



CITY OF WESTFIELD, IN
BoardofZoningAppeals_Meeting_Agenda_10_11_2022

Tuesday, October 11, 2022 at 07:00 PM

BOARD OR COMMISSION: Board of Zoning Appeals (BZA)

MEETING DATE: Tuesday, October 11, 2022 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: [Online viewable @ https://www.youtube.com/user/CityofWestfieldIN](https://www.youtube.com/user/CityofWestfieldIN)

Note the presence of a quorum

Approval of 2023 Schedule of BZA Meetings

Documents: [Proposed 2023 Schedule of BZA Meetings](#)

Approval of Minutes

September 13, 2022

Documents: [September 19, 2022 BZA Minutes](#)

Review Rules & Procedures

ITEMS OF BUSINESS:

2210-VS-29 [PUBLIC HEARING]

1419 Beacon Way

Madison McCall

The Petitioner requests a Variance of Development Standard to encroach eight (8) 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)

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

2210-VS-30 [PUBLIC HEARING]

Seals Subdivision

Earl & Tara Seals by Church, Church Hittle + Antrim

The Petitioner requests a Variance of Development Standard to encroach sixty (60) feet into the eighty (80) foot Minimum Front Yard Setback for the construction of a Single-family home on 3.58 acres +/- in the AG-SF1: Agriculture / Single-Family Rural District (Article 4.2(E)(1)(b)).

(Planner: Weston Rogers - wrogers@westfield.in.gov)

Documents: [Exhibit 1: Application](#) | [Exhibit 2: Project Narrative](#) | [Exhibit 3: Location Map](#) | [Exhibit 4: Staff Report](#) | [Exhibit 5: Site Plan](#)

2210-VS-31 [PUBLIC HEARING]

4180 Westfield Park Road

Washington Park Cemetery Association, Inc. by Church, Church, Hittle + Antrim

The Petitioner requests Variances of Development Standard to permit Accessory Buildings within an Established Front Yard and to waive architectural standards for Accessory Buildings on 53.27 acres +/- in the AG-SF1: Agriculture/Single-Family Rural District (Articles 5.3(H) & 5.3(K)(2)(I)).

(Planner: (Planner: Lauren Gillingham - lgillingham@westfield.in.gov)

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

2210-VS-32 [PUBLIC HEARING]

211 Park Street

Scott Wolf

Scott Wolf requests a Variance of Development Standard to permit an addition and improvement to a Building with a previous improvement in the Floodplain Overlay District (Article 5.5(H)(1)(f)).

(Planner: Pam Howard - phoward@westfield.in.gov)

Documents: [Exhibit 1: Staff Report FP](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Plot Plan](#) | [Exhibit 4: Proposed Improvements](#) | [Exhibit 5: Improvement Calculations](#) | [Exhibit 6: Project Narrative for CLOMR Application](#) | [Exhibit 7: Updated Hydraulic Model of SFHA](#) | [Exhibit 8: Application](#)

2210-VS-33 [PUBLIC HEARING]

211 Park Street

Scott Wolf

Scott Wolf requests Variances of Development Standard to exempt the Architectural Standards and required Off-Street Parking Spaces to permit expansion of an existing Building in the GB: General Business District (Articles 6.3(F) & 6.14(G)(11)).

(Planner: Pam Howard - phoward@westfield.in.gov)

Documents: [Exhibit 1: Staff Report VS](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Plot Plan](#) | [Exhibit 4: Proposed Building Expansion](#) | [Exhibit 5: Application](#)

2210-VU-14 [PUBLIC HEARING]

211 Park Street

Scott Wolf

Scott Wolf requests a Variance of Use to permit an Event Center in the GB: General Business District (Article 13.2).

(Planner: Pam Howard - phoward@westfield.in.gov)

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Summary of Event Center Use](#) | [Exhibit 4: Application](#)

2210-VU-12 [PUBLIC HEARING]

800 East 169th Street

Patch Development

The Petitioner requests a Variance of use to permit a Recreational Sports Facility on 5.1 acres +/- in the OI: Open Industrial District (Article 13).

(Planner: Ryan Collingwood - rcollingwood@westfield.in.gov)

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

2210-VU-13 [PUBLIC HEARING]

2728 East 146th Street

Citizens Water of Westfield, LLC by Stevenson Legal Group, LLC

The Petitioner requests a Variance of Use to temporarily permit the ground-mounted installation of two (2) Wireless Communication Service Facilities in the SB-PD: Special Business Planned Development District (Article 13).

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

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Site Plan](#) | [Exhibit 4: Elevations](#) | [Exhibit 5: Character Exhibit](#) | [Exhibit 6: Statement of Intent & Findings of Fact](#)

ITEMS ADMINISTRATIVELY DISMISSED

2202-VU-02 [DISMISSED]

2907 W SR 32

Alan Hodgeson

The Petitioner requests a Variance of Use to permit a temporary Very High Intensity Retail (used vehicle sales) use on 1.50 acres +/- in the AG-SF1: Agriculture/Single-Family Rural District.

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

REPORTS/COMMENTS:

Plan Commission Liaison

Community Development Department

ADJOURNMENT



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS
 2023 SCHEDULE OF MEETINGS AND FILING DATES

MEETING MONTH	FILING DEADLINE	BOARD OF ZONING APPEALS MEETING
	Friday Noon	Tuesday 7:00 PM
JANUARY	12/16/22	01/10/23
FEBRUARY	01/20/23	02/14/23
MARCH	02/17/23	03/14/23
APRIL	03/17/23	04/11/23
MAY	04/14/23	05/16/23
JUNE	05/19/23	06/13/23
JULY	06/16/23	07/11/23
AUGUST	07/14/23	08/08/23
SEPTEMBER	08/18/23	09/12/23
OCTOBER	09/15/23	10/10/23
NOVEMBER	10/20/23	11/14/23
DECEMBER	11/17/23	12/12/23
JANUARY	12/15/23	01/09/24

**Dates in red are scheduled for a different day due to a conflict.*



Westfield-Washington Township Board of Zoning Appeals (BZA)

Minutes of the Tuesday, September 13, 2022 BZA Meeting

Presented for approval: October 11, 2022

The Westfield-Washington Township Board of Zoning Appeals
met at 7:00 p.m. on Tuesday, September 13, 2022 at Westfield City Hall.

Active Links for this Meeting:

[September 13, 2022 BZA Agenda & Exhibits](#)

[September 13, 2022 YouTube Video](#)

OPENING OF MEETING

[YouTube Time: 0:04](#)

Roll Call

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

BZA Members Present Virtually: None.

BZA Members Absent: None.

City Staff Present: Daine Crabtree, Senior Planner and Lauren Gillingham, Senior Planner.

City Staff Present Virtually: None

Legal Counsel Present Virtually: Ashley Ulbricht with Taft Stettinius & Hollister LLP.

APPROVAL OF MINUTES

Boller motioned to approve the August 9, 2022 Minutes.

Fortier seconded. Motion passed. Vote 5-0.

REVIEW RULES AND PROCEDURES

Crabtree reviewed BZA rules and procedures.

ITEMS OF BUSINESS

2209-VS-27 [PUBLIC HEARING]

[YouTube Time: 3:01](#)

1365 Burgess Hill Pass / Michael and Valerie Sullivan

The Petitioners request a Variance of Development Standard to encroach fifteen (15) feet into the thirty (30) foot Minimum Rear Yard Setback to accommodate a swimming pool and deck (Article 4.5(E)(3)(a).

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

Staff presentation.

Public Hearing for 2209-VS-27 opened at 7:04 p.m.

- No public comments.

Public Hearing for 2209-VS-27 closed at 7:05 p.m.

BZA Comments / Petitioner Response.

McCarty motioned to approve 2209-VS-27 subject to the two recommended conditions stated in the motion.

Boller seconded. Motion passed. Vote 5-0.

Schmitz motioned to adopt Staff's Findings of Fact for the approval of 2209-VS-27.

Fortier seconded. Motion passed. Vote 5-0.

Agendas and minutes for all City meetings are updated and available at the City's website.

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

BZA Minutes for September 13, 2022 Page 1 of 3

2209-VS-28 [PUBLIC HEARING]

[YouTube Time: 7:55](#)

18272 Lakes End Drive / Lauren Waldroup

The Petitioner requests a Variance of Development standard to encroach ten (10) feet into the twenty-five (25) foot Minimum Rear Yard Setback on 0.34 acres +/- in the Andover Planned Unit Development (PUD) District to accommodate a swimming pool and deck.

(Planner: Lauren Gillingham – lgillingham@westfield.in.gov)

Staff presentation.

Public Hearing for 2209-VS-28 opened at 7:09 p.m.

- No public comments.

Public Hearing for 2209-VS-28 closed at 7:10 p.m.

BZA comments / Petitioner responses.

Fortier motioned to approve 2209-VS-28 subject to the three recommended conditions stated in the motion..

McCarty seconded. Motion passed. Vote 5-0.

Schmitz motioned to adopt Staff's Findings of Fact for the approval of 2209-VS-28.

Boller seconded. Motion passed. Vote 5-0.

ITEMS CONTINUED TO A FUTURE MEETING**2202-VU-02 [TABLED]****2907 West SR 32 / Alan Hodgeson**

The Petitioner requests a Variance of Use to permit a temporary Very High Intensity Retail (used vehicle sales) use on 1.50 acres +/- in the AG-SF1: Agriculture/Single-Family Rural District.

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

REPORTS/COMMENTS:

[YouTube Time: 13:33](#)

- Plan Commission Liaison
- Community Development Department

ADJOURNMENT

Fortier motioned to adjourn the meeting. Boller seconded. Motion passed. Vote 5-0.

The meeting adjourned at 7:15 p.m.

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Agendas and minutes for all City meetings are updated and available at the City's website.

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

BZA Minutes for September 13, 2022 Page 2 of 3

Signature Page for BZA Minutes for September 13, 2022

Chairperson
Dave Schmitz

Secretary
Kevin M. Todd, AICP
Director

VARIANCE APPLICATION

OFFICE USE ONLY

DOCKET #: _____ FILING DATE: _____

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

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: Pam Howard (STAFF NAME) DATE: August 16, 2022

PRIOR OR RELATED DOCKET NUMBERS

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

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

APPLICANT INFORMATION

APPLICANT'S NAME: Earl & Tara Seals

ADDRESS: 15111 Hamilton Boone Line Road, Zionsville, IN 46077

TELEPHONE: 404.869.0131

EMAIL: earl@n2co.com

PROPERTY OWNER'S NAME: Zionsville Red Barn Farm LLC

ADDRESS: 15111 Hamilton Boone Line Road, Zionsville, IN 46077

TELEPHONE: 404.869.0131

EMAIL: earl@n2co.com

REPRESENTATIVE'S NAME: Andrew Wert

COMPANY: Church Church Hittle + Antrim

ADDRESS: 116 North Union Street, Westfield, IN 46074

TELEPHONE: 317.776.5262

EMAIL: awert@cchalaw.com

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 15100 block of Little Eagle Creek Avenue, Westfield

COUNTY PARCEL ID #(S): 08-09-18-00-00-001.000

EXISTING ZONING DISTRICT(S): AG-SF1 EXISTING LAND USE(S): residential, agricultural

PROPERTY AND PROJECT INFORMATION

☐ VARIANCE OF LAND USE CODE CITATION: _____

☒ VARIANCE OF DEVELOPMENT STANDARD(S) CODE CITATION: UDO 4.2.E.1.b.

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

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

The applicant desires to construct a single family residence off of Little Eagle Creek Avenue. They are seeking a front yard setback variance from the required 80-foot to 20 feet. The justification is that they would like to save the existing 100-year old trees that building at 80 feet would remove.

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.

[Signature]
Applicant/Representative (signature)

Andrew Wert
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 13th day of September, 2022
State of Indiana, County of Hamilton, SS: _____

[Signature]
Notary Public (signature)

Joan E. Guilkey
Notary Public (printed)



JOAN E. GUILKEY
MY COMMISSION EXPIRES: 2-19-2024
MY COMMISSION NUMBER IS: 678833
MY COUNTY OF RESIDENCE IS: HAMILTON

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.

[Signature]
Property Owner (signature)*

Earl Seals
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 13th day of September, 2022
State of NC, County of Pender, SS: Hampstead

[Signature]
Notary Public (signature)

Stephen P. Nohava
Notary Public (printed)

STEPHEN P NOHAVA
Notary Public, North Carolina
Pender County
My Commission Expires
February 11, 2026

*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.

Statement of Intent

Earl & Tara Seals, variance petition

15100 block of Little Eagle Creek Avenue

In 2019, Earl and Tara Seals received approval for a minor plat on a 103-acre parcel they own on the Boone-Hamilton County line. This plat encompassed an existing farm and created one building site on Hamilton-Boone County Road. They would now like to create another building site off of Little Eagle Creek Avenue for their daughter to build a single-family home. The new lot would be 3.58 acres in size.

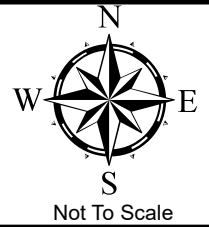
The Seals are seeking a development standards variance to reduce the front setback from 80 feet to 20 feet from the right-of-way of Little Eagle Creek Avenue. This is in order to avoid the removal of a significant stand of mature sycamore and oak trees. Few homes along this stretch of Little Eagle Creek Avenue are setback as much as 80 feet. The existing house to the north is located approximately 10 feet from the right-of-way. So, the proposal is not out of character for the area.

The proposed building site lies within the flood fringe of Little Eagle Creek, but out of the floodway. Hamilton County and Westfield standards require structures to be built outside of the flood plain. Consequently, some fill will be required. County and City standards also require 3:1 mitigation when filling the floodplain. This will involve some excavation on the site to create three times the flood storage capacity lost to the fill placement. Lastly, a Letter of Map Revision from FEMA will officially take the site out of the flood plain.

The applicants respectively seek Board approval of the setback variance.



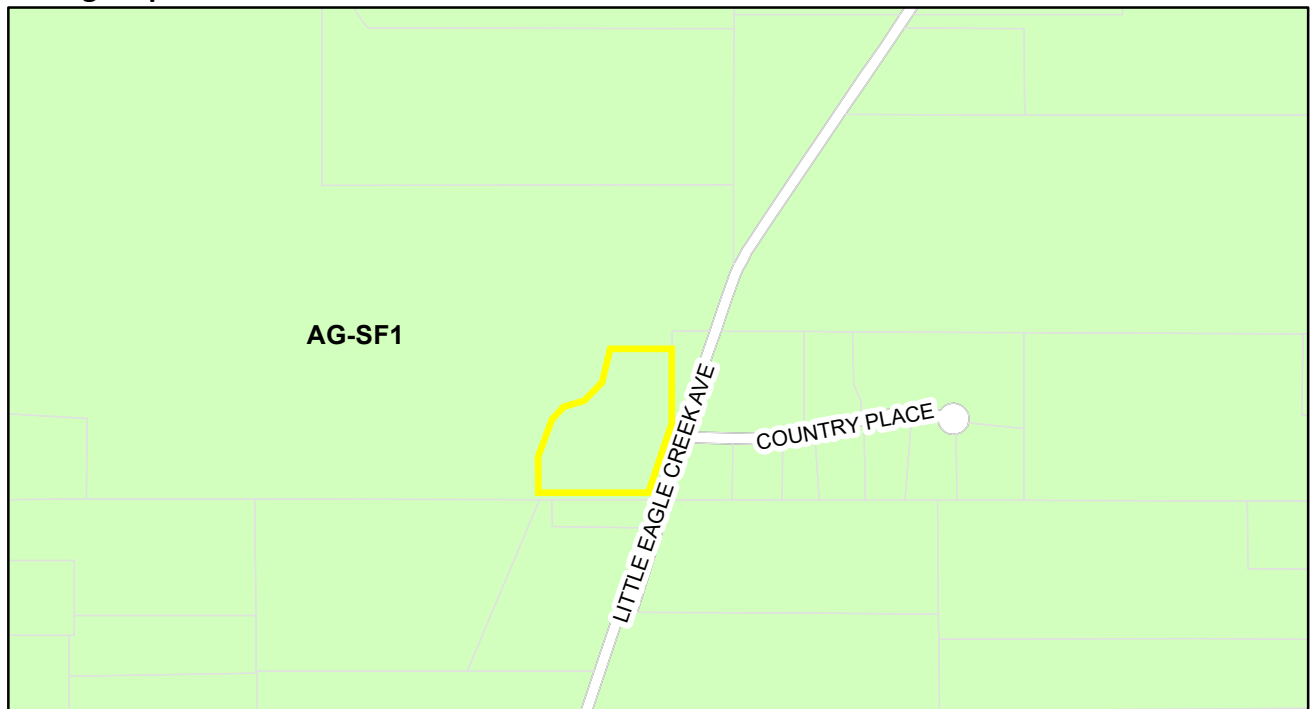
Property Location Map
Seals Subdivision
2210-VS-30



Aerial Location Map



Zoning Map



Parcel **Zoning**
Zoning - All AG-SF1 (Agriculture - Single Family - 1)



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

October 11, 2022

2210-VS-30

Exhibit 4

Petition Number: 2210-VS-30

Subject Site Address: 15100 block of Little Eagle Creek Ave. near the intersection of Country Place Dr. and Little Eagle Creek Ave. ("the Property")

Petitioner: Earl & Tara Seals by Church Church Hittle & Antrim ("the Petitioner")

Request: The Petitioner requests a Variance of Development Standard to encroach sixty (60) feet into the eighty (80) foot front yard setback for the construction of a single-family home on 3.58 acres +/- in the AG-SF1 zoning district. ([Chapter 4.2\(E\)\(1\)\(b\)](#)).

Current Zoning: AG-SF1

Current Land Use: Vacant / Undeveloped

Approximate Acreage: 3.58 acres +/-

Exhibits:

1. Application
2. Project Narrative
3. Location Map
4. Staff Report
5. Site Plan

Staff Reviewer: Weston Rogers, Associate Planner

OVERVIEW

Location: The subject property is 3.58 acres +/- in size (the "Property") and is located within the 15100 block of Little Eagle Creek Ave. near the intersection of Country Place Dr. and Little Eagle Creek Ave. (see **Exhibit 3**).

Requested Variances: The petitioner is requesting a Variance of Development Standard encroach sixty (60) feet into the eighty (80) foot front yard setback for the construction of a single-family home as further described herein.

SUMMARY OF VARIANCE

The Property is currently subject to the AG-SF1 Zoning District standards. This Zoning District sets forth a Minimum Front Yard Setback line of eighty (80) feet along collector roadways as identified in the Thoroughfare Plan. The Petitioner is requesting this variance to encroach sixty (60) feet into the eighty (80) foot Minimum Front Yard Setback to accommodate a proposed single-family home, as illustrated on the Site Plan (see **Exhibit 5**).



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

October 11, 2022

2210-VS-30

Exhibit 4

The Westfield Public Works Department has reviewed the Petitioner's plans and has noted the proposed placement of the single-family home is acceptable.

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 11, 2022 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.

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.

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.



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

October 11, 2022

2210-VS-30

Exhibit 4

DEPARTMENT COMMENTS:

Recommended Findings for Approval: If the Board is inclined to approve the Variance of Development Standards (2210-VS-30):

- 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 use and proposed improvements will otherwise comply with the applicable standards of the AG-SF1 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 adjacent surrounding properties because the proposed use is permitted on the Property. In addition, the proposed residential use is contextually similar to adjacent land uses.

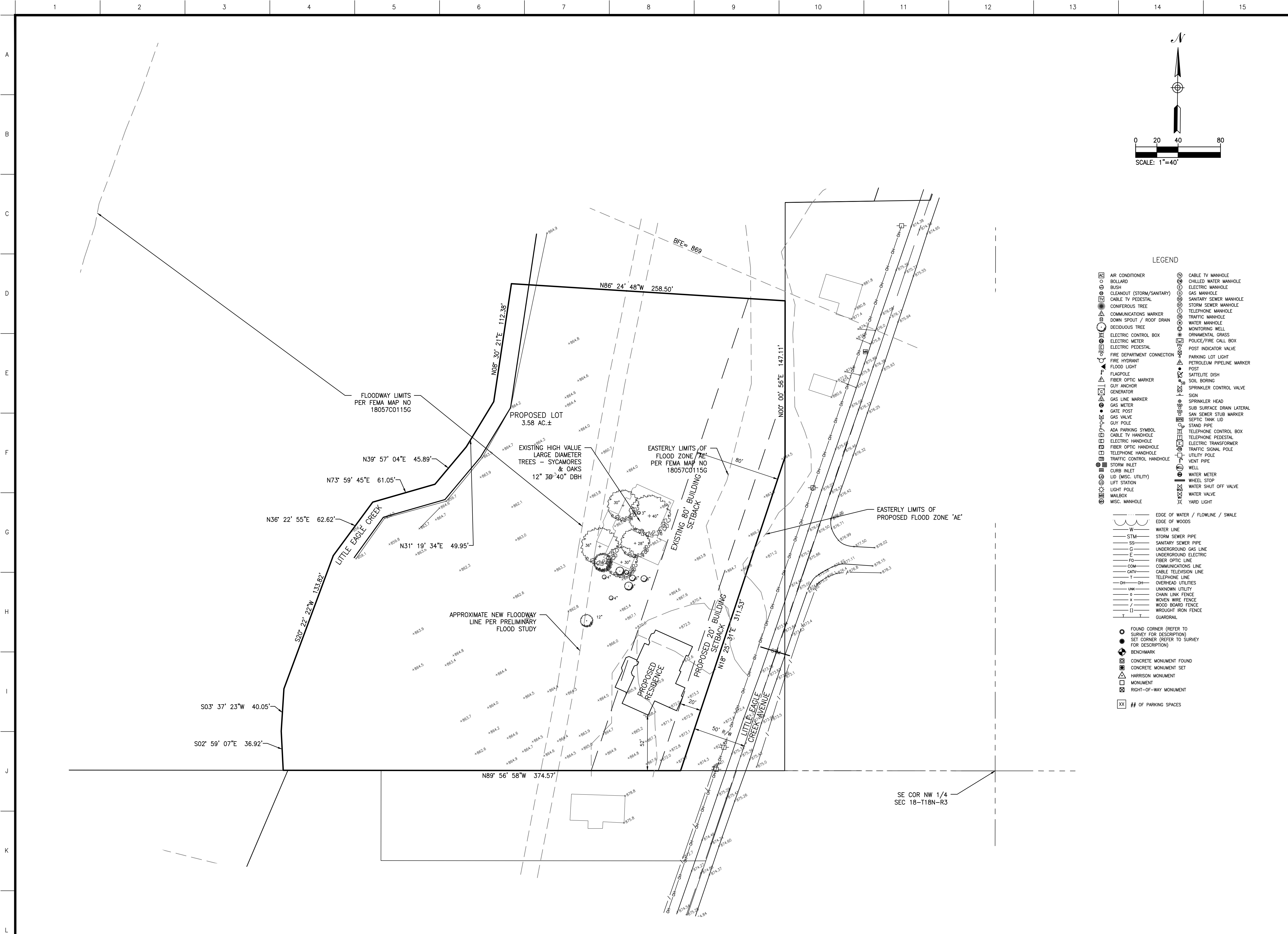
- 3) *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:*

Finding: Strict adherence to the zoning ordinance would result in the inability to improve the property as intended without the removal of mature hardwood canopy trees while also complying with the Little Eagle Creek flood way development restrictions.

Recommended Conditions:

- That the Property shall be developed in substantial compliance with the Site Plan shown as **Exhibit 5**.
- 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 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 pursuant to the public hearing evidence and Board discussion.



- LEGEND
- | | | | |
|--|----------------------------|--|---------------------------|
| | AIR CONDITIONER | | CABLE TV MANHOLE |
| | BOLLARD | | CHILLED WATER MANHOLE |
| | BUSH | | ELECTRIC MANHOLE |
| | CLEANOUT (STORM/SANITARY) | | GAS MANHOLE |
| | CABLE TV PEDESTAL | | SANITARY SEWER MANHOLE |
| | CONIFEROUS TREE | | STORM SEWER MANHOLE |
| | COMMUNICATIONS MARKER | | TRAFFIC MANHOLE |
| | DOWN SPOUT / ROOF DRAIN | | WATER MANHOLE |
| | DECIDUOUS TREE | | MONITORING WELL |
| | ELECTRIC CONTROL BOX | | ORNAMENTAL GRASS |
| | ELECTRIC METER | | POLICE/FIRE CALL BOX |
| | ELECTRIC PEDESTAL | | POST INDICATOR VALVE |
| | FIRE DEPARTMENT CONNECTION | | PARKING LOT LIGHT |
| | FIRE HYDRANT | | PETROLEUM PIPELINE MARKER |
| | FLOOD LIGHT | | POST |
| | FLAGPOLE | | SATELLITE DISH |
| | FIBER OPTIC MARKER | | SOIL BORING |
| | GUY ANCHOR | | SPRINKLER CONTROL VALVE |
| | GENERATOR | | SIGN |
| | GAS LINE MARKER | | SPRINKLER HEAD |
| | GAS METER | | SUB SURFACE DRAIN LATERAL |
| | GATE POST | | SAN SEWER STUB MARKER |
| | GAS VALVE | | SEPTIC TANK LID |
| | GUY POLE | | STAND PIPE |
| | ADA PARKING SYMBOL | | TELEPHONE CONTROL BOX |
| | CABLE TV HANDHOLE | | TELEPHONE PEDESTAL |
| | ELECTRIC HANDHOLE | | ELECTRIC TRANSFORMER |
| | FIBER OPTIC HANDHOLE | | TRAFFIC SIGNAL POLE |
| | TELEPHONE HANDHOLE | | UTILITY POLE |
| | TRAFFIC CONTROL HANDHOLE | | VENT PIPE |
| | STORM INLET | | WELL |
| | CURB INLET | | WATER METER |
| | LID (MISC. UTILITY) | | WHEEL STOP |
| | LIFT STATION | | WATER SHUT OFF VALVE |
| | LIGHT POLE | | WATER VALVE |
| | MAILBOX | | YARD LIGHT |
| | MISC. MANHOLE | | |
- EDGE OF WATER / FLOWLINE / SWALE
EDGE OF WOODS
W WATER LINE
STM STORM SEWER PIPE
SS SANITARY SEWER PIPE
G UNDERGROUND GAS LINE
E UNDERGROUND ELECTRIC
FO FIBER OPTIC LINE
COM COMMUNICATIONS LINE
CATV CABLE TELEVISION LINE
T TELEPHONE LINE
OH OVERHEAD UTILITIES
UNK UNKNOWN UTILITY
o CHAIN LINK FENCE
x WOVEN WIRE FENCE
/ WOOD BOARD FENCE
- WROUGHT IRON FENCE
T GUARDRAIL
- FOUND CORNER (REFER TO SURVEY FOR DESCRIPTION)
● SET CORNER (REFER TO SURVEY FOR DESCRIPTION)
+ BENCHMARK
■ CONCRETE MONUMENT FOUND
■ CONCRETE MONUMENT SET
■ HARRISON MONUMENT
△ MONUMENT
□ RIGHT-OF-WAY MONUMENT
XX ## OF PARKING SPACES



PO BOX 70
ZIONSVILLE, IN 46077
(317)654-8829

PROJECT LOCATED IN:
LITTLE EAGLE CREEK AVENUE
SEC. 18-T18N-R3E
WASHINGTON TOWNSHIP, HAMILTON COUNTY, IN

SITE PLAN EXHIBIT

PREPARED FOR:

SEALS & ASSOCIATES
15111 HAMILTON BOONE LINE ROAD
ZIONSVILLE, IN 46077

REV. #	DATE	REVISION DESCRIPTION



Approved By: BK
Drawn By: JG
Date of Last Field Work: 05/20/2022
Date Plotted: 09/09/2022

Project Number:

220118

Sheet Number :



Petition Number: 2210-VU-12

Subject Site Address: 800 E. 169th Street (The "Property")

Petitioner: Patch Development, LLC (The "Petitioner")

Request: The Petitioner is requesting a Variance of Use to permit a recreational sports facility use on 5.1 acres +/- in the OI: Open Industrial District (Article 13.2).

Current Zoning: OI: Open Industrial

Current Land Use: Under Construction

Approximate Acreage: 5.1 acres +/-

Exhibits:

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

Staff Reviewer: Ryan Collingwood, Associate Planner

OVERVIEW

Location: The subject Property is 5.1 acres +/- and is located at 800 E. 169th Street (see **Exhibit 2**). The Property is currently under construction, with a prospective tenant wishing to occupy the subject property as a recreational sports facility. The Property is surrounded on all sides north of 169th Street with Open Industrial zoning, with the addition of the Haworth Business Park PUD zoned across 169th Street to the south and Enclosed Industrial zoning generally to the east.

History: On May 11, 2021, the BZA approved Variances of Development Standard to encroach fifty (50) feet into the one hundred (100) foot Minimum Front Yard Setback, to encroach twenty (20) feet into the forty (40) foot Minimum Rear Yard Setback, to not require building offsets, and to utilize split-face concrete block in-lieu of Masonry Materials on 5.85 acres +/- in OI: Open Industrial District. The approval included the following conditions (exhibit numbers refer to exhibits from the aforementioned May 11, 2021 request):

1. That the Property be developed in substantial compliance with the Site Plan (**Exhibit 3**).
2. That the Building be constructed in substantial compliance with the Illustrative Character Exhibits (**Exhibit 5**).
3. 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.



