



CITY OF WESTFIELD, IN
BoardofZoning_Meeting_Agenda_10_10_2023

Tuesday, October 10, 2023 at 07:00 PM

BOARD OR COMMISSION: Board of Zoning Appeals (BZA)

MEETING DATE: Tuesday, October 10, 2023 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>

Public input can be submitted in 1 of 2 ways:

-Submit comments via email to planners@westfield.in.gov (Include petition number in the subject line.)

-Attend the meeting at Westfield City Hall for an opportunity to participate and publicly comment on a public hearing.

Indiana law prohibits any person from communicating with Board of Zoning Appeals (BZA) members before the public hearing with the intent to influence the Board members on a matter pending before the Board.

OPENING OF MEETING

Documents: [Online viewable @ https://www.youtube.com/user/CityofWestfieldIN](https://www.youtube.com/user/CityofWestfieldIN)

Note the Presence of a Quorum

Announce Any Changes to the Agenda

Approval of Minutes

BZA Minutes - September 12, 2023

Documents: [BZA Minutes -September 12, 2023](#)

Review Rules & Procedures

ITEMS OF BUSINESS:

2310-VU-11 [PUBLIC HEARING]

18 East State Road 32

Suffolk Properties, LLC by Joseph Lese

The Petitioner requests a Variance of Use to permit indoor auto sales on 1.87 acres +/- in the EI: Enclosed Industrial District (Article 13.2).

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

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

2310-VS-23 [PUBLIC HEARING]

1426 Midland Main Street

Estridge Development Management, LLC

The Petitioner requests a Variance of Development Standard to permit a residential wall sign on 1.03 acres +/- in the Ackerson Farm PUD District.

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

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Midland Amenity Exhibit](#) | [Exhibit 4: Character Exhibit](#)

2310-VS-25 [PUBLIC HEARING]

1019 East 199th Street

Michelle & Samuel Kim by Land Development Services

The Petitioner requests Variances of Development Standard to modify Minimum Lot Area and Minimum Lot Frontage standards for a legal, nonconforming Lot and to permit an Accessory Structure larger than the Principal Building on 2.07 acres +/- in the AG-SF1: Agricultural/Single-Family Rural District (Articles 4.2(C), 4.2(D), 6.1(B)(2), and 6.1(F).

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

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Site Plan](#) | [Exhibit 4: Architectural Drawings](#) | [Petitioner Presentation](#)

REPORTS/COMMENTS:

Plan Commission Liaison

Community Development Department

ADJOURNMENT



Westfield-Washington Township Board of Zoning Appeals (BZA)

Minutes of the Tuesday, September 12, 2023 BZA Meeting

Presented for approval: October 10, 2023

The Westfield-Washington Township Board of Zoning Appeals
met at 7:00 p.m. on Tuesday, September 12, 2023 at Westfield City Hall.

Active Links for this meeting:

[September 12, 2023 BZA Agenda & Exhibits](#)

[September 12, 2023 BZA YouTube Video](#)

OPENING OF MEETING

[YouTube Time: 0:01](#)

ROLL CALL

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

BZA Members Present Virtually: None.

BZA Members Absent: None.

City Staff Present: Daine Crabtree, Senior Planner; Lauren Gillingham, Senior Planner; Ryan Collingwood, Associate Planner; and Weston Rogers, Associate Planner.

City Staff Present Virtually: None

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

APPROVAL OF MINUTES

Boller motioned to approve the August 8, 2023 Minutes.
Fortier seconded. Motion passed. Vote 5-0.

REVIEW RULES AND PROCEDURES

Crabtree reviewed BZA rules and procedures.

ITEMS OF BUSINESS

2308-VU-09 [PUBLIC HEARING]

[YouTube Time: 2:42](#)

17502 Shady Nook Road

Dustin and Lana Nichols

The Petitioner requests a Variance of Use to permit a by-appointment only
Low-Intensity Retail (Beauty Salon) use on 0.65 acres +/- in the GO: General Office District (Article 13.2).
(Planner: Weston Rogers – wrogers@westfield.in.gov)

Staff presentation / Petitioner presentation / BZA comments & questions / Petitioner response.

