use classification that accurately represents a Tiny House use as proposed (see the Statement of Intent in **Exhibit 8**). The Petitioner is requesting a Variance of Use to permit a Tiny House on the Property and as described in the Statement of Intent in **Exhibit 8**.

The Property is currently zoned the SF5 District. The Petitioner is not able to build a home on the Property and comply with the SF5 District standards because of the Property's current existing conditions (see **Exhibits 5, 6 and 8**). Therefore, the Petitioner is additionally requesting Variances of Development Standard, to accommodate the Tiny House, as follows:

- Minimum Lot Area from 7,000 square feet to 2,300 square feet;
- Minimum Lot Frontage from forty (40) feet to thirty-six (36) feet;
- Minimum Building Setback Lines:
 - o Front Yard from twenty (20) feet to sixteen (16) feet;
 - o Side Yard from eight (8) feet to zero (0) feet;
 - o Rear Yard from twenty (20) feet to four (4) feet;
- Minimum Lot Width from forty (40) feet to thirty-six (36) feet; and,
- Minimum Single-story Living Area from 800 square feet to 240 square feet.

¹ The UDO defines "Legal Nonconforming" as "...different than illegal nonconforming because a legal nonconforming property is caused by an amendment to this Ordinance, not as a result of a change to the property, that has resulted in the property no longer conforming to the policies and standards of the applicable Zoning District. When this situation occurs, then the property is deemed legal nonconforming and shall be subject to the terms of this Article. A property is legal nonconforming if changes to the property are a result of improvements and/or changes to Rights-of-way adjacent to the property (e.g., streets, trails) and such improvements and/ or changes to Rights-of-way cause the property to no longer conform to the policies and standards of the applicable Zoning District."



WESTFIELD-WASHINGTON TOWNSHIP
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2110-VU-05 & 2110-VS-39
Exhibit 1

COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan identifies this Property within the “Villages”² land use classification. The Villages land use is separated into different sections. The section where the Property is located is called Hortonville. The Hortonville section contemplates uses that would encourage food and entertainment, attached dwellings, detached dwellings, commercial, including retail and services, offices and institutional uses.

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of this petition. This petition is scheduled to receive its public hearing at the October 12, 2021, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals’ Rules of Procedure.

Conditions: The UDO³ and Indiana law provide that the Board of Zoning Appeals may impose reasonable conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of the UDO upon any Lot benefited by a variance as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject Lot or upon public facilities and services. Such conditions shall be expressly set forth in the order granting the variance.

Acknowledgement of Variance: If the Board of Zoning Appeals approves this petition, then the UDO⁴ requires that the approval of the variance shall be memorialized in an acknowledgement of variance instrument prepared by the Department. The acknowledgement shall: (i) specify the granted variance and any commitments made or conditions imposed in granting of the variance; (ii) be signed by the Director, Property Owner and Applicant (if Applicant is different than Property Owner); and (iii) be recorded against the subject property in the Office of the Recorder of Hamilton County, Indiana. A copy of the recorded acknowledgement shall be provided to the Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

Variance of Use: The Board of Zoning Appeals shall approve or deny variances of land use from the terms of the UDO. A variance of land use may be approved under Indiana Code § 36-7-4-918.4 only upon a determination in writing that:

² Westfield-Washington Township Comprehensive Plan, Land Use Concept Map (pg. 24).

³ Article 10.14(I) Processes and Permits; Variances; Conditions of the UDO.

⁴ Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.



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Exhibit 1

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
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;
3. The need for the variance arises from some condition peculiar to the property involved;
4. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
5. The approval does not interfere substantially with the Comprehensive Plan.

Variances of Development Standard: The Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the underlying zoning ordinance. A variance may be approved under Indiana Code § 36-7-4-918.5 only upon a determination in writing that:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
 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; and
 3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.
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Report continued on next page.



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Exhibit 1

DEPARTMENT COMMENTS:

Approval: If the Board finds that adequate evidence is shown that the Variance of Use and Variances of Development Standard meet the applicable review criteria, then the Department recommends approval of the Variances (2110-VU-05 & 2110-VS-39), with the recommended conditions and findings as set forth below:

Recommended Conditions of Approval (Variance of Use):

1. That the Tiny House land use shall only be approved as described in the Statement of Intent (**Exhibit 8**);
2. That the Petitioner shall only build a Tiny House substantially compliant with the examples shown in **Exhibit 7**;
3. That the Tiny House can be on wheels or a foundation;
4. That the Petitioner shall install landscaping around the exterior of the Tiny House;
5. That the Petitioner shall submit an Improvement Location Permit for the construction of the Tiny House on the Property;
6. That the Petitioner shall follow [Appendix Q](#) (Tiny Houses) of the 2020 Indiana Residential Code (of the 2018 IRC);
7. That the Petitioner shall obtain a Certificate of Occupancy before occupying the Tiny House;
8. That the Petitioner shall record an acknowledgement of this approval with the Hamilton County Recorder's Office and return a copy of the recorded instrument to the Community Development Department.

Recommended Conditions of Approval (Variances of Development Standard):

1. That the Minimum Single-story Living Area Variance only applies to a Tiny House constructed in substantial compliance with **Exhibit 7**.
2. That the Petitioner shall record an acknowledgement of this approval with the Hamilton County Recorder's Office and return a copy of the recorded instrument to the Community Development Department.

Report continued on next page.



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Exhibit 1

Recommended Findings for Approval (Variance of Use):

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

Finding: It is unlikely that approving the requested variance of use would be injurious to the public health, safety, morals, and general welfare of the community. The use will be residential as contemplated by the zoning district and a tiny house will be built to look like a house, only smaller due to the existing conditions of the lot's size.

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:*

Finding: It is unlikely that the use and value of adjacent property will be affected in a substantially adverse manner. The zoning will remain residential and consistent with surrounding property's zoning districts. Additionally, as shown on Exhibit X (existing conditions), the Tiny House built on the Property will improve the value of the surrounding properties.

3. *The need for the variance arises from some condition peculiar to the property involved.*

Finding: The existing conditions of the Property create an undevelopable lot with the current zoning district's standards.

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

Finding: Strict application of the terms of this zoning ordinance currently create an undevelopable lot and without approval of a variance, a permitted residential structure cannot be built to the zoning standards.

5. *The approval does not interfere substantially with the comprehensive plan.*

Finding: This use does not substantially alter the characteristics of the Property and will maintain the residential land use contemplated in the comprehensive plan.



Recommended Findings for Approval (Variances of Development Standard):

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

Finding: It is unlikely that approving the requested variance would be injurious to the public health, safety, morals, and general welfare of the community because the proposed use will remain residential as contemplated by the existing zoning district.

- 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:*

Finding: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The proposed variance should not have a negative impact on surrounding properties because the use of the property will remain residential.

- 3) *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:*

Finding: Strict adherence to the zoning ordinance would result in the inability to build on the lot.

Denial: If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.



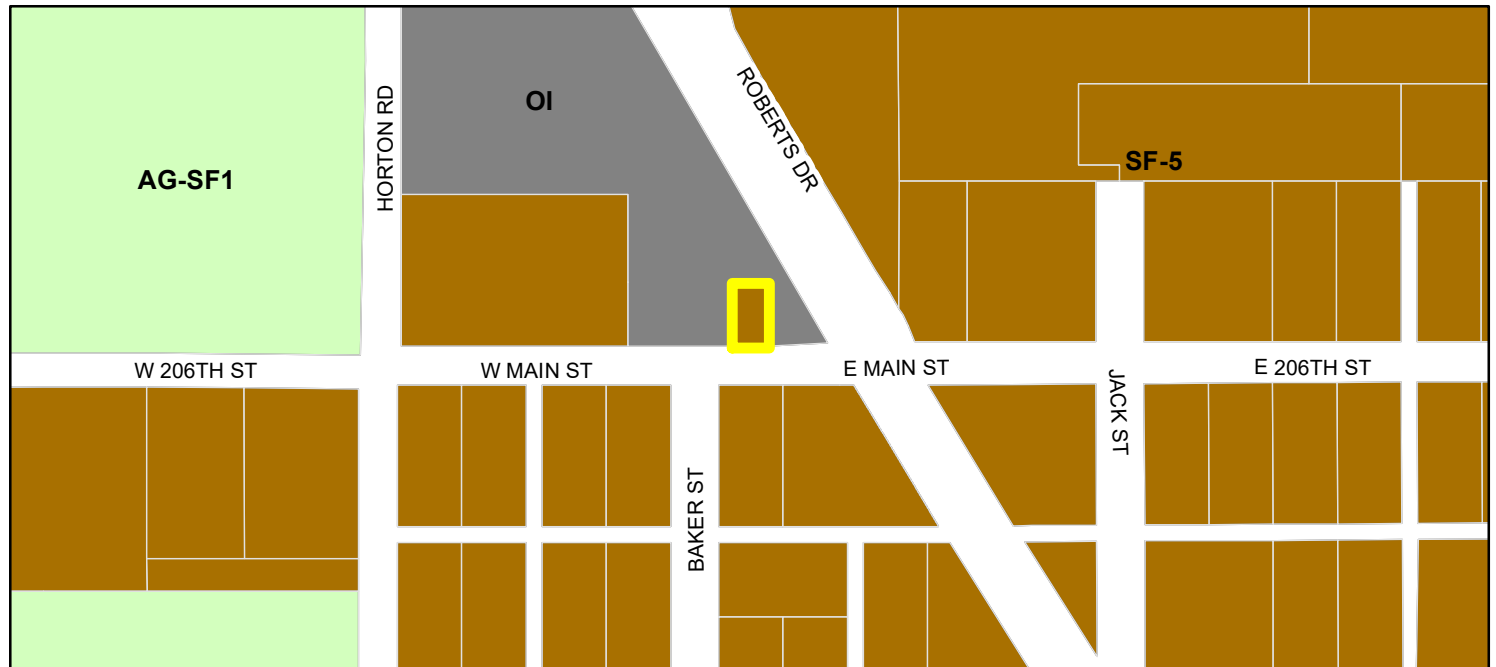
Property Location Map
0 E. 206th Street
Variance of Use & Variance of Development Standard
2110-VU-05 & 2110-VS-39



Aerial Location Map



Zoning Map



	Parcel	Zoning
	Zoning - All	AG-SF1 (Agriculture - Single Family - 1)
		OI (Open Industrial)
		SF-5 (Single Family - 5)

0635-579

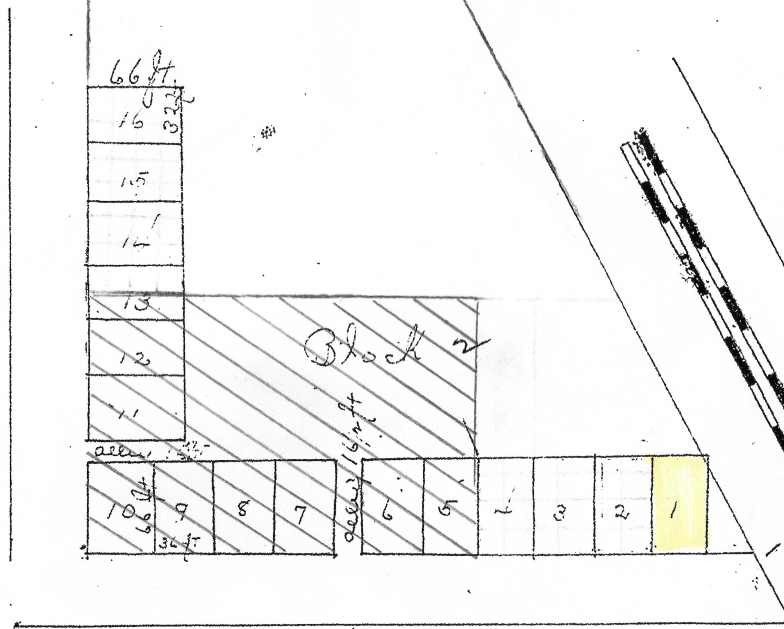
"of the Town of Horton"

Horton

The Town of Horton was laid out by
H W Horton August 16th 1882 for description
See Surveyors Record

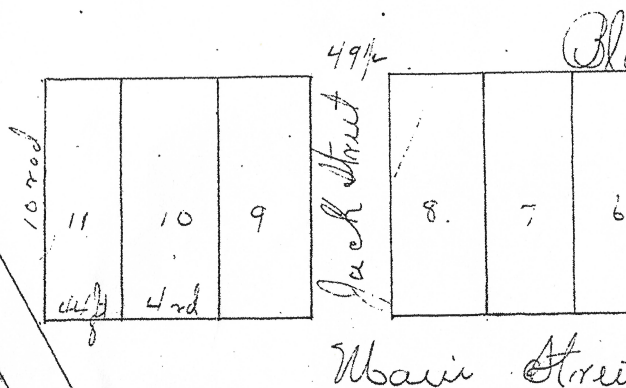
Before me J A C Fisher Recorder in
for said County of Hamilton State of
Quebec H W Horton acknowledged
this Plan to be his free act & deed
J A C Fisher
Rt Hon

near



North

Survey of The
Block 1 Beginning 22nd
Range 3 East and Run
Inclusive to Lot A.S.W.
4th and 5th and a Street 49th
Block 1 are 4 rods wide
which is 44ft wide by
Block No 2 Beginning
of South East Quarter of
Running East with a line
Inclusive with an all
Sots running North N.W.
16 1/2 ft wide between Sots
size of the Sots in Block
J E J. Cottoingham Cert
Report of the Survey to