SUMMARY OF VARIANCE

The Petitioner is requesting a Variance of Use to permit a recreational sports facility on the Property.

The Property is currently under construction, with a prospective tenant wishing to occupy the subject property as a recreational sports facility. The Open Industrial zoning designation currently does not permit a Commercial Recreational Facility use. Therefore, a Variance of Use is necessary in order to permit the proposed use on the Property in the Open Industrial zoning classification.

COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan: The Land Use Plan contemplates the Property to be located in the “Business Park” land use classification.

The Business Park classification includes the reservation for employment-generating uses and related supporting service uses. The Business Park classification is designed to accommodate manufacturing, research and development, processing activities, office and service uses that provide jobs and a tax base for the community.

Indiana Code states that reasonable regard be paid to the Comprehensive Plan when considering zone map changes; however, the Comprehensive Plan is not law. The Comprehensive Plan is intended to serve as a guide in making land use decisions.

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of the Variance of Use. This petition is scheduled to receive its public hearing at the October 11, 2022, BZA 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

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.

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.

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

Approval: If the Board is inclined to approve the Variance of Use (2210-VU-12), then the Department recommends approval with the following conditions:

- 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.

In addition, the Department recommends the following written findings of fact related to the Variance of Use:

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 the approval will be injurious to the public health, safety, morals, and general welfare of the community, because the use of the Property as a recreational sports facility promotes a healthy and active lifestyle. The activities will be housed entirely indoors not impacting the public health, safety, morals, and the general welfare of the overall 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:*

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 proposed use will be held entirely indoors. The proposed use, generally, is less-intensive than other permitted uses allowed today for OI-zoned properties. The use will not substantially impact the use and value of the adjacent properties.

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

FINDING: The Variance of Use is required in order to establish the Property for the use of a recreational sports facility, otherwise not permitted in the OI: Open Industrial District.

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

FINDING: Strict application of the zoning ordinance would cause practical difficulties in regards to the use not being permitted in the current zoning ordinance. The application of the zoning ordinance would restrict the petitioner from carrying out the proposal on this lot.

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

FINDING: This use does not substantially interfere with the Comprehensive Plan, because the contemplated uses in the Comprehensive Plan suggest employment-generating uses in this area, providing a tax base and employment opportunities for the community.

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.



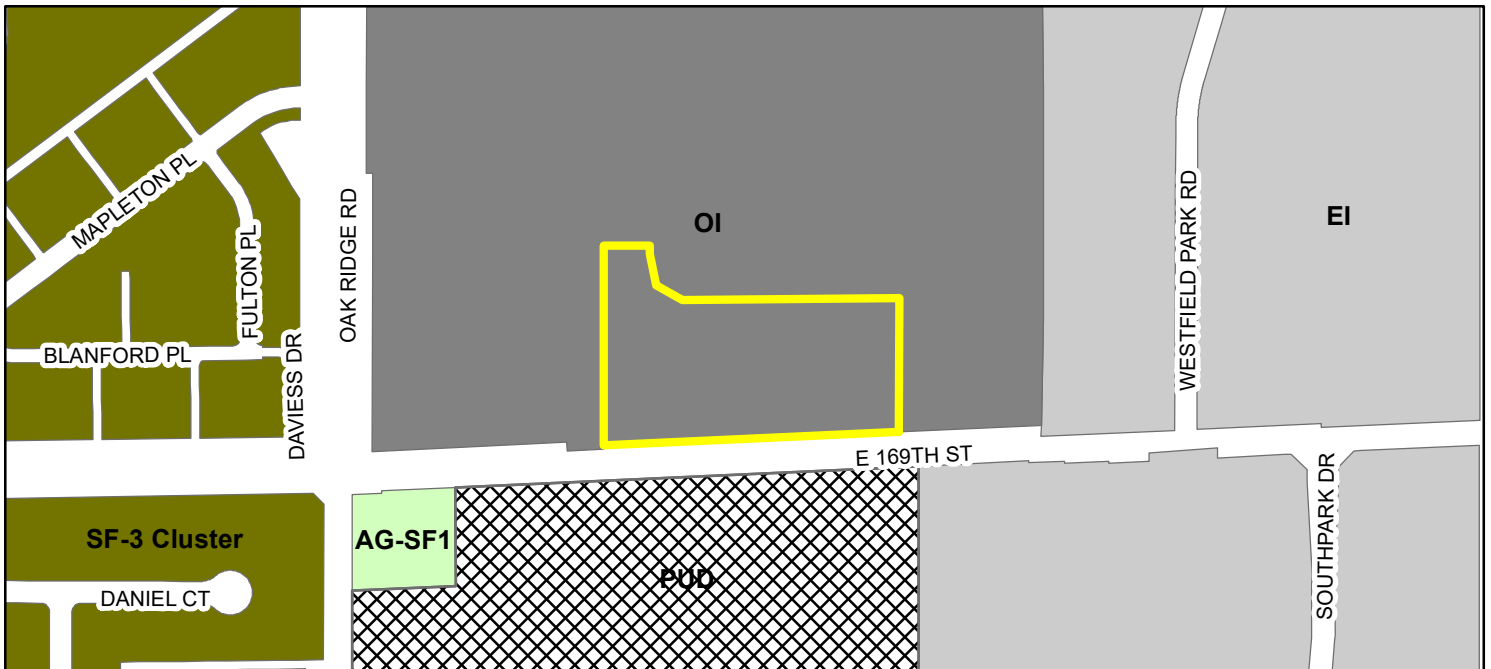
Exhibit 2 - Property Location Map
800 E. 169th Street (Commercial Recreation Facility)
2210-VU-12



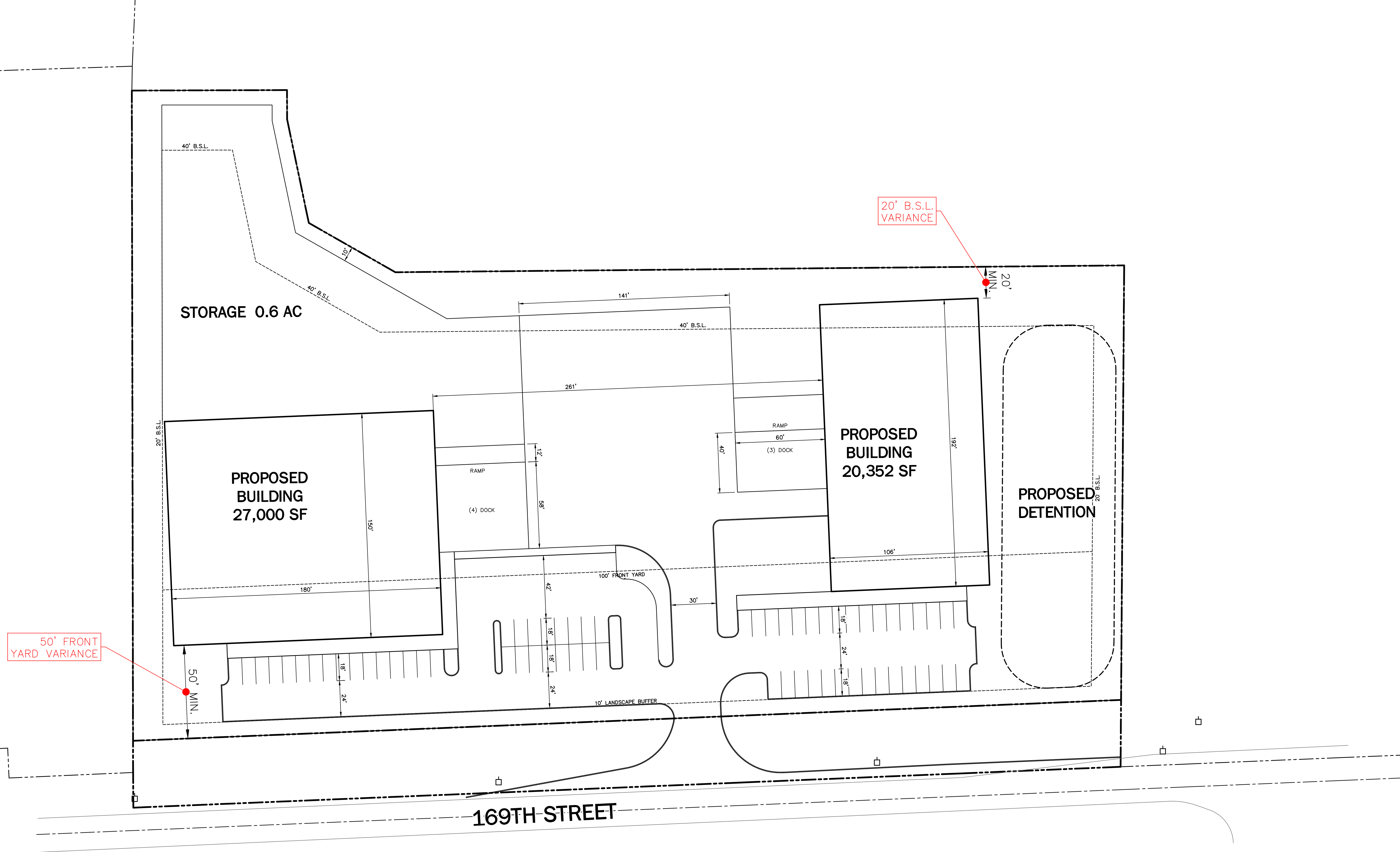
Aerial Location Map



Zoning Map

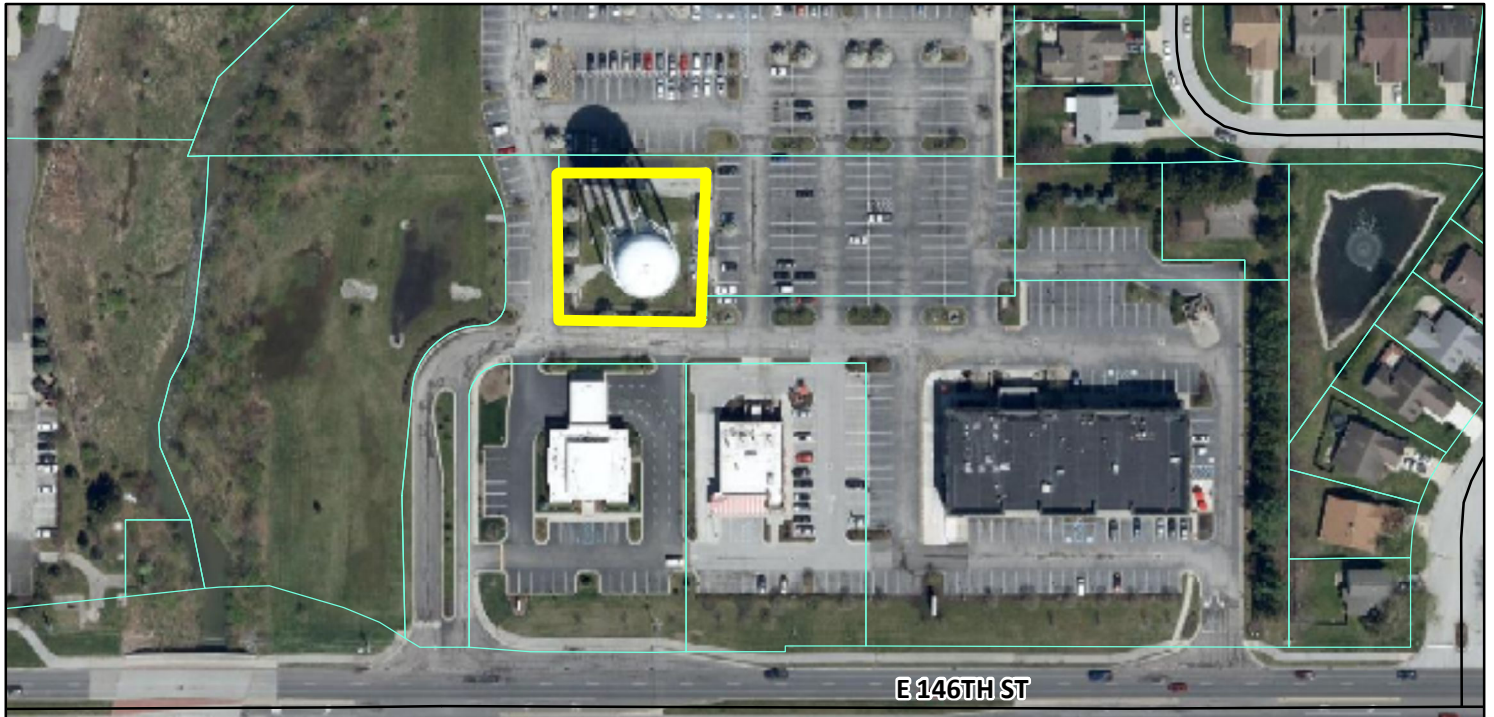


- Site Zoning**
- AG-SF1 (Agriculture - Single Family - 1)
 - EI (Enclosed Industrial)
 - MF-1 (Multiple Family - 1)
 - OI (Open Industrial)
 - PUD (Planned Unit Development)
 - SF-3 Cluster

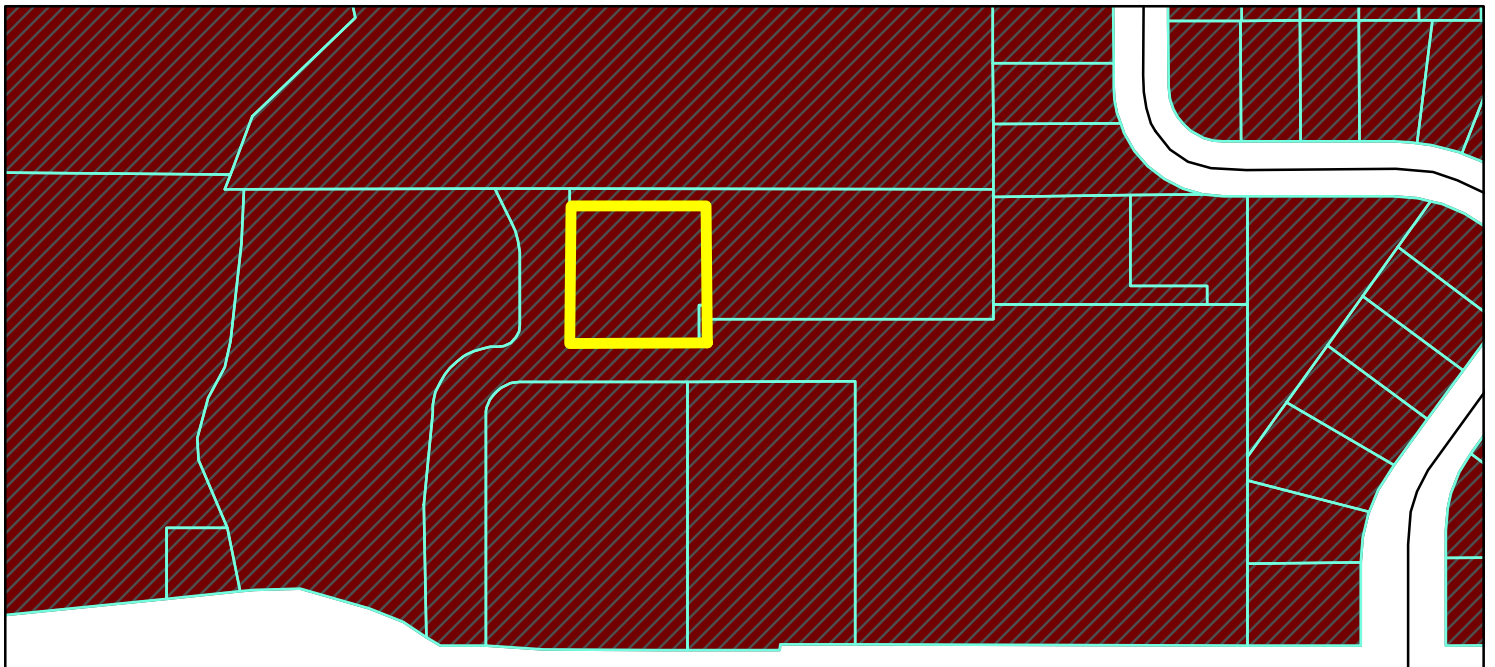


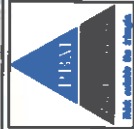
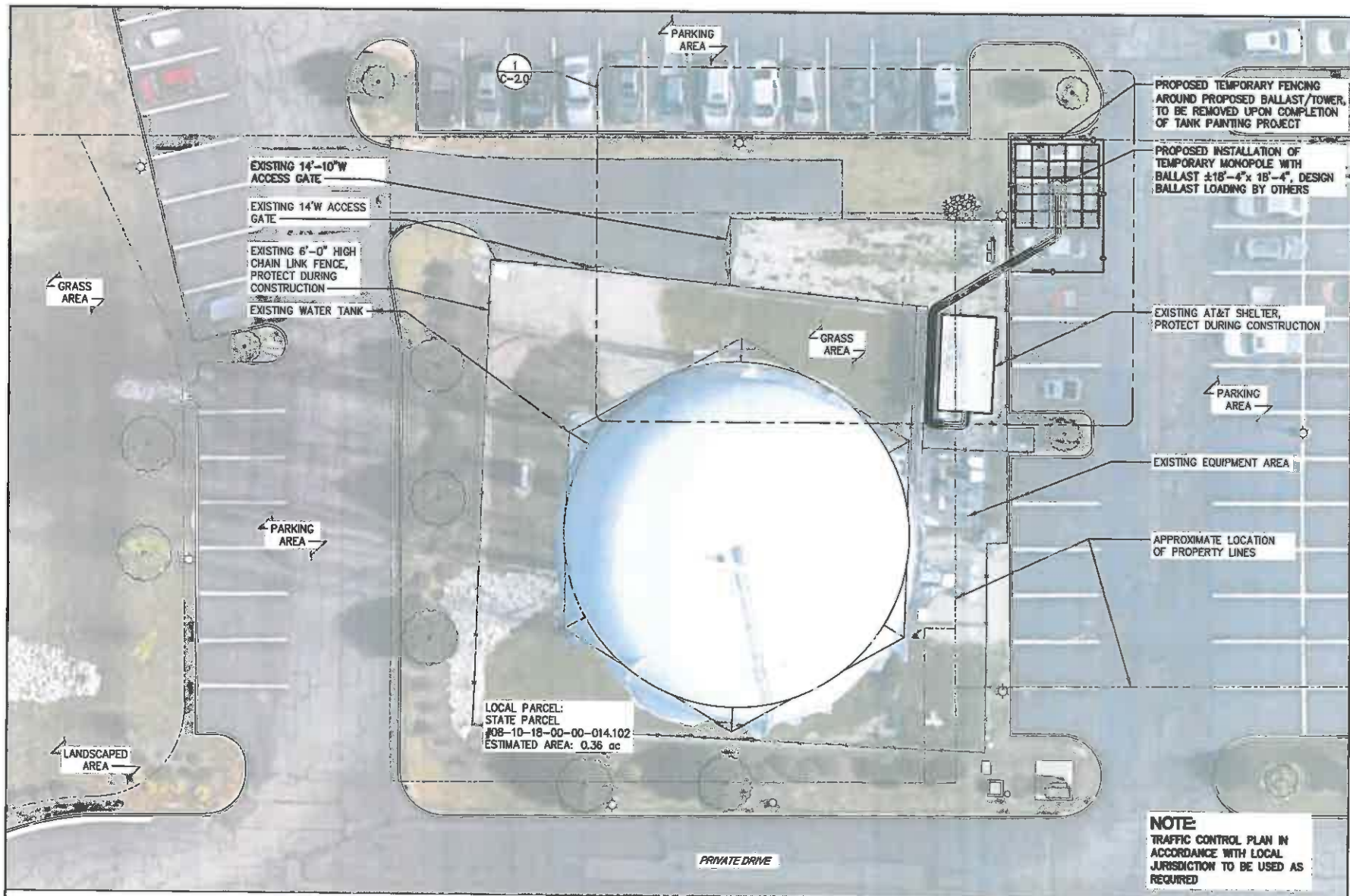
Aerial Location Map

 Site



Zoning Map





A/06/27/22 ZONING DWGS	SG
B/07/18/22 TOWER LOC.	SG
C/08/15/22 TOWER LOC.	SG
D/08/26/22 ANTENNA C/L	SG

INL0888 COW
INL08720F_001 - MRIND037080
2728 E. 146TH ST. (EB11 ADDRESS)
WESTFIELD, IN 46074 HAMILTON COUNTY
TEMPORARY MONOPOLE TOWER
PROJ # 22-30-03 DWG BY: SJC CHND BY: MJB

SHEET TITLE
PARTIAL
SITE PLAN
SHEET NUMBER
C-10

1 PARTIAL SITE PLAN
SCALE: 1" = 20'

T/ TEMPORARY METAL POLE
ELEV.= +120'-5"±
C OF TEMPORARY ANTENNAS
ELEV.= +120'-0"±

T/TEMPORARY METAL POLE
ELEV.= +120'-5"±
C OF TEMPORARY ANTENNAS
ELEV.= +120'-0"±

STRUCTURAL ANALYSIS
COMPLETED BY PAUL J. FORD &
CO. 06/05/22

PROPOSED TEMPORARY COMMSCOPE
SENHH-1065C ANTENNAS MOUNTED ON
TEMPORARY METAL POLE

PROPOSED TEMPORARY HYBRID CABLE ROUTED
INSIDE TEMPORARY METAL POLE SUPPORTED W/
KELLUM GRIPS

PROPOSED (12) 7/8" COAX FROM
EXISTING AT&T MOBILITY SHELTER TO
TEMPORARY ANTENNAS MOUNTED ON
TEMPORARY METAL POLE

PROPOSED TEMPORARY 2 AWG
STRANDED INSULATED GROUND WIRE IN
TEMPORARY METAL POLE BY GC

PROPOSED BALLAST LOAD BY OTHERS
PROPOSED 18'-4"x18'-4" BALLAST
LOAD FRAME

PROPOSED TEMPORARY 3/4" x 10'
GROUND ROD, FURNISHED &
INSTALLED BY GC

FINISHED GRADE
ELEV.= +0'-0"±

REMOVE TOP SOIL & LEVEL BASE W/6"
THICK CRUSHED STONE

LOOKING NORTH

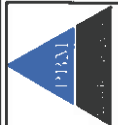
CONTRACTOR NOTES:

1. CONTRACTOR IS RESPONSIBLE TO VERIFY EXISTING CONDITIONS AND TO MAINTAIN NESC CLEARANCES.
2. CONTRACTOR SHALL INSTALL BANDING IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATION AND UTILIZING MANUFACTURER'S RECOMMENDED TOOLS AND COMPONENTS.

LOOKING SOUTH

FINISHED GRADE
ELEV.= +0'-0"±
CONTRACTOR TO VERIFY REQUIRED
SOIL CAPACITY OF 3000 PSF IN FIELD

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



A	06/27/22	ZONING	DWGS	SG
B	07/18/22	TOWER LOC.	LG	
C	08/15/22	TOWER LOC.	SG	
D	08/29/22	ANTENNA C/L	SG	

IND1888 COW
INL0726F_R01 - MRIND03708D
2728 E 146TH ST. (EST. ADDRESS)
WESTFIELD, IN 46074 HAMILTON COUNTY
TEMPORARY MONOPOLE TOWER
PROJ. # 22-30-03
DWG BY: SUG
CHKD BY: JMG

SHEET TITLE
ELEVATIONS

SHEET NUMBER
C-3.0

TEMP TOWER SITE



VARIANCE APPLICATION

OFFICE USE ONLY

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

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: Daine Crabtree & Kevin Todd (STAFF NAME) DATE: 9/12/2022

PRIOR OR RELATED DOCKET NUMBERS

CHANGE OF ZONING: _____ AMENDMENTS: _____ DEVELOPMENT PLAN: _____
PRIMARY PLAT: _____ SECONDARY PLAT: _____ VARIANCE(S): _____

APPLICANT INFORMATION

APPLICANT'S NAME: Citizens Water of Westfield, LLC TELEPHONE: 317-927-6051
ADDRESS: 2020 N. Meridian St., Indianapolis, IN 46202 EMAIL: _____
PROPERTY OWNER'S NAME: Same As Above TELEPHONE: _____
ADDRESS: _____ EMAIL: _____
REPRESENTATIVE'S NAME: Howard L. Stevenson TELEPHONE: 317-875-0400
COMPANY: Stevenson Legal Group, LLC EMAIL: hstevenson@slegalgroup.com
ADDRESS: 612 East Market St., Indianapolis, IN 46202

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 2728 E. 146th St., Carmel, IN 46033
COUNTY PARCEL ID #(S): 08-10-18-00-00-014.102
EXISTING ZONING DISTRICT(S): SB-PD EXISTING LAND USE(S): Water Tanks, Utility

PROPERTY AND PROJECT INFORMATION

☒ VARIANCE OF LAND USE CODE CITATION: Chapter 13 of USD
☐ VARIANCE OF DEVELOPMENT STANDARD(S) CODE CITATION: _____

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

STATEMENT OF INTENT (EXPLANATION OF REQUEST - ATTACH SEPARATE SHEET IF NECESSARY): Temporary installation of two (2) structures to house wireless antennas and other ancillary equipment of AT&T and T-Mobile. The antennas will be temporarily relocated from the existing water tank at this location to facilitate necessary repairs and rehabilitation of the water tank. The Westfield 146th Street elevated water tank is the primary potable water storage facility controlling pressure and flow within, and provides fire protection to, the City of Westfield. Upon completion of the water tank repairs and rehabilitation, the AT&T and T-Mobile antennas will be relocated on the water tank and the temporary structures will be removed.

FINDINGS OF FACT (VARIANCE OF USE)

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. 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: _____

The temporary installation of the cellular towers will comply with all applicable codes of the City of Westfield and other governing authorities.

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 work related to the temporary installation of the cellular towers will be contained on the subject property.

C. The need for the variance arises from some condition particular to the property involved because: _____

of the necessary rehabbing of the water storage tanks on the property that triggers the temporary relocation of the cellular tower.

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 petitioner will be unable to temporarily relocate the cellular towers to the detriment of the community.

E. The variance of use does not interfere substantially with the Comprehensive Plan because: _____

The comprehensive plan recommends suburban residential and the requested variance does not interfere with the recommendation.



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

October 11, 2022

2210-VS-29

Exhibit 1

Petition Number: 2210-VS-29

Subject Site Address: 1419 Beacon Way ("the Property")

Petitioner: Madison McCall by Family Leisure ("the Petitioner")

Request: The Petitioner requests a Variance of Development Standard to encroach eight (8) feet into the thirty (30) foot Minimum Rear Yard Setback on 0.34 acres +/- to accommodate a swimming pool and deck (Article 4.5(E)(3)(a))

Current Zoning: SF-2: Single-Family Low Density

Current Land Use: Residential

Approximate Acreage: 0.34 acres +/-

Exhibits:

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

Staff Reviewer: Daine Crabtree, Senior Planner

OVERVIEW

Location: The subject property is 0.34 acres +/- in size (the "Property") and located at 1419 Beacon Way in the Beacon Point subdivision (see **Exhibit 2**).

Requested Variances: The petitioner is requesting a Variance of Development Standard to encroach eight (8) feet into the thirty (30) foot Minimum Rear Yard Setback to accommodate a swimming pool and deck.

SUMMARY OF VARIANCE

SF-2 standards of the Westfield-Washington Township Unified Development Ordinance (UDO) sets forth a minimum Rear Yard Setback of thirty (30) feet for the property. The Petitioner is requesting this variance to encroach eight (8) feet into the Minimum Rear Yard Setback to accommodate a swimming pool and deck as illustrated on the Site Plan (see **Exhibit 3**).

The deck of the swimming pool would encroach slightly into the drainage easement at the rear of the Property. This encroachment has been approved by the Public Works Department. The pool itself would remain outside the drainage easement.



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

October 11, 2022

2210-VS-29

Exhibit 1

COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan (The “Plan”) identifies the property within the “Existing Suburban” land use classification¹. The vision for the Suburban Residential classification is contemplated for future residential growth of the community, generally to the west and north of the Existing Suburban area.²

The Existing Suburban classification is designed to accommodate detached dwellings, attached dwellings, institutional uses, and recreational uses³. The Plan also contemplates Existing Suburban to:

- Ensure that new development occurs in a way that it is contiguous with existing development:
- Prevent monotony of design and color. Recognize that quality in design applies not just to individual homes, but to the collective impact of an entire development:
- Encourage a diverse range of homes styles in individual subdivisions, using innovative architecture of a character appropriate to Westfield, and:
- Emphasize connectivity between subdivisions, and avoid creating isolated islands of development.

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 11, 2022, 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 UDO⁴ 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

¹ Page 24 of the Westfield and Washington Township Comprehensive Plan; Chapter 2; Land Use Plan: Land Use Classifications and Development Policies.

² Page 38 of the Westfield and Washington Township Comprehensive Plan; Chapter 2; Land Use Plan: Background.