Public Hearing for 2308-VU-09 opened at 7:05 p.m.

- No public comments.

Public Hearing for 2308-VU-09 closed at 7:06 p.m.

BZA comments & questions / Staff responses / Petitioner response.

McCarty motioned to approve 2308-VU-09 subject to the recommended conditions stated in the motion.
Hatfield seconded. Motion passed. Vote 5-0.

Schmitz motioned to adopt Staff's Findings of Fact for the approval of 2308-VU-09.
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

2309-VS-20 [PUBLIC HEARING]

[YouTube Time: 10:25](#)

2753 Pyrenean Place

Stacey and Stacy Parker

The Petitioners request a Variance of Development Standard to encroach eighteen (18) feet into the thirty (30) foot Minimum Rear Yard Setback to accommodate a swimming pool and deck on 0.56 acres +/- in the Oak Manor Planned Unit Development (PUD) District.

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

Staff presentation / Staff explained the need to suspend BZA Rules due to the timing of the Public Notice

Schmitz motioned to suspend the BZA Rules and Procedure in regard to the Notice Provision for 2309-VS-20 to allow for seven days notice versus ten days for Public Notice Public.

Fortier seconded. Motion passed. Vote 5-0.

Public Hearing for 2309-VS-20 opened at 7:13 p.m.

- No public comments

Public Hearing for 2309-VS-20 closed at 7:14 p.m.

BZA comments & questions / Petitioner response.

Fortier motioned to approve 2309-VS-20 subject to the 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 2309-VS-20.

McCarty seconded. Motion passed. Vote 5-0.

2309-VS-21 [PUBLIC HEARING]

[YouTube Time: 18:10](#)

1960 East Greyhound Pass

Academy, LTD by Barnes & Thornburg, LLP

The Petitioner requests a Variance of Development Standard to permit outdoor sale displays on 6.53 acres +/- in the SB-PD: Special Business Planned Development District (Article 6.12(C)(2)(a)(ii)).

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

Staff presentation / Petitioner presentation / BZA comments & questions / Petitioner responses.

Public Hearing for 2309-VS-21 opened at 7:26 p.m.

- No public comments.

Public Hearing for 2309-VS-21 closed at 7:28 p.m.

Boller motioned to approve 2309-VS-21 subject to the 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 2309-VS-21.

Hatfield seconded. Motion passed. Vote 5-0.

2309-VS-22 [PUBLIC HEARING]

[YouTube Time: 29:05](#)

14933 Thatcher Lane

CBRE Group, Inc. by NELCO Architecture, Inc.

The Petitioner requests a Variance of Development Standard to modify site lighting standards in order to accommodate the redevelopment of a 0.95 acre +/- site in the SB-PD: Special Business/Planned Development District (Article 6.9(F)(2)).

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

Staff presentation.

Public Hearing for 2309-VS-22 opened at 7:31 p.m.

- No public comments.

Public Hearing for 2309-VS-22 closed at 7:33 p.m.

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 comments & questions / Staff responses.

Boller motioned to approve 2309-VS-22 subject to the recommended conditions stated in the motion.

Fortier seconded. Motion passed. Vote 5-0.

Schmitz motioned to adopt Staff's Findings of Fact for the approval 2309-VS-22.

Fortier seconded. Motion passed. Vote 5-0.

2309-VU-10 [PUBLIC HEARING]

[YouTube Time: 40:01](#)

2404 East South Street

Mike Broshear, BDL Properties, LLC

The Petitioner requests a Variance of Use to permit indoor auto sales on 0.80 acres +/- in the AG-SF1: Agriculture/Single-Family Rural District (Article 13.2).

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

Staff presentation / Petitioner presentation / BZA comments & questions / Petitioner responses.

Public Hearing for 2309-VU-10 opened at 7:48 p.m.

- No public comments.

Public Hearing for 2309-VU-10 closed at 7:51 p.m.

BZA comments & questions / Staff responses / Petitioner responses.