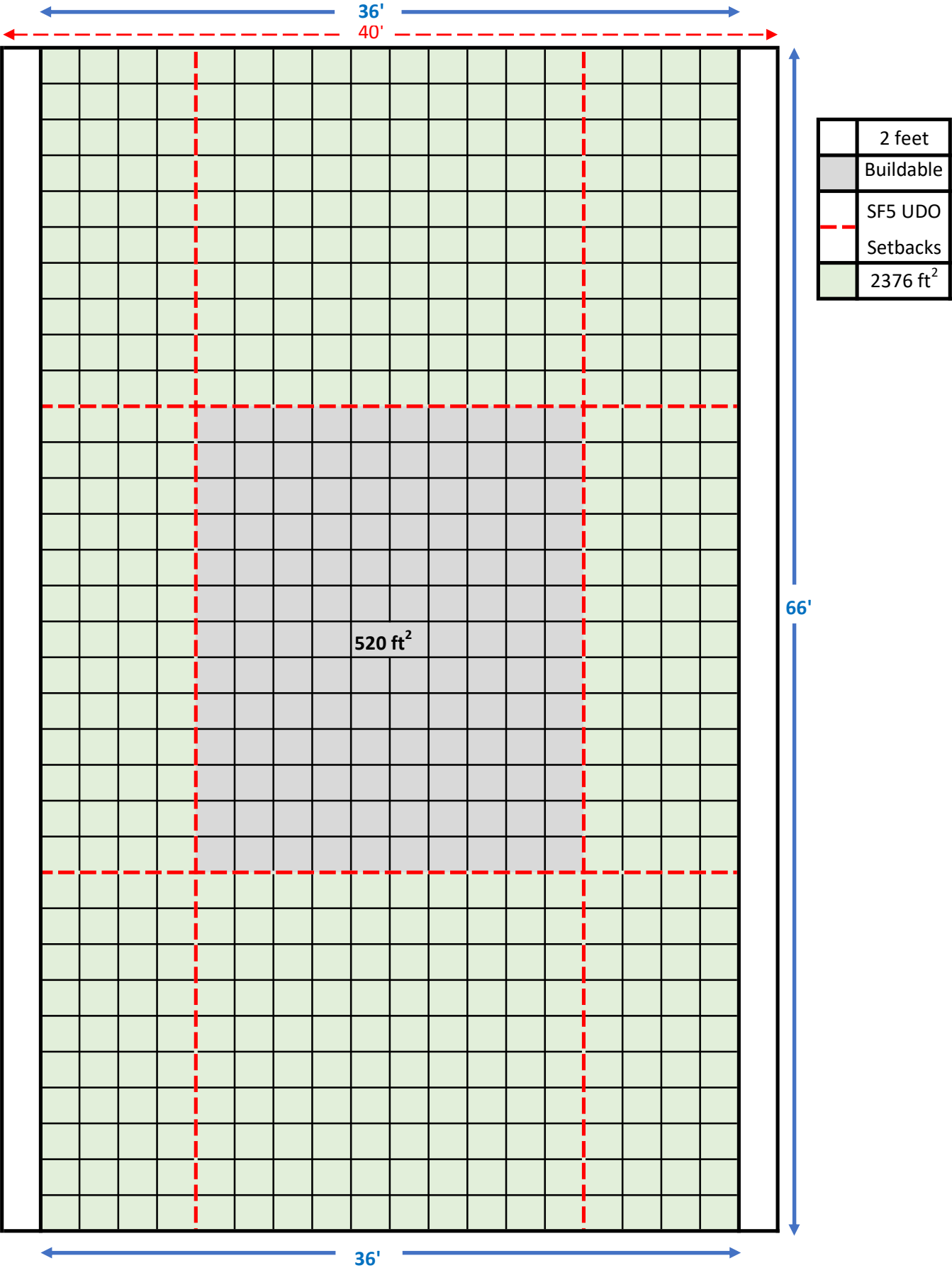




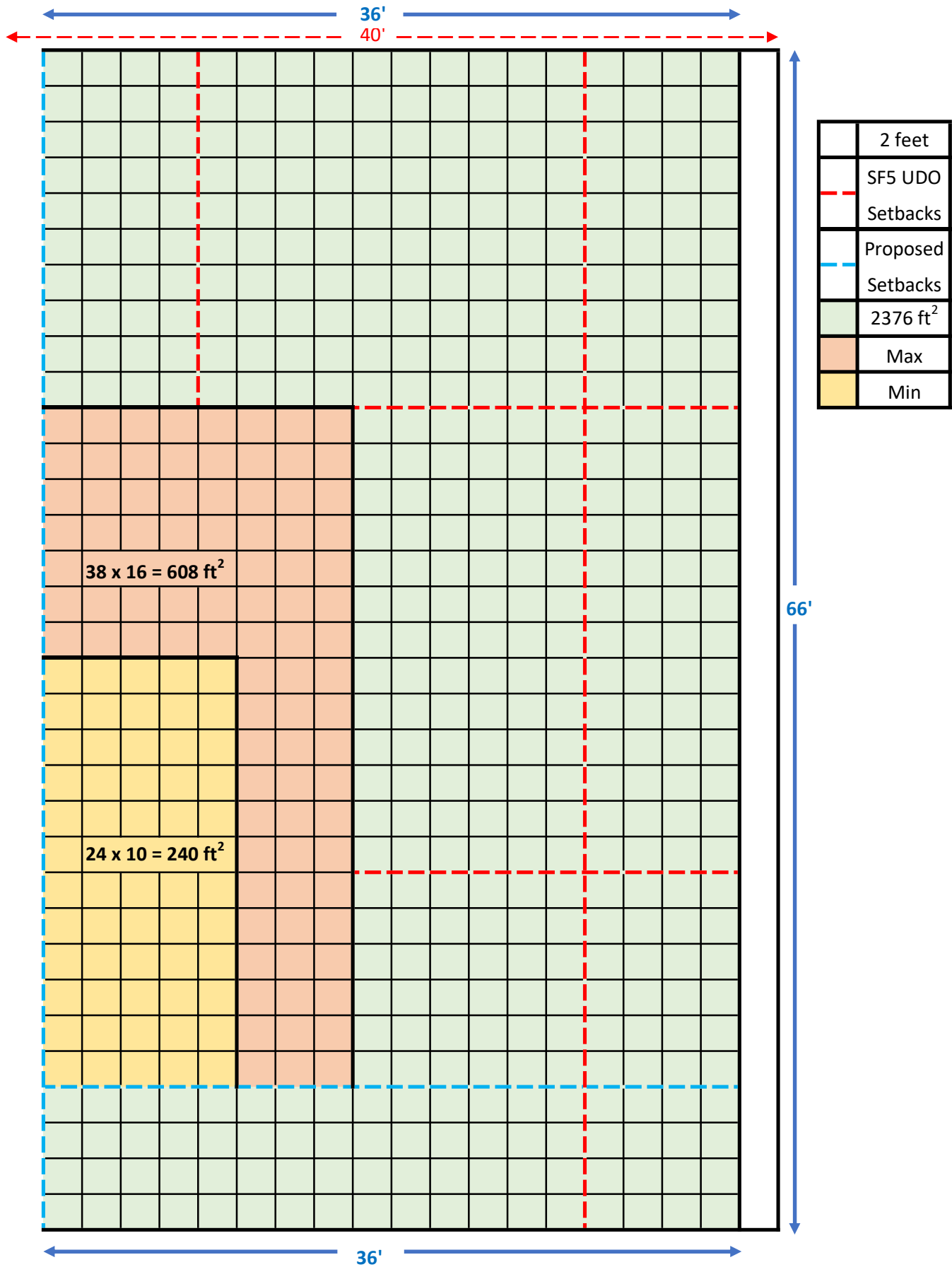


Lot/Home across the street from Applicant's Property

Applicant's Property with Ordinance Setbacks



PROPOSED VARIANCE of DEVELOPMENT STANDARDS



Examples of proposed THOWs



Image source: [Maverick Tiny Homes](#)



DREAM Farm House Tiny House



Starting At 174,000



VARIANCE APPLICATION

OFFICE USE ONLY

DOCKET #: _____ FILING DATE: _____

FILING FEE: \$ _____ FEE PLUS \$ _____ PER ADDITIONAL VARIANCE (@ _____) = \$ _____

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: Caleb Ernest (STAFF NAME) DATE: 08/14/2021

PRIOR OR RELATED DOCKET NUMBERS

CHANGE OF ZONING: _____ AMENDMENTS: _____ DEVELOPMENT PLAN: _____

PRIMARY PLAT: _____ SECONDARY PLAT: _____ VARIANCE(S): _____

APPLICANT INFORMATION

APPLICANT'S NAME: Susan Viele

ADDRESS: 11188 Bluebird Court, Fishers, IN 46037

TELEPHONE: 317-459-2745

EMAIL: theviele7@gmail.com

PROPERTY OWNER'S NAME: Susan and David Viele

ADDRESS: 11188 Bluebird Court, Fishers, IN 46037

TELEPHONE: 317-459-2745

EMAIL: theviele7@gmail.com

REPRESENTATIVE'S NAME: N/A

COMPANY: N/A

ADDRESS: N/A

TELEPHONE: N/A

EMAIL: N/A

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: Section 14, Township 19, Range 3 Horton Original, Section 2, Lot 1 (0 East 206th Street, Sheridan, IN 46069)

COUNTY PARCEL ID #(S): 08-05-14-03-01-005.000

EXISTING ZONING DISTRICT(S): SF5:Single-family HDD (villages) EXISTING LAND USE(S): Residential

PROPERTY AND PROJECT INFORMATION

☒ VARIANCE OF LAND USE CODE CITATION: UDO Article 4.8 (B)

☒ VARIANCE OF DEVELOPMENT STANDARD(S) CODE CITATION: UDO Article 4.8 (C)(D)(E)(F)(H)

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

STATEMENT OF INTENT (EXPLANATION OF REQUEST - ATTACH SEPARATE SHEET IF NECESSARY): See Attached.

STATEMENT OF INTENT
0 East 206th Street
08-05-14-03-01-005.000

Susan Viele (the “Applicant”) respectfully requests approval of the requested Variance of Use and Variance of Development Standards for parcel number 08-05-14-03-01-005.000 (the “Property”) which is located just WEST of the NORTH side of E. 206th and the Monon Trail. The Property’s existing zoning is SF5: Single-Family High-Density District (villages). The Property size is 2,376 ft² which is 4,624 ft² smaller than the Ordinances Minimum Lot Area, Article 4.8(A)(C).

As of date, the City of Westfield and the Westfield-Washington Township Unified Development Ordinance (“UDO”) do not address any standards for the utilization of “Tiny Homes”.

Tiny Homes differ from Single-Family Dwellings, Mobile/Manufactured Homes, and Recreational Vehicles in many ways. For example: They are built specifically to be smaller than your standard “Single-Family Dwelling”; unlike manufactured homes, they are built with the same type of materials as a standard “Single-Family Dwelling”; and they are built with the intention of permanent occupancy, unlike a recreational vehicle.

The requested variance of **use** will allow the property owner to utilize their land for the intended purpose of a residential dwelling by allowing a Tiny House on Wheels (THOW) to occupy the property. The requested variances of **Development Standards** are all being requested as the property does not meet the minimum requirements as outlined by the UDO and would create a significant hardship to the property owners by causing the property to be zoned out of existence.

The Applicant proposes the following variances from the UDO:

4.8	Variance	ARTICLE	SF5: Single-family HDD	UDO	1st Preference	2nd Preference	3rd Preference
(B)	USE	10.14(G)(1)	Permitted Uses	SFD; Home Bus.; Res. Fac.	Tiny House on Wheels*	Temp. Use Permit for THOW	Tiny House on Foundation**
(C)	DS	10.14(G)(2)	Minimum Lot Area	7,000 ft ²	2300 ft ²	2300 ft ²	2300 ft ²
(D)	DS	10.14(G)(2)	Minimum Lot Frontage	40'	35'	35'	35'
(E) 1	DS	10.14(G)(2)	Front Yard Setback	20'	N/A	N/A	16'
(E) 2	DS	10.14(G)(2)	Side Yard Setback	8'	N/A	N/A	0' on Monon side
(E) 3	DS	10.14(G)(2)	Rear Yard Setback	20'	N/A	N/A	4'
(F)	DS	10.14(G)(2)	Minimum Lot Width	40'	36'	36'	36'
(H)	DS	10.14(G)(2)	Minimum Living Area	800 ft ²	240 ft ²	240 ft ²	240 ft ²
					* THOW		**THOF

LOCATION: As depicted in the exhibits, the property is bordered by the Monon Trail to the EAST, grain elevators to the WEST and NORTH, and a mobile home to the SOUTH

OTHER: The Applicant would like to make the Board aware of two items that were unable to be fully resolved prior to the filing of this Application:

- 1) The Applicant is seeking a shared driveway easement with Double A. Grain, LLC
- 2) The Original Plat of the Town of “Horton” shows Applicant’s Property, Lot #1, Block #2 to touch the boundary line for what was then the railroad. The current aerial maps show the small piece of land just EAST of lot #1 belongs to Double A. Grain, LLC (parcel # 08-05-14-03-01-021.000).

PROPOSED CONDITIONS: The Applicant recommends the following conditions to be included with any other Conditions determined by the Board:

- 1) The Applicant will only use a reputable Tiny House builder which attempts to meet the standards laid out under NFPA 5000 and IBC Section 302.1.
- 2) The Applicant will provide landscaping around the entire exterior of the THOW.

APPLICANT AFFIDAVIT

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says that above information is true and correct as he/she is informed and believes and that Applicant owns or controls the property involved in this application.

Susan Viele
Applicant/Representative (signature)

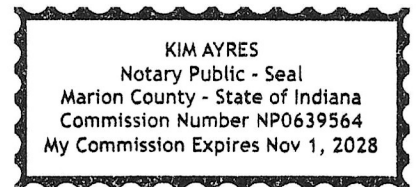
Susan Viele
Applicant/Representative (printed)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the above party, who having been duly sworn acknowledged the execution of the foregoing Application.

Witness my hand and Notarial Seal this 3 day of SEPTEMBER, 2021
State of IN, County of HAMILTON SS:

Kim Ayres
Notary Public (signature)

KIM AYRES
Notary Public (printed)



PROPERTY OWNER AFFIDAVIT

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says they are the owners of the property involved in this application and that they hereby acknowledge and consent to the foregoing Application.

Susan Viele
Property Owner (signature)*

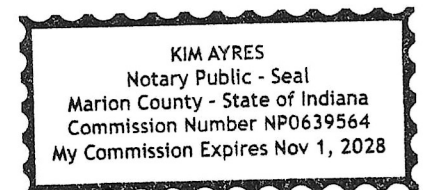
Susan Viele
Property Owner (printed)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the Property Owner, who having been duly sworn acknowledged and consents to the execution of the foregoing Application.

Witness my hand and Notarial Seal this 3 day of SEPTEMBER, 2021
State of IN, County of HAMILTON SS:

Kim Ayres
Notary Public (signature)

KIM AYRES
Notary Public (printed)



*A signature from each party having interest in the property involved in this application is required. If the Property Owner's signature cannot be obtained on the application, then a notarized statement by each Property Owner acknowledging and consenting to the filing of this application is required with the application.



Westfield Community Development
2728 E. 171st Street | Westfield, IN 46074
317.804.3170 | nwoerner@westfield.in.gov

APPLICANT AFFIDAVIT

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says that above information is true and correct as he/she is informed and believes and that Applicant owns or controls the property involved in this application.

Applicant/Representative (signature)

N/A -- see prior page

Applicant/Representative (printed)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the above party, who having been duly sworn acknowledged the execution of the foregoing Application.

Witness my hand and Notarial Seal this ____ day of _____, 20__.

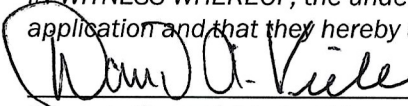
State of _____, County of _____, SS: _____

Notary Public (signature)

Notary Public (printed)

PROPERTY OWNER AFFIDAVIT

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says they are the owners of the property involved in this application and that they hereby acknowledge and consent to the foregoing Application.


Property Owner (signature)*

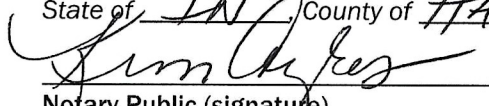
David Viele

Property Owner (printed)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the Property Owner, who having been duly sworn acknowledged and consents to the execution of the foregoing Application.