³ Pages 38-39 of the Westfield and Washington Township Comprehensive Plan; Chapter 2; Land Use Plan; New Suburban.

⁴ Article 10.14(l) Processes and Permits; Variances; Conditions of the UDO.



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

October 11, 2022

2210-VS-29

Exhibit 1

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 UDO⁵ 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.

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 (2210-VS-29):

- 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 improvements will otherwise comply with the applicable standards of the zoning of the SF-2 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:*

⁵ Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

October 11, 2022

2210-VS-29

Exhibit 1

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 adjacent surrounding properties because the use of the Property will not change.

- 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 a swimming pool and deck that does not meet the needs of the Petitioner.

Recommended Conditions:

- That the Property be developed in substantial compliance with the Site Plan (**Exhibit 3**).
- 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.

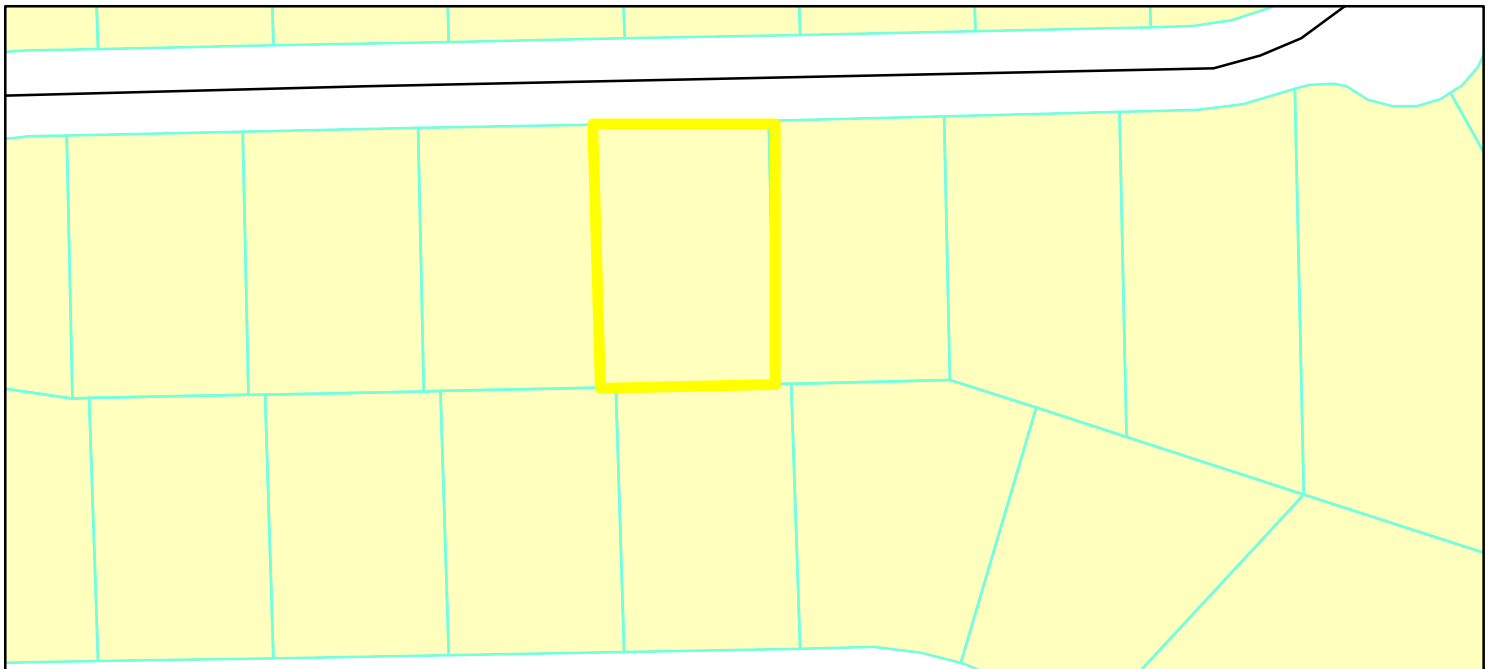
Denial: If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.

Aerial Location Map

 Site



Zoning Map



I hereby certify to the parties named above that the real estate described herein was inspected under my supervision on the date indicated and that to the best of my knowledge, this report conforms with the requirements contained in Sections 27 through 29 of 865 IAC 1-1-12 for a SURVEYOR LOCATION REPORT. Unless otherwise noted there is no visible evidence of possession lines found.

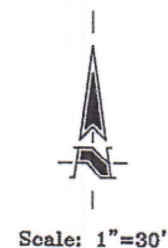
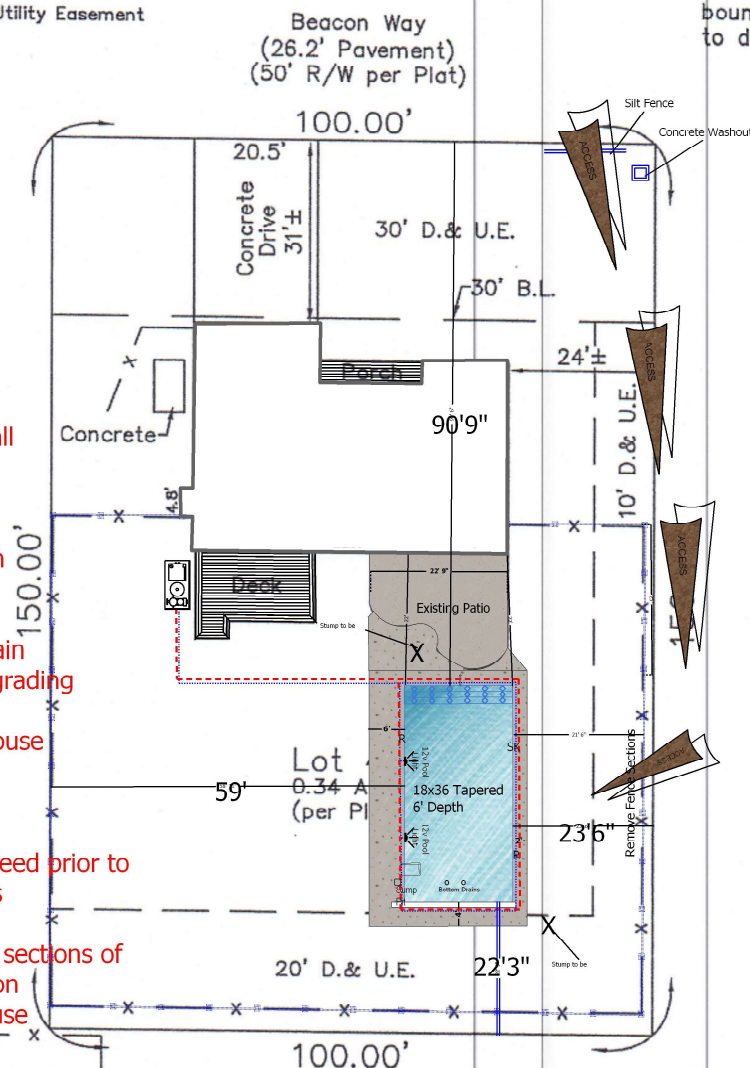
Legend

B.L. Building Line
D.& U.E. Drainage & Utility Easement
— x — Fence ±

Note: Fence locations shown are approximate. An accurate boundary survey is required to determine exact locations.

Brandon & Madison McCall
(317) 697-2864
1419 Beacon Way
Carmel, IN 46032
18x36 Tapered - 6' Depth
Bmrk - Existing Patio
Deck Drain - TBD
Sump Pit & Perimeter Drain
All Dirt Hauls except for grading
Pour Concrete Pad
Pad NOT connected to house
Bottom Drains
Electric Heat Pump
Undertrack Cover
Homeowner to remove treed prior to
install - remove stumps
In-wall Ladder
Homeowner to remove 2 sections of
fence prior to installation
Access on left side of house

Adjoiner's
Fence ±



HAHN SURVEYING GROUP, INC.

Land Surveyors

8925 N. Meridian Street, Suite 120



CERTIFIED: 04/22/2020

Chad D. Hahn



Petition Number: 2210-VU-13

Subject Site Address: 2728 E. 146th Street (The "Property")

Petitioner: Citizens Water of Westfield, LLC by Stevenson Legal Group, LLC (The "Petitioner")

Request: The Petitioner is requesting a Variance of Use to temporarily permit the ground-mounted installation of two (2) Wireless Communication Service Facilities (Article 13).

Current Zoning: SB-PD: Special Business Planned Development

Current Land Use: Commercial

Approximate Acreage: 0.36 acres +/-

Exhibits:

1. Staff Report
2. Location Map
3. Site Plan
4. Elevations
5. Character Exhibit
6. Statement of Intent & Findings of Fact

Staff Reviewer: Daine Crabtree, Senior Planner

OVERVIEW

Location: The subject Property is 0.36 acres +/- and is located at 2728 E. 146th Street (see **Exhibit 2**). The Property is commercial in nature, in that upon it is a Citizens water tower.

The Property is surrounded on all sides by SB-PD: Special Business Planned Development zoned properties.

Variance Request: The Petitioner is requesting to temporarily permit the ground-mounted installation of two (2) Wireless Communication Service Facilities.

SUMMARY OF VARIANCES

The Petitioner is requesting to temporarily permit the ground-mounted installation of two (2) Wireless Communication Service Facilities.

The aforementioned Wireless Communication Service Facilities typically exist atop the Citizens water tower on the Property. Wireless Communication Facilities are not permitted in the SB-PD zoning district via the UDO's Use Table. However, Article 6.20(B) of the UDO, which specifically pertains to Wireless Communication Facilities, states that Wireless Communication Service Facilities shall be permitted..."in any Zoning District where the antennas are to be located upon



pre-existing structures or buildings owned or operated by units of government or public utilities so long as the antennas and the antenna support structures do not exceed the height of those structures or buildings by more than twenty (20) feet”.

Because Citizens Water plans to paint and rehabilitate the water tower, the Wireless Communication Facilities that typically exist on the water tank must temporarily be moved and mounted to the ground. Once ground-mounted, the Wireless Communication Facilities would no longer comply with Article 6.20(B), necessitating the Variance of Use.

COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan identifies this Property as being within the “Existing Suburban”¹ land use classification. Desired land uses in Existing Suburban include detached & attached dwellings, institutional uses, and recreational uses.

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of the extension of the Existing Variance. This petition is scheduled to receive its public hearing at the October 11, 2022, BZA 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 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 Westfield-Washington Township Comprehensive Plan, Land Use Concept Map (p. 24).

⁸ Article 10.14(I) Processes and Permits; Variances; Conditions of the UDO.

⁹ Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.



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

Approval: If the Board is inclined to approve the Variance of Use (2210-VU-13), then the Department recommends approval with the following conditions:

- The number of Wireless Communication Facilities permitted to be ground-mounted shall be limited to two (2); and
- Any ground-mounted Wireless Communication Facilities on the Property must be placed upon a pre-existing structure or building owned or operated by a unit of government or public utility no more than thirty (30) days from the completion of the painting and rehabilitation of the water tank on the Property.

In addition, the Department recommends the following written findings of fact related to the Variance of Use:

Recommended Findings for Approval:

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

Finding: The installation of the Wireless Communication Facilities will be temporary and comply with all applicable codes of the City of Westfield and other governing authorities

- 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: The work related to the installation will be temporary and contained on the subject Property

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

Finding: The rehabilitation and painting of the water storage tanks on the Property triggers the necessary relocation of the Wireless Communication Facilities.



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

October 11, 2022

2210-VU-13

Exhibit 1

- 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 because:*

Finding: There will be a detriment to the Community with slower/unreliable service if unable to temporarily relocate the Wireless Communication Facilities

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

Finding: While the Comprehensive Plan recommends "Suburban Residential" as the land use for the Property and the surrounding area, it is zoned Special Business Planned Development and has developed as commercial and is unlikely to revert to residential any time soon; as such, temporary ground-mounted Wireless Communication Facilities are closer in character to the existing commercial landscape than residential.

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.



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

October 11, 2022

2210-VS-32

Exhibit 1

Petition Number: 2210-VS-32

Subject Site Address: 211 Park Street (The "Property")

Petitioner: Scott Wolf (The "Petitioner")

Request: The Petitioner requests a Variance of Development Standard to permit an addition and improvement to a Building with a previous improvement in the Floodplain Overlay District (Article 5.5(H)(1)(f)).

Current Zoning: GB: General Business District
Floodplain Overlay District (FOD)

Current Land Use: Commercial

Approximate Acreage: 0.29 acres+/-

Exhibits:

1. Staff Report
2. Location Map
3. Plot Plan
4. Proposed Improvements
5. Improvement Calculations
6. Project Narrative for CLOMR Application
7. Updated Hydraulic Model of SFHA
8. Application

Staff Reviewer: Pam Howard, Assistant Director

OVERVIEW

Location: The subject property is 0.29 acres +/- in size and is located at 211 Park Street (see **Exhibit 2**). The Property is currently zoned the GB: General Business District. The adjoining property to the west is also zoned GB, properties to the north are zoned MF1: Multi-family Low Density District, and properties to the east are zoned the Grand Junction Plaza PUD. The Midland Trace Trail bounds the property to the south, and parcels south of the trail are zoned EI: Enclosed Industrial District and the Grand Junction Plaza PUD.

As shown on the Location Map (see **Exhibit 2**) the Property is located within the 1% Annual Chance SFHA, also known as the flood fringe (formerly known as the 100-year floodplain). The existing building was constructed in 1900, prior to the existence of flood mapping, and it was not added to a SFHA until the most recent maps were adopted for Westfield on November 19, 2014.

Property History: The Existing barn on the Property was converted to a restaurant in early 2014. The Flood Insurance Rate Maps were revised in November of 2014, adding the property to the AE Flood Fringe. The upstairs portion of the building was remodeled in 2015. The previous restaurant has since closed, and a new owner desires to expand the current building to be used as a restaurant or Event Center.

Variance Request: The Petitioner requests a Variance of Development Standard to permit an addition and improvement to a Building with a previous improvement in the Floodplain Overlay District (Article 5.5(H)(1)(f)).

FLOODPLAIN MANAGEMENT REGULATIONS

Floodplain management regulations are handled by three levels of government: the Federal Emergency Management Agency (FEMA) at the national level, the Indiana Department of Natural Resources (IDNR) at the state level, and by the City of Westfield Community Development Department at the local level.

National: FEMA manages the National Flood Insurance Program (NFIP). Communities choose to participate in this program, which then allows property owners to obtain flood insurance. To participate in NFIP, communities need to adopt a Floodplain Management Ordinance containing standards for development in Special Flood Hazard Areas (SFHA). Minimum standards are included in federal law.

State: IDNR administers the NFIP in Indiana. Indiana Code contains minimum standards, some of which are more stringent than national standards. IDNR compiles these into a Model Floodplain Ordinance that is provided to communities for their adoption. The model is updated periodically based on changing maps and regulations. The model ordinance contains some optional “higher standards”, which are more stringent than Indiana Code.

Local: Our local floodplain management ordinance is incorporated into the Unified Development Ordinance (UDO) as Article 3.5 Floodplain Administrator and Article 5.5 Floodplain Overlay District (FOD). Article 3.5(A) establishes that *“The Director and/or designated staff of the Department, is hereby designated as the Floodplain Administrator.”* Due to a joinder agreement, we serve as the Floodplain Administrator for all of Westfield-Washington Township. Article 5.5 outlines standards for development in the floodplain, and includes some of the higher standards that are suggested, but not required by the state

RELEVANT STANDARDS

All Development on properties in the SFHA is required to comply with the standards of the FOD. For Buildings this means meeting the Building Protection Requirements of Article 5.5(H), which requires either elevating or floodproofing the Building to the Flood Protection Grade (FPG) which is two (2) feet above the Base Flood Elevation (BFE) as identified in the Flood Insurance Study (FIS). When an improvement is proposed to an existing building that does not meet the Building Protection Requirements, we need to determine if the proposed improvement is a Substantial Improvement.

Article 5.5(C)(42) Floodplain Overlay District; Definitions; Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a Building, the cost of which equals or exceeds fifty percent (50%) of the market Value of the Building before the Start of Construction of the improvement. Substantial Improvement shall include Buildings that have incurred Repetitive Loss or Substantial Damage regardless of the actual repair work performed, but does not include improvements [sic] to correct existing violations of State or local health, sanitary, or safety code requirements or any alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a Historic Structure.



If the proposed improvement is a Substantial Improvement, then the Building must be brought into compliance with the Building Protection Requirements. If the proposed improvement is not a Substantial Improvement, then the improvement can be approved without bringing the Building into compliance.

Our ordinance also contains a higher standard that requires any subsequent improvement to a Building that has already had an improvement to meet the Building Protection Requirements.

Article 5.5(H)(1)(f) Floodplain Overlay District; Building Protection Requirement; Applicability:

This Building Protection Requirement section shall apply to the following: ... f. Addition or improvement made to any existing Building with a previous addition or improvement constructed since the effective date of this Ordinance.

SUMMARY OF VARIANCES

The Petitioner is requesting this variance to allow a second non-substantial improvement to a building with a previous improvement completed since the property was incorporated into the Floodplain, as shown on the Plot Plan Exhibit and Proposed Improvements Exhibit (see **Exhibit 3** and **Exhibit 4**).

The Building has been improved one time since the Property was added to the SFHA. This was not a Substantial Improvement, as the cost of the improvement was only 3% of the Building's appraised value at the time (see **Exhibit 5**). The current improvement is also not a Substantial Improvement, as the improvement cost is only 40% of the Building's current appraised value (see **Exhibit 5**). Since the cumulative improvement percentage is less than 50%, and the first improvement was minor, this was determined to be a good case for a variance by the Department and IDNR.

Additionally, a restudy of the Anna Kendall Drain has been completed due to several projects (including Grand Junction Plaza) that have been constructed since the previous model was created in 2017 (see **Exhibit 6**). This model was submitted to IDNR for their review and approval. At this time, it has been through 2 sets of revisions but has not yet been approved. All versions of the model, including the most recently revised version (see **Exhibit 7**) have shown this property being outside of the SFHA. Once IDNR approves the model, it will be submitted to FEMA as a Letter of Map Revision (LOMR). Once the LOMR is approved, the Property will no longer be in the SFHA and will therefore not be subject to the FOD. This gives additional support for approval of a variance.

VARIANCES FROM THE FLOODPLAIN OVERLAY DISTRICT (FOD)

To be eligible for a variance for the FOD, certain conditions must be met. These are found in Article 5.5(J)(1) and are addressed below:

- 1) *No Variance shall be permitted for a residential Use within: (i) a Floodway; or (ii) SFHA without established BFE where the drainage area upstream of the site is greater than one (1) square mile:*

Response: The proposed use is not residential.

- 2) *Any variance granted in a Floodway shall require a permit from IDNR:*

Response: Improvement Location Permit will not be issued until the IDNR permit is received.

- 3) *Variances to the General Overlay Standards of this Article may only be granted when a new Building is to be located on a Lot of one-half (0.5) acre or less in size that is contiguous to and surrounded by Lots with existing Buildings constructed below the FPG:*

Response: Variance is not being requested from the General Overlay Standards.

- 4) *Variances may be granted for the reconstruction or restoration of any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures:*

Response: The Property is not listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

In addition to the Findings of Fact listed at the end of this report, the following review considerations, found in Article 5.5(J)(2), must be considered prior to approval of a variance from the FOD:

- 1) *The danger of life and property due to flooding or erosion damage:*

Response: Updated modeling shows the Property being outside of both the 1% annual chance and 0.2% annual chance Flood Hazard Areas. This means that the Property will be at no greater risk for flooding than any other non-SFHA property.

- 2) *The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner:*

Response: Updated modeling shows the Property being outside of both the 1% annual chance and 0.2% annual chance Flood Hazard Areas. This means that the Property will be at no greater risk for flooding than any other non-SFHA property.

- 3) *The importance of the services provided by the proposed facility to the community:*

Response: The reuse of this building is important to the development of the downtown area, and more particularly the Park Street corridor. Prolonged vacancy could result in deterioration of the Property and increased opportunity for vandalism.

- 4) *The necessity to the facility of a waterfront location, where applicable:*

Response: The Property is not located directly on the stream and the updated modeling shows the Property being outside of both the 1% annual chance and 0.2% annual chance Flood Hazard Areas.

- 5) *The availability of alternative locations for the proposed Use which are not subject to flooding or erosion damage:*

Response: Park Street is an ideal location for the proposed use. The site is adequately zoned and the building has been previously used as a restaurant. Additionally, the updated modeling shows the Property being outside of both the 1% annual chance and 0.2% annual chance Flood Hazard Areas.

- 6) *The compatibility of the proposed Use with existing and anticipated development:*

Response: The proposed use is highly compatible with existing and anticipated development. Park Street is already home to several restaurants and other small businesses, the continued use of this building furthers the vision of the Grand Junction Addendum to the Comprehensive Plan.



- 7) *The relationship of the proposed Use to the Comprehensive Plan and floodplain management program for that area:*

Response: Park Street is already home to several restaurants and other small businesses; the continued use of this building furthers the vision of the Grand Junction Addendum to the Comprehensive Plan. The drain reconstruction that was completed with the Grand Junction Plaza project was intended to alleviate flood issues in this area. Allowing this Building to be improved will have no effect on overall floodplain management as the site is planned to be removed from the SFHA.

- 8) *The safety of access to the property in times of flood for ordinary and emergency vehicles:*

Response: Updated modeling shows the Property being outside of both the 1% annual chance and 0.2% annual chance Flood Hazard Areas. This means that the Property will be at no greater risk for flooding than any other non-SFHA property. The property is accessible from Park Street, and potentially Mill Street, if an emergency situation arises.

- 9) *The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site:*

Response: Updated modeling shows the Property being outside of both the 1% annual chance and 0.2% annual chance Flood Hazard Areas.

- 10) *The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges:*

Response: Updated modeling shows the Property being outside of both the 1% annual chance and 0.2% annual chance Flood Hazard Areas. This means that the Property will be at no greater risk for flooding than any other non-SFHA property.

COMPREHENSIVE PLAN

The Property is located within an area that is identified in the [Grand Junction Addendum](#) (the "Addendum"), an addition to the [Westfield-Washington Township Comprehensive Plan](#), as the Grand Junction Plaza Block (the "Sub-Area") of the Grand Junction Sub-District.

The Addendum states that the Sub-Area should, "have a more urban form than the village or old town form of other sub-areas". The Addendum also states that land uses within the Sub-Area, "are encouraged to be a mix of uses typically associated with central business and entertainment districts and that residential uses should be restricted from the first floor within the sub-area."

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.



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

October 11, 2022

2210-VS-32

Exhibit 1

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Standard. This petition is scheduled to receive its public hearing at the October 11, 2022, 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.

Variances of Standard: 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 strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property; and

Floodplain Variances: In addition to the decision criteria set forth in Article 10.14 Variances, the Board may only approve a Variance of this Article upon finding:

- 1) The variance is the minimum necessary, considering the flood hazard, to afford relief;
- 2) A showing of good and sufficient cause;
- 3) A determination that failure to grant the variance would result in exceptional hardship;
- 4) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances; and

¹ 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.



- 5) The repair or rehabilitation of a Historic Building, if applicable, will not preclude the Building's continued designation as a Historic Building and the variance is the minimum to preserve the historic character and design of the Building.

DEPARTMENT COMMENTS

Approval: The Department recommends approval of the Variances of Standard (2210-VS-33), then the Department recommends the conditions and findings as set forth below:

Recommended Conditions of Approval:

- 1) That the variance only applies to the improvements shown on the Proposed Building Addition Exhibit.
- 2) That a permit from IDNR, or confirmation that a permit is not required, be submitted prior to the issuance of an Improvement Location Permit.
- 3) 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 Use of the Property is not substantially changing, and all other improvements to the Property with the applicable zoning and construction standards. Additionally, Updated modeling shows the Property being outside of both the 1% annual chance and 0.2% annual chance Flood Hazard Areas. This means that the Property will be at no greater risk for flooding than any other non-SFHA property.

- 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 properties 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 is not substantially changing, and all other improvements to the Property with the applicable zoning and construction standards.

- 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 improve the Property prior to the effective date of the revised maps following the LOMR being approved by FEMA.



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

October 11, 2022

2210-VS-32

Exhibit 1

- 4) *The variance is the minimum necessary, considering the flood hazard, to afford relief:*

Finding: The requested variance is from a higher standard that our community has elected to adopt. If we had not adopted this standard, the improvement could be done without a variance and would be compliant with state and federal standards.

- 5) *A showing of good and sufficient cause:*

Response: Updated modeling shows the Property being outside of both the 1% annual chance and 0.2% annual chance Flood Hazard Areas. This means that the Property will be at no greater risk for flooding than any other non-SFHA property. Additionally, the cumulative percent of the previous and proposed improvements is under the 50% threshold, so even when considering them together, they do not constitute a Substantial Improvement.

- 6) *A determination that failure to grant the variance would result in exceptional hardship:*

Finding: Failing to grant the variance would result in the inability to improve the Property prior to the effective date of the revised maps following the LOMR being approved by FEMA.

- 7) *A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances:*

Finding: It is unlikely that approving the requested variance will result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances because updated modeling shows the Property being outside of both the 1% annual chance and 0.2% annual chance Flood Hazard Areas.

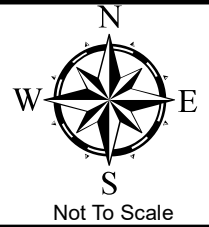
- 8) *The repair or rehabilitation of a Historic Building, if applicable, will not preclude the Building's continued designation as a Historic Building and the variance is the minimum to preserve the historic character and design of the Building:*

Finding: The Property is not listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

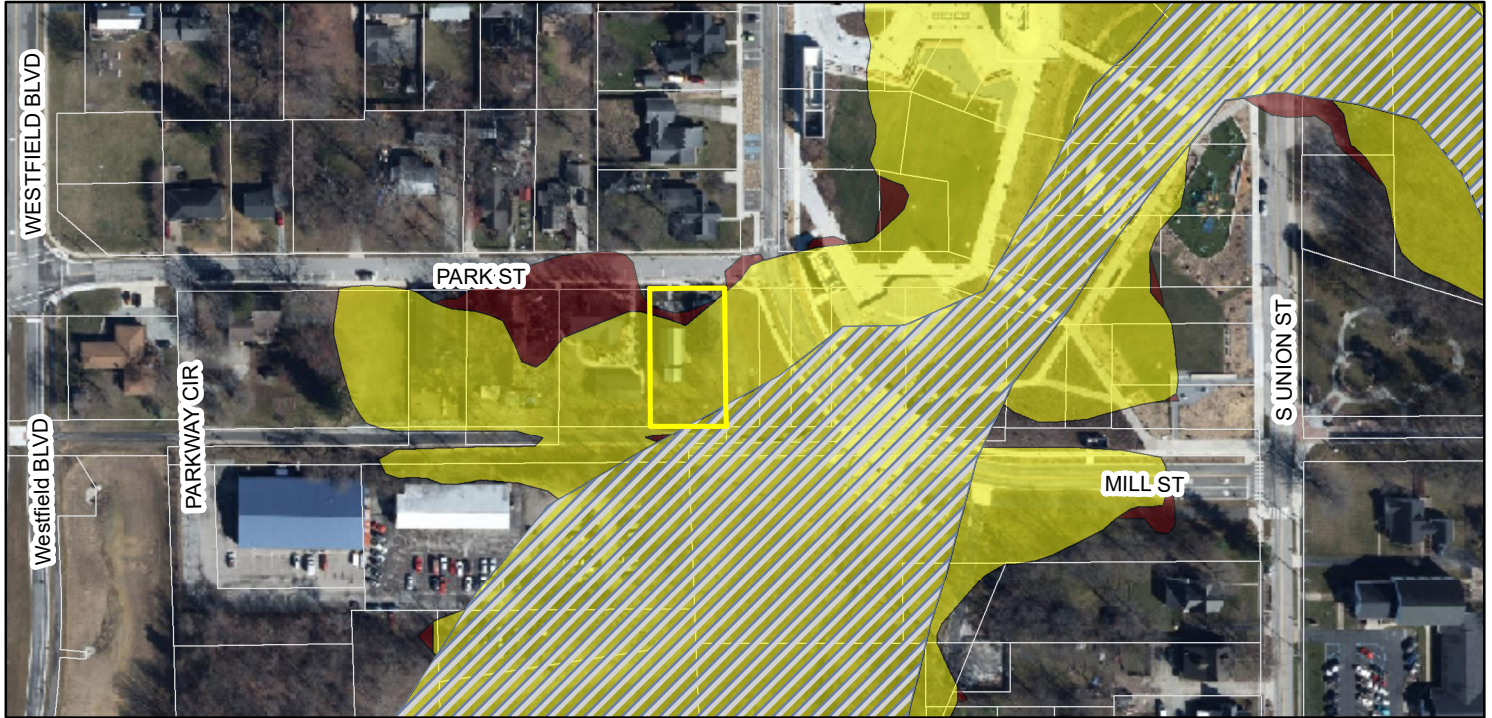
Denial: If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.