Witness my hand and Notarial Seal this 3 day of SEPTEMBER, 2021

State of IN County of HAMILTON SS: _____


Notary Public (signature)

Kim Ayres
Notary Public (printed)

KIM AYRES
Notary Public - Seal
Marion County - State of Indiana
Commission Number NP0639564
My Commission Expires Nov 1, 2028

*A signature from each party having interest in the property involved in this application is required. If the Property Owner's signature cannot be obtained on the application, then a notarized statement by each Property Owner acknowledging and consenting to the filing of this application is required with the application.

FINDINGS OF FACT (VARIANCE OF USE)

APPLICANT: Susan C. Viele

DOCKET #: _____

In taking action on a variance request, the Board of Zoning Appeals uses the following decision criteria to approve or deny a variance, as established by Indiana Code, and the Board may impose reasonable conditions as part of its approval. The applicant must address the criteria below. A variance of land use may be approved by the Board of Zoning Appeals only upon a determination that the Board finds all of the following to be true:

- A. The use will not be injurious to the public health, safety, morals, and general welfare of the community because: _____
It is unlikely that approving the requested variances will be injurious to the public health, safety, morals, and/or general welfare of the community because the use will still be residential, however, the proposed variance request for a "Tiny House" to be placed on the applican't property is the only possibility due to the lot size. A Tiny House is built to look like a "regular" house with "regular" materials, unlike a mobile/manufactured home.
- B. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because: _____
It is unlikely that the use and value of the adjacent property will be affected in a substantially adverse manner because the use of the property zoning will remain residential. As seen on the attached maps and photos, due to the location of the applicant's property as well as the irregular shape(s) of the adjacent properties, the proposed style of home being being recommended by the property owner will more likely, than not, improve the vauue of the adjacent properties. In addition, as seen on the zoning map, the applican't property is surrounded by several different zoning districts already.
- C. The need for the variance arises from some condition particular to the property involved because: _____
The need for the variance particular to this property arises because the lot is only 36' x 66'. Given the size of this vacant platted residential lot, it would The need for the variance particular to this property arises because the lot size is only 36' x 66'. Given the small size of of this vacant residential platted lot, it would be impossible to construct a single-family dwelling within the existing building codes. Tiny Houses are built with the expectation they will be occupied as permanent homes and they are built by using regular building materials but to a much smaller scale. Due to the current condition of this particular property, could be considered a great opportunity to embrace the Tiny Home movement with this parcel.
- D. The strict application of the terms of the Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought because: _____
The strict application of the terms of the Ordinance will constitute a significant hardship to the applicant because without approval to vary from the currently permitted residential structure, the property owner will be prohibited from using the property for its zoned purpose.
- E. The variance of use does not interfere substantially with the Comprehensive Plan because: _____
Approval of this variance of use does not interfere with the Comprehensive Plan for the following reasons: 1) the property itself will stay as residential; 2) a Tiny House, after landscaping is added, will hide the wheels and it will look like a regular home; 3) the Property is surrounded by different zoning codes already. For example, directly WEST of the applicant's property is a grain elevetor (390); directly SOUTH of the applicant's property, as seen in attached photos, is a mobile/manufactured home (540); and directly EAST of applican't property is the Monon Trail.

FINDINGS OF FACT (VARIANCE OF DEVELOPMENT STANDARD)

APPLICANT: Susan C. Viele

DOCKET #: _____

In taking action on a variance request, the Board of Zoning Appeals uses the following decision criteria to approve or deny a variance, as established by Indiana Code, and the Board may impose reasonable conditions as part of its approval. The applicant must address the criteria below (if multiple variances of development standard are being requested, then this sheet should be completed separately for each requested variance). A variance of land use may be approved by the Board of Zoning Appeals only upon a determination that the Board finds all of the following to be true:

- A. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because: _____
It is unlikely that approving the requested variances will be injurious to the public health, safety, morals, and general welfare of the community because the majority of the variances being sought are due to the limits imposed by the property itself.

- B. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because: _____
It is unlikely that the use and value of the adjacent property will be affected in a substantially adverse manner because the use of the property zoning will remain residential. As seen on the attached maps and photos, due to the location of the applicant's property as well as the irregular shape(s) of adjacent properties, the proposed style of home to be placed on the property is more likely, than not, improve the value of the adjacent properties. In addition, as seen on the zoning map, the zoning districts surrounding applicant's property are already inconsistent (540, 390, 510, 101, and 500).

- C. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property because: _____
The strict adherence to the zoning ordinance would result in the inability to place ANY structure on the property, thus creating a SIGNIFICANT hardship for the property owner as the current Ordinance prevents the property owner the ability to utilize their property in any manner.

GENERAL INSTRUCTIONS

- A. **Pre-Filing Conference:** A pre-filing conference is required for all petitions. An appointment must be made with the Community Development Department (the “Department”) to discuss a petition prior to filing. An application will not be considered filed until a pre-filing conference has occurred. Applicants are encouraged to incorporate the Department’s comments into the application prior to filing.
- B. **Filing Petition:** A petition shall be filed with the Department by the filing deadline in accordance with the Schedule of Meeting and Filing Dates. In order to be deemed a complete petition, a petition shall include the following:
- | | |
|--|--|
| ☒ Completed Application | ☒ Legal Description |
| ☒ Draft Public Notice | ☒ List of Adjoining Property Owners (as provided by County) |
| ☒ Property Owner Consent | ☐ TAC Delivery Affidavit (if TAC is determined to be necessary) |
| ☒ Site Plan (to scale) | ☒ Copy of Property Deed |
| ☒ Statement of Intent | Elevations, photographs or other supporting information necessary to explain the nature of the requested variance(s) |
- C. **Filing Fee Check:** After the filing of an application, the Department will advise the applicant of the applicable filing fee amount, which is due and payable (checks made out to “City of Westfield”) within two (2) weeks of filing.
- D. **Technical Advisory Committee (TAC):** The applicant is responsible for submitting a copy of the application and related information to Technical Advisory Committee members prior to filing, if determined by the Department to be necessary. An affidavit confirming delivery of information is required to be completed and signed by the applicant and submitted with the petition. Technical Advisory Committee meetings are held in the City Services Building (2728 East 171st Street, Westfield, IN 46074) in accordance with the Schedule of Meeting and Filing Dates. A representative must be present at this meeting.
- E. **Public Hearing and Notice:** All variance petitions require a public hearing by the Board of Zoning Appeals. The public hearing is held at City Hall, 130 Penn Street, Westfield, Indiana, in accordance with the Schedule of Meeting and Filing Dates. Notice of the hearing is required in accordance with the Board’s Rules of Procedure:
- Newspaper Publication:** Notice of the hearing will be published in the Hamilton County Reporter and The Times. The Department will handle the newspaper publication requirement.
 - Mailed Public Notice:** The applicant is responsible to send public notice by certified mail with proof of mailing (certificate of mailing) to all interested parties, postmarked at least ten (10) days prior to the hearing. A list of adjacent property owners may be obtained from the **Hamilton County Auditor, Office of Transfers and Mapping** (33 North 9th Street, Noblesville, IN 46060, (317) 776-9624), and shall include all owners of property to a depth of two (2) ownerships of no direct or indirect financial or other interest to the applicant or property owner or one eighth of a mile (1/8), whichever is less.
 - Public Notice Sign:** The applicant is responsible to post a public notice sign(s) on the property at least ten (10) days prior to the public hearing. The Department will determine sign locations and will make signs available for the applicant to obtain in the office of the Department.
 - Affidavit of Notice of Public Hearing:** The applicant shall deliver a copy of the mailed notice and a signed affidavit, verifying that the notices were mailed and the public notice sign(s) was posted on the subject property, to the Department at least four (4) calendar days prior to the public hearing.
- F. **Ex-parte Communication:** In no event shall applicants or other interested parties contact or attempt to communicate with members of the Board in regard to a filed variance petition prior to the public hearing.
- G. **Revised Materials:** If the applicant wishes to submit additional or revised information than what is filed, then the applicant shall submit those to the Department no later than ten (10) days prior to the public hearing.
- H. **Board’s Consideration:** Following the public hearing, the Board may either approve, approve with conditions, deny or continue the petition.
- I. **Resource:** Please see the Board’s Rules of Procedure for more detailed procedural information.



DATE OF PHOTOGRAPHY: APR. 1976

SCALE 1" = 100'

PHOTO NUMBER: 9-177

PREPARED BY		PREPARED FOR		REAL PROPERTY MAP		CONGRESSIONAL TOWNSHIP NUMBER	
CLT		HAMILTON COUNTY		WASHINGTON TOWNSHIP		SW 1/4	
BALANCED		INDIANA		HAMILTON COUNTY, INDIANA		SECTION 14	
GOVERNMENTAL		BOARD OF				TOWNSHIP 19 NORTH, RANGE 03 EAST	
SERVICES		COMMISSIONERS				MAP NUMBER: 05-14-03	
COURT REPORTER TRUMBEE COMPANY		HAMILTON COUNTY COURTHOUSE					
2000 State Street, Indianapolis, IN 46204		HAMILTON COUNTY, INDIANA		SECTION 14, TOWNSHIP 19 NORTH, RANGE 03 EAST, SW 1/4			



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

October 12, 2021
2109-VS-35
Exhibit 1

Petition Number: 2109-VS-35

Subject Site Address: 3810 W 146th Street (the "Property")

Petitioner: Indy Latin School (the "Petitioner")

Request: Indy Latin School requests a Variance of Development Standard to delay Minimum Lot Landscaping Requirements and Buffer Yard Requirements on the undeveloped portion of the 30.84 acres +/- property in the AG-SF1: Agriculture / Single Family Rural District (UDO 6.8(K)&(N)).

Current Zoning: Agriculture / Single-Family Rural District

Current Land Use: Agriculture

Approximate Acreage: 30.8 acres +/-

Exhibits:

1. Staff Report
2. Location Map
3. Overall Development Plan
4. Landscape Plan
5. Application

Staff Reviewer: Rachel Riemenschneider, Associate Planner

OVERVIEW

Location: The subject property is 30.8 acres +/- in size and located at 3810 W. 146th Street (see **Exhibit 2**). The Property is zoned AG-SF1 District. Adjacent properties are zoned AG-SF1 District.

Variance Request: The Petitioner is requesting a Variance of Development Standard to delay Minimum Lot Landscaping Requirements and Buffer Yard Requirements on the undeveloped portion of the property until that section is developed.

SUMMARY OF VARIANCE

The Petitioner is proposing to construct Highlands Latin School¹ on the front half of their property. The back half of the property is to remain undeveloped for the time being. Because the back lot already has natural landscaping, and they do not know what will be constructed on the undeveloped portion, the Petitioner requests to delay the Minimum Lot Landscaping

¹ Please note that Educational Institutions are a permitted use in AG-SF1.

Requirements² and Buffer Yard Requirements³ on the undeveloped portion until that portion is developed.

PETITION HISTORY

The Petition was first scheduled for the September 14, 2021, Board of Zoning Appeals (the “Board”) meeting. Due to unforeseeable circumstances, the Petitioner was unable to attend the meeting. The Petitioner requested a continuance to the next scheduled Board of Zoning Appeals meeting: October 12, 2021.

COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan identifies this Property as being within the “Existing Rural”⁴ land use classification. Desired land uses in Existing Rural include single-family detached houses, accessory dwellings, equestrian uses, and agriculture including artisan farms.

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of the Variance of Development Standard. This petition is scheduled to receive its public hearing at the September 14, 2021, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals’ Rules of Procedure.

Conditions: The Unified Development Ordinance (UDO)⁵ and Indiana law provide that the Board of Zoning Appeals may impose reasonable conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of the UDO upon any Lot benefited by the variance as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject Lot or upon public facilities and services. Such conditions shall be expressly set forth in the order granting the variance.

Acknowledgement of Variance: If the Board of Zoning Appeals approves this petition, then the UDO⁶ requires that the approval of the variance shall be memorialized in an acknowledgement of variance instrument prepared by the Department. The acknowledgement shall: (i) specify the granted variance and any commitments made or conditions imposed in granting of the variance; (ii) be signed by the Director, Property Owner and Applicant (if Applicant is different than Property Owner); and (iii) be recorded against the subject property in the Office of the Recorder

² Minimum Lot Landscaping for Institutional Uses requires 2 shade trees, 3 ornamental or evergreen trees, and 10 shrubs per acre (UDO 6.8 (K)).

³ Buffer Yard A requires 3 shade trees, 3 evergreen trees, and 10 shrubs per 100 lineal feet (UDO 6.8(N)).

⁴ Westfield-Washington Township Comprehensive Plan, Land Use Concept Map (p. 24).

⁵ Article 10.14(I) Processes and Permits; Variances; Conditions of the UDO.

⁶ Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.

of Hamilton County, Indiana. A copy of the recorded acknowledgement shall be provided to the Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

Variance of Development Standard: The Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the underlying zoning ordinance. Variances may be approved under Indiana Code § 36-7-4-918.5 only upon a determination in writing that:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
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; and
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.

DEPARTMENT COMMENTS

Approval: If the Board is inclined to approve the variance, then the Department recommends the following conditions and findings:

Recommended Conditions for Approval:

1. That the Minimum Lot Landscaping Requirements and Buffer Yard Requirements will be in full effect when a Detailed Development Plan is submitted for improvements in the undeveloped area as shown on the Overall Development Plan (**Exhibit 3**).
2. That if the existing trees and vegetation on the undeveloped area are substantially decreased (by 5% or more of existing acreage), Buffer Yard Requirements shall be in effect at that time. Petitioner will have existing tree stand surveyed and will show acreage on the landscape plan before an Improvement Location Permit is issued.
3. That all landscaping requirements are in effect for the developed area as shown on the Overall Development Plan (**Exhibit 3**).
4. That the Petitioner shall record an acknowledgement of this approval with the Hamilton County Recorder's Office and return a copy of the recorded instrument to the Community Development Department.

Recommended Findings for Approval of the Variance of Development Standard:

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

Finding: It is unlikely that approving the requested variance would be injurious to the public health, safety, morals, and general welfare of the community because the undeveloped portion of the lot will remain as it currently exists and the developed portion will adhere to all required UDO standards, including landscaping standards.

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:*

Finding: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The undeveloped lot will not change from its current state. If the school does develop it in the future, they will be required to install the proper landscaping according to the UDO.

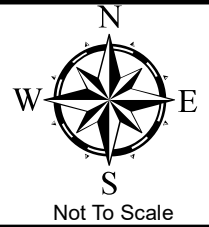
3. *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.*

Finding: Strict adherence to the zoning ordinance would result in the inability to appropriately landscape the undeveloped portion of the property. The petitioner does not know at this time what will go on that portion of property, if anything, which makes it difficult to select species and specific locations appropriate for the use. In regards to the Minimum Lot Landscaping in particular, depending on what is placed on that lot in the future, other required plantings would count toward the Minimum Lot Landscaping requirements but cannot be predicted at this time.