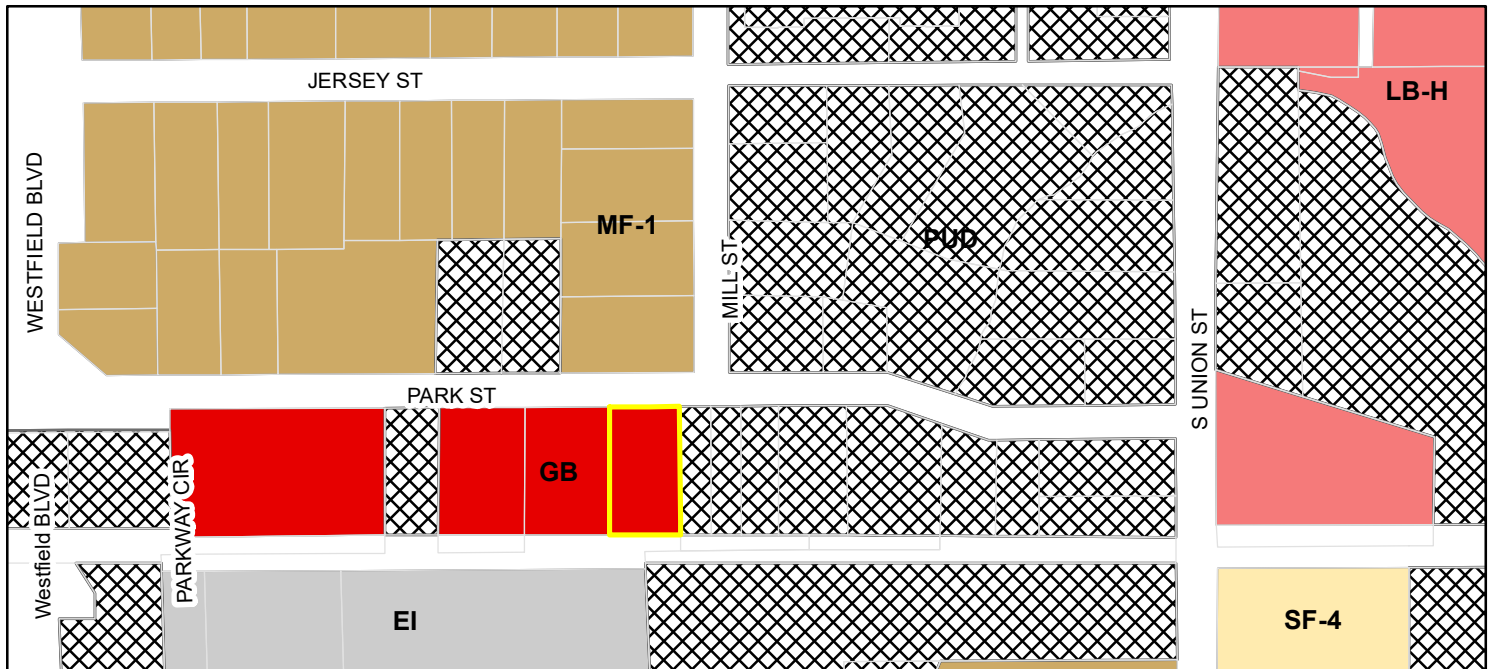
Property Location Map
211 Park Street
2210-VS-32, 2210-VS-33, & 2210-VU-14



Aerial Location Map



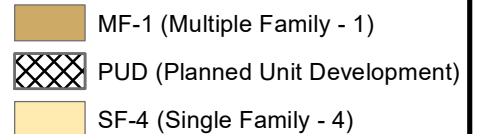
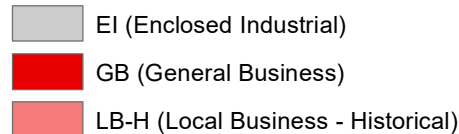
Zoning Map



Legend



Zoning



PART OF LOT 17 IN ROBERTS ADDITION TO THE TOWN OF WESTFIELD
PART OF THE N.E. QUARTER, SECTION 1, TOWNSHIP 18 NORTH, RANGE 3 EAST
WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA

PART OF LOT 17 IN ROBERTS ADDITION TO THE TOWN OF WESTFIELD,
INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT, RUNNING THENCE WEST 48 FEET; THENCE SOUTH 147 FEET; THENCE EAST 48 FEET; THENCE NORTH 147 FEET, TO THE POINT OF BEGINNING;

ZONE	EXPLANATION
"AE"	SPECIAL FLOOD HAZARD AREA INUNDATED BY THE 100 YEAR FLOOD. BASE FLOOD ELEVATION DETERMINED.
"X"	AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN.

THE SUBJECT PROPERTY IS LOCATED IN A SPECIAL FLOOD HAZARD AREA AS ESTABLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY NATIONAL FLOOD INSURANCE PROGRAM AS PER SCALED INTERPRETATION OF FLOOD RATE MAP #18057C 0120G AREA IN ZONE "AE" & "X" MAP DATED NOVEMBER 19, 2014.

	UNDERGROUND GAS LINE
	UNDERGROUND WATER LINE
	EXISTING FENCE
	ELECTRIC METER
	GAS METER
	GAS VALVE
	CLEANOUT
	UTILITY POLE
	RIGHT OF WAY
	REGULATED DRAIN EASEMENT

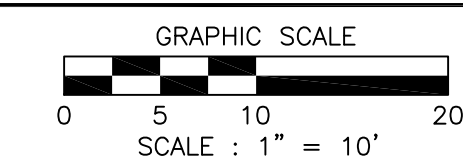
THIS SURVEY REFLECTS ABOVE GROUND INDICATIONS OF EXISTING UTILITIES. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION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

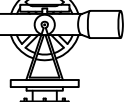
THE WITHIN EXHIBIT WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE POLICY AND ARE THEREFORE SUBJECT TO ANY STATEMENT OF FACTS REVEALED BY EXAMINATION OF SCHEDULE "A" AND SCHEDULE "B" OF A TITLE POLICY.

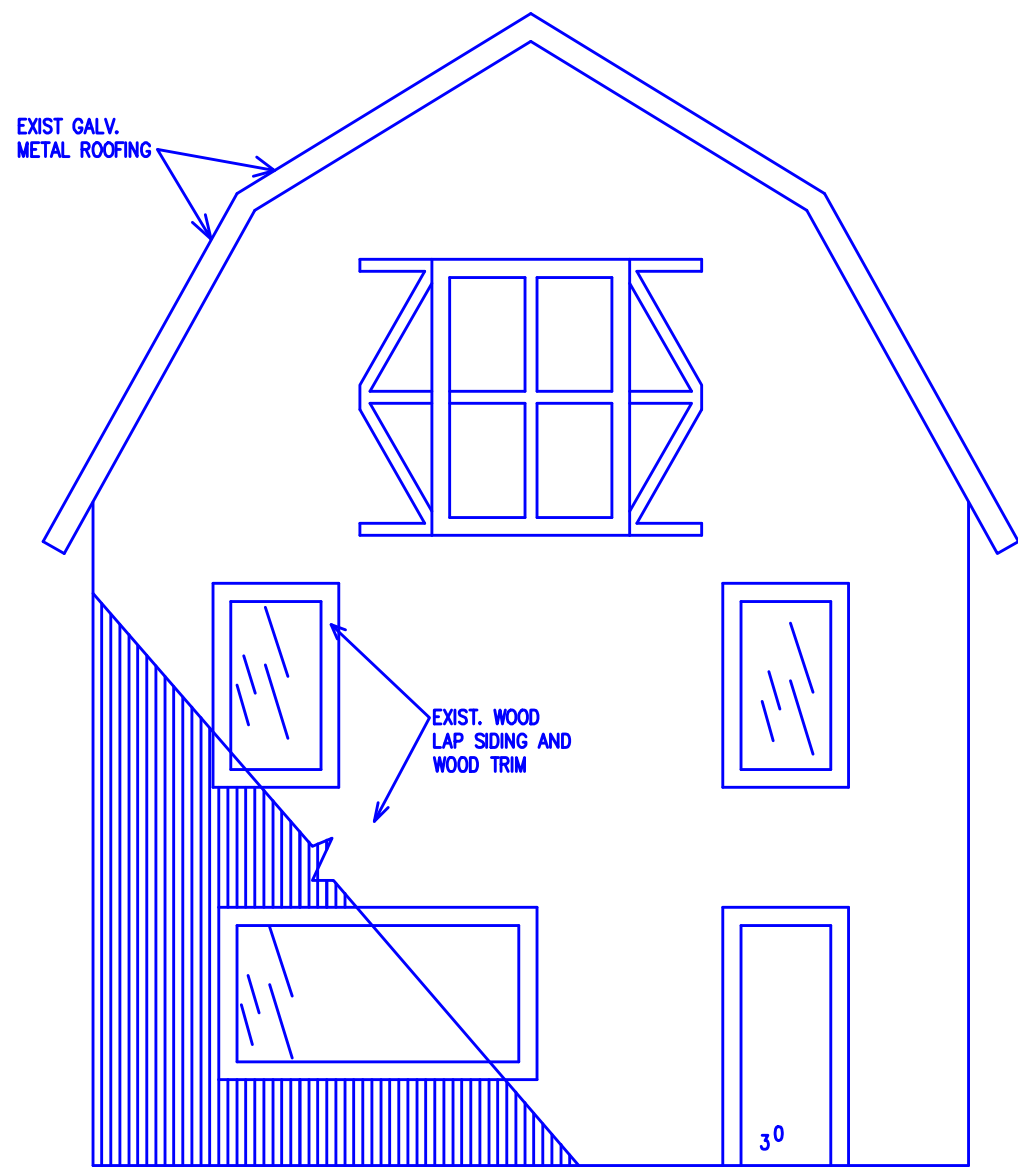
THIS EXHIBIT HAS BEEN PREPARED FOR USE ON THIS PARTICULAR PROJECT AND FOR THE EXCLUSIVE USE OF THE PERSON(S) OR ENTITY HEREON NAMED AND IS NOT CERTIFIED TO OR TO BE USED BY ANY OTHER PARTY. THE EVIDENCE, POSSESSION, OWNERSHIP, CONDITIONS ETC. COULD CHANGE CONSTANTLY AND THE USE OF THIS EXHIBIT IS LIMITED ONLY TO THE DATE INDICATED HEREIN.

THE LOCATION OF THE TITLE LINES AND CORNERS ARE SUBJECT TO THE EVIDENCE FOUND IN THE PERFORMANCE OF THIS EXHIBIT. ADDITIONAL EVIDENCE PRESENTED TO MILLER SURVEYING, INC. MAY ALTER THE LOCATION OF THE TITLE LINES AND CORNERS.

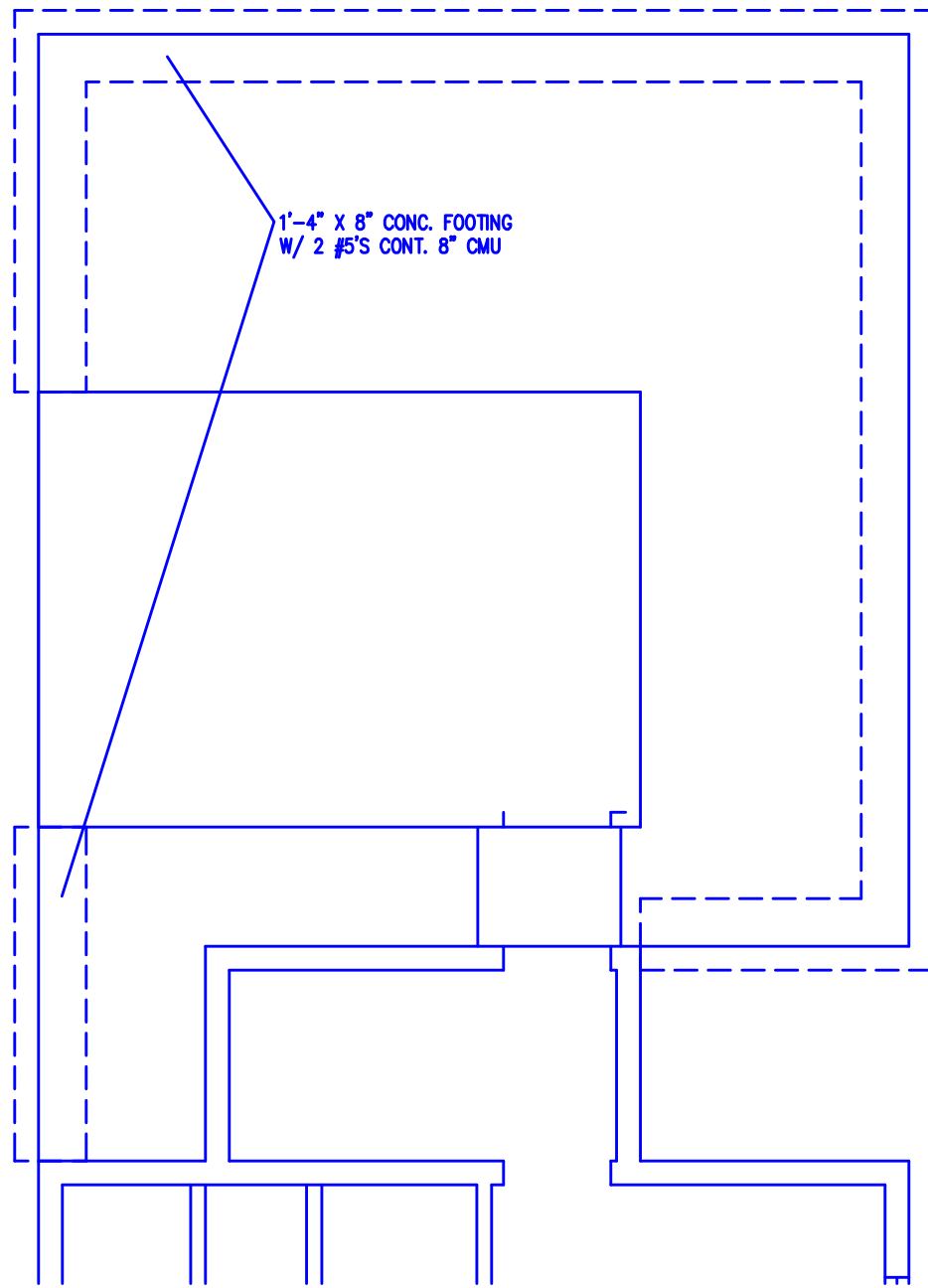
"THIS DRAWING IS NOT INTENDED TO BE REPRESENTED AS A RETRACEMENT OR ORIGINAL BOUNDARY SURVEY, A ROUTE SURVEY OR A SURVEYOR LOCATION REPORT"



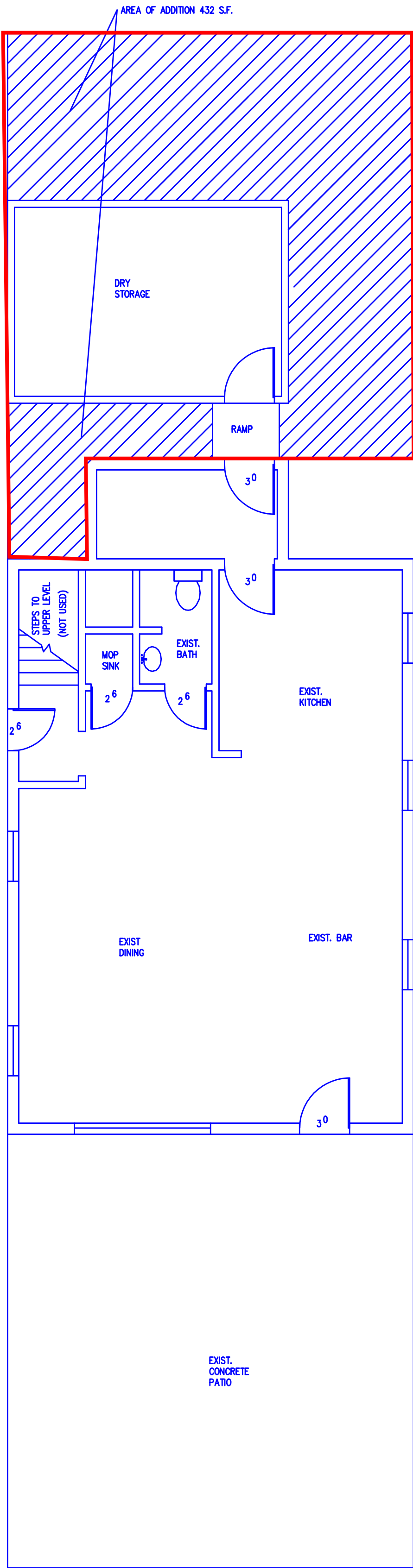
GRAPHIC SCALE 051020 SCALE : 1" = 10'			R.L.S. LS20400007 5-16-22 DATE:																																									
REVISIONS <table><thead><tr><th>REV. DATE</th><th>BY</th><th>DESCRIPTION</th></tr></thead><tbody><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr></tbody></table>			REV. DATE	BY	DESCRIPTION																												 MILLER SURVEYING INC. 948 CONNER STREET NOBLESVILLE, INDIANA 46060 PH. # (317) 773-2644 FAX 773-2694  <table><tbody><tr><td>LOCATION: PART LOT 17 IN ROBERTS ADDITION N.E. QTR., SECTION 1, T18N, R3E WASHINGTON TWP., HAMILTON COUNTY, INDIANA</td><td>DRAWN BY: LRL SCALE: 1" = 10'</td><td>CHK'D BY: KNA FIELD BOOK: D.C.</td></tr><tr><td>FIELD WORK COMPLETED: 5-10-22</td><td>DATE: 5-16-22 JOB NUMBER</td><td>PAGE: D.C. SURVEY 4 FILE:</td></tr><tr><td>CLIENT: SCOTT WOLF DESCRIPTION: EXHIBIT DRAWING</td><td>B40530</td><td></td></tr></tbody></table>			LOCATION: PART LOT 17 IN ROBERTS ADDITION N.E. QTR., SECTION 1, T18N, R3E WASHINGTON TWP., HAMILTON COUNTY, INDIANA	DRAWN BY: LRL SCALE: 1" = 10'	CHK'D BY: KNA FIELD BOOK: D.C.	FIELD WORK COMPLETED: 5-10-22	DATE: 5-16-22 JOB NUMBER	PAGE: D.C. SURVEY 4 FILE:	CLIENT: SCOTT WOLF DESCRIPTION: EXHIBIT DRAWING	B40530	
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EXISTING FRONT ELEVATION

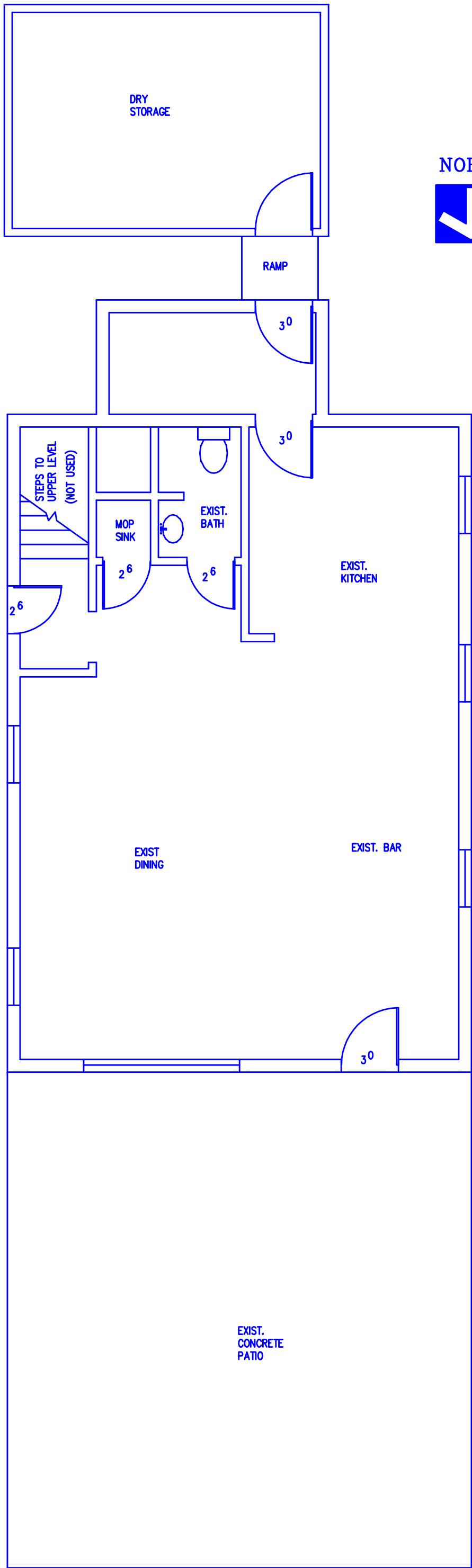


FOUNDATION PLAN
SCALE: 3/16" = 1'-0"



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

- DRAWING LIST
- A-1 EXISTING FLOOR PLANS AND FRONT ELEVATION
 - A-2 NEW FLOOR PLANS AND SCHEDULES
 - P-1 NEW PLUMBING PLANS AND DETAILS
 - E-1 NEW ELECTRICAL PLANS AND DETAILS
 - SW-1 EXISTING SITE BY MILLER SURVEYING



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



REMODEL PLANS
FOR
NYLA'S
221 PARK STREET
WESTFIELD, IN 46074
COPYRIGHT © 2022 BRADLEY A. BARNES

OWNER:
SCOTT WOLF
15740 EAST 146TH STREET
NOBLESVILLE, IN 46060

ISSUED/REVISED
FOR REVIEW:
IF&BS
24 JUNE 2022

EXISTING FLOOR PLANS



ARCHITECT:
BRAD BARNES
11308 LAKESHORE DR. E.
CARMEL, IN 46033

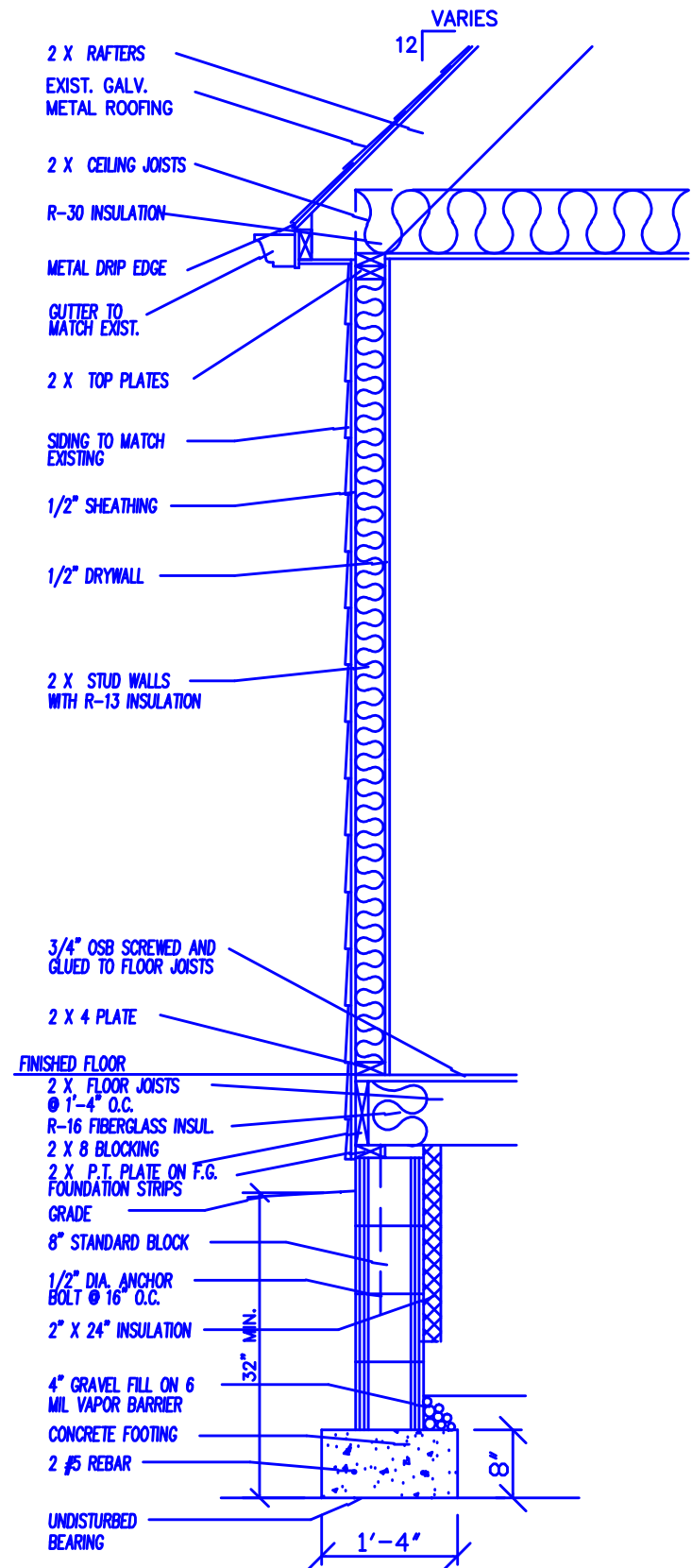
DRAWN BY
BAB

CHECKED BY
BAB

PROJECT
1405

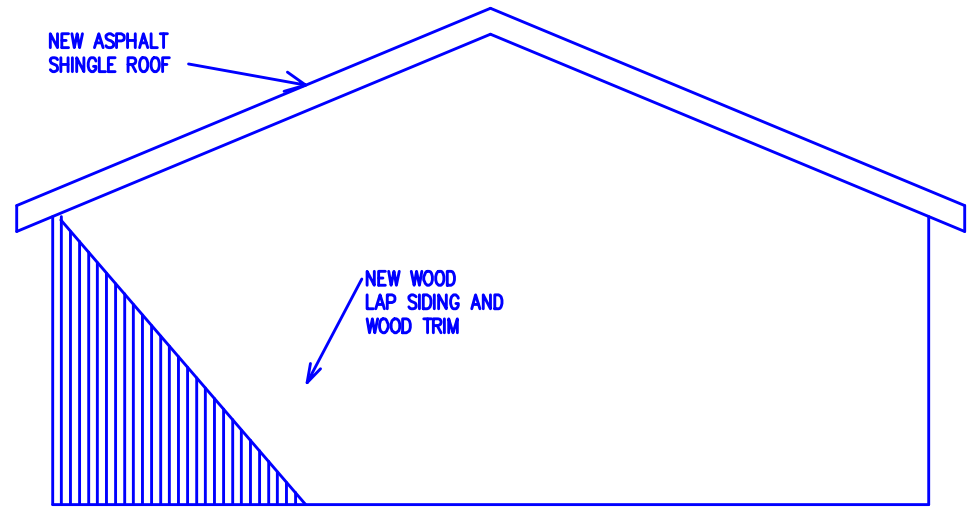
DRAWING

A-1

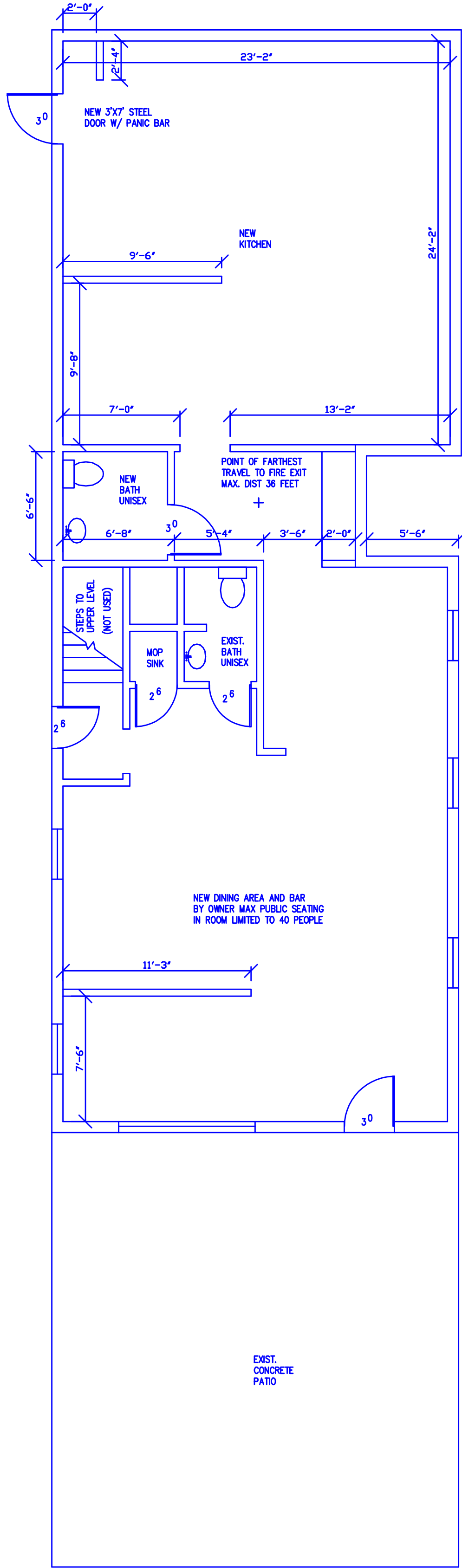


NEW
WALL SECTION
SCALE: 3/4" = 1'-0"

- GENERAL NOTES:
1. ALL MATERIALS AND WORK SHALL BE FURNISHED AND INSTALLED IN STRICT ACCORDANCE W/ ALL CODES, REGULATIONS, ORDINANCES, ETC., HAVING JURISDICTION OVER THIS PROJECT.
 2. CONTRACTOR IS TO VERIFY EXISTING CONDITIONS IN THE FIELD AND TO NOTIFY THE ARCHITECT OF ANY DISCREPANCIES THAT ARE FOUND TO EXIST.
 3. ALL DIMENSIONS ARE TO FACE OF STUD, MASONRY, OR CENTERLINE OF COLUMN UNLESS NOTED.