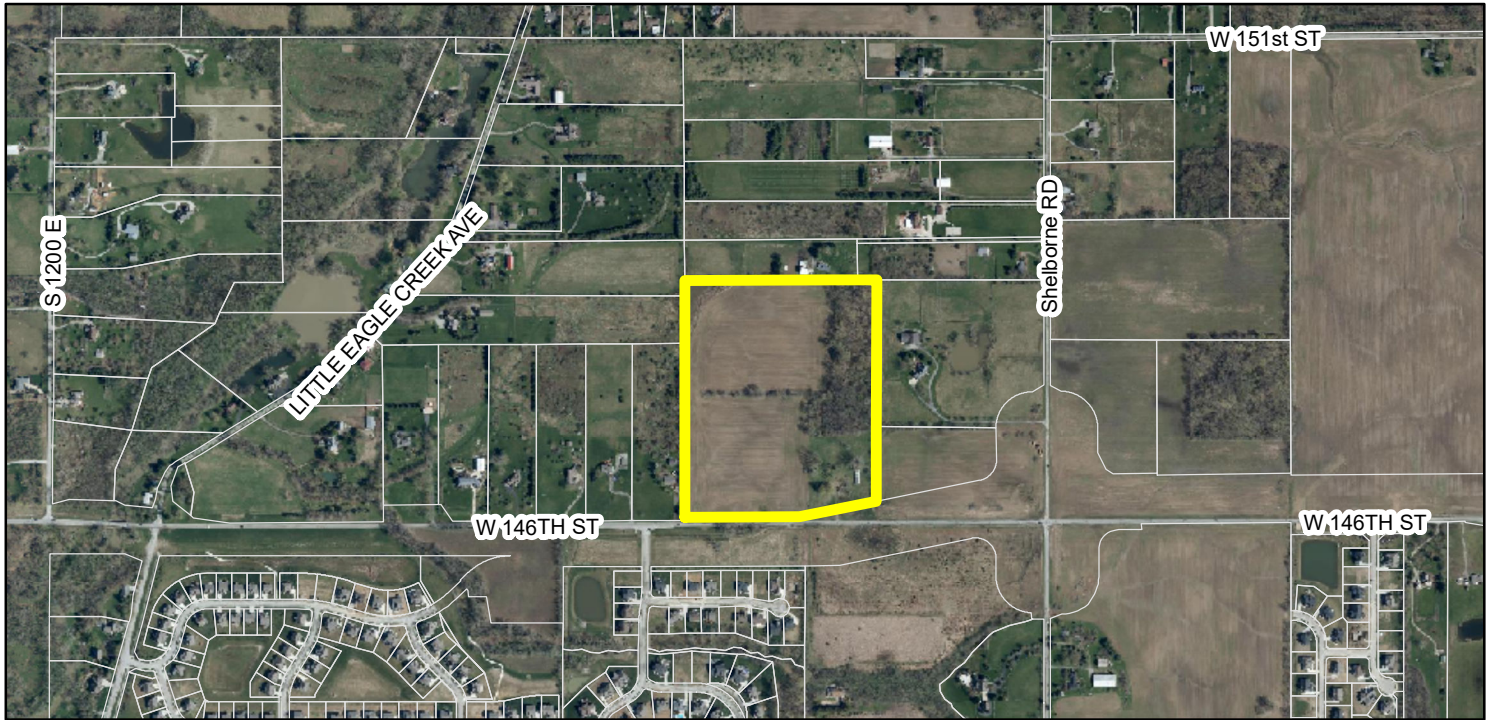
Denial: If the Board is inclined to deny the requested variances, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings consistent with the public hearing evidence and Board discussion.



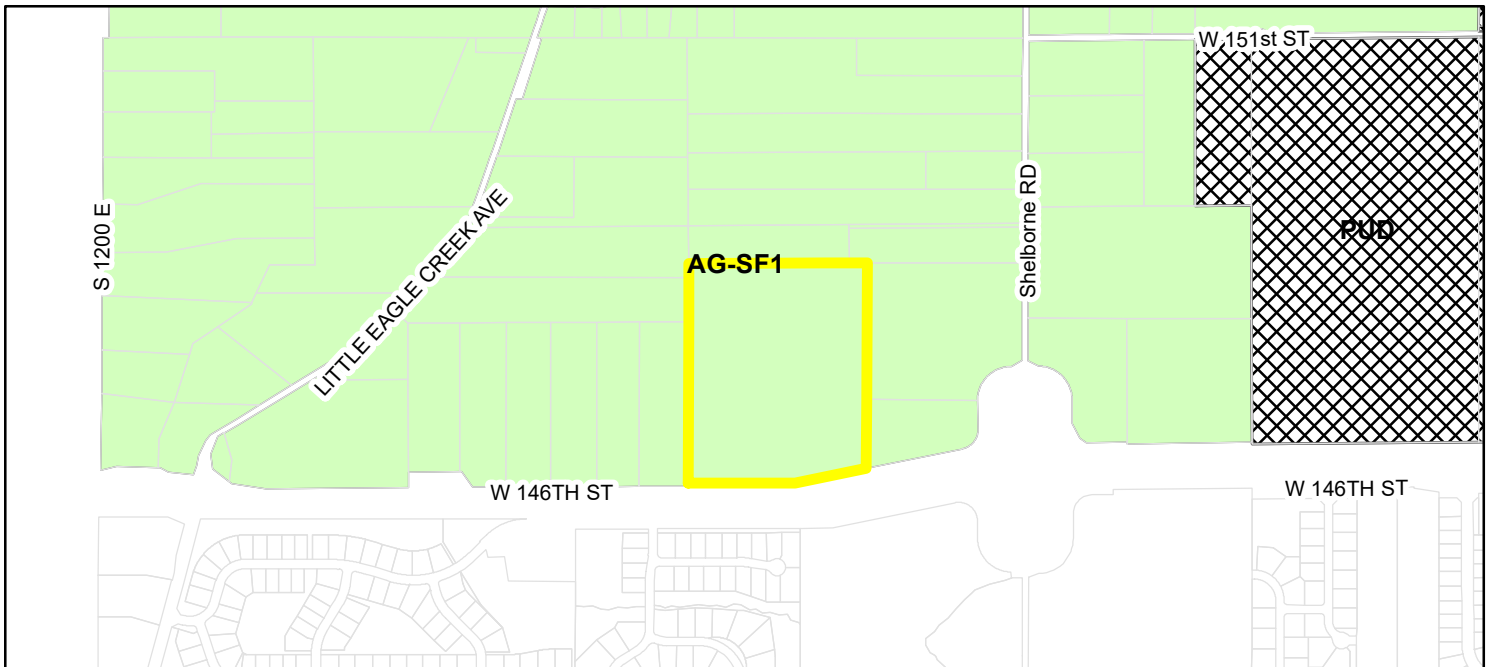
Property Location Map
Highlands Latin School
2109-VS-35



Aerial Location Map



Zoning Map



 Highlands Latin School

 Parcel

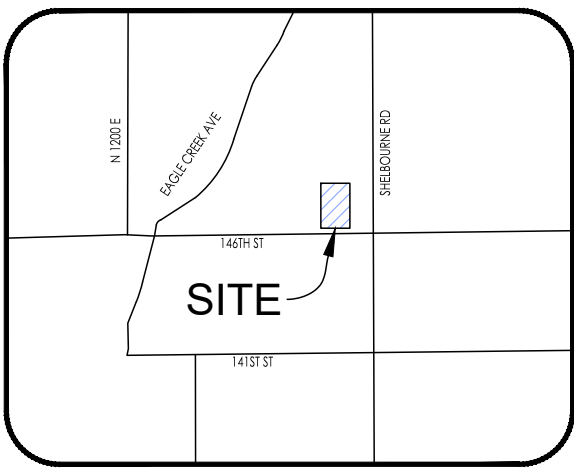
Zoning

 AG-SF1 (Agriculture - Single Family - 1)

 PUD (Planned Unit Development)

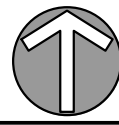
OVERALL DEVELOPMENT PLAN FOR HIGHLANDS LATIN SCHOOL

3810 W 146th Street
Westfield, Indiana 46074

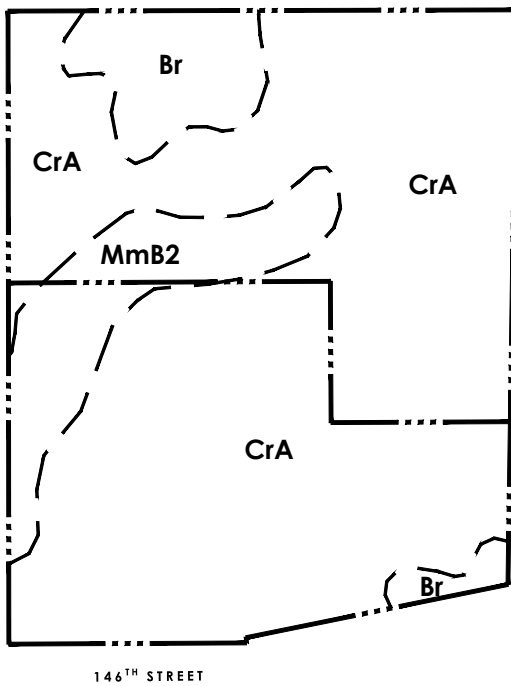


LOCATION MAP

WESTFIELD, INDIANA

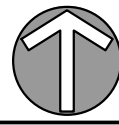


NOT TO SCALE



SOILS MAP

WESTFIELD, INDIANA



1" = 400'

Map Unit:

Br - Brookston silty clay loam, 0 to 2 percent slopes

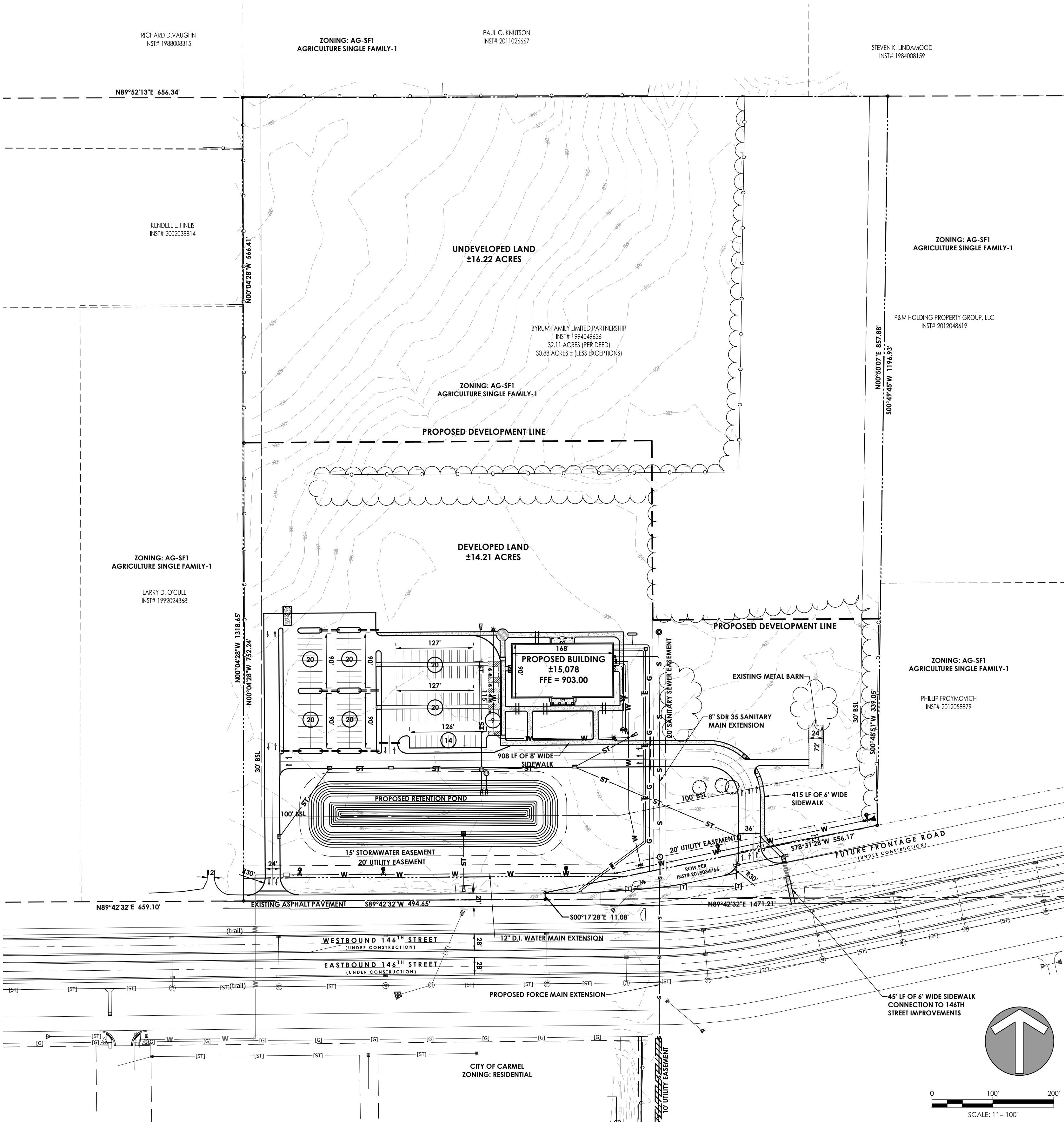
This poorly drained soil has a seasonal high watertable above the surface or within 1' and is in depressions. Permeability is moderately slow and available water capacity is high. This soil responds well to tile drainage.

CrA - Crosby silt loam, fine-loamy subsoil, 0 to 2 percent slopes

This is a somewhat poorly drained soil and has a seasonal high watertable. Permeability is very slow and available water capacity is moderate. This soil responds well to tile drainage.

MmB2 - Miami silt loam, 2 to 6 percent slopes, eroded

This moderately well drained soil has a seasonal high watertable and is on sideslopes and rises on uplands. Permeability is very slow and available water capacity is low.