NEW REAR ELEVATION



MAIN LEVEL

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



REMODEL PLANS
FOR
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NEW FLOOR PLANS



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BAB

PROJECT
1405

DRAWING

A-2

GENERAL NOTES

1. ALL FIXTURES, ETC. ARE AS SELECTED BY OWNER.
2. VERIFY EXISTING OUTLET, FIXTURE, SWITCH, ETC. LOCATIONS IN FIELD & REWORK/ REUSE WHERE POSSIBLE & AS DIRECTED BY OWNER.
3. ALL WORK PER NEC AND STATE CODE REQUIREMENTS.

LEGEND

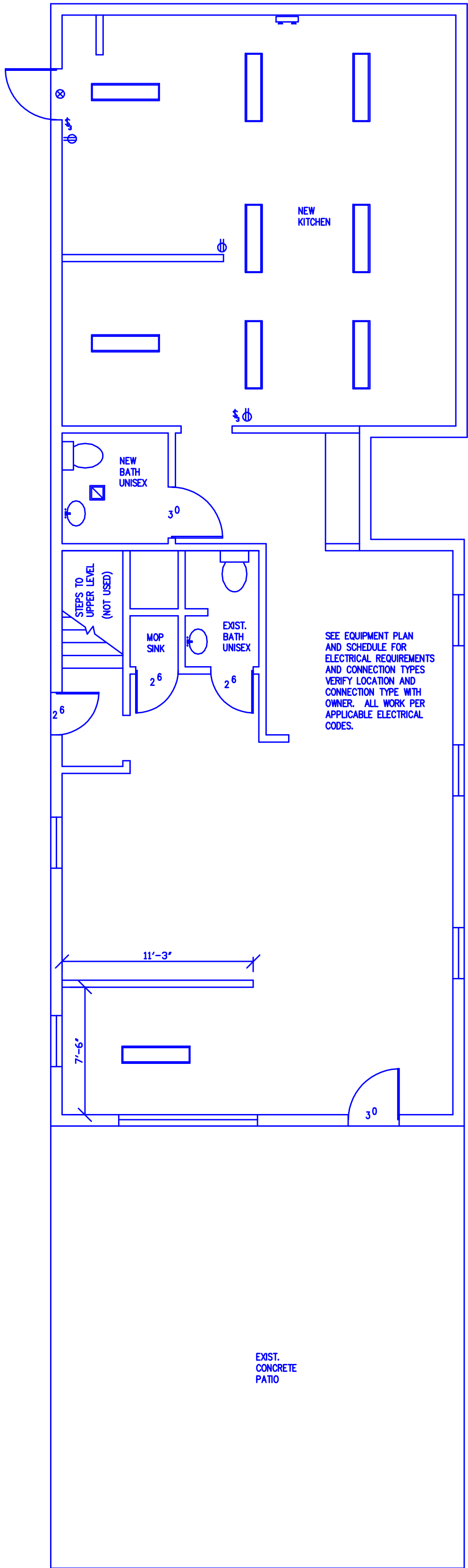
- EMERGENCY LIGHT WITH SELF CONTAINED BATTERY/CHARGER
- 2"x4" LED SURFACE MOUNTED LIGHT FIXTURE
- 1"x4" LED SURFACE MOUNTED LIGHT FIXTURE
- SURFACE MOUNTED INCANDESCENT LIGHT FIXTURE
- SURFACE MOUNTED INCANDESCENT LIGHT FIXTURE "NIGHT LIGHT"
- RECESSED CAN LIGHT
- WALL SCONCE
- EXIT LIGHT
- WALL MONTED LIGHT FIXTURE
- FAN LIGHT COMBO
- SINGLE POLE SWITCH
- SWITCH W/ REOSTAT
- 3 WAY SWITCH
- DUPLEX RECEPTACLE
- ELECTRIC OPERATED SMOKE DETECTOR

PANEL SCHEDULE			
KITCHEN PANEL 'A'			
200 AMP MAIN			
120/240 - 1 - 3W			
42 POLE PANEL			
1 -	HOOD SYSTEM	20A	2
3 -	RANGES	15A	4
5 -	RFC. EQUIP. STAND	15A	6
7 -	REACH-IN RFC.	15A	8
9 -	SAND/SALAD RFC.	15A	10
11 -	WORK-TOP FZR.	15A	12
13 -	HEAT LAMPS	15A	14
15 -	MICROWAVE OVENS	20A	16
17 -	WARMING DRAINER	20A	18
19 -	BACKBAR RFC.	15A	20
21 -	WINE COOLER	15A	22
23 -	DISH MACHINE	30A	24
25 -			26
27 -			28
29 -			30
31 -	WALK-IN COOLER/FREEZER	TBD	32
33 -			34
35 -			36
37 -			38
39 -			40
41 -			42

MAKE-UP AIR UNIT
BY HVAC CONTRACTOR
VERIFY REQUIREMENTS
WITH HOOD SUPPLIER
REUSE EXIST HVAC EQUIP.
WITH NEW DUCTWORK THRU
CEILING.

ELECTRICIAN TO VERIFY ALL POWER REQUIREMENTS WITH
KITCHEN EQUIPMENT SUPPLIER AND OWNER. LOCATION OF
POWER OUTLETS, JUNCTION BOXES AND LIGHT FIXTURES
PER OWNER AND EQUIPMENT SUPPLIER.

ADDITIONAL POWER OUTLETS, LIGHTS OR EQUIPMENT AT
OWNERS DIRECTION. EXISTING OUTLETS AND LIGHTS ARE
ON EXISTING POWER PANEL.
SWITCH LOCATIONS PER OWNER.



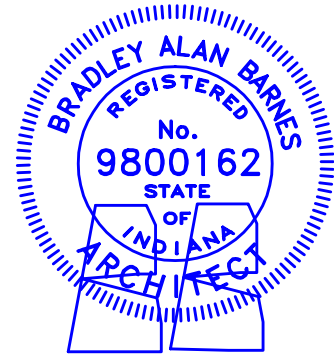
NEW ELECTRICAL PLANS
SCALE: 3/16" = 1'-0"

REMODEL PLANS
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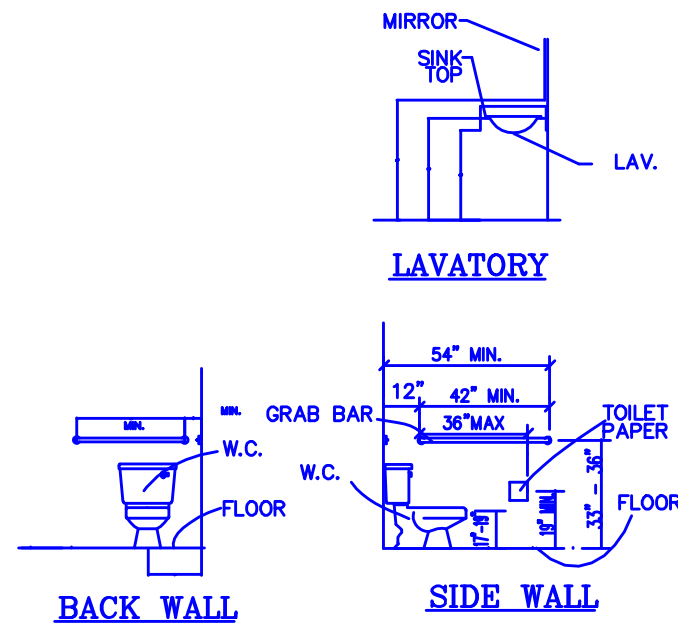
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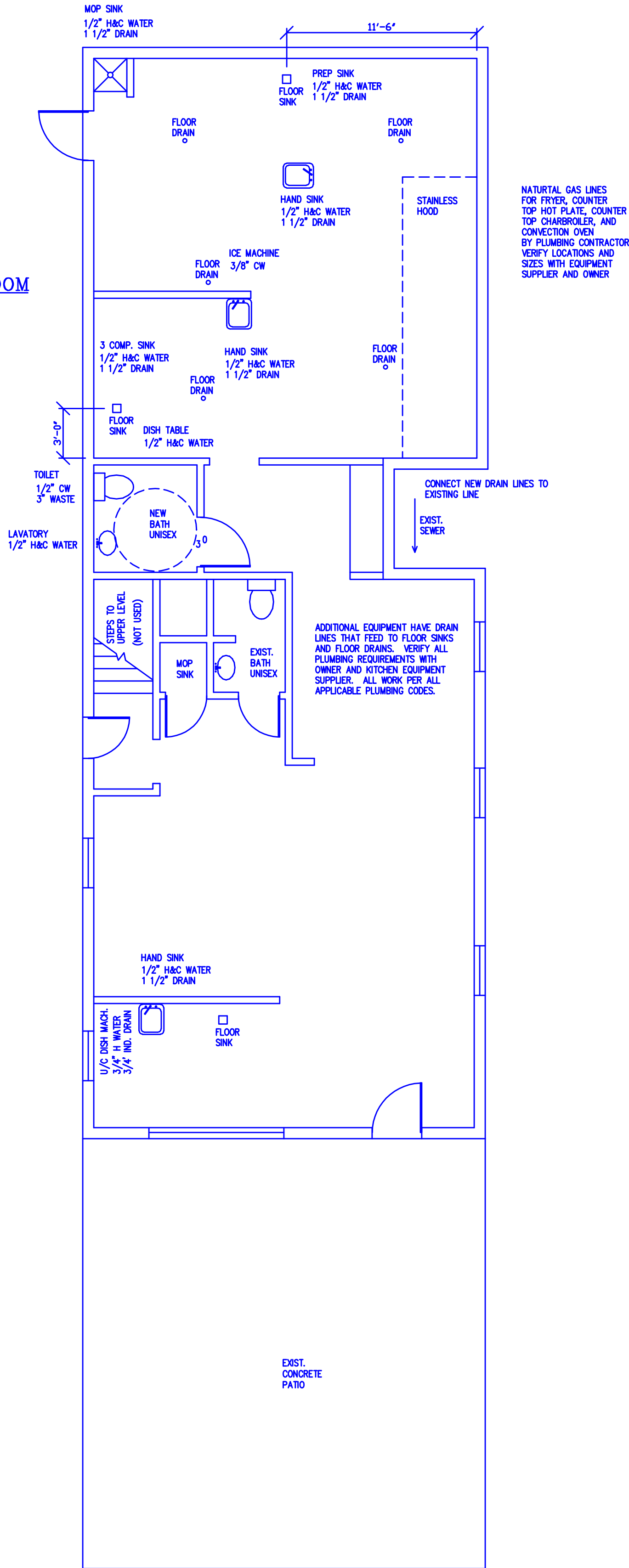
PROJECT
1405

DRAWING

E-1



TYPICAL BATHROOM
SCALE: 1/4" = 1'-0"



NEW PLUMBING PLANS
SCALE: 3/16" = 1'-0"

REMODEL PLANS
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NEW PLUMBING PLANS



ARCHITECT:
BRAD BARNES
11308 LAKESHORE DR. E.
CARMEL, IN 46033

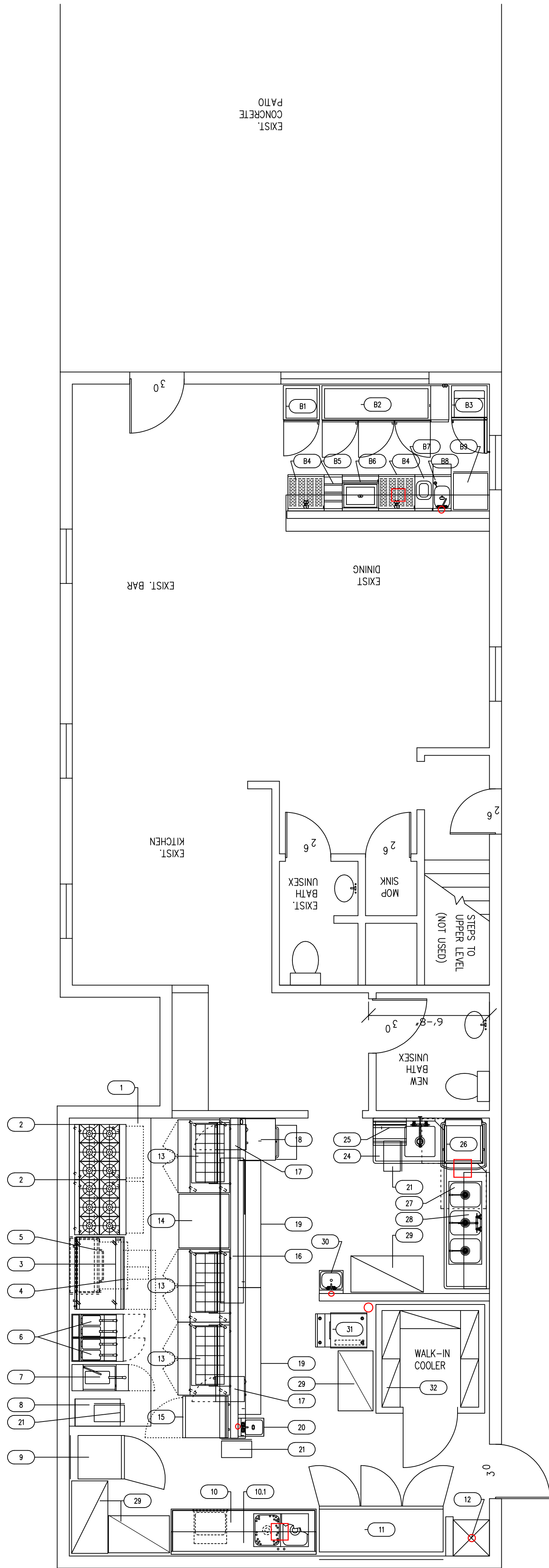
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BAB

CHECKED BY
BAB

PROJECT
1405

DRAWING

P-1



EQUIPMENT SCHEDULE																			
ItemNo	Quantity	Unit	Category	Voltage	Phase	ELECTRICAL					ConnectionType	NEMA	PLUMBING					Equipment Remarks	
						Amps	Cycle	Hp	Kw	Cold Water (In)			Hot Water (In)	Indirect Waste Size	Direct Waste Size	Gas Size(In)	Gas MBTU		
1	1	ea	Exhaust System																By Owner - Confirm Utilities
2	2	ea	6-Burner Range	115	1		60				Cord & Plug	5-15P					3/4"	215.0	
3	1	ea	48" Countertop Griddle														3/4"	100.0	
4	1	ea	Refrigerated Equipment Stand	115	1	3.0	60	1/4			Cord & Plug	5-15P							By Owner
5	1	ea	Salamander Broiler, Gas														3/4"	30.0	By Owner
6	2	ea	Gas Floor Fryer														3/4"	105.0	By Owner
7	1	ea	Henny Penny Fryer																By Owner
8	1	ea	Stainless Steel Batter Table																By Owner
9	1	ea	Reach-In Refrigerator	115	1	1.5	60	1/8			Cord & Plug	5-15P							By Owner
10	1	ea	Stainless Steel Prep Table with Sinks											(2) 1-1/2"					By Owner
10.1	1	ea	Stainless Steel Wall Shelf																By Owner
11	1	ea	Reach-In Freezer	115	1	6.5	60	3/4			Cord & Plug	5-20P							By Owner
12	1	ea	Mop Sink with Service Faucet																By Owner
13	3	ea	Mega Top Sandwich / Salad Preparation Refrigerator	115	1	5.8	60	1/3			Cord & Plug	5-15P							By Owner
14	1	ea	Stainless Steel Work Table, 36" long																By Owner
15	1	ea	WorkTop Freezer	115	1	1.9	60	1/3			Cord & Plug	5-15P							By Owner
16	1	ea	Stainless Steel Double Overshelf with Heat Lamp																
	1	ea	Heat Lamps	120	1		60		3.45		Direct								By Owner
17	2	ea	Microwave Oven	208	1	13.6	60		1.7		Cord & Plug	6-20P							By Owner
18	1	ea	Warming Drawer, Free Standing	120	1	8.0	60		.95		Cord & Plug	5-15P							By Owner
19	2	ea	Dish Cabinet																
20	1	ea	Hand Sink with Splash Guards										1/2"	1/2"		1-1/2"			By Owner
21	3	ea	Trash Receptacles																By Owner
22			Spare Number																SpareNo
23			Spare Number																SpareNo
24	1	ea	Soiled Dishable with Pre-Rinse Faucet																
	1	ea	Pre-Rinse Spray										1/2"	1/2"		1-1/2"			
	1	ea	Twist Handle Drains													1-1/2" to 2"			
25	1	ea	Wall-Mounted Slant Rack Shelf																By Owner
26	1	ea	Dishmachine								Direct								
27	1	ea	Clean Dishable w/ 3-Comp Sinks													1-1/2"			
	3	ea	Twist Handle Drains													1-1/2" to 2"			
	1	ea	Splash-Mounted Faucet										1/2"	1/2"					
28	1	ea	Stainless Steel Wall Shelf																By Owner
29	4	ea	Dry Storage Shelving Units																By Owner
30	1	ea	Hand Sink										1/2"	1/2"		1-1/2"			By Owner
31	1	ea	Ice Machine with Bin and Water Filter	115	1	13.5	60				Direct		3/8"			3/4"			By Owner
	1	ea	Ice Bin													3/4"			By Owner
	1	ea	Water Filter										3/8"						By Owner
32	1	ea	Walk-In Cooler w/ Shelving																By Owner
33			Spare Number																SpareNo
34			Spare Number																SpareNo
B1	1	ea	Backbar Storage Cabinet																
B2	1	ea	Backbar Refrigerator	115	1	5.8	60	1/3			Cord & Plug	5-15P							
B3	1	ea	Dual-Zone Wine Cooler	115	1	2.8	60				Cord & Plug	5-15P							
B4	2	ea	Underbar Glassrack																
B5	1	ea	Liquor Stir Steps																
B6	1	ea	Ice Bin with Cold Plate													1/2"			
B7	1	ea	Underbar Trash Unit																
B8	1	ea	Hand Sink with Soap and Towel Dispenser										1/2"	1/2"		1-1/2"			
B9	1	ea	Undercounter Dishmachine	208-240	1	24.2-27.5	60							3/4"	3/4"				By Owner

THE DRAWING IS THE PROPERTY OF C&T DESIGN & EQUIPMENT CO., INC. IT SHALL REMAIN THE PROPERTY OF C&T DESIGN & EQUIPMENT CO., INC. IF IT IS REPRODUCED OR USED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF C&T DESIGN & EQUIPMENT CO., INC. IF IT IS USED WHOLLY OR PARTIALLY ON WORK OTHER THAN THAT FOR WHICH IT WAS DESIGNED, THE USER ASSUMES ALL LIABILITY FOR ANY ERRORS, OMISSIONS, OR INADEQUACIES. WHILE EVERY ATTEMPT HAS BEEN MADE TO MAKE THIS DRAWING ACCURATE, THE CONTRACTOR OR BUILDER MUST CHECK FOR ANY DISCREPANCIES TO THE DRAWING AND EQUIPMENT CO., INC.

ALL PLUMBING AND ELECTRICAL CONNECTIONS SHALL BE MADE IN ACCORDANCE WITH THE 2018 INTERNATIONAL PLUMBING AND MECHANICAL CODE AND THE 2017 NATIONAL ELECTRICAL CODE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSURANCE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.

DRAWN BY: ERM
DATE: 6/22/22
REVISIONS:

C & T DESIGN & EQUIPMENT CO., INC.
2750 TOBEY DR. INDIANAPOLIS, INDIANA 46219
PHONE: 317-898-9602
DESIGN & SALES TO ALL TYPES OF FOOD SERVICE OPERATIONS
SCALE: 1/4" = 1'-0"
Foodservice Equipment Layout

PROJECT MANAGER
E-MAIL ADDRESS
Emily McClelland
emilym@c-tdesign.com

Nya's
Westfield, IN



JOB NO. TBD

SHEET NUMBER
K1
OF 1

\$1,789.76	2015 Remodel Cost
\$69,162.00	2015 Building Value (per Property Card)
3%	Improvement Cost Percent of Building Value

<u>2022 Proposed Improvements</u>	
\$4,537.89	Foundations
\$0.00	Slabs
\$3,468.98	Bearing walls, beams, trusses
\$2,137.98	Roofing
\$758.45	Decks & Porches
\$2,175.67	Floors ceilings
\$0.00	Interior partitions walls
\$4,257.00	Interior & exterior wall finishes
\$357.98	Windows & Doors
\$0.00	Shingling
\$457.45	Hardware
\$574.97	Kitchen & bathroom fixtures (bath only)
\$0.00	Built-in appliances
\$0.00	Built-in cabinets
\$0.00	HVAC equipment
\$4,176.43	Plumbing& electrical
\$1,252.75	Lighting
\$0.00	Security system
\$0.00	Water filtration
\$12,354.00	Labor cost
\$0.00	Overhead & profit
\$36,509.55	Total Cost of Renovations
\$91,200	2022 Building Value (per Property Card)
40%	Improvement Cost Percent of Building Value

43%	Cumulative Percent Improvement
------------	---------------------------------------

1.0 PROJECT NARRATIVE

The City of Westfield has contracted with Clark Dietz, Inc. to apply for a Conditional Letter of Map Revision (CLOMR) for the Grand Junction Plaza Project, which will be referred to hereafter as the Project. The Project is located within the Floodway of the Anna Kendall Drain, also referred to as the Grassy Branch. The project area is bordered by Mill Street to the west and south, Union Street to the east, and Jersey Street to the north. The project was designed by the Lochmeuller Group Inc. and included the development of approximately 7 acres adjacent to downtown Westfield. The Drain was reshaped and realigned throughout the project site. A construction in a floodway permit was approved for this project under application number FW-28892.

The Anna Kendall Drain flows south from Grand Park, southeasterly to US 31, crossing under it and turning northeast through downtown Westfield. The stream continues east along the south side of SR 32 to the confluence with Cool Creek. The reach of the Anna Kendall Drain analyzed in this study is highlighted with a light blue line in the aerial photograph in Figure 1.



Figure 1 – Location Map

The upstream end of the Anna Kendall Drain is located on the Westfield, IN Quadrangle map in Township 19N, Range 3E, Section 35, and starts south of 186th Street. The downstream end of the Drain is located on the Noblesville, IN Quadrangle map in Township 18N, Range 4E, Section 6, south of SR 32.

In 2017 the Hamilton County Drainage Board commissioned a comprehensive model of the Anna Kendall Drain. Prior to this, hydraulic models only existed for portions of the Anna Kendall Drain. Since the 2017 Comprehensive Hydraulic Model of the Anna Kendall Drain was complete, 7 new developments have been approved along the Anna Kendall Drain which were not incorporated into the 2017 comprehensive model.

A meeting was held on June 17, 2020 to discuss the requirements for obtaining a CLOMR for the Project. The meeting was attended by David Knipe (IDNR), Anita Nance (IDNR), Jarod Evans (IDNR), John Nail (City of Westfield), Kent Ward (Hamilton County), Jarod Evans (Hamilton County), Hans Peterson (Clark Dietz), and Brian Powers (Clark Dietz). It was agreed upon by all attending parties that the corrective course of action moving forward would be to update the 2017 comprehensive model of the Anna Kendall Drain with the 7 new development projects prior to submitting a CLOMR application for the Project. Minutes from the meeting are included in Appendix H. The 7 new developments include:

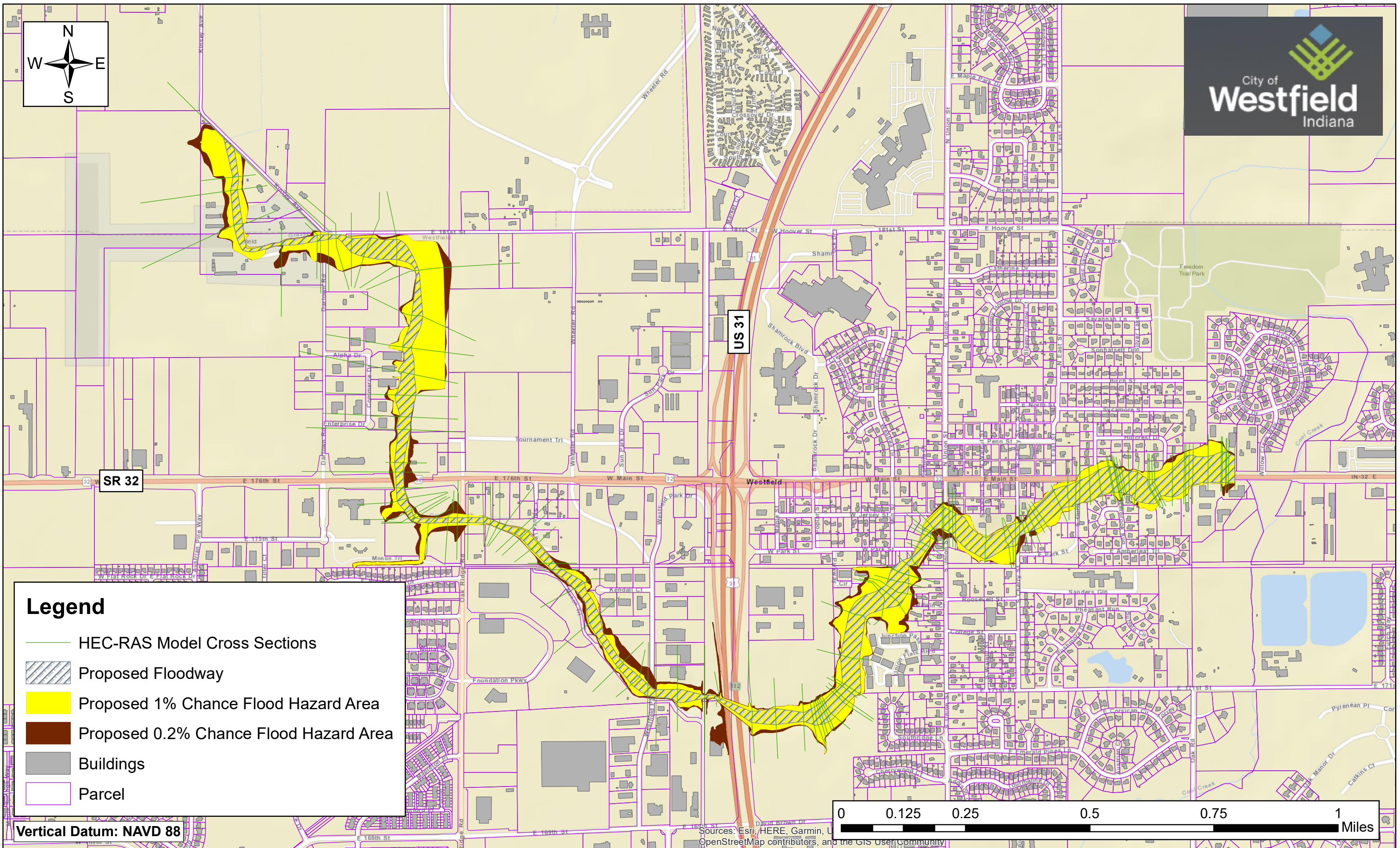
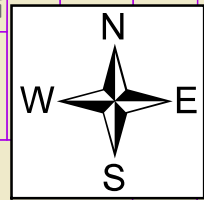
- FW-27605 – Mill Street Bridge (2017)
- FW-28892 – Grand Junction Plaza (2018)
- FW-29027 – The Trails (2018)
- FW-29550 – Westfield Park Road Culvert (2019)
- FW-29293 – Westfield Boulevard (2019)
- FW-29939 – 175th Street Development (2019)
- Wheeler Landing Detention Pond (2018)

This package will serve as the CLOMR application for the Grand Junction Plaza Project and establish a new base model to be used for future developments along the Anna Kendall Drain.

Of the seven developments listed above, the construction of the Mill Street Bridge, and the Westfield Boulevard Connector Bridge are complete as of the submission of this report. The Grand Junction Plaza and the Trails project are currently under construction. The Westfield Park Road culvert, the 175th Street Development, and the Wheeler Landing Development have not yet begun construction,

Another team meeting between Clark Dietz and IDNR was held on March 29th 2021. At this meeting it was decided that since the construction of the Grand Junction Plaza and several other developments was not complete, that this submittal would be a CLOMR. A LOMR submission will occur later after construction of the projects is completed. At this meeting we also discussed which developments should be included in the Existing Condition Plan hydraulic model being considered for the CLOMR. The Mill Street Bridge is complete so it should be included in the model. Grand Junction Plaza is currently under construction so it should be included in the model. The grading portion of the Trails project is complete so it should be included in the model. The status of the Westfield Park Road culvert has not begun construction, but the CIF has been extended for this project so it should be included in the model. The Westfield Boulevard Connector Bridge is complete so it should be included in the model. The status of the 175th Street Development is unknown and Clark Dietz will follow up with the developer. The Wheeler Landing Development has an approved CLOMR so it should be included in the model. Minutes of this meeting are included in Appendix H.

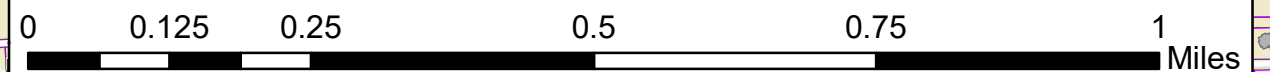
Clark Dietz followed up with the 175th Street Developer after the March 29th meeting with IDNR. The project is working through some financial details and has no planned start date for construction and the project has not applied for a CLOMR. Per this information, IDNR directed Clark Dietz not to include the 175th Street Development in the hydraulic model for the CLOMR submission.



Legend

- HEC-RAS Model Cross Sections
- Proposed Floodway
- Proposed 1% Chance Flood Hazard Area
- Proposed 0.2% Chance Flood Hazard Area
- Buildings
- Parcel

Vertical Datum: NAVD 88



Sources: Esri, HERE, Garmin, U.S. National Geographic, OpenStreetMap contributors, and the GIS User Community

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: Scott Wolf TELEPHONE: 317-371-3046
ADDRESS: _____ EMAIL: Scott@wolfpack.com
PROPERTY OWNER'S NAME: Bob Beauchamp TELEPHONE: _____
ADDRESS: _____ EMAIL: _____
REPRESENTATIVE'S NAME: John Sy TELEPHONE: 317-379-8870
COMPANY: Wolfies Bart Grill EMAIL: John@wolfpack.com
ADDRESS: 1640 South 9th Street Noblesville In, 46060

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 211 Park St Westfield In
COUNTY PARCEL ID #(S): _____
EXISTING ZONING DISTRICT(S): _____ EXISTING LAND USE(S): Commercial

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 USE)

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. 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: Requiring a remodel to the building does not create any safety, morals, and general welfare of the community
N/A
- 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 use of the property as an venue/restaurant will remain the same so the use & value of the area will not be affected
N/A
- C. The need for the variance arises from some condition particular to the property involved because: The use of the building will become an venue to seat people for special parties
N/A
- 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: There will be no hardship applied to the property because of making it into an venue
N/A
- E. The variance of use does not interfere substantially with the Comprehensive Plan because: The venue and restaurant will be doing the same thing just seating guests in the building
N/A

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:

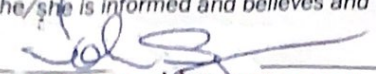
- A. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because: Requiring a building addition to comply with current standards would result in a building addition that is not noticeably architecturally incompatible with the current building as well as the surrounding buildings on Park St.
- 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 use of the property of an restaurant will remain the same so the use and value of the area adjacent will not be affected
- C. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property because: Strict adherence of the zoning ordinance would result in the inability to ~~can~~ continue the existing architectural style onto the building addition. The udo's architectural standards otherwise would require masonry and offsets that do not match the architecture of the existing building

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.

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)

John S.
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 29 day of August, 2022
State of Indiana, County of Hamilton, SS: _____

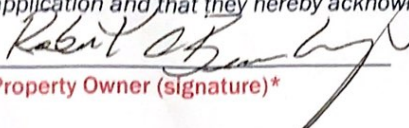
Carrie Ann Thurston
Notary Public (signature)

Carrie Ann Thurston
Notary Public (printed)

CARRIE ANN THURSTON
NOTARY PUBLIC - SEAL
STATE OF INDIANA
COMMISSION NUMBER 661640
MY COMMISSION EXPIRES DEC. 16, 2022

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)*

Robert C Beauchamp
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 8 day of September, 2022
State of Indiana, County of Hamilton, SS: _____

Rachel Ann Cook
Notary Public (signature)

Rachel Ann Cook
Notary Public (printed)

RACHEL ANN COOK
Seal
Notary Public - State of Indiana
Hamilton County
My Commission Expires Jan 8, 2025

*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

October 11, 2022

2210-VS-33

Exhibit 1

Petition Number: 2210-VS-33

Subject Site Address: 211 Park Street (The "Property")

Petitioner: Scott Wolf (The "Petitioner")

Request: The Petitioner requests Variances of Development Standard to exempt the Architectural Standards and required Off-Street Parking Spaces to permit expansion of an existing Building in the GB: General Business District (Articles 6.3(F) & 6.14(G)(11)).

Current Zoning: GB: General Business District
Floodplain Overlay District (FOD)

Current Land Use: Commercial

Approximate Acreage: 0.29 acres+/-

Exhibits:

1. Staff Report
2. Location Map
3. Plot Plan
4. Proposed Building Expansion
5. Application

Staff Reviewer: Pam Howard, Assistant Director

OVERVIEW

Location: The subject property is 0.29 acres +/- in size and is located at 211 Park Street (see **Exhibit 2**). The Property is currently zoned the GB: General Business District. The adjoining property to the west is also zoned GB, properties to the north are zoned MF1: Multi-family Low Density District, and properties to the east are zoned the Grand Junction Plaza PUD. The Midland Trace Trail bounds the property to the south, and parcels south of the trail are zoned EI: Enclosed Industrial District and the Grand Junction Plaza PUD.

Property History: The Existing barn on the Property was converted to a restaurant in early 2014. The Flood Insurance Rate Maps were revised in November of 2014, adding the property to the AE Flood Fringe. The upstairs portion of the building was remodeled in 2015. The previous restaurant has since closed, and a new owner desires to expand the current building to be used as a restaurant or Event Center.

Variance Request: The Petitioner requests Variances of Development Standard to exempt the Architectural Standards and required Off-Street Parking Spaces to permit expansion of an existing Building in the GB: General Business District (Articles 6.3(F) & 6.14(G)(11)).



SUMMARY OF VARIANCES

The Petitioner is requesting this variance to allow a building expansion that does not comply with the Architectural Standards on a lot that does not include Off-Street Parking, as shown on the Plot Plan Exhibit and Proposed Building Expansion Exhibit (see **Exhibit 3** and **Exhibit 4**).

Architectural Standards: The Property is subject to the UDO's Architectural Standards for Business Districts (Article 6.3(F)). As it exists today, the building is Legal Nonconforming. However, the proposed expansion would require compliance with current standards. A variance is being requested to allow the architecture of the proposed expansion to match the existing building.

Off-Street Parking: The Property is subject to the Parking and Loading Standards of the UDO (Article 6.14). While the current lack of Off-Street Parking is Legal Nonconforming, a building addition would require the minimum number of spaces to be recalculated per the current standard listed below.

Article 6.14(G)(11)(h) Parking and Loading Standards; Off-street Parking; Required Spaces; Restaurants: One (1) space for each three (3) seats of serving area, plus one (1) space for each employee on primary shift.

COMPREHENSIVE PLAN

The Property is located within an area that is identified in the [Grand Junction Addendum](#) (the "Addendum"), an addition to the [Westfield-Washington Township Comprehensive Plan](#), as the Grand Junction Plaza Block (the "Sub-Area") of the Grand Junction Sub-District.

The Addendum states that the Sub-Area should, "have a more urban form than the village or old town form of other sub-areas". The Addendum also states that land uses within the Sub-Area, "are encouraged to be a mix of uses typically associated with central business and entertainment districts and that residential uses should be restricted from the first floor within the sub-area."

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.

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Standard. This petition is scheduled to receive its public hearing at the October 11, 2022, 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.



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

October 11, 2022

2210-VS-33

Exhibit 1

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.

Variances of Standard: 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 strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property; and

DEPARTMENT COMMENTS

Approval: The Department recommends approval of the Variances of Standard (2210-VS-33), then the Department recommends the conditions and findings as set forth below:

Recommended Conditions of Approval:

- 1) That the variance applies to the expansion shown on the Proposed Building Addition Exhibit only.
- 2) That the architecture and materials of the Building addition match the existing Building at 211 Park Street.
- 3) 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.

¹ 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.



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

October 11, 2022

2210-VS-33

Exhibit 1

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 Use of the Property is not substantially changing, and all other improvements to the Property with the applicable zoning and construction 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 properties 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 is not substantially changing, and all other improvements to the Property with the applicable zoning and construction standards.

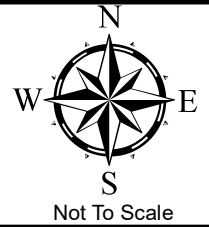
- 3) *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:*

Finding: Strict adherence to the zoning ordinance would result in the inability to improve the property as proposed.

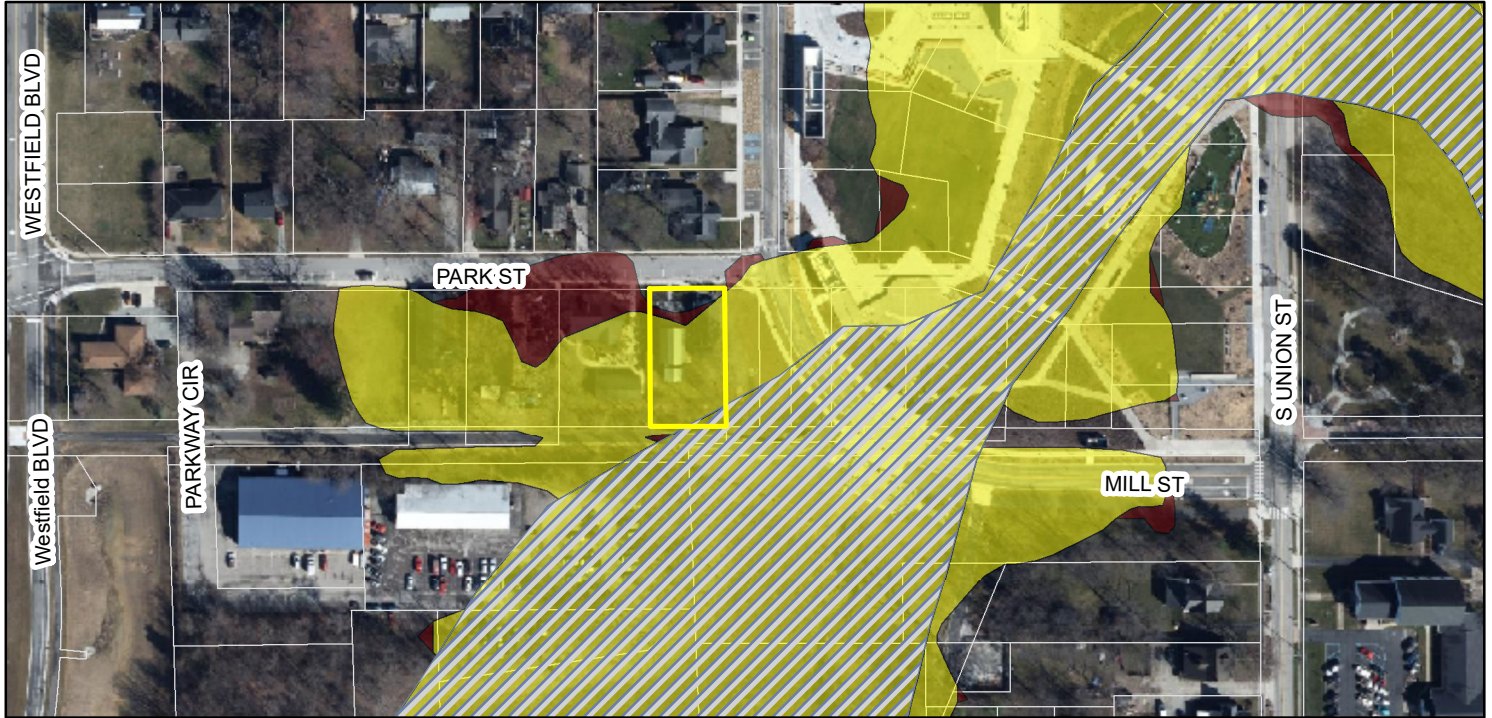
Denial: If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.



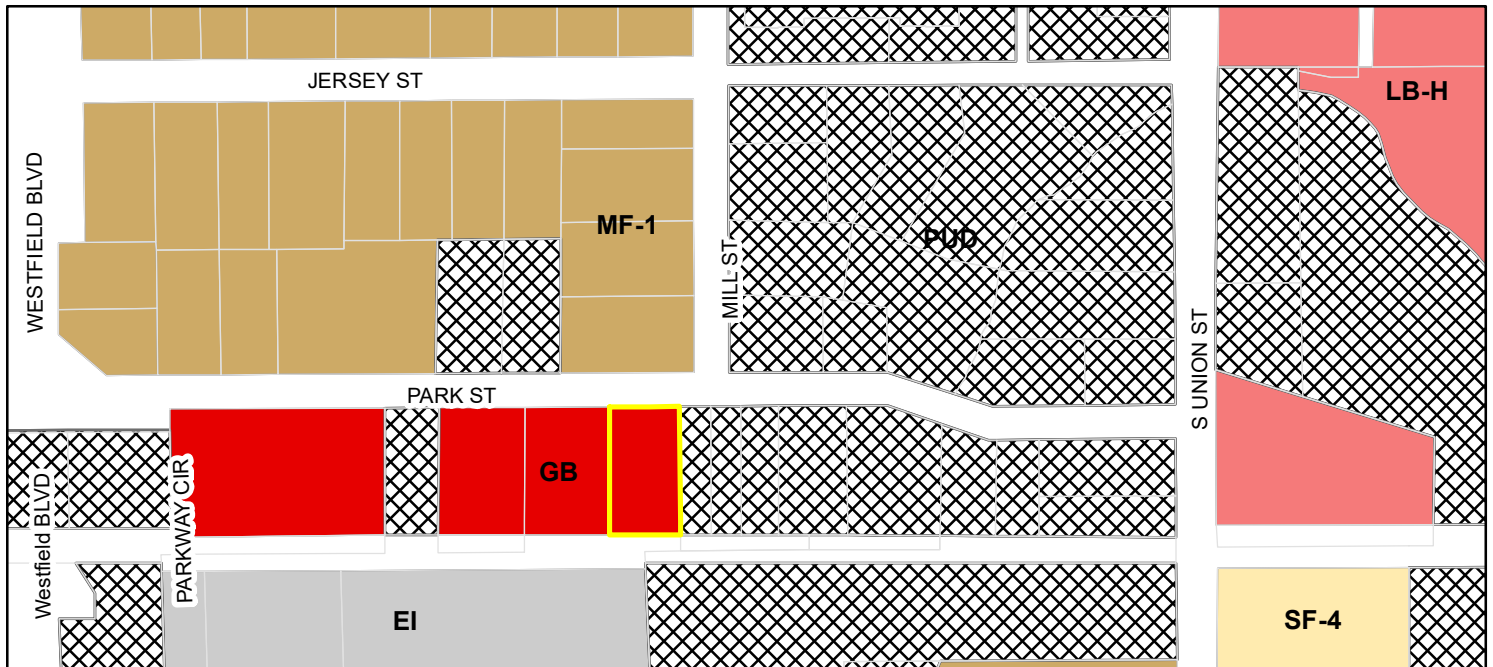
Property Location Map
211 Park Street
2210-VS-32, 2210-VS-33, & 2210-VU-14



Aerial Location Map



Zoning Map



Legend

	FLOODWAY		500 Year Floodplain		EI (Enclosed Industrial)		PUD (Planned Unit Development)
	100 Year Floodplain		Floodway		GB (General Business)		SF-4 (Single Family - 4)
					LB-H (Local Business - Historical)		

EXHIBIT DRAWING

PART OF LOT 17 IN ROBERTS ADDITION TO THE TOWN OF WESTFIELD
PART OF THE N.E. QUARTER, SECTION 1, TOWNSHIP 18 NORTH, RANGE 3 EAST
WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA

LAND DESCRIPTION

PART OF LOT 17 IN ROBERTS ADDITION TO THE TOWN OF WESTFIELD,
INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT, RUNNING THENCE
WEST 48 FEET; THENCE SOUTH 147 FEET; THENCE EAST 48 FEET; THENCE
NORTH 147 FEET, TO THE POINT OF BEGINNING;

FLOOD ZONE DEFINITION

ZONE EXPLANATION
"AE" SPECIAL FLOOD HAZARD AREA INUNDATED
BY THE 100 YEAR FLOOD. BASE FLOOD
ELEVATION DETERMINED.

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

THE SUBJECT PROPERTY IS LOCATED IN A SPECIAL FLOOD HAZARD AREA AS
ESTABLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY NATIONAL
FLOOD INSURANCE PROGRAM AS PER SCALED INTERPRETATION OF FLOOD
RATE MAP #18057C 0120G AREA IN ZONE "AE" & "X" MAP DATED NOVEMBER
19, 2014.

LEGEND

- G

W

+

EM

GM

GV

C

UP

R/W

RDE
- UNDERGROUND GAS LINE

UNDERGROUND WATER LINE

EXISTING FENCE

ELECTRIC METER

GAS METER

GAS VALVE

CLEANOUT

UTILITY POLE

RIGHT OF WAY

REGULATED DRAIN EASEMENT

UTILITY NOTE

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

THE WITHIN EXHIBIT WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE POLICY AND ARE THEREFORE SUBJECT TO
ANY STATEMENT OF FACTS REVEALED BY EXAMINATION OF SCHEDULE "A" AND SCHEDULE "B" OF A TITLE POLICY.

THIS EXHIBIT HAS BEEN PREPARED FOR USE ON THIS PARTICULAR PROJECT AND FOR THE EXCLUSIVE USE OF THE PERSON(S)
OR ENTITY HEREON NAMED AND IS NOT CERTIFIED TO OR TO BE USED BY ANY OTHER PARTY. THE EVIDENCE, POSSESSION,
OWNERSHIP, CONDITIONS ETC. COULD CHANGE CONSTANTLY AND THE USE OF THIS EXHIBIT IS LIMITED ONLY TO THE DATE
INDICATED HEREIN.

THE LOCATION OF THE TITLE LINES AND CORNERS ARE SUBJECT TO THE EVIDENCE FOUND IN THE PERFORMANCE OF THIS
EXHIBIT. ADDITIONAL EVIDENCE PRESENTED TO MILLER SURVEYING, INC. MAY ALTER THE LOCATION OF THE TITLE LINES AND
CORNERS.

"THIS DRAWING IS NOT INTENDED TO BE REPRESENTED AS A RETRACEMENT OR ORIGINAL BOUNDARY SURVEY, A ROUTE
SURVEY OR A SURVEYOR LOCATION REPORT"

GRAPHIC SCALE

0

5

10

20

SCALE : 1" = 10'

REV.	DATE	BY	DESCRIPTION

R.L.S.

LS20400007

5-16-22

DATE:

M

S

948 CONNER STREET

NOBLESVILLE INDIANA 46060

PH. # (317) 773-2644 FAX 773-2694

LOCATION: PART LOT 17 IN ROBERTS ADDITION

N.E. QTR., SECTION 1, T18N, R3E

WASHINGTON TWP., HAMILTON COUNTY, INDIANA

FIELD WORK COMPLETED: 5-10-22

CLIENT: SCOTT WOLF

DESCRIPTION: EXHIBIT DRAWING

DRAWN BY: LRL

SCALE: 1" = 10'

DATE: 5-16-22

JOB NUMBER

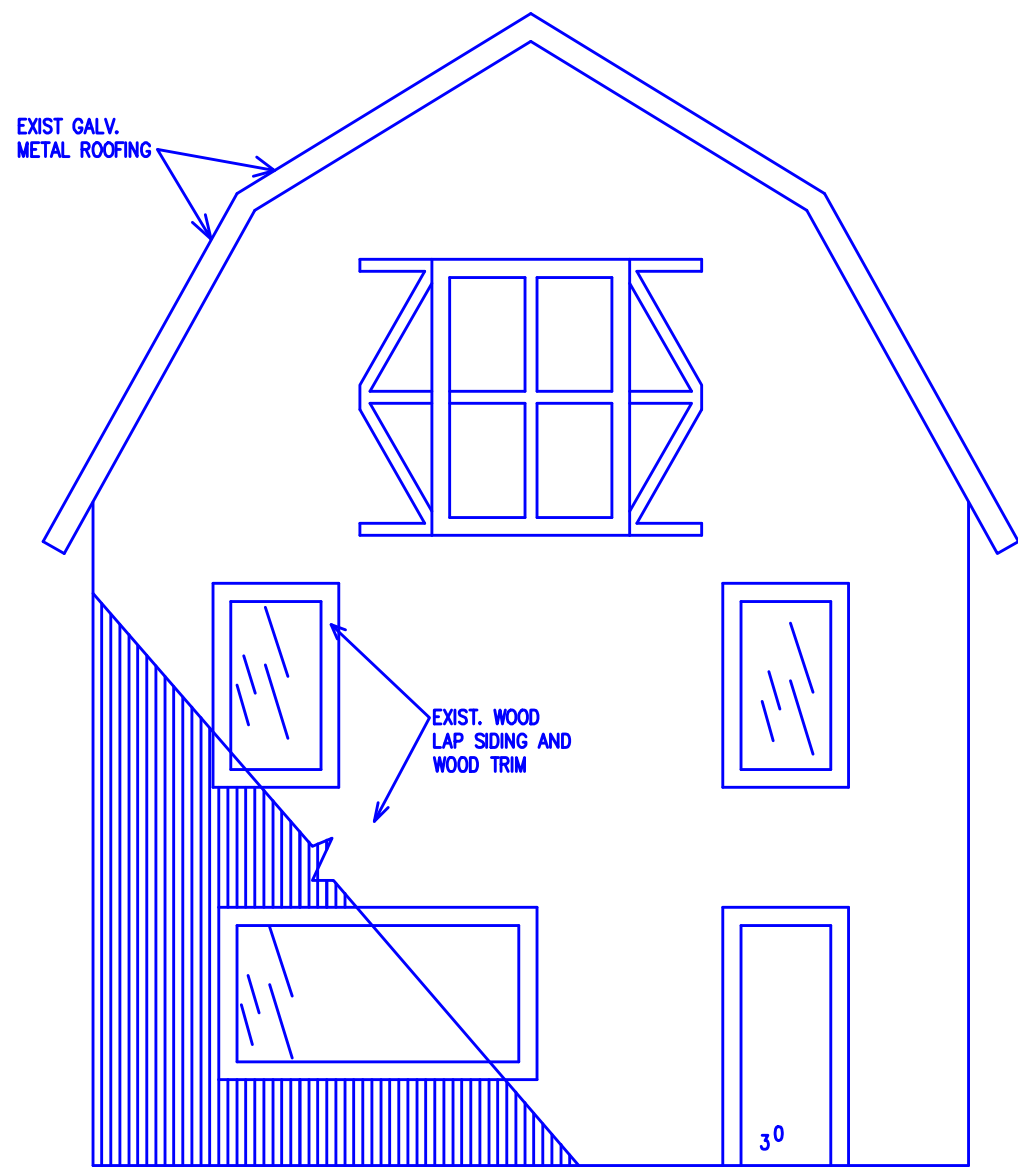
CHK'D BY: KNA

FIELD BOOK: D.C.

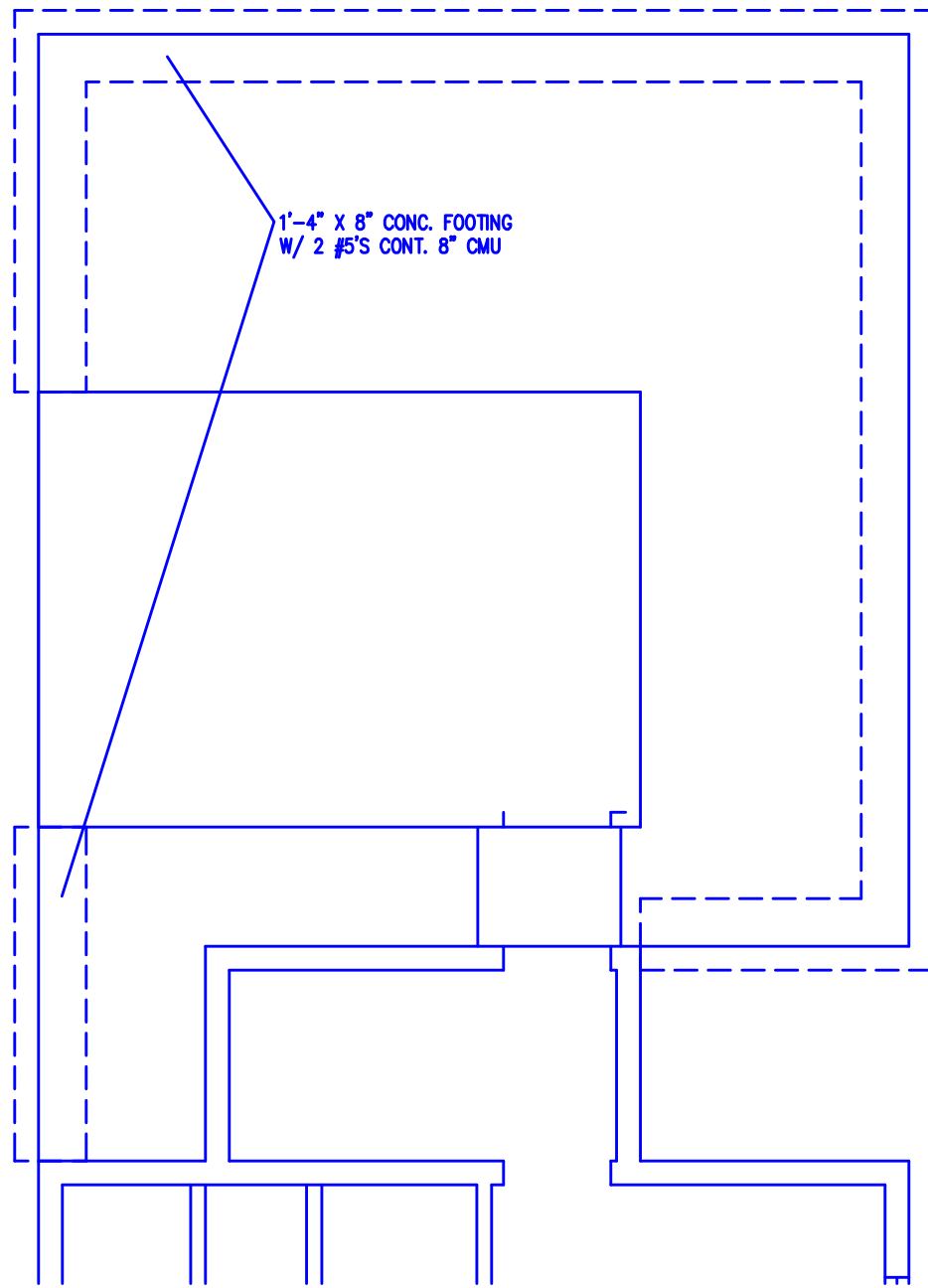
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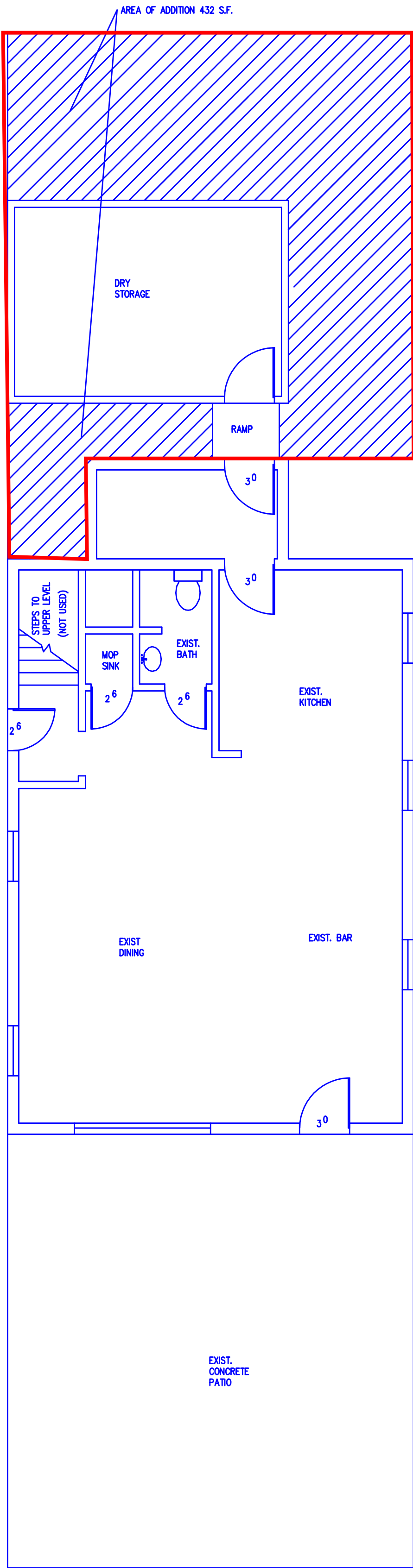
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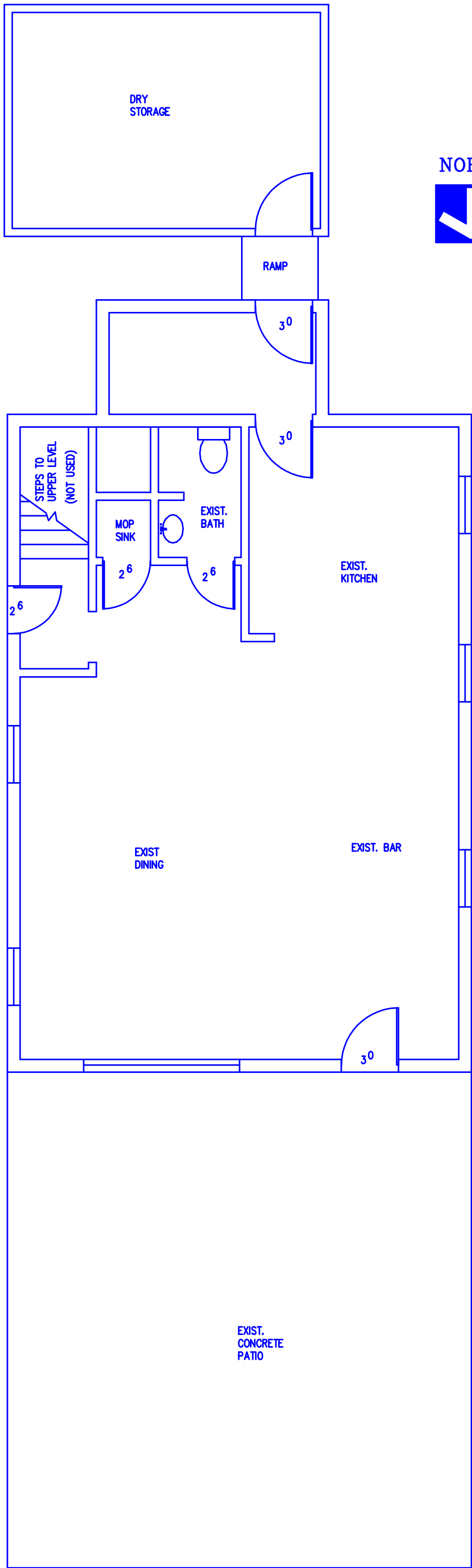
EXISTING FRONT ELEVATION