LEGEND OF EXISTING FEATURES

---	PROPERTY LINE	⬮	BENCHMARK
---	RIGHT-OF-WAY LINE	○ RBC	MONUMENT
---	SETBACK LINE	△	SECTION CORNER
---	EASEMENT	⌈⌋	TRANSFORMER
---	SECTION LINE	⌈⌋	HYVAC
---	CENTERLINE	⌈⌋	ELECTRIC METER
---	799	⌈⌋	ELECTRIC MANHOLE
---	800	⌈⌋	POWER POLE GUY WIRE
---	INDEX CONTOUR	☆	LIGHT POLE
---	TELEPHONE UNDER GR.	⌈⌋	TELEPHONE PEDESTAL
---	TELEPHONE OVERHEAD	⌈⌋	TELEPHONE MANHOLE
---	FIBER OPTIC SERVICE	⌈⌋	GAS MARKER
---	GAS SERVICE	⌈⌋	ELECTRIC MARKER
---	POWER UNDERGROUND	⌈⌋	TRAFFIC POLE
---	POWER OVERHEAD	⌈⌋	TRAFFIC MANHOLE
---	WATER SERVICE	⌈⌋	GAS METER
---	SANITARY SEWER	⌈⌋	GAS VALVE
---	STORM SEWER	⌈⌋	STORM MANHOLE
---	POND NORMAL POOL	⌈⌋	SANITARY MANHOLE
---	EX. FLOWLINE	⌈⌋	STORM INLETS
---	CHAIN LINK FENCE	⌈⌋	CLEAN-OUT
---	FARM FENCE	⌈⌋	DOWNSPOUT
---	WOOD FENCE	⌈⌋	FIRE HYDRANTS
---	IRON FENCE RAILING	⌈⌋	WATER METER
---	BUILDING STRUCTURE	⌈⌋	WATER VALVES
---	EX. BUILDING OVERHEAD	⌈⌋	POST INDICATOR VALVE
---	FINISHED FLOOR ELEVATION	⌈⌋	FIRE DEPARTMENT CONN.
---		⌈⌋	SIGNS
---		⌈⌋	MAILBOX
---		⌈⌋	ADA PARKING
---		⌈⌋	PARKING COUNT
---		⌈⌋	TREES
---		⌈⌋	SHRUB
---		⌈⌋	SPOT GRADE

LEGEND OF PROPOSED FEATURES

ST	STORM SEWER	⌈⌋	STORM MANHOLE
SSD	SUBSURFACE DRAIN	⌈⌋	STORM INLETS
SW	SWALE FLOWLINE	⌈⌋	STORM END SECTION
NP	POND (NORMAL POOL)	⌈⌋	TRANSFORMER
	INTERMEDIATE CONTOUR	⌈⌋	POWER POLE
	INDEX CONTOUR	⌈⌋	LIGHT POLE
S	SANITARY SEWER	⌈⌋	SANITARY MANHOLE
W	WATER SERVICE	⌈⌋	SANITARY SEWER CLEANOUT
F	FIRE SERVICE	⌈⌋	FIRE HYDRANT
G	GAS SERVICE	⌈⌋	WATER METER
T	TELEPHONE / COMMUNICATION	⌈⌋	WATER VALVE
OH-T	OVERHEAD TELEPHONE / COMMUNICATION	⌈⌋	POST INDICATOR VALVE
E	ELECTRIC SERVICE	⌈⌋	FIRE DEPARTMENT CONN.
OH-E	OVERHEAD ELECTRIC SERVICE	⌈⌋	
---	IRRIGATION CONDUIT	⌈⌋	

CONSULTANT TEAM

DEVELOPER/OWNER

HIGHLANDS LATIN SCHOOL
1010 E 126TH STREET
CARMEL, INDIANA 46033
PH: (317) 750-3753

CONTACT: TIM HUSTON
EMAIL: thuston@indylatinschool.org

CIVIL ENGINEER & LAND SURVEYOR

HAMILTON DESIGNS, LLC
11 MUNICIPAL DRIVE
SUITE 300
FISHERS, INDIANA 46038
PH: (317) 570-8800

CONTACT: MICHAEL THOMPSON, PE
EMAIL: mthompson@hamilton-designs.com

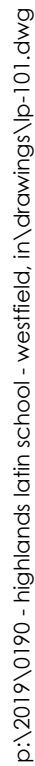
ARCHITECT

SRS ARCHITECTS, INC
200 S RANGELINE ROAD
SUITE 226
CARMEL, INDIANA 46032
PH: (317) 989-6248

CONTACT: STU SHADE
EMAIL: sshade@mitschdesign.com



Know what's below.
Call before you dig.



REVISION BLOCK	
NOT FOR CONSTRUCTION	
DATE 08/12/2021	
DRAWN BY MAR	CHECKED BY MAT

11 Municipal Drive, Suite 300
Fishers, Indiana 46038
P. (317) 570-8800
www.hamilton-designs.com

3810 W 146th Street
Westfield, Indiana 46074

1010 E 126th Street
Carmel, Indiana 46033

PROJECT NO.
2019-0190
DATE
08/12/2021
SCALE
1" = 50'
SHEET NAME
LANDSCAPE PLAN
SHEET NO.
LP-101

VARIANCE APPLICATION

OFFICE USE ONLY

DOCKET #: _____ FILING DATE: _____

FILING FEE: \$ _____ FEE PLUS \$ _____ PER ADDITIONAL VARIANCE (@ _____) = \$ _____

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: _____ (STAFF NAME) DATE: _____

PRIOR OR RELATED DOCKET NUMBERS

CHANGE OF ZONING: _____ AMENDMENTS: _____ DEVELOPMENT PLAN: _____

PRIMARY PLAT: _____ SECONDARY PLAT: _____ VARIANCE(S): _____

APPLICANT INFORMATION

APPLICANT'S NAME: _____ TELEPHONE: _____

ADDRESS: _____ EMAIL: _____

PROPERTY OWNER'S NAME: _____ TELEPHONE: _____

ADDRESS: _____ EMAIL: _____

REPRESENTATIVE'S NAME: _____ TELEPHONE: _____

COMPANY: _____ EMAIL: _____

ADDRESS: _____

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: _____

COUNTY PARCEL ID #(S): _____

EXISTING ZONING DISTRICT(S): _____ EXISTING LAND USE(S): _____

PROPERTY AND PROJECT INFORMATION

☐ VARIANCE OF LAND USE CODE CITATION: _____

☐ VARIANCE OF DEVELOPMENT STANDARD(S) CODE CITATION: _____

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

STATEMENT OF INTENT (EXPLANATION OF REQUEST - ATTACH SEPARATE SHEET IF NECESSARY): _____

APPLICANT AFFIDAVIT

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says that above information is true and correct as he/she is informed and believes and that Applicant owns or controls the property involved in this application.

Tim S. Huston
Applicant/Representative (signature)

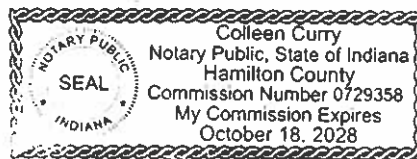
Tim S. Huston
Applicant/Representative (printed)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the above party, who having been duly sworn acknowledged the execution of the foregoing Application.

Witness my hand and Notarial Seal this 11 day of August, 2021
State of Indiana County of Hamilton, SS:

Colleen Curry
Notary Public (signature)

Colleen Curry
Notary Public (printed)



PROPERTY OWNER AFFIDAVIT

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says they are the owners of the property involved in this application and that they hereby acknowledge and consent to the foregoing Application.

Tim S. Huston
Property Owner (signature)*

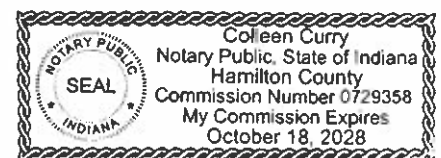
Tim S. Huston
Property Owner (printed)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the Property Owner, who having been duly sworn acknowledged and consents to the execution of the foregoing Application.

Witness my hand and Notarial Seal this 11 day of August, 2021
State of Indiana County of Hamilton, SS:

Colleen Curry
Notary Public (signature)

Colleen Curry
Notary Public (printed)



*A signature from each party having interest in the property involved in this application is required. If the Property Owner's signature cannot be obtained on the application, then a notarized statement by each Property Owner acknowledging and consenting to the filing of this application is required with the application.

FINDINGS OF FACT (VARIANCE OF DEVELOPMENT STANDARD)

APPLICANT: _____ **DOCKET #:** _____

In taking action on a variance request, the Board of Zoning Appeals uses the following decision criteria to approve or deny a variance, as established by Indiana Code, and the Board may impose reasonable conditions as part of its approval. The applicant must address the criteria below (if multiple variances of development standard are being requested, then this sheet should be completed separately for each requested variance). A variance of land use may be approved by the Board of Zoning Appeals only upon a determination that the Board finds all of the following to be true:

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

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

C. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property because: _____

GENERAL INSTRUCTIONS

- A. **Pre-Filing Conference:** A pre-filing conference is required for all petitions. An appointment must be made with the Community Development Department (the “Department”) to discuss a petition prior to filing. An application will not be considered filed until a pre-filing conference has occurred. Applicants are encouraged to incorporate the Department’s comments into the application prior to filing.
- B. **Filing Petition:** A petition shall be filed with the Department by the filing deadline in accordance with the Schedule of Meeting and Filing Dates. In order to be deemed a complete petition, a petition shall include the following:
- | | |
|---|--|
| ☐ Completed Application | ☐ Legal Description |
| ☐ Draft Public Notice | ☐ List of Adjoining Property Owners (as provided by County) |
| ☐ Property Owner Consent | ☐ TAC Delivery Affidavit (if TAC is determined to be necessary) |
| ☐ Site Plan (to scale) | ☐ Copy of Property Deed |
| ☐ Statement of Intent | Elevations, photographs or other supporting information necessary to explain the nature of the requested variance(s) |
- C. **Filing Fee Check:** After the filing of an application, the Department will advise the applicant of the applicable filing fee amount, which is due and payable (checks made out to “City of Westfield”) within two (2) weeks of filing.
- D. **Technical Advisory Committee (TAC):** The applicant is responsible for submitting a copy of the application and related information to Technical Advisory Committee members prior to filing, if determined by the Department to be necessary. An affidavit confirming delivery of information is required to be completed and signed by the applicant and submitted with the petition. Technical Advisory Committee meetings are held in the City Services Building (2728 East 171st Street, Westfield, IN 46074) in accordance with the Schedule of Meeting and Filing Dates. A representative must be present at this meeting.
- E. **Public Hearing and Notice:** All variance petitions require a public hearing by the Board of Zoning Appeals. The public hearing is held at City Hall, 130 Penn Street, Westfield, Indiana, in accordance with the Schedule of Meeting and Filing Dates. Notice of the hearing is required in accordance with the Board’s Rules of Procedure:
1. **Newspaper Publication:** Notice of the hearing will be published in the Hamilton County Reporter and The Times. The Department will handle the newspaper publication requirement.
 2. **Mailed Public Notice:** The applicant is responsible to send public notice by certified mail with proof of mailing (certificate of mailing) to all interested parties, postmarked at least ten (10) days prior to the hearing. A list of adjacent property owners may be obtained from the **Hamilton County Auditor, Office of Transfers and Mapping** (33 North 9th Street, Noblesville, IN 46060, (317) 776-9624), and shall include all owners of property to a depth of two (2) ownerships of no direct or indirect financial or other interest to the applicant or property owner or one eighth of a mile (1/8), whichever is less.
 3. **Public Notice Sign:** The applicant is responsible to post a public notice sign(s) on the property at least ten (10) days prior to the public hearing. The Department will determine sign locations and will make signs available for the applicant to obtain in the office of the Department.
 4. **Affidavit of Notice of Public Hearing:** The applicant shall deliver a copy of the mailed notice and a signed affidavit, verifying that the notices were mailed and the public notice sign(s) was posted on the subject property, to the Department at least four (4) calendar days prior to the public hearing.
- F. **Ex-parte Communication:** In no event shall applicants or other interested parties contact or attempt to communicate with members of the Board in regard to a filed variance petition prior to the public hearing.
- G. **Revised Materials:** If the applicant wishes to submit additional or revised information than what is filed, then the applicant shall submit those to the Department no later than ten (10) days prior to the public hearing.
- H. **Board’s Consideration:** Following the public hearing, the Board may either approve, approve with conditions, deny or continue the petition.
- I. **Resource:** Please see the Board’s Rules of Procedure for more detailed procedural information.



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

October 12, 2021

2109-VS-33

Exhibit 1

Petition Number: 2109-VS-33

Subject Site Address: 603 W 216th Street ("the Property")

Petitioner: Michael Quinn ("the Petitioner")

Request: The Petitioner requests a Variance of Development Standard to modify the Minimum Lot Frontage from 250 feet to zero (0) feet for an illegal, nonconforming lot in the AG-SF1: Agriculture/Single-Family Rural District (Article 4.2(D))

Current Zoning: AG-SF1: Agriculture/Single-Family Rural

Current Land Use: Residential

Approximate Acreage: 8.96 acres +/-

Exhibits:

1. Staff Report
2. Location Map
3. Concept Plan

Staff Reviewer: Daine Crabtree, Associate Planner

OVERVIEW

Location: The subject property is 8.96 acres +/- in size (the "Property") and located south of 216th Street adjacent to the Monon Trail. (see **Exhibit 2**). The Property is zoned AG-SF1: Agriculture/Single-Family Rural. Adjacent properties are also zoned AG-SF1.

Property History: The existing home on the current acreage received a permit (95-IP-111) on May 5, 1995. There is no reference to an existing variance on the permit card.

Per the City's aerial map history, in 1994, the Property was part of a 12 acre +/- parcel. In 2000, the next available historical parcel map indicates that the Property had been split from the aforementioned 12 acre +/- parcel. Therefore, it is likely this parcel split occurred after the building permit was issued, but before the 2000 aerial map was taken.

Therefore, the Property is considered illegal, nonconforming as it has never had road frontage nor an approved variance modifying the required road frontage.

The Petitioner did not come to own the Property until 2013.

Requested Variances: The petitioner is requesting a Variance of Development Standard for the Property to modify the Minimum Lot Frontage from 250 feet to zero (0) feet, which would make the Property both legal and conforming.



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

October 12, 2021

2109-VS-33

Exhibit 1

SUMMARY OF VARIANCE

The Property is currently subject to the AG-SF1: Agriculture/Single-Family Rural¹ zoning set forth by the Westfield-Washington Township Unified Development Ordinance (the “UDO”).

The Petitioner is requesting a Variance of Development Standard to modify the Minimum Lot Frontage from 250 feet to zero (0) feet.

The Property is considered illegal, nonconforming and cannot be further built upon in its current state. The approval of the requested variance would make the Property legal, conforming.

In addition, the Petitioner would like to request that the Board approve the ability to subdivide the Property in the future without the need for an additional road frontage variance provided that any newly created parcel is subject to all other AG-SF1 standards.

Because of the Property’s existing acreage (8.96 acres +/-), the maximum number of lots created from a minor subdivision without an additional variance would be two (2).

One possible layout for a future minor subdivision can be seen in the Concept Plan (**Exhibit 3**).

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Development Standard. This petition is scheduled to receive its public hearing at the October 12, 2021, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals’ Rules of Procedure.

Conditions: The UDO² and Indiana law provide that the Board of Zoning Appeals may impose reasonable conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of the UDO upon any Lot benefited by a variance as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject Lot or upon public facilities and services. Such conditions shall be expressly set forth in the order granting the variance.

Acknowledgement of Variance: If the Board of Zoning Appeals approves this petition, then the UDO³ requires that the approval of the variance shall be memorialized in an acknowledgement of variance instrument prepared by the Department. The acknowledgement shall: (i) specify the

¹ Article 4.2: AG-SF1: Agriculture/Single-Family Rural District

² Article 10.14(I) Processes and Permits; Variances; Conditions of the UDO.

³ Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

October 12, 2021

2109-VS-33

Exhibit 1

granted variance and any commitments made or conditions imposed in granting of the variance; (ii) be signed by the Director, Property Owner and Applicant (if Applicant is different than Property Owner); and (iii) be recorded against the subject property in the Office of the Recorder of Hamilton County, Indiana. A copy of the recorded acknowledgement shall be provided to the Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

Variances of Development Standard: The Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the underlying zoning ordinance. A variance may be approved under Indiana Code § 36-7-4-918.5 only upon a determination in writing that:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
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; and
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.

DEPARTMENT COMMENTS:

Recommended Findings for Approval: If the Board is inclined to approve the Variance of Development Standards (2109-VS-33), then the Department recommends the following written findings of fact and condition:

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

Finding: It is unlikely that approving the requested variance would be injurious to the public health, safety, morals, and general welfare of the community because the existing use and proposed improvements will otherwise comply with the applicable standards of the AG-SF1: Agriculture/Single-Family Rural District.

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

Finding: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The proposed variance should not have a negative impact on surrounding properties because the use of the property will not change.

- 3) **Criteria:** The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

October 12, 2021

2109-VS-33

Exhibit 1

Finding: Strict adherence to the zoning ordinance would result in a Property that cannot be further improved.

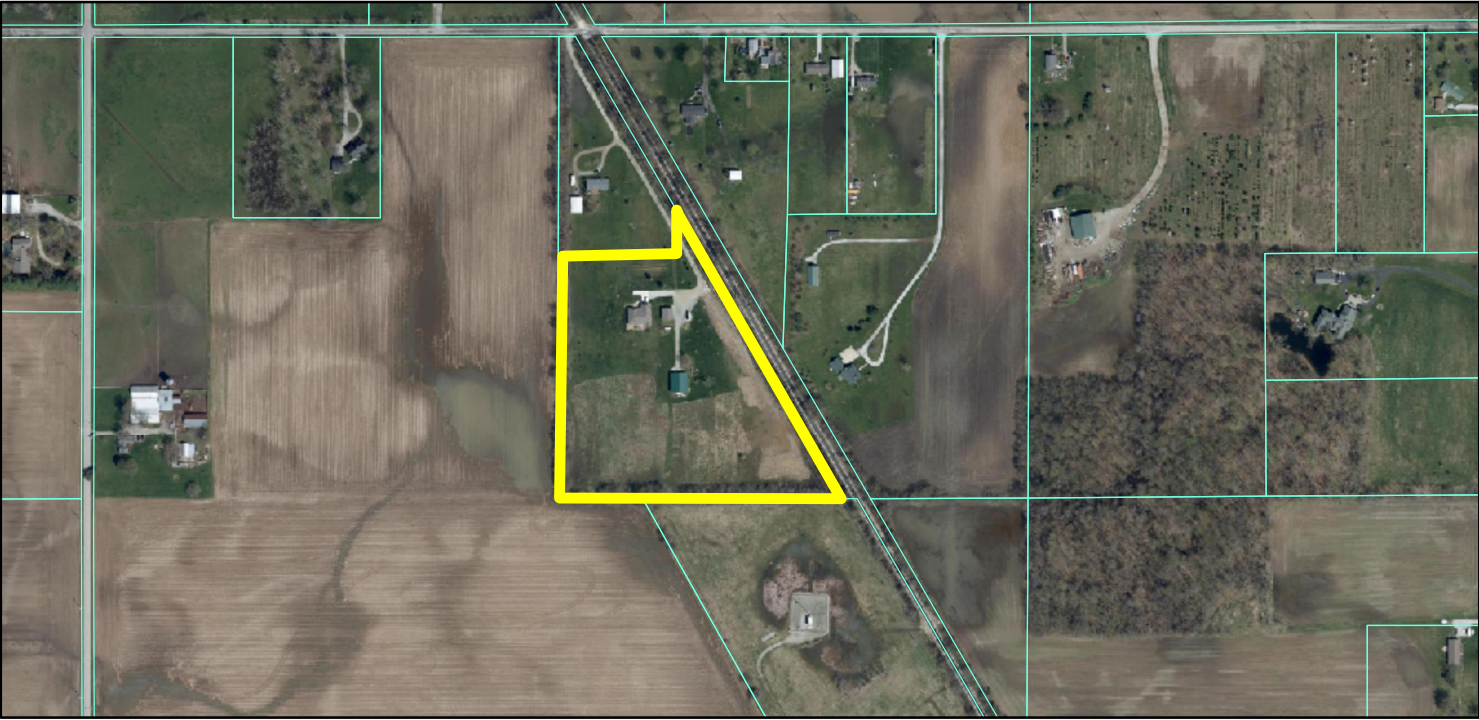
Recommended Conditions:

- In the event the Property is subdivided at a later date, any newly created parcel must adhere to all applicable AG-SF1 zoning requirements with the exception of road frontage; and
- That the Petitioner shall record an acknowledgement of this approval with the County Recorder's Office and return a copy of the recorded instrument to the Community Development Department.

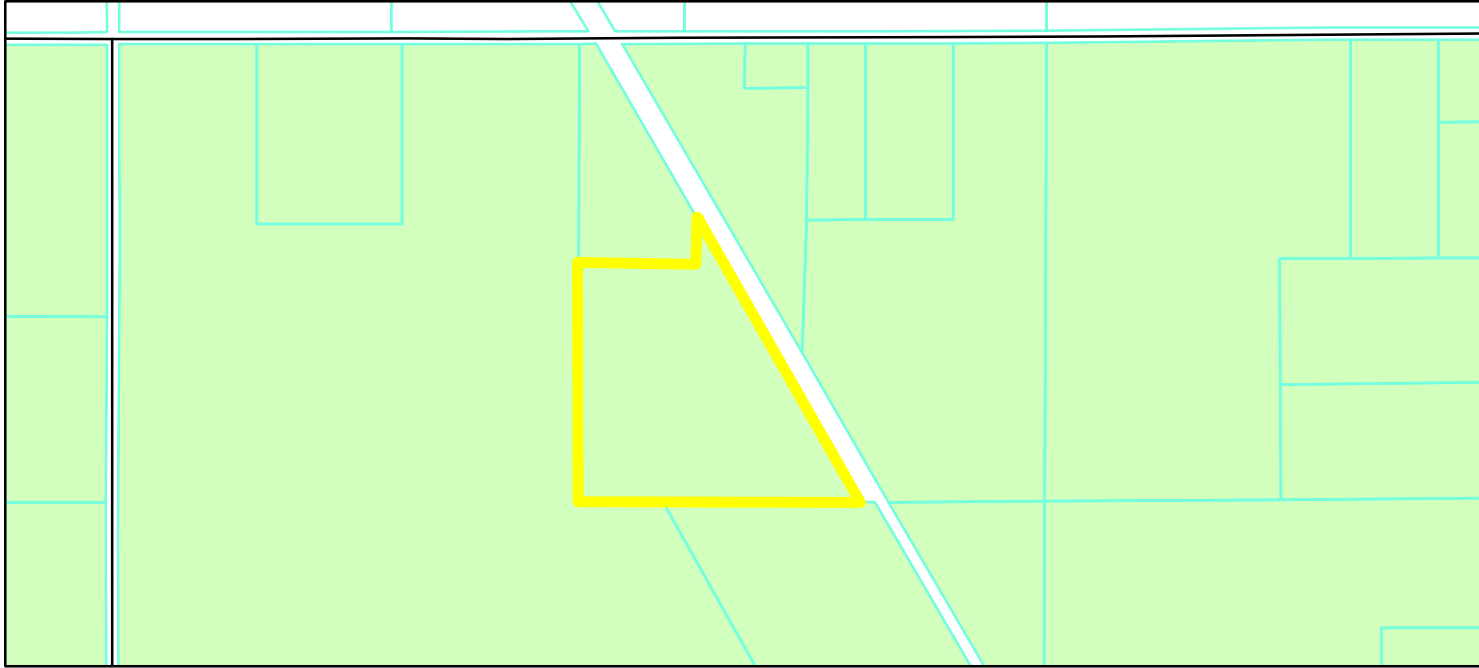
Denial: If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.

Aerial Location Map

 Site

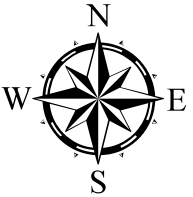


Zoning Map

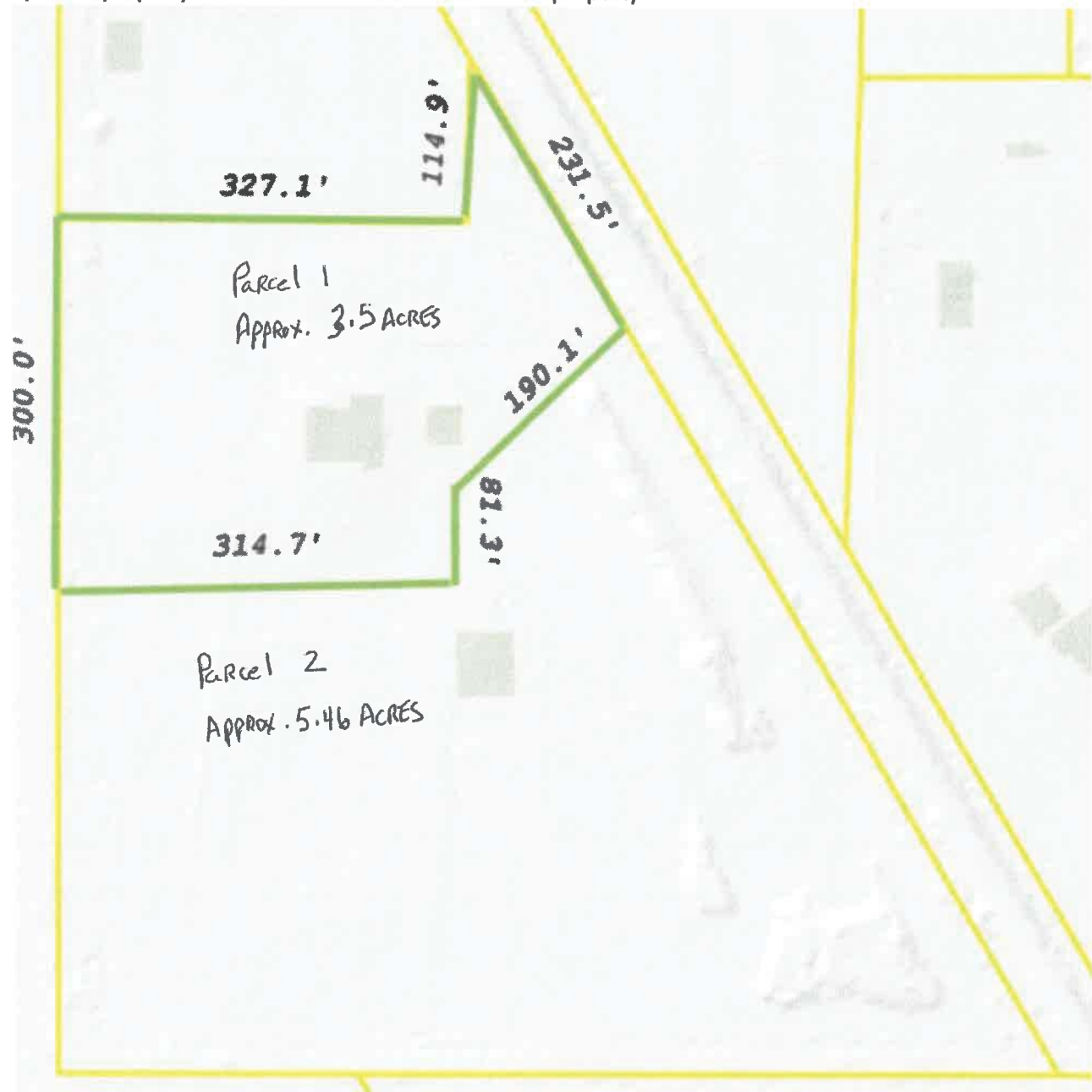


GIS.DBO.PW_Streets Zoning
 Parcel
 AG-SF1 (Agriculture - Single Family - 1)
 Zoning - All

0 0.05 0.1
 Miles



Split the property so that can build another house on property.



Property 1 with current House and detached garage

Property 2 with barn – proposed future house build



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

October 12, 2021

2110-VS-38

Exhibit 1

Petition Number: 2110-VS-38

Subject Site Address: 220 E. 206th Street (the "Property")

Petitioner: Chris Preissler (the "Petitioner")

Request: The Petitioner requests Variances of Development Standard to encroach ten (10) feet into the twenty (20) foot Minimum Front Yard Building Setback (south lot line) and to permit an Accessory Building within seventy-five (75) feet of a Right-of-way and within an Established Front Yard on 0.74 acres +/- in the SF5: Single-Family High Density (Villages) District (Articles 4.8(E)(1) and 6.1(D)(2)(a)).

Current Zoning: SF5: Single-Family High Density (Villages)

Current Land Use: Residential

Approximate Acreage: 0.74 acres +/-

Exhibits:

1. Staff Report
2. Location Map
3. Site Plan
4. Petitioner Proposed Findings of Fact

Staff Reviewer: Daine Crabtree, Associate Planner

OVERVIEW

Location: The subject property is a 0.74 +/- acre parcel located at 220 E. 206th Street in the unincorporated community of Hortonville (see **Exhibit 2**).

Requested Variances: The Petitioner is requesting Variances of Development Standard to reduce the Minimum Front Yard Building Setback (south lot line) from twenty (20) feet to ten (10) feet and to permit an Accessory Building within seventy-five (75) feet of a Right-of-way and within an Established Front Yard.

SUMMARY OF VARIANCE

The Petitioner is requesting three Variances of Development Standard:

- To encroach ten (10) feet into the twenty (20) foot Minimum Front Yard Building Setback (south lot line)
- To permit an Accessory Building within seventy-five (75) feet of a Right-of-way
- To permit an Accessory Building within an Established Front Yard



Due to the placement of the existing home (which based on historic aerials appears built pre-1941), the depth of the Established Front Yard varies from as little as five (5) feet on the western part of the Property immediately in front of the home to a maximum of 23 feet +/- elsewhere. The entire lot is never deeper than 100 feet +/- and on the western area of the Property is only 85 feet +/- deep.

For unplatted Lots, the Westfield-Washington Township Unified Development Ordinance (UDO) requires Accessory Buildings to be located no less than seventy-five (75) feet from all Rights-of-way. Rights-of-way exist adjacent to the south lot line of the Property on both the east and west sides of the Property.

There is no building permit on file for the existing lean-to shed/garage structure on the Property adjacent to the south lot line (see **Exhibit 2**). This was erected by a previous Property owner however as the Petitioner has only owned the Property since September 1, 2021.

The proposed new Accessory Building, a garage attached to the existing residence via an enclosed breezeway, would be located ten (10) feet from the south Property line, whereas the existing lean-to shed, which would be demolished, sits only two (2) feet from the Property line.