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



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



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

- DRAWING LIST**
- A-1 EXISTING FLOOR PLANS AND FRONT ELEVATION
 - A-2 NEW FLOOR PLANS AND SCHEDULES
 - P-1 NEW PLUMBING PLANS AND DETAILS
 - E-1 NEW ELECTRICAL PLANS AND DETAILS
 - SW-1 EXISTING SITE BY MILLER SURVEYING

REMODEL PLANS
FOR
NYLA'S
221 PARK STREET
WESTFIELD, IN 46074
COPYRIGHT © 2022 BRADLEY A. BARNES

OWNER:
SCOTT WOLF
15740 EAST 146TH STREET
NOBLESVILLE, IN 46060

ISSUED/REVISED
FOR REVIEW:
IF&BS
24 JUNE 2022

EXISTING FLOOR PLANS



ARCHITECT:
BRAD BARNES
11308 LAKESHORE DR. E.
CARMEL, IN 46033

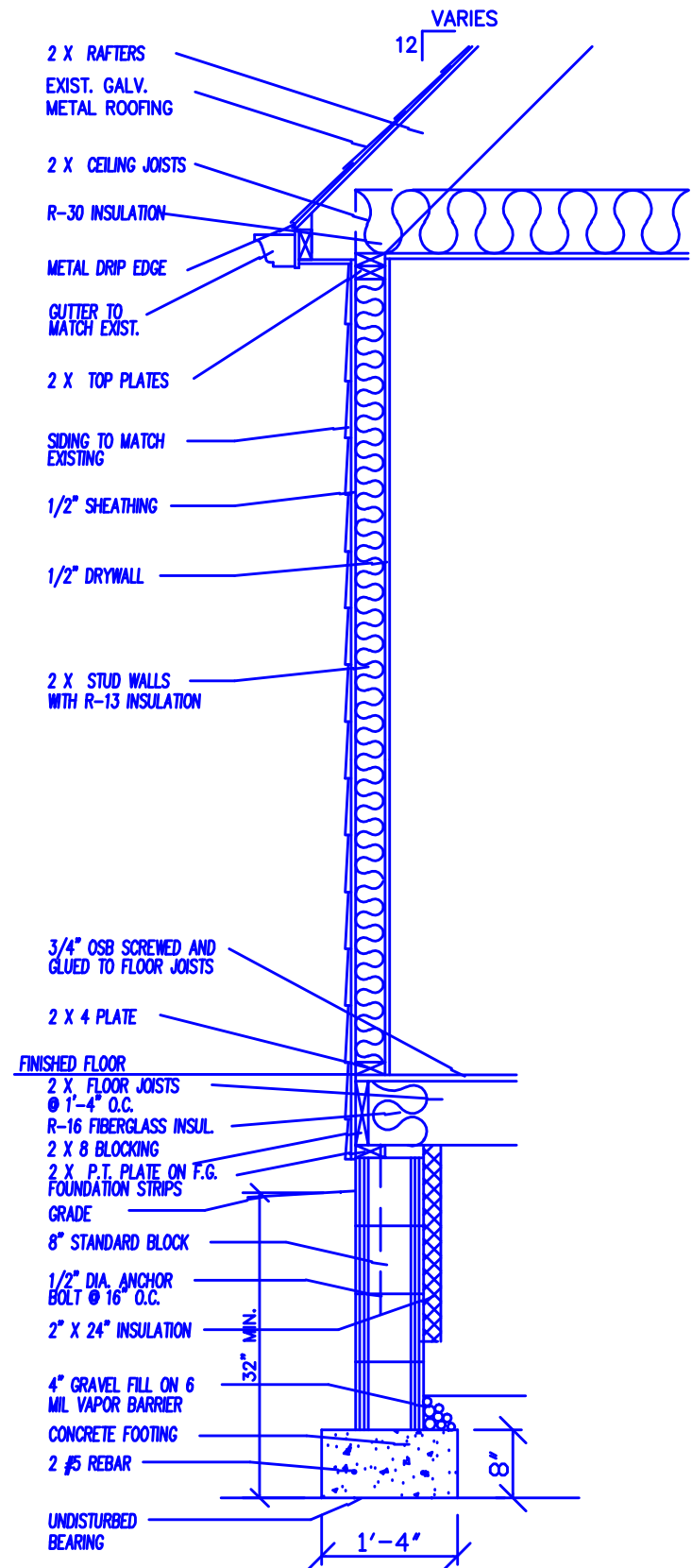
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PROJECT
1405

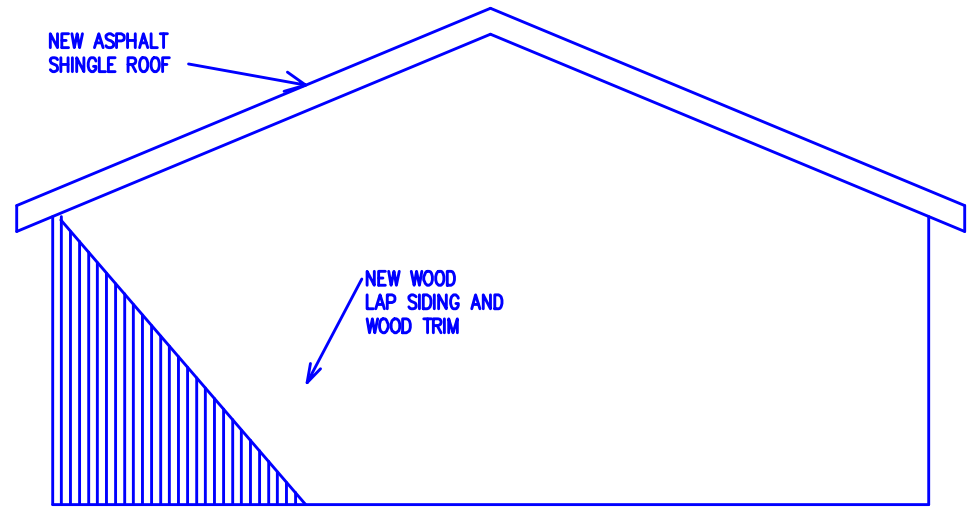
DRAWING

A-1

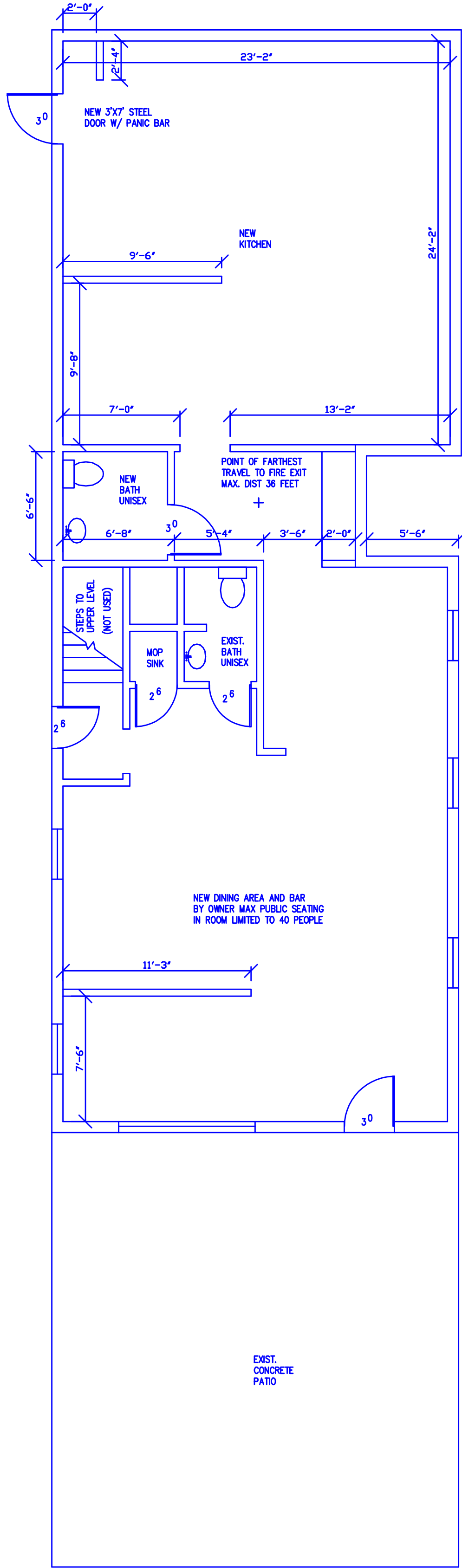


NEW
WALL SECTION
SCALE: 3/4" = 1'-0"

- GENERAL NOTES:
1. ALL MATERIALS AND WORK SHALL BE FURNISHED AND INSTALLED IN STRICT ACCORDANCE W/ ALL CODES, REGULATIONS, ORDINANCES, ETC., HAVING JURISDICTION OVER THIS PROJECT.
 2. CONTRACTOR IS TO VERIFY EXISTING CONDITIONS IN THE FIELD AND TO NOTIFY THE ARCHITECT OF ANY DISCREPANCIES THAT ARE FOUND TO EXIST.
 3. ALL DIMENSIONS ARE TO FACE OF STUD, MASONRY, OR CENTERLINE OF COLUMN UNLESS NOTED.



NEW REAR ELEVATION



MAIN LEVEL

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



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FOR
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IF&BS
24 JUNE 2022

NEW FLOOR PLANS



ARCHITECT:
BRAD BARNES
11308 LAKESHORE DR. E.
CARMEL, IN 46033

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PROJECT
1405

DRAWING

A-2

GENERAL NOTES

1. ALL FIXTURES, ETC. ARE AS SELECTED BY OWNER.
2. VERIFY EXISTING OUTLET, FIXTURE, SWITCH, ETC. LOCATIONS IN FIELD & REWORK/ REUSE WHERE POSSIBLE & AS DIRECTED BY OWNER.
3. ALL WORK PER NEC AND STATE CODE REQUIREMENTS.

LEGEND

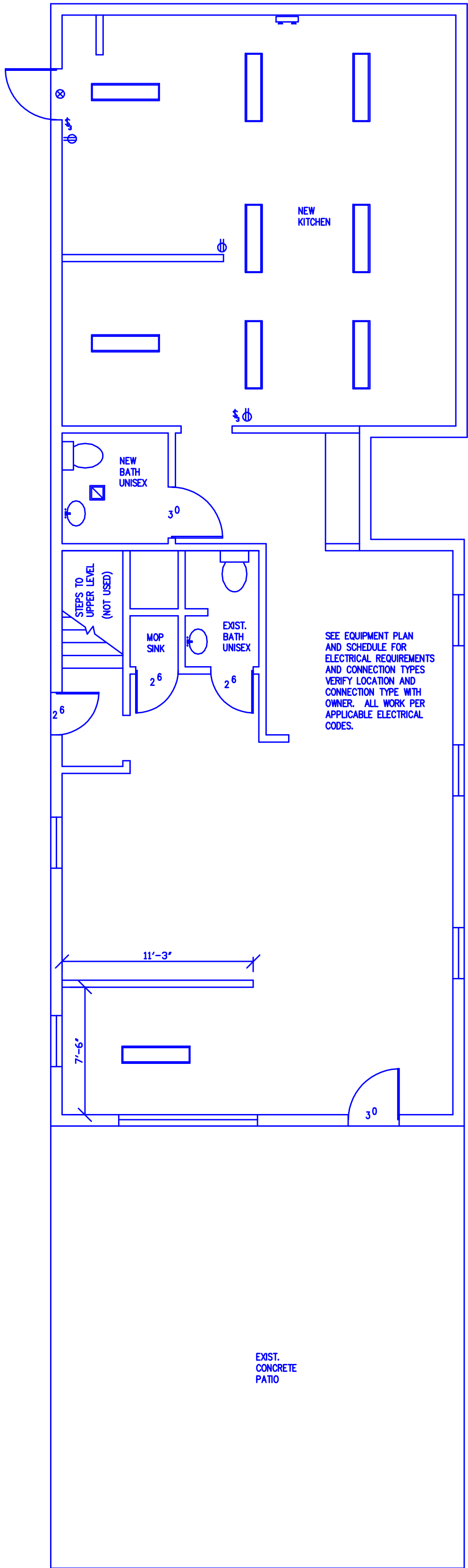
- EMERGENCY LIGHT WITH SELF CONTAINED BATTERY/CHARGER
- 2"x4" LED SURFACE MOUNTED LIGHT FIXTURE
- 1"x4" LED SURFACE MOUNTED LIGHT FIXTURE
- SURFACE MOUNTED INCANDESCENT LIGHT FIXTURE
- SURFACE MOUNTED INCANDESCENT LIGHT FIXTURE "NIGHT LIGHT"
- RECESSED CAN LIGHT
- WALL SCONCE
- EXIT LIGHT
- WALL MONTED LIGHT FIXTURE
- FAN LIGHT COMBO
- SINGLE POLE SWITCH
- SWITCH W/ REOSTAT
- 3 WAY SWITCH
- DUPLEX RECEPTACLE
- ELECTRIC OPERATED SMOKE DETECTOR

PANEL SCHEDULE			
KITCHEN PANEL 'A'			
200 AMP MAIN			
120/240 - 1 - 3W			
42 POLE PANEL			
1 -	HOOD SYSTEM	20A	2
3 -	RANGES	15A	4
5 -	RFC. EQUIP. STAND	15A	6
7 -	REACH-IN RFC.	15A	8
9 -	SAND/SALAD RFC.	15A	10
11 -	WORK-TOP FZR.	15A	12
13 -	HEAT LAMPS	15A	14
15 -	MICROWAVE OVENS	20A	16
17 -	WARMING DRAINER	20A	18
19 -	BACKBAR RFC.	15A	20
21 -	WINE COOLER	15A	22
23 -	DISH MACHINE	30A	24
25 -			26
27 -			28
29 -			30
31 -	WALK-IN COOLER/FREEZER	TBD	32
33 -			34
35 -			36
37 -			38
39 -			40
41 -			42

MAKE-UP AIR UNIT
BY HVAC CONTRACTOR
VERIFY REQUIREMENTS
WITH HOOD SUPPLIER
REUSE EXIST HVAC EQUIP.
WITH NEW DUCTWORK THRU
CEILING.

ELECTRICIAN TO VERIFY ALL POWER REQUIREMENTS WITH
KITCHEN EQUIPMENT SUPPLIER AND OWNER. LOCATION OF
POWER OUTLETS, JUNCTION BOXES AND LIGHT FIXTURES
PER OWNER AND EQUIPMENT SUPPLIER.

ADDITIONAL POWER OUTLETS, LIGHTS OR EQUIPMENT AT
OWNERS DIRECTION. EXISTING OUTLETS AND LIGHTS ARE
ON EXISTING POWER PANEL.
SWITCH LOCATIONS PER OWNER.



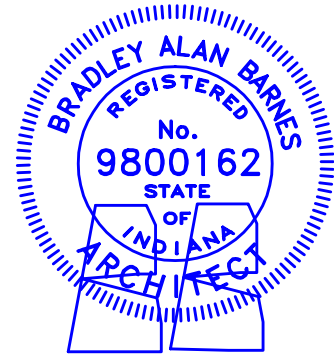
NEW ELECTRICAL PLANS
SCALE: 3/16" = 1'-0"

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FOR
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ISSUED/REVISED
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24 JUNE 2022

NEW ELECTRICAL PLANS



ARCHITECT:
BRAD BARNES
11308 LAKESHORE DR. E.
CARMEL, IN 46033

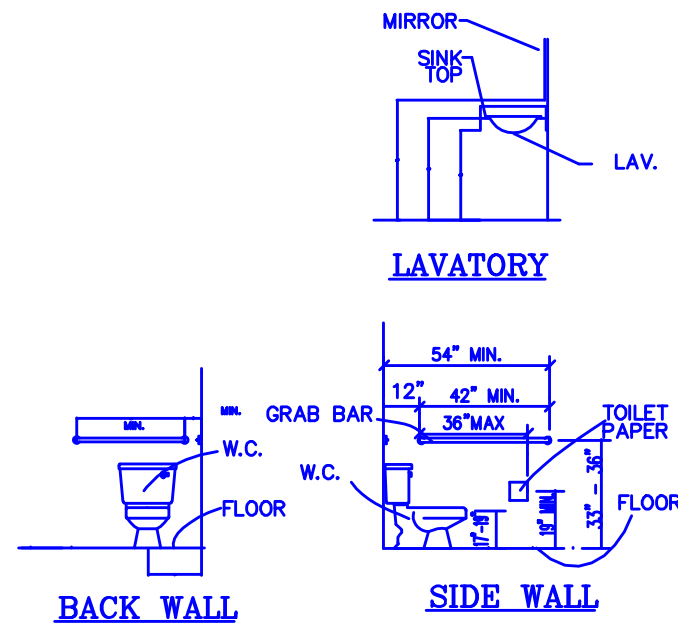
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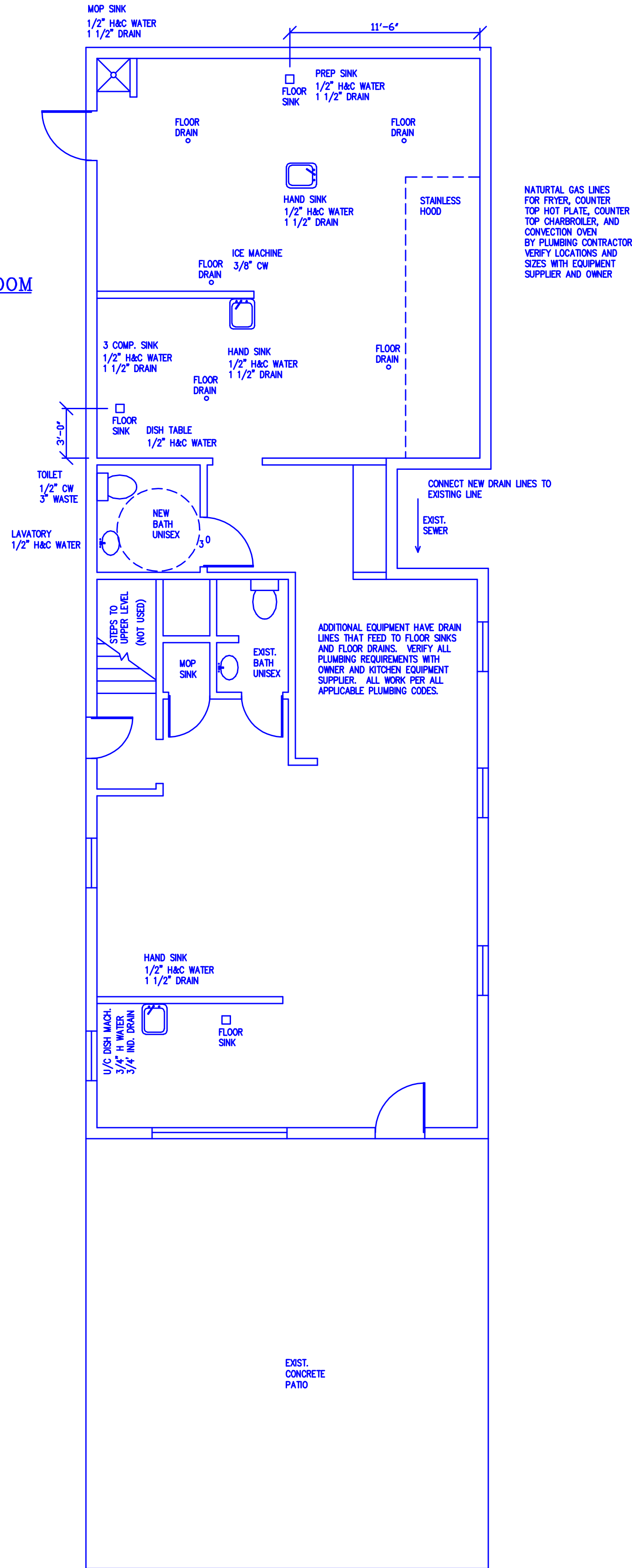
PROJECT
1405

DRAWING

E-1



TYPICAL BATHROOM
SCALE: 1/4" = 1'-0"



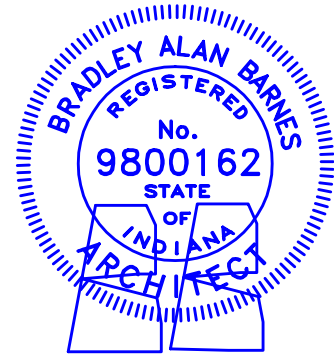
NEW PLUMBING PLANS
SCALE: 3/16" = 1'-0"

REMODEL PLANS
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ISSUED/REVISED
FOR REVIEW:
IF&BS
24 JUNE 2022

NEW PLUMBING PLANS



ARCHITECT:
BRAD BARNES
11308 LAKESHORE DR. E.
CARMEL, IN 46033

DRAWN BY
BAB

CHECKED BY
BAB

PROJECT
1405

DRAWING

P-1



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

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: Scott Wolf TELEPHONE: 317-371-3046
ADDRESS: _____ EMAIL: Scott@wolfpack.com
PROPERTY OWNER'S NAME: Bob Beauchamp TELEPHONE: _____
ADDRESS: _____ EMAIL: _____
REPRESENTATIVE'S NAME: John Sy TELEPHONE: 317-379-8870
COMPANY: Wolfies Bart Grill EMAIL: John@wolfpack.com
ADDRESS: 1640 South 9th Street Noblesville In, 46060

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 211 Park St Westfield In
COUNTY PARCEL ID #(S): _____
EXISTING ZONING DISTRICT(S): _____ EXISTING LAND USE(S): Commercial

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 USE)

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. 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: Requiring a remodel to the building does not create any safety, morals, and general welfare of the community
N/A
- 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 use of the property as an venue/restaurant will remain the same so the use & value of the area will not be affected
N/A
- C. The need for the variance arises from some condition particular to the property involved because: The use of the building will become an venue to seat people for special parties
N/A
- 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: There will be no hardship applied to the property because of making it into an venue
N/A
- E. The variance of use does not interfere substantially with the Comprehensive Plan because: The venue and restaurant will be doing the same thing just seating guest in the building
N/A

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:

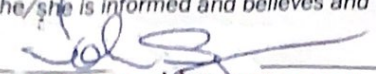
- A. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because: Requiring a building addition to comply with current standards would result in a building addition that is not noticeably architecturally incompatible with the current building as well as the surrounding buildings on Park St.
- 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 use of the property of an restaurant will remain the same so the use and value of the area adjacent will not be affected
- C. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property because: Strict adherence of the zoning ordinance would result in the inability to ~~can~~ continue the existing architectural style onto the building addition. The udo's architectural standards otherwise would require masonry and offsets that do not match the architecture of the existing building

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.
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- | | |
|---|--|
| ☐ 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.
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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.
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 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.

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)

John S.
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 29 day of August, 2022
State of Indiana, County of Hamilton, SS: _____

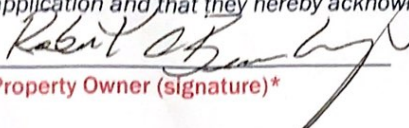
Carrie Ann Thurston
Notary Public (signature)

Carrie Ann Thurston
Notary Public (printed)

CARRIE ANN THURSTON
NOTARY PUBLIC - SEAL
STATE OF INDIANA
COMMISSION NUMBER 661640
MY COMMISSION EXPIRES DEC. 16, 2022

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)*

Robert C Beauchamp
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 8 day of September, 2022
State of Indiana, County of Hamilton, SS: _____

Rachel Ann Cook
Notary Public (signature)

Rachel Ann Cook
Notary Public (printed)

RACHEL ANN COOK
Seal
Notary Public - State of Indiana
Hamilton County
My Commission Expires Jan 8, 2025

*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

October 11, 2022

2210-VU-14

Exhibit 1

Petition Number: 2210-VU-14

Subject Site Address: 211 Park Street (The "Property")

Petitioner: Scott Wolf (The "Petitioner")

Request: The Petitioner requests a Variance of Use to permit an Event Center in the GB: General Business District (Article 13.2).

Current Zoning: GB: General Business District
Floodplain Overlay District (FOD)

Current Land Use: Commercial

Approximate Acreage: 0.29 acres+/-

Exhibits:

1. Staff Report
2. Location Map
3. Summary of Event Center Use
4. Application

Staff Reviewer: Pam Howard, Assistant Director

OVERVIEW

Location: The subject property is 0.29 acres +/- in size and is located at 211 Park Street (see **Exhibit 2**). The Property is currently zoned the GB: General Business District. The adjoining property to the west is also zoned GB, properties to the north are zoned MF1: Multi-family Low Density District, and properties to the east are zoned the Grand Junction Plaza PUD. The Midland Trace Trail bounds the property to the south, and parcels south of the trail are zoned EI: Enclosed Industrial District and the Grand Junction Plaza PUD.

Property History: The Existing barn on the Property was converted to a restaurant in early 2014. The Flood Insurance Rate Maps were revised in November of 2014, adding the property to the AE Flood Fringe. The upstairs portion of the building was remodeled in 2015. The previous restaurant has since closed, and a new owner desires to expand the current building to be used as a Restaurant or Event Center.

Variance Request: The Petitioner requests a Variance of Use to permit an Event Center in the GB: General Business District (Article 13.2).

SUMMARY OF VARIANCE

The Petitioner is requesting this variance to allow the existing building to be used to hold events, that would be catered by the Italian House, which is located on the adjacent lot. This would not be considered a restaurant, as no food service would occur on the Property. The proposed use, as described in the Summary of Event Center Use exhibit (see **Exhibit 3**) does not fall cleanly into any of our current use categories, which is why a variance is being required.



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

October 11, 2022

2210-VU-14

Exhibit 1

COMPREHENSIVE PLAN

The Property is located within an area that is identified in the [Grand Junction Addendum](#) (the "Addendum"), an addition to the [Westfield-Washington Township Comprehensive Plan](#), as the Grand Junction Plaza Block (the "Sub-Area") of the Grand Junction Sub-District.

The Addendum states that the Sub-Area should, "have a more urban form than the village or old town form of other sub-areas". The Addendum also states that land uses within the Sub-Area, "are encouraged to be a mix of uses typically associated with central business and entertainment districts and that residential uses should be restricted from the first floor within the sub-area."

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.

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Standard. This petition is scheduled to receive its public hearing at the October 11, 2022, 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.

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



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

October 11, 2022

2210-VU-14

Exhibit 1

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

Approval: The Department recommends approval of the Variances of Standard (2210-VU-14), then the Department recommends the conditions and findings as set forth below:

Recommended Conditions of Approval:

- 1) That the variance be limited to the use as described in the Summary of Event Center Use (see **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 allowing an Event Center to locate on the Property will be injurious to the public health, safety, morals, and general welfare of the community because the use will be functionally similar to the previous restaurant use on the property and 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 the proposed improvements to the property are 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.



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

October 11, 2022

2210-VU-14

Exhibit 1

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

Finding: An Event Center is not currently a contemplated use in the Unified Development Ordinance, if it were, it would likely be permitted in the GB District without a variance. 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: An Event Center is not currently a contemplated use in the Unified Development Ordinance, if it were, it would likely be permitted in the GB District without a variance. Strict adherence to the Zoning Ordinance would allow for similar, or even more intense uses (any type of restaurant, nightclub, commercial recreational facility, Private or Civic Club, assembly hall/auditorium).

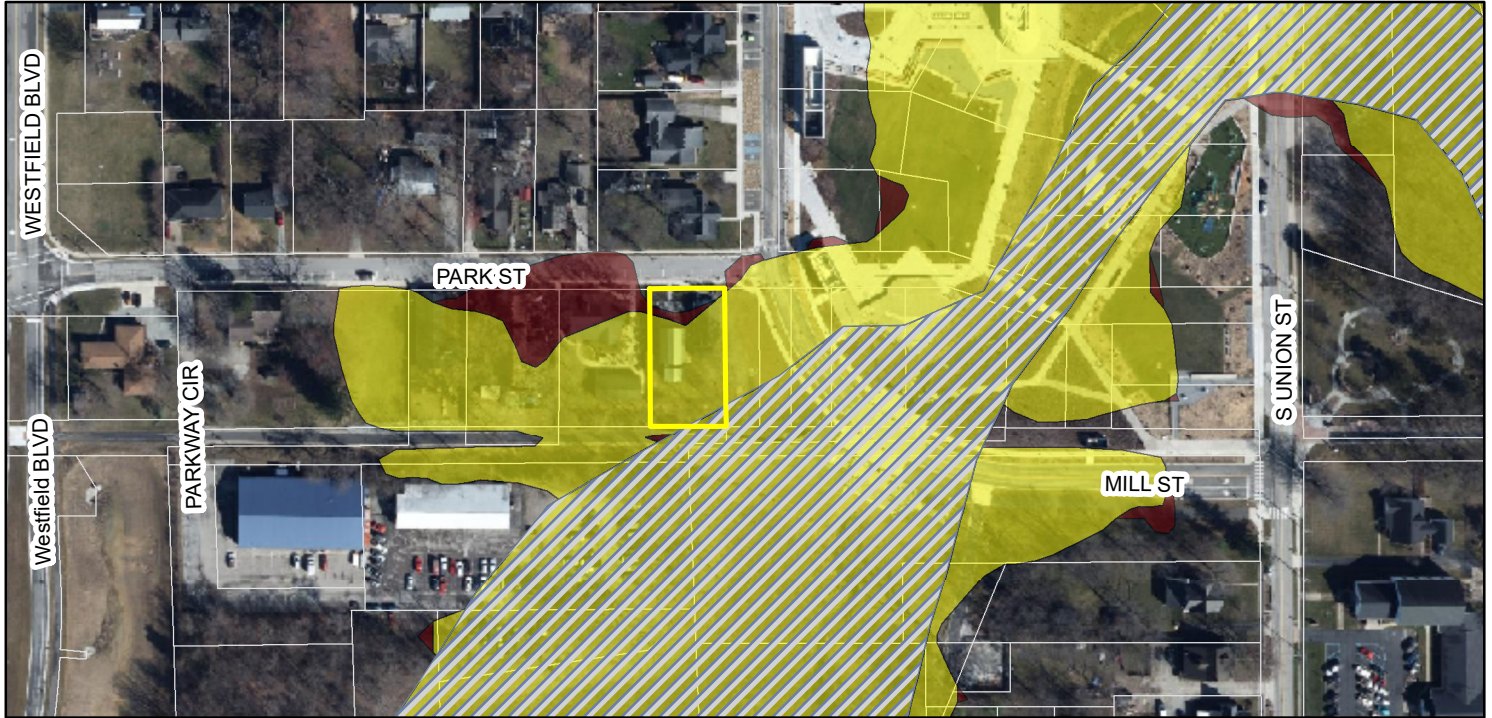
- 5) *The approval does not interfere substantially with the comprehensive plan:*

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 an Event Center would not interfere with the Comprehensive Plan.

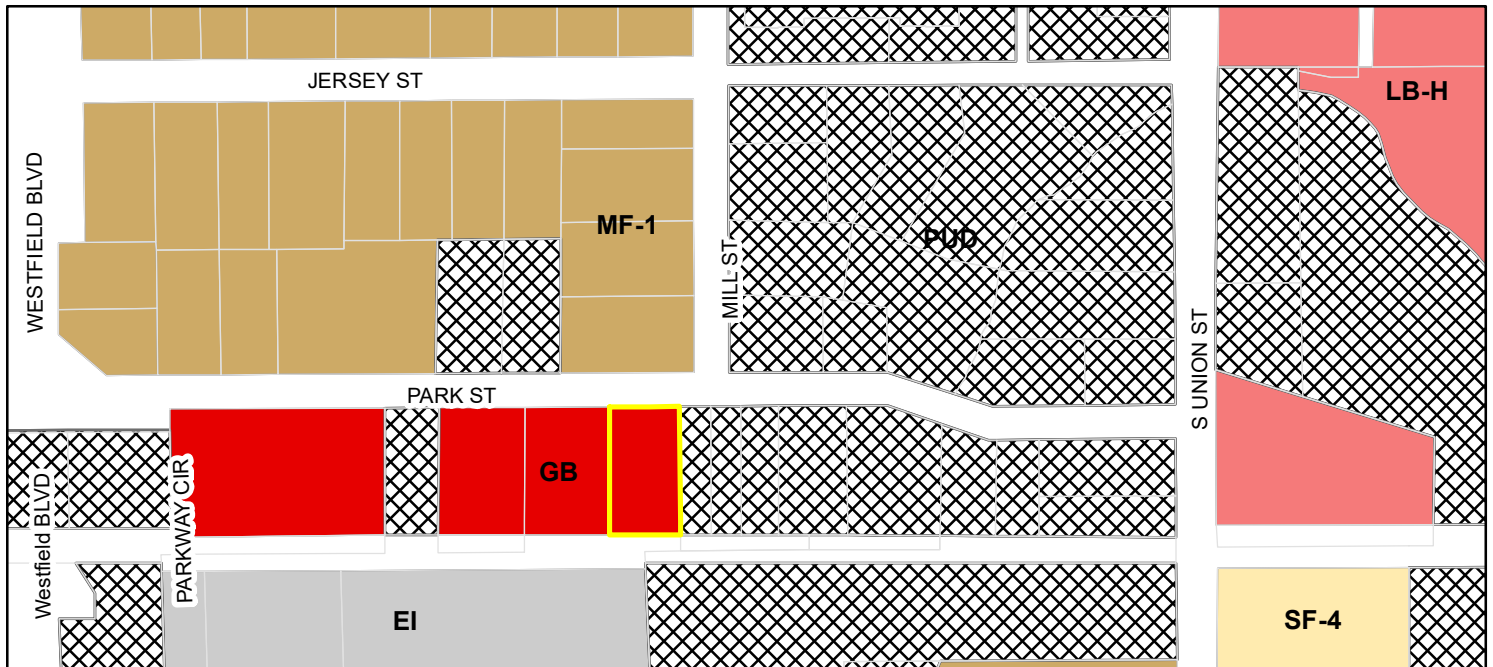
Denial: If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.

Aerial Location Map

 Site



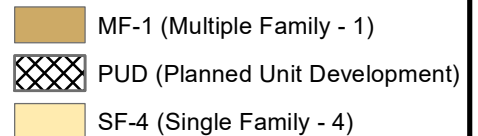
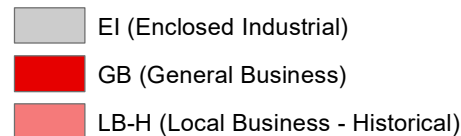
Zoning Map



Legend



Zoning



The event center would be served from the Italian House as far as food. We figure we can seat 20 upstairs and 25 downstairs. The event center would be open from Tuesday through Saturday 11:00am to 10:00pm weekly. We are not anticipating a lot of lunch venues.

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: Scott Wolf TELEPHONE: 317-371-3046
ADDRESS: _____ EMAIL: Scott@wolfpack.com
PROPERTY OWNER'S NAME: Bob Beauchamp TELEPHONE: _____
ADDRESS: _____ EMAIL: _____
REPRESENTATIVE'S NAME: John Sy TELEPHONE: 317-379-8870
COMPANY: Wolfies Bart Grill EMAIL: John@wolfpack.com
ADDRESS: 1640 South 9th Street Noblesville In, 46060

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 211 Park St Westfield In
COUNTY PARCEL ID #(S): _____
EXISTING ZONING DISTRICT(S): _____ EXISTING LAND USE(S): Commercial

PROPERTY AND PROJECT INFORMATION

☒ VARIANCE OF LAND USE CODE CITATION: _____
☒ VARIANCE OF DEVELOPMENT STANDARD(S) CODE CITATION: _____

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

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FINDINGS OF FACT (VARIANCE OF USE)

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N/A
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- C. The need for the variance arises from some condition particular to the property involved because: The use of the building will become an venue to seat people for special parties
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- 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: There will be no hardship applied to the property because of making it into an venue
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APPLICANT: _____

DOCKET #: _____

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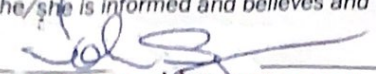
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 4. **Affidavit of Notice of Public Hearing:** The applicant shall deliver a copy of the mailed notice and a signed affidavit, verifying that the notices were mailed and the public notice sign(s) was posted on the subject property, to the Department at least four (4) calendar days prior to the public hearing.
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- 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.

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)

John Sy
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 29 day of August, 2022
State of Indiana, County of Hamilton, SS: _____

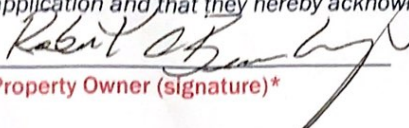
Carrie Ann Thurston
Notary Public (signature)

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CARRIE ANN THURSTON
NOTARY PUBLIC - SEAL
STATE OF INDIANA
COMMISSION NUMBER 661640
MY COMMISSION EXPIRES DEC. 16, 2022

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)*

Robert C Beauchamp
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 8 day of September, 2022
State of Indiana, County of Hamilton, SS: _____

Rachel Ann Cook
Notary Public (signature)

Rachel Ann Cook
Notary Public (printed)

RACHEL ANN COOK
Seal
Notary Public - State of Indiana
Hamilton County
My Commission Expires Jan 8, 2025

*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

June 14, 2022

2206-VS-20

Exhibit 1

Petition Number: 2210-VS-31

Subject Site Address: 4180 Westfield Rd. ("the Property")

Petitioner: Kathleen E. Boaz ("the Petitioner")

Request: The Petitioner requests two Variances of Development Standard to permit accessory buildings within an Established Front Yard and to waive architectural standards for accessory buildings. Requested variances will accommodate the construction of two (2) maintenance buildings on 53.27 acres +/- in the AG-SF1: Agriculture/Single-family Rural District and State Highway 32 Overlay Zone. (*Article 5.3(H); Art. 5.3(K)(2)(I)*).

Current Zoning: AG-SF1: Agriculture/Single-family Rural District; State Highway 32 Overlay Zone.

Current Land Use: Cemetery

Approximate Acreage: 53.27 acres +/-

Exhibits:

1. Staff Report
2. Location Map
3. Site Plan
4. Building Elevations

Staff Reviewer: Lauren Gillingham, AICP, Senior Planner

OVERVIEW

Location: The subject property is 53.27 acres +/- in size (the "Property") and located at 4180 Westfield Rd (see **Exhibit 2**).

Requested Variances: The petitioner is requesting two Variances of Development Standard to 1) permit two accessory buildings within an Established Front Yard and 2) to waive architectural standards for accessory buildings.

SUMMARY OF VARIANCE

Article 5.3(H) – State Highway 32 Overlay District, Accessory Buildings of the Westfield-Washington Township Unified Development Ordinance states that no accessory building shall be



erected in the Established Front Yard. This is true for all Established Front Yards within the Overlay District, including Established Front Yards not abutting Hwy 32 (as found on corner lots).

Article 5.3(K)(2)(I) – Architectural Design Requirements, Accessory Buildings of the Westfield-Washington Township Unified Development Ordinance states that accessory buildings shall be architecturally compatible with the principal building(s) with which they are associated. In this case, the principal buildings are the Hamilton Memorial Chapel and Prairie Waters Event Center.

COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan (The “Plan”) splits the parcel, identifying the northern third of the parcel (including the accessory buildings) as “Existing Suburban”¹.

The Existing Suburban Residential classification focuses on preserving and protecting the stability of the area from unsuitable infill development. The Existing Suburban classification is designed to accommodate detached dwellings, attached dwellings, institutional uses, and recreational uses².

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 a public hearing at the October 11, 2022, 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.

¹ Page 24 of the Westfield and Washington Township Comprehensive Plan; Chapter 2; Land Use Plan: Land Use Classifications and Development Policies.

² Pages 38-39 of the Westfield and Washington Township Comprehensive Plan; Chapter 2; Land Use Plan; Existing Suburban.

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



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

June 14, 2022

2206-VS-20

Exhibit 1

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.

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 is inclined to approve the Variance of Development Standards (2210-VS-31), the Department recommends the conditions and findings as set forth below:

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 improvements will otherwise comply with the applicable standards of the zoning district and overlay zone.

- 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:*

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



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

June 14, 2022

2206-VS-20

Exhibit 1

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 adjacent surrounding properties because the use of the Property will not change.

- 3) *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 maintenance structure (established before the current zoning ordinance) was placed along Shady Nook Rd. so that it was easily accessible while also minimize the impact to the cemetery grounds and future/current burial plots. It follows that it is a logical area to place future maintenance buildings. Meeting the Established Front Yard requirement renders a substantial amount of real estate undevelopable.

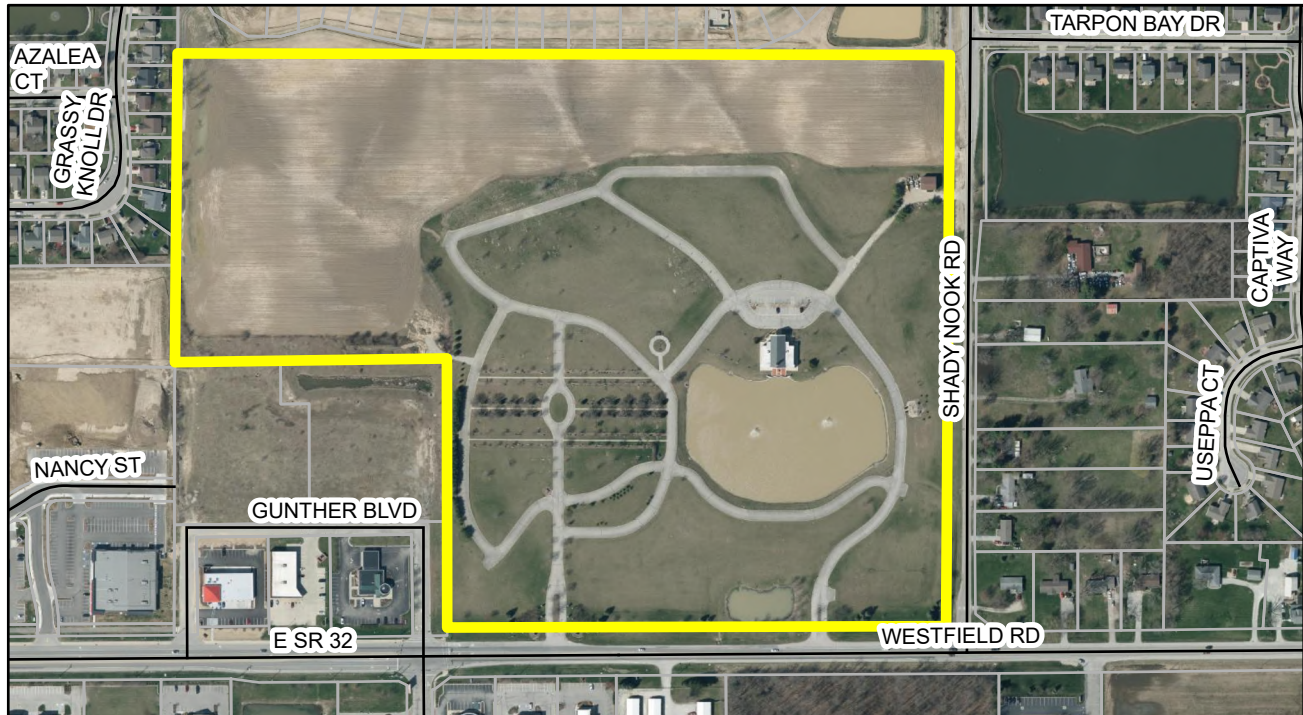
Recommended Conditions:

- That the variances shall be valid for two accessory structures in substantial compliance with the site plan **(Exhibit 3)** and building elevations **(Exhibit 4)**; 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.

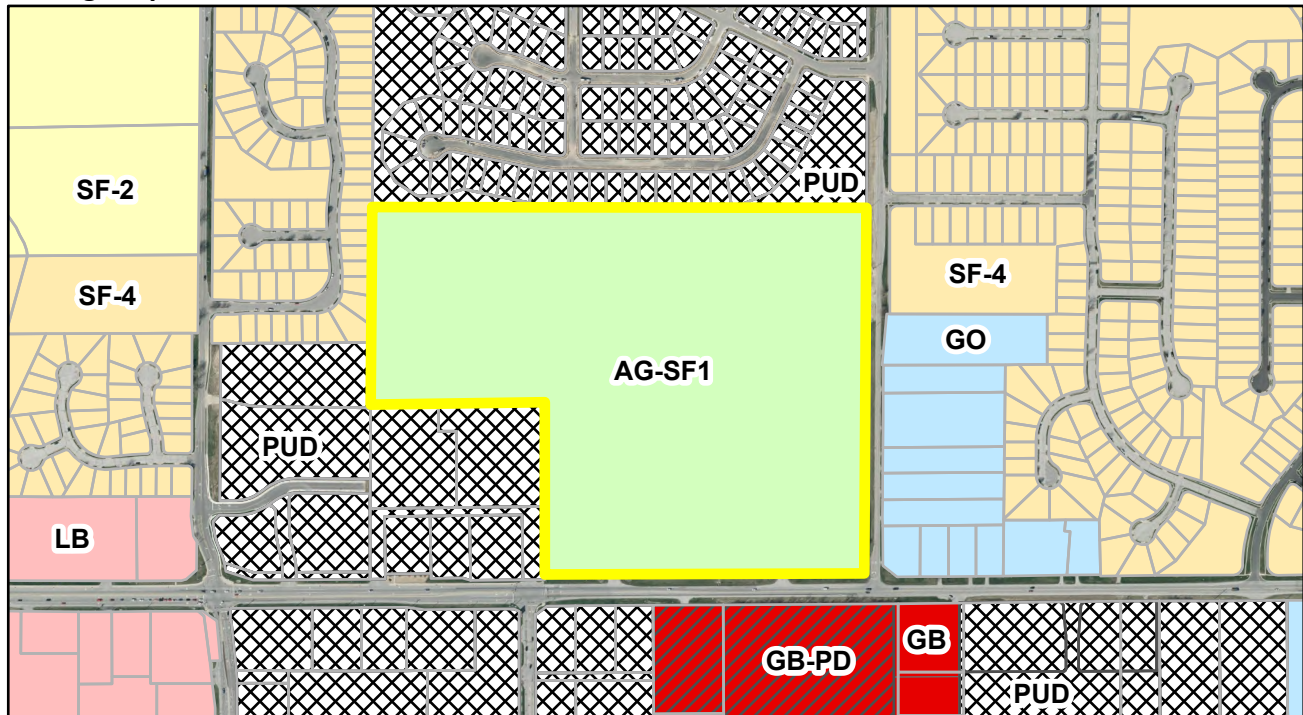
Denial: If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.



Aerial Location Map



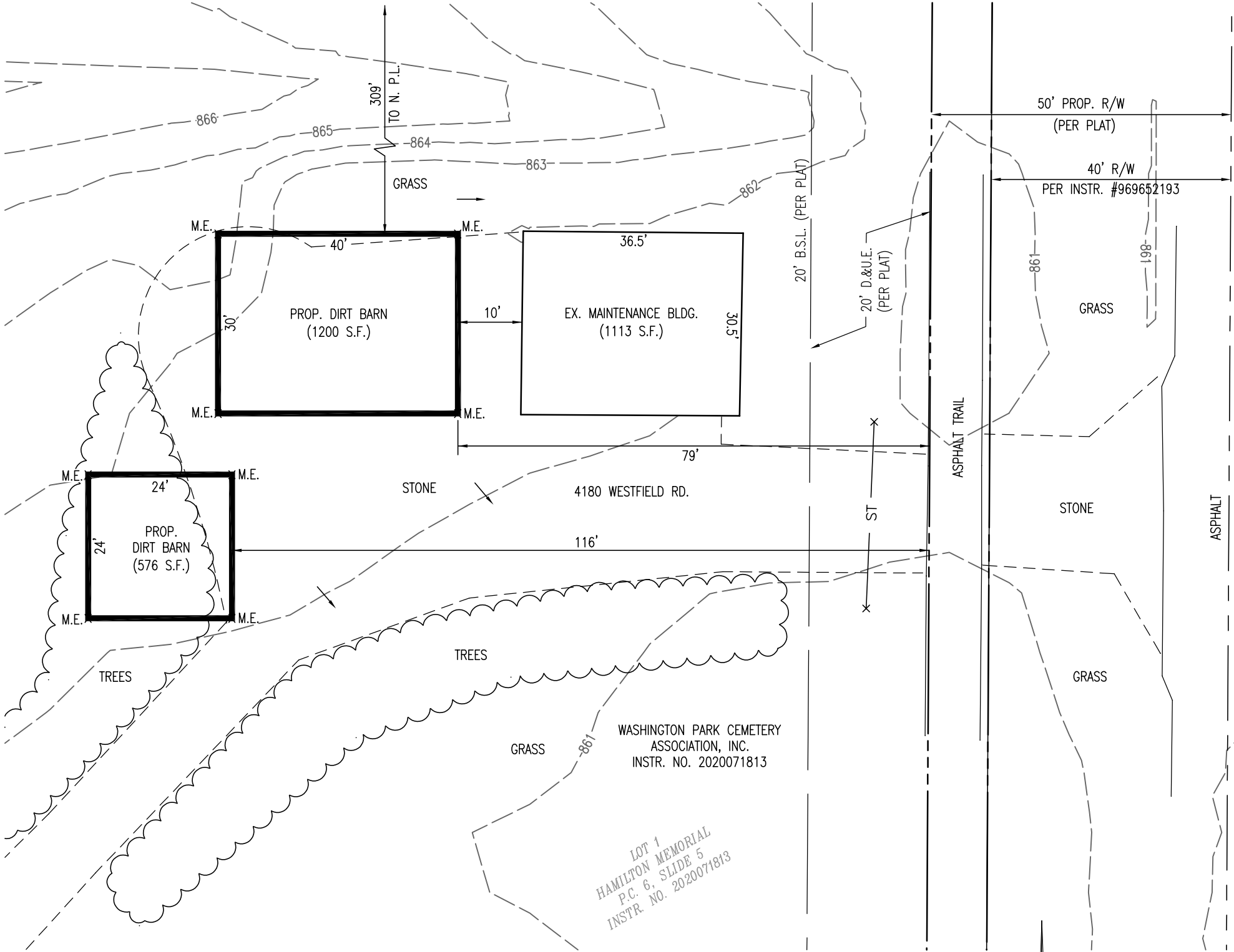
Zoning Map



Legend

 Subject Parcel

O:\2000\000575\30301\cad\plot plan.dwg, June 2, 2022, ALEX RAY, © Paul I. Cripe, Inc.



LEGEND

- XXX.XX' P.=PLAT DISTANCE
XXX.XX' M.=MEASURED DISTANCE
P=PROPOSED GRADE
E=EXISTING GRADE
→=DRAINAGE FLOW ARROW
M.E.=MATCH EXISTING GRADE
P.L.=PROPERTY LINE

THIS PLOT PLAN OF PART OF LOT 1 OF HAMILTON MEMORIAL, PER SECONDARY PLAT THEREOF, RECORDED AS INSTRUMENT NUMBER 2020071813, IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY IS FOR THE PURPOSE OF OBTAINING PERMITS AND IS NOT TO BE USED TO REPRESENT AN AS-BUILT CONDITION. EXISTING GRADES SHOWN HEREON WERE TAKEN FROM AERIAL MAPPING FOR THIS PROJECT. NO UTILITIES WERE LOCATED FOR THIS PLOT PLAN.

BUILDING LINES, RIGHT-OF-WAY, AND EASEMENTS TAKEN FROM SAID HAMILTON MEMORIAL PLAT.

THIS DRAWING IS NOT INTENDED TO BE REPRESENTED AS A RETRACEMENT OR ORIGINAL BOUNDARY SURVEY, A ROUTE SURVEY, OR A SURVEYOR LOCATION REPORT.

NOTE: SUBJECT PROPERTY LIES WITHIN AN UNSHADED FLOOD ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS PLOTTED BY SCALE FROM "FIRM", FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 180083 0136 G, CITY OF WESTFIELD, HAMILTON COUNTY, INDIANA, EFFECTIVE DATE NOVEMBER 19, 2014 AS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. THE ACCURACY OF ANY FLOOD HAZARD DATA SHOWN ON THIS REPORT IS SUBJECT TO MAP SCALE UNCERTAINTY AND TO ANY OTHER UNCERTAINTY IN LOCATION OR ELEVATION ON THE REFERENCED FLOOD INSURANCE RATE MAP (FIRM).

TITLE:

PLOT PLAN



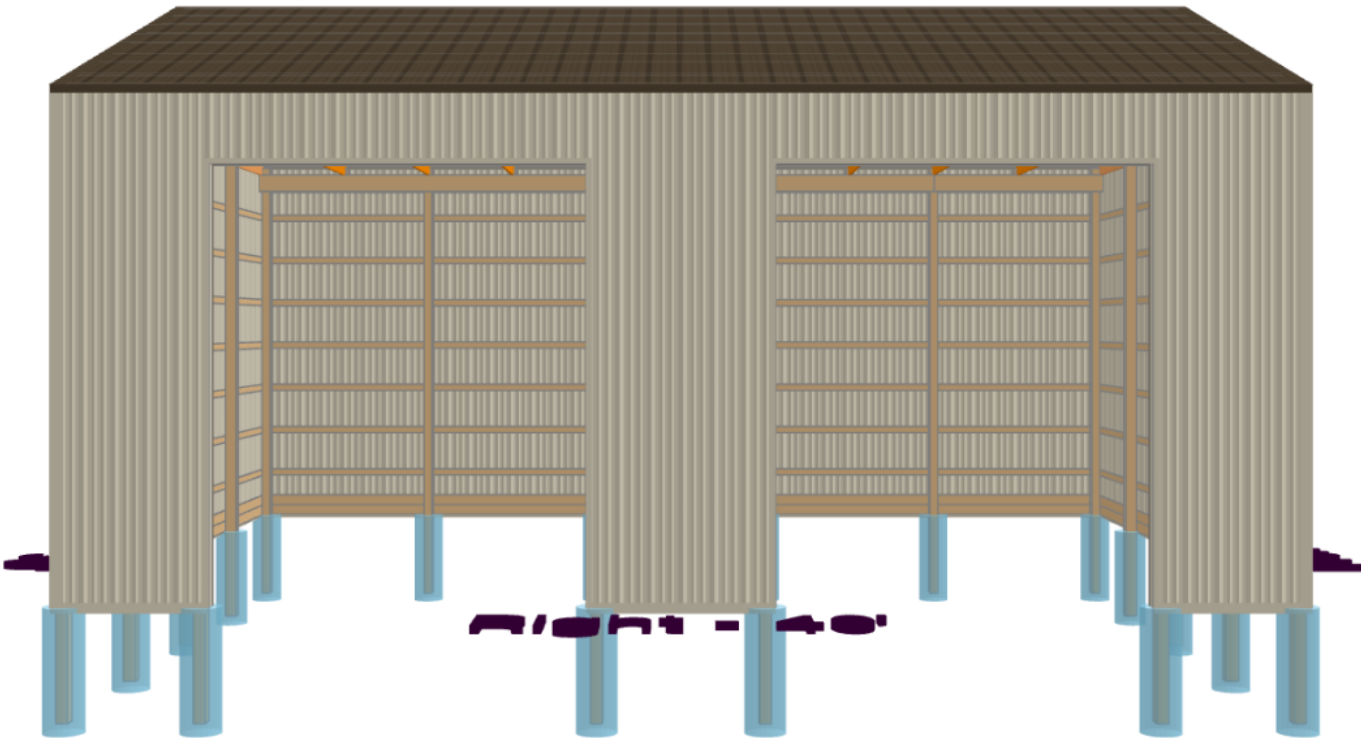
9339 Priority Way West Drive, Suite 100
INDIANAPOLIS, INDIANA 46240
(317) 844-6777
E-Mail cripe@cripe.biz

- Architecture + Interiors
- Civil Engineering
- Land Survey + Construction Engineering
- Energy + Facilities
- Equipment Planning
- Real Estate Services

Date:
6/1/2022

SCALE:
1'=20"

PROJECT NO:
000575-30301



3d View for Holt Planner 304016