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Development Standard. This petition is scheduled to receive its public hearing at the October 12, 2021, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

Conditions: The UDO¹ and Indiana law provide that the Board of Zoning Appeals may impose reasonable conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of the UDO upon any Lot benefited by a variance as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject Lot or upon public facilities and services. Such conditions shall be expressly set forth in the order granting the variance.

Acknowledgement of Variance: If the Board of Zoning Appeals approves this petition, then the UDO² requires that the approval of the variance shall be memorialized in an acknowledgement of variance instrument prepared by the Department. The acknowledgement shall: (i) specify the granted variance and any commitments made or conditions imposed in granting of the variance;

¹ Article 10.14(I) Processes and Permits; Variances; Conditions of the UDO.

² Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.



(ii) be signed by the Director, Property Owner and Applicant (if Applicant is different than Property Owner); and (iii) be recorded against the subject property in the Office of the Recorder of Hamilton County, Indiana. A copy of the recorded acknowledgement shall be provided to the Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

Variances of Development Standard: The Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the underlying zoning ordinance. A variance may be approved under Indiana Code § 36-7-4-918.5 only upon a determination in writing that:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
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; and
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.

DEPARTMENT COMMENTS:

Recommended Findings for Approval: If the Board is inclined to approve the variance, then the Department recommends the findings as set forth below, for each variance:

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

Finding: It is unlikely that approving the requested variance would be injurious to the public health, safety, morals, and general welfare of the community because the existing use and proposed improvements will otherwise comply with the applicable standards of the SF5 zoning district.

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

Finding: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The proposed variance should not have a negative impact on surrounding properties because the use of the property will not change.

- 3) **Criteria:** The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:

Finding: The existing Property dimensions, dwelling placement, existing trees and UDO's standards for Accessory Buildings on unplatted lots make the development of the Property,



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

October 12, 2021

2110-VS-38

Exhibit 1

especially as it relates to Accessory Buildings that are typically in close proximity to a Primary Structure (ie: a garage), difficult per SF5 standards.

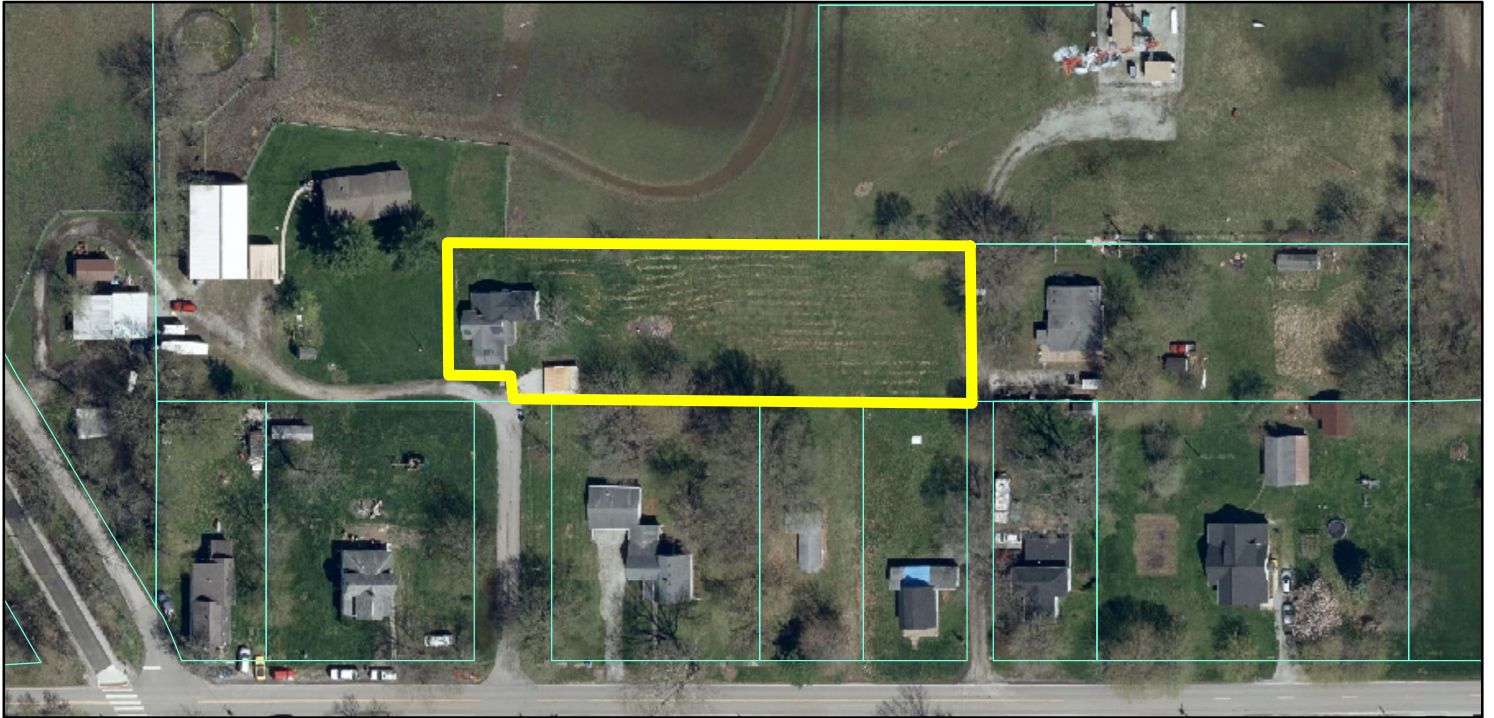
Recommended Conditions:

- The Variance of Development Standard to encroach ten (10) feet into the twenty (20) foot Front Yard Setback shall be applicable only for the garage Accessory Structure described in the Petitioner Proposed Findings of Fact (see **Exhibit 4**)
- The Property of the variance shall be developed in substantial compliance with the Site Plan (**Exhibit 3**)
- The Petitioner shall record an acknowledgement of this approval with the Hamilton County Recorder's Office and return a copy of the recorded instrument to the Economic and Community Development Department.

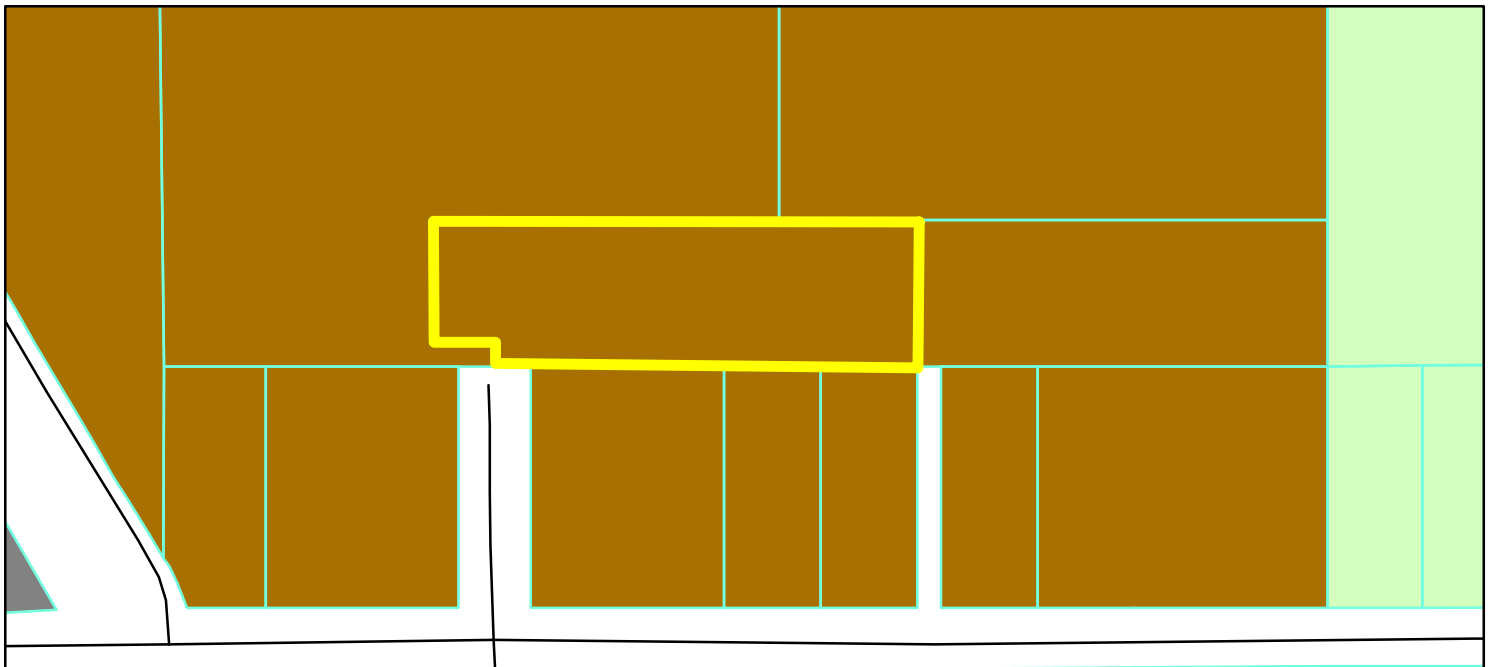
Denial: If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings consistent with the public hearing evidence and Board discussion.

Aerial Location Map

 Site



Zoning Map



GIS.DBO.PW_Streets Zoning
Parcel
Parcel
Zoning - All
AG-SF1 (Agriculture - Single Family - 1)
OI (Open Industrial)
SF-5 (Single Family - 5)

0 0.01 0.02
Miles



FINDINGS OF FACT (VARIANCE OF DEVELOPMENT STANDARD)

APPLICANT: Bob Abbott

DOCKET #: _____

In taking action on a variance request, the Board of Zoning Appeals uses the following decision criteria to approve or deny a variance, as established by Indiana Code, and the Board may impose reasonable conditions as part of its approval. The applicant must address the criteria below (if multiple variances of development standard are being requested, then this sheet should be completed separately for each requested variance). A variance of land use may be approved by the Board of Zoning Appeals only upon a determination that the Board finds all of the following to be true:

- A. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because: Attached
garage will be used only for legal and common uses such as parking of vehicles and storage of personal property

- B. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because: The current garage is located but 2' off front property. That building would be wrecked. A new 24x40 would
then be built 10 foot behind front property line and will be in a logical place for driveway off street. Garage will not impede use by property south of
property being disussed.

- C. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property because: _____
The building new garage 20 feet to the rear of current front property line would necessitate the removal of a large mature tree
that partially shades house. It is not desired to be removed. Garage setting 10 feet north of front property line makes for
a much easier ingress and egress off street.



Petition Number: 2110-VU-04

Subject Site Address: 228 Maple Street (the "Property")

Petitioner: Bailey Speek (the "Petitioner")

Request: The Petitioner is requesting a Variance of Use to permit a Low-Intensity Retail Use (Beauty Salon) on 0.18 acres +/- in the MF1: Multi-Family Low Density District (Chapter 13)

Current Zoning: MF1: Multi-Family Low Density

Current Land Use: Residential

Approximate Acreage: 0.18 acres+/-

Exhibits:

1. Staff Report
2. Location Map
3. Petitioner's Findings of Fact
4. Grand Junction Task Group Letter

Staff Reviewer: Daine Crabtree, Senior Planner

PROPERTY INFORMATION

The subject property is 0.18 acres +/- in size and is located at 228 Maple Street (the "Property") (see **Exhibit 2**). The Property is zoned MF1: Multi-Family Low Density.

VARIANCE REQUEST

The Petitioner is requesting a Variance of Use to allow a Low-Intensity Retail Use (Beauty Salon) at 228 Maple Street, currently zoned MF-1: Multi-Family Low Density. The use classification "Low-Intensity Retail"¹ is not a permitted use within the MF-1 District.

¹ Chapter 12 of the UDO defines "Retail, Low Intensity" as, "Retail businesses that have a low impact on neighboring properties, traffic generation, and public safety. Examples include, but are not limited to: art gallery, banks and savings and loans, bakery with limited seating, barber and beauty shop, book store (small), camera store, convenience store (small), craft gallery (small), drug store (small), dry cleaning pick-up, flower shop, gift shop, jewelry store, laundromats and self-service dry cleaning, mail order stores, meat market, news dealer and stationary stores. Generally, a business under eight thousand (8,000) square feet qualifies as small for purposes of this definition"



COMPREHENSIVE PLAN

The 2007 Westfield-Washington Township Comprehensive Plan (the “Comprehensive Plan”) and the 2016 Grand Junction Sub-Districts Addendum identify the Property as within The Gateway Subdistrict within the Grand Junction District.

The Gateway Subdistrict is envisioned to be friendly to pedestrians and to be a part of Westfield’s skyline, and will need to house landmark-quality buildings while being fully integrated into the downtown’s branding, themes, and programming. The Gateway seeks to be welcoming, safe, comfortable, and vibrant with activity. Land Uses deemed appropriate for this area are Hotels, Conference Centers, Offices (professional, medical, or general office uses including a visitor’s center), Multi-family Residential (desirable as long as the street-level is dedicated to non-residential and non-parking uses), Parking Structures, and Ancillary Uses (ancillary retail, restaurants, cultural uses, institutional uses, entertainment, or recreational use).

This proposal has been reviewed by the Grand Junction Task Group (see **Exhibit 4**).

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Use and Variance of Development Standard. This petition is scheduled to receive its public hearing at the October 12, 2021, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals’ Rules of Procedure.

Conditions: The UDO² and Indiana law provide that the Board of Zoning Appeals may impose reasonable conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of the UDO upon any Lot benefited by a variance as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject Lot or upon public facilities and services. Such conditions shall be expressly set forth in the order granting the variance.

Acknowledgement of Variance: If the Board of Zoning Appeals approves this petition, then the UDO³ requires that the approval of the variance shall be memorialized in an acknowledgement of variance instrument prepared by the Department. The acknowledgement shall: (i) specify the granted variance and any commitments made or conditions imposed in granting of the variance; (ii) be signed by the Director, Property Owner and Applicant (if Applicant is different than

² Article 10.14(I) Processes and Permits; Variances; Conditions of the UDO.

³ Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.

Property Owner); and (iii) be recorded against the subject property in the Office of the Recorder of Hamilton County, Indiana. A copy of the recorded acknowledgement shall be provided to the Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

Variances of Use: The Board of Zoning Appeals shall approve or deny variances from the terms of the UDO. A variance may be approved under Indiana Code § 36-7-4-918.4 only upon a determination in writing that:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
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;
3. The need for the variance arises from some condition peculiar to the property involved;
4. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property; and
5. The approval does not interfere substantially with the Comprehensive Plan.

DEPARTMENT COMMENTS:

The area immediately surrounding the Property is either being redeveloped or contemplated for redevelopment in the future in accordance with the Comprehensive Plan and its subsequent amendments for Downtown Westfield such as the Grand Junction Plaza. As a result of these economic development opportunities, there is an emerging desire for transitional businesses in the downtown area that contribute to further activity and liveliness.

Recommended Conditions for Approval:

1. That the approval of low-intensity retail be limited to a beauty salon; and
2. That approval of this variance shall expire on December 31, 2026. Any request to extend the time limit of this variance shall be reviewed and approved by the Board of Zoning Appeals prior to December 31, 2026].

Recommended Findings:

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

Finding: It is unlikely that allowing a business defined as ‘Low-Intensity Retail’, specifically a beauty salon, to locate on the Property will be injurious to the public health, safety, morals, and general welfare of the community because the request is consistent with the uses contemplated in the City’s Comprehensive Plan.

- 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:*

Finding: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner as the proposed use will be utilizing only those improvements currently existing on the property which is consistent with the character of the surrounding area. Economic redevelopment activity is anticipated within the proximity of the Property, including the Grand Junction Plaza, that will include more commercial operations.

- 3) *The need for the variance of use arises from some condition peculiar to the property involved.*

Finding: The use of Low-Intensity Retail is not permitted within the MF-1: Multi-Family Low Density District. The Comprehensive Plan and subsequent Comprehensive Plan Addendums have identified an emerging economic development opportunity in downtown. As this redevelopment will occur overtime, the transitional period warrants the adaptive reuse of existing structures to promote downtown as a destination and lively center to the community.

- 4) *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:*

Finding: The use of Low-Intensity Retail is not permitted within the MF-1: Multi-Family Low Density District. Strict adherence to the Zoning Ordinance would allow for arguably more intense uses (nursing home, assisted living facilities); however, would not permit less intense retail uses.

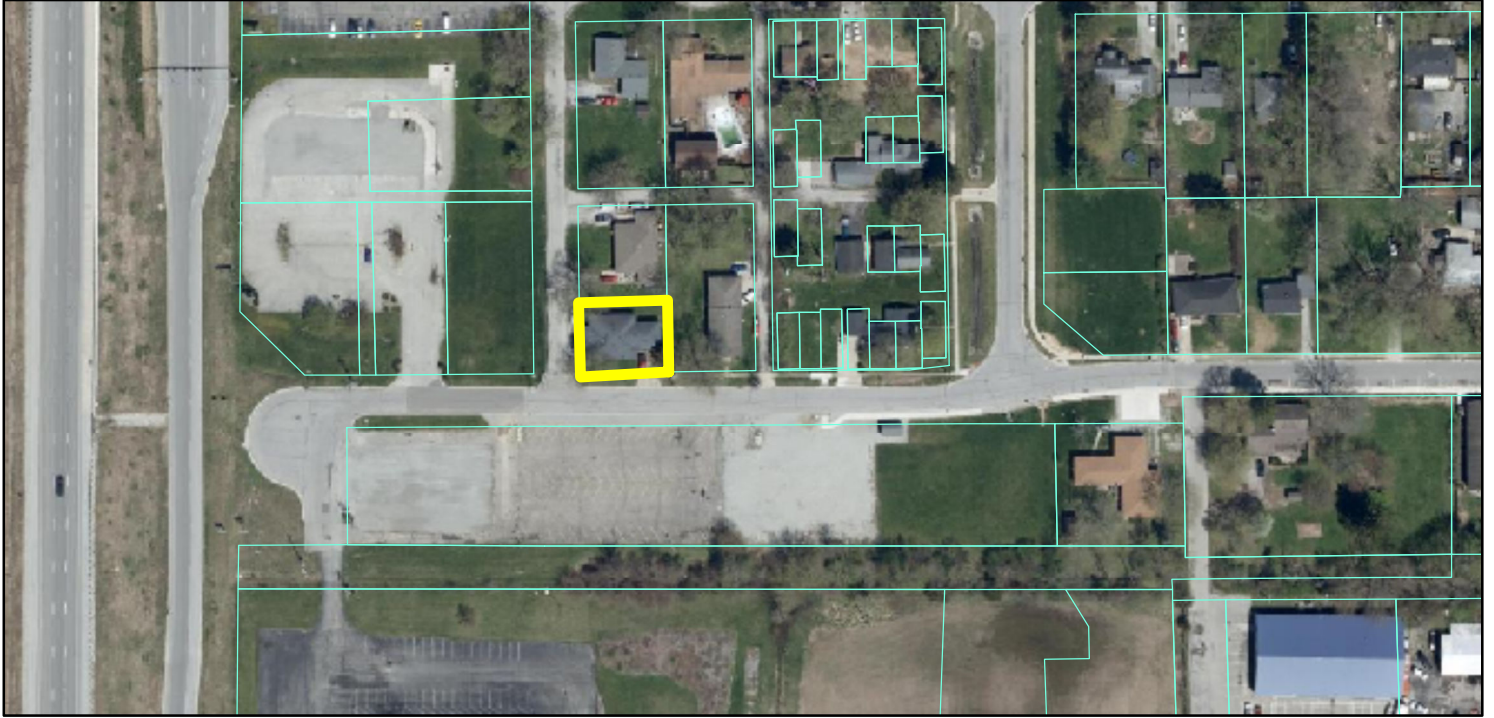
- 5) *The approval does not interfere substantially with the comprehensive plan:*

Finding: The Westfield-Washington Comprehensive Plan (the “Comprehensive Plan”) includes this property in the area designated as “Downtown”. The Comprehensive Plan recommends that land uses in the Downtown area include commercial, offices, and retail as well as residential. The use of the Property as Low-Intensity Retail, specifically a beauty salon, would not interfere with the Comprehensive Plan.

Denial: If the Board is inclined to reject or deny the Variance of Use, then the Department recommends denying the Variance of Use, and then tabling the adoption of findings until the Board’s next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.

Aerial Location Map

 Site



Zoning Map



GIS.DBO.PW_Streets Zoning
Parcel
Parcel
Zoning - All
EI (Enclosed Industrial)
GB (General Business)
MF-1 (Multiple Family - 1)
PUD (Planned Unit Development)

0 0.0225 0.045
Miles



FINDINGS OF FACT (VARIANCE OF USE)

APPLICANT: Bailey Speek

DOCKET #: _____

In taking action on a variance request, the Board of Zoning Appeals uses the following decision criteria to approve or deny a variance, as established by Indiana Code, and the Board may impose reasonable conditions as part of its approval. The applicant must address the criteria below. A variance of land use may be approved by the Board of Zoning Appeals only upon a determination that the Board finds all of the following to be true:

A. The use will not be injurious to the public health, safety, morals, and general welfare of the community because: _____
we are a local business enterprise in the beauty industry!

B. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because: _____
we are going to improve and update the property from the inside out. Therefore, bringing value to the area.

C. The need for the variance arises from some condition particular to the property involved because: _____
we are converting the home from a low income residential/rental property to an upscale commercial space.

D. The strict application of the terms of the Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought because: _____
N/A

E. The variance of use does not interfere substantially with the Comprehensive Plan because: _____
the house will turn into a high end beauty salon that will fit in seamlessly in the commercial/residential planning of the area.

Grand Junction Task Group

116 East Main Street, Westfield Indiana 46074-8924

September 1, 2021

Bailey Speek
The Modern Female
106 N. Union Street
Westfield, In 46074

Re: **228 Maple Street, Westfield, IN 46074**

Dear Bailey Speek,

The Grand Junction Task Group received a proposal from your company seeking an endorsement on a 228 Maple Street variance before the City of Westfield.

A three-page summary was provided to task group members for review over email. Unfortunately, the time for an in-person meeting was not available.

The Task Group reviewed your proposal and provided feedback that included a question about the company's plans for parking¹. Additionally, a member raised the issue about the location of this business as it relates to long-term development plans for the block². The Realtor representing The Modern Female confirms that the company recognizes this likely conclusion and will cooperate when such a project comes forward.

The Task Group appreciates your flexibility and willingness to consider its questions to ensure that this new development adds to the downtown experience and corridor. Therefore, members of the Grand Junction Task Group have voted to **ENDORSE** this project.

The Task Group endorses the 228 Maple Street variance proposed by The Modern Female. This investment in downtown Westfield will help increase property values in the neighborhood and contribute to area businesses' success.

Questions about the endorsement can be directed to the Grand Junction Task Group administrator Steve Latour at slatour@westfieldchamberindy.com or by calling 317-804-3030.

Sincerely,

Endorsing Task Group Members:

Bob Beauchamp (Grand Junction Properties)

Patrick Chittenden (Patch Development)

Jackie Dikos (Field Brewing)

Keith Dusko (Chiba)

Nolan Hudson (1205 Distillery)

Angie Frazier, Downtown Westfield Association Vice Chairperson

Melody Jones (FC Tucker Agent), Downtown Westfield Resident

Dan Moyer (Moyer Jewelers), Downtown Westfield Association Chairperson

Erin O'Rear (Wandering Peacock Gallery)

John Schaaf (Schaaf CPA)

Teresa Skelton, Downtown Westfield Association Board Member

¹ Clients coming to The Modern Female can park at the Moyer gravel lot for now, but if that lot is sold or developed. Where would clients park? Is there a proposed solution?

² What are the cities plans for a significant mixed-use project to take place on this site/street in the future. Given the amount of the investment being made is Modern Female prepared to leave if/when such a development is made in the area?

Abstaining Task Group Members:

Curt Whitesell (WKRP Indy), Downtown Westfield Association Secretary

Cc: Kevin Todd, Director of Community Development, City of Westfield



Westfield–Washington Township Board of Zoning Appeals (BZA)

Minutes of the Tuesday, September 14, 2021 BZA Meeting

Presented for approval: October 12, 2021

The Westfield-Washington Township Board of Zoning Appeals met at 7:00 p.m.
on Tuesday, September 14, 2021 at Westfield City Hall.

Active Links for this Meeting:

[September 14, 2021 BZA Agenda & Exhibits](#)

[September 14, 2021 YouTube Video](#)

Minutes are also available to be acquired or viewed at the City of Westfield Community Development office.

OPENING OF MEETING *YouTube Time: 0:10*

ROLL CALL

BZA Members Present In-Person: Jeff Boller, Jeannine Fortier, Victor McCarty, Brian Morales, and Dave Schmitz.

BZA Members Present Virtually: None

BZA Members Absent: All present.

City Staff Present: Daine Crabtree, Associate Planner, and Caleb Ernest, Associate Planner.

Legal Counsel Present: Beth Copeland with Taft Stettinius & Hollister LLP.

CHANGE TO AGENDA

Schmitz announced the continuation of the following two Petitions.

- 2109-VS-33 / 603 West 216th Street (Michael Quinn)
- 2109-VS-35 / 3810 West 146th Street (*Indy Latin School*)

APPROVAL OF MINUTES

Fortier motioned to approve the August 10, 2021 Minutes.

McCarty seconded. Motion passed. Vote 5-0.

REVIEW RULES AND PROCEDURES

Crabtree reviewed BZA rules and procedures.

ITEMS OF BUSINESS *YouTube Time: 1:07*

2108-VU-03 [PUBLIC HEARING] *YouTube Time: 4:07*

217 Mill Street / 4E LLC by WKRP Indy

The Petitioner requests a Variance of Use to permit a Low-Intensity Retail Use (Gift and Coffee Shop with bakery with limited seating) on 0.32 acres +/- in the MF1: Multi-Family Low Density District (Article 13.2).

(Planner: Caleb Ernest – cernest@westfield.in.gov)

Public Hearing for 2108-VU-03 opened at 7:15 p.m. *YouTube Time: 15:16*

- One public comment.

Public Hearing for 2108-VU-03 closed at 7:18 p.m.

Agendas for all City meetings are updated and available at our website.

Website: www.westfield.in.gov | Community Development Department E-mail: community@westfield.in.gov

BZA Minutes: 8/10/2021

Page 1 of 3

McCarty motioned to approve 2108-VU-03 subject to the three conditions stated with the motion.
Fortier seconded. Motion passed. Vote 5-0.

Schmitz motioned to adopt Staff's Findings of Fact for 2108-VU-03.
Fortier seconded. Motion passed. Vote 5-0.

2109-VS-34 [PUBLIC HEARING] YouTube Time: 33:46

16334 River Crest Court / Scott Shanks

The Petitioner requests a Variance of Development Standard to encroach nine (9) feet into the thirty (30) foot Minimum Rear Yard Setback in the SF2: Single-Family Low-Density District to accommodate a swimming pool and deck (Article 4.5(E)(3)(a)).

(Planner: Daine Crabtree – dcrabtree@westfield.in.gov)

Public Hearing for 2109-VS-34 opened at 7:37 p.m.

- No public comments.

Public Hearing for 2109-VS-34 closed at 7:38 p.m.

Fortier motioned to approve 2109-VS-34 subject to the two conditions stated with the motion.
Boller seconded. Motion passed. Vote 5-0.

Schmitz motioned to adopt Staff's Findings of Fact for 2109-VS-34.
McCarty seconded. Motion passed. Vote 5-0.

2109-VS-36 [PUBLIC HEARING] YouTube Time: 40:03

17101 Rushmore Drive / Michael Gray by Vive Exterior Design

The Petitioner requests a Variance of Development Standard to permit a swimming pool within the southern Established Front Yard of the Property. (Article 6.1(G)(2)).

(Planner: Caleb Ernest – cernest@westfield.in.gov)

Public Hearing for 2109-VS-36 opened at 7:44 p.m.

- No public comments.

Public Hearing for 2109-VS-36 closed at 7:46 p.m.

Schmitz motioned to approve 2109-VS-36 subject to the two conditions stated with the motion.
Fortier seconded. Motion passed. Vote 5-0.

Schmitz motioned to adopt Staff's Findings of Fact for 2109-VS-36.
McCarty seconded. Motion passed. Vote 5-0.

ITEMS CONTINUED TO A FUTURE MEETING

2109-VS-33

603 W 216th Street / Michael Quinn

The Petitioner requests a Variance of Development Standard to modify the Minimum Lot Frontage from 250 feet to zero (0) feet, for one (1) new residential lot in the AG-SF1: Agriculture/Single-Family Rural District (Article 4.2(D)).

(Planner: Daine Crabtree – dcrabtree@westfield.in.gov)

Agendas for all City meetings are updated and available at our website.

Website: www.westfield.in.gov | Community Development Department E-mail: community@westfield.in.gov

BZA Minutes: 8/10/2021

Page 2 of 3

2109-VS-35

3810 W 146th Street / Indy Latin School

The Petitioner requests a Variance of Development Standard to delay Minimum Lot Landscaping and Buffer Yard requirements on the undeveloped portion of 30.84 acres +/- property in the AG-SF1: Agriculture / Single Family Rural District (Article 6.8(K) & (N)).

(Planner: Rachel Riemenschneider – rriemenschneider@westfield.in.gov)

REPORTS/COMMENTS: *YouTube Time: 49:26*

- Plan Commission Liaison
- Community Development Department

ADJOURNMENT *YouTube Time: 51:13*

Fortier motioned to adjourn the meeting. McCarty seconded. Motion passed. Vote 5-0.
The meeting adjourned at 7:51 p.m.

Chairperson
Dave Schmitz

Secretary
Kevin M. Todd, AICP
Director