Hatfield motioned to approve 2309-VU-10 subject to the following conditions as revised in the motion:

1. That approval of this variance be tied to BDL Properties, LLC and shall expire upon future sale of the property;
2. That no business operations (including vehicle sales, maintenance, etc.) occur outside the structure or be marketed to the general public;
3. That vehicles will not be parked in the grass;
4. That no signage be permitted on the property beyond what is necessary to meet state licensing requirements;
5. 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.

McCarty seconded. Motion passed. Vote 5-0.

Schmitz motioned to adopt Staff's Findings of Fact for the approval of 2309-VU-10.

Fortier seconded. Motion passed. Vote 5-0.

2309-SE-02 [PUBLIC HEARING]

[YouTube Time: 55:08](#)

17695 Shamrock Boulevard

Westfield-Washington Schools by Church Church Hittle + Antrim

The Petitioner requests a Special Exception to permit a tax-exempt use (school-operated tennis and pickleball facility) on 3.83 acres +/- in both the Junction Planned Unit Development (PUD) and SF3: Single-Family Medium Density zoning districts.

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

Staff presentation / Petitioner presentation / BZA comments & questions / Petitioner responses.

Public Hearing for 2309-SE-02 opened at 8:00 p.m.

6. No public comments.

Public Hearing for 2309-SE-02 closed at 8:03 p.m.

McCarty motioned to approve 2309-SE-02 subject to the 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 2309-SE-02.

Fortier seconded. Motion passed. Vote 5-0.

ITEMS CONTINUED TO A FUTURE MEETING

No Continued Items.

REPORTS/COMMENTS:

[YouTube Time: 1:04:19](#)

- Plan Commission Liaison
- Community Development Department

ADJOURNMENT

Boller motioned to adjourn the meeting. Fortier seconded. Motion passed. Vote 5-0.
The meeting adjourned at 8:05 p.m.

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Signature Page for BZA Minutes for September 12, 2023

Chairperson
Dave Schmitz

Secretary
Kevin M. Todd, AICP
Director



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

October 10, 2023

2310-VS-23

Exhibit 1

Petition Number: 2310-VS-23

Subject Site Address: 1426 Midland Main Street ("the Property")

Petitioner: Estridge Development Management, LLC ("the Petitioner")

Request: The Petitioner requests a Variance of Development Standard to permit a residential wall sign on 1.03 acres +/- in the Ackerson Farm Planned Unit Development (PUD) District

Current Zoning: Ackerson Farm PUD ([Ord. 06-47](#))

Current Land Use: Vacant

Approximate Acreage: 1.03 acres +/-

Exhibits:

1. Staff Report
2. Location Map
3. Amenity Area Site Plan
4. Character Exhibit

Staff Reviewer: Daine Crabtree, Senior Planner

OVERVIEW

Location: The subject property is 1.03 acres +/- in size (the "Property") and located at 1426 Midland Main Street in the Midland subdivision which is located in the Ackerson Farm PUD (see **Exhibit 2**).

Requested Variances: The petitioner is requesting a Variance of Development Standard to permit a residential wall sign to be placed on an amenity building.

SUMMARY OF VARIANCE

The Petitioner is requesting to permit a wall sign to be placed on an amenity building at 1426 Midland Main Street, a parcel on which the Village Center of the Midland subdivision is to be located (see area demarcated as A3 & B3 in **Exhibit 3**). The UDO currently permits only wall signs for home businesses in residential districts.

The signage is proposed to indicate a transition from the residential area south of the amenity barn and the mixed-use area north of the amenity barn in addition to being a landmark near the existing Midland Trace Trail.



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

October 10, 2023

2310-VS-23

Exhibit 1

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 10, 2023, 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 10, 2023

2310-VS-23

Exhibit 1

DEPARTMENT COMMENTS:

Recommended Findings for Approval: If the Board is inclined to approve the Variance of Development Standards (2310-VS-23):

- 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 Ackerson Farm PUD.

- 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 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 UDO does not currently permit wall signs in residential-zoned districts. The signage is proposed to indicate a transition from the residential area south of the amenity barn and the mixed-use area north of the amenity barn

Recommended Conditions:

- That the signage shall substantially conform with the Character Exhibit (**Exhibit 4**).
- 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.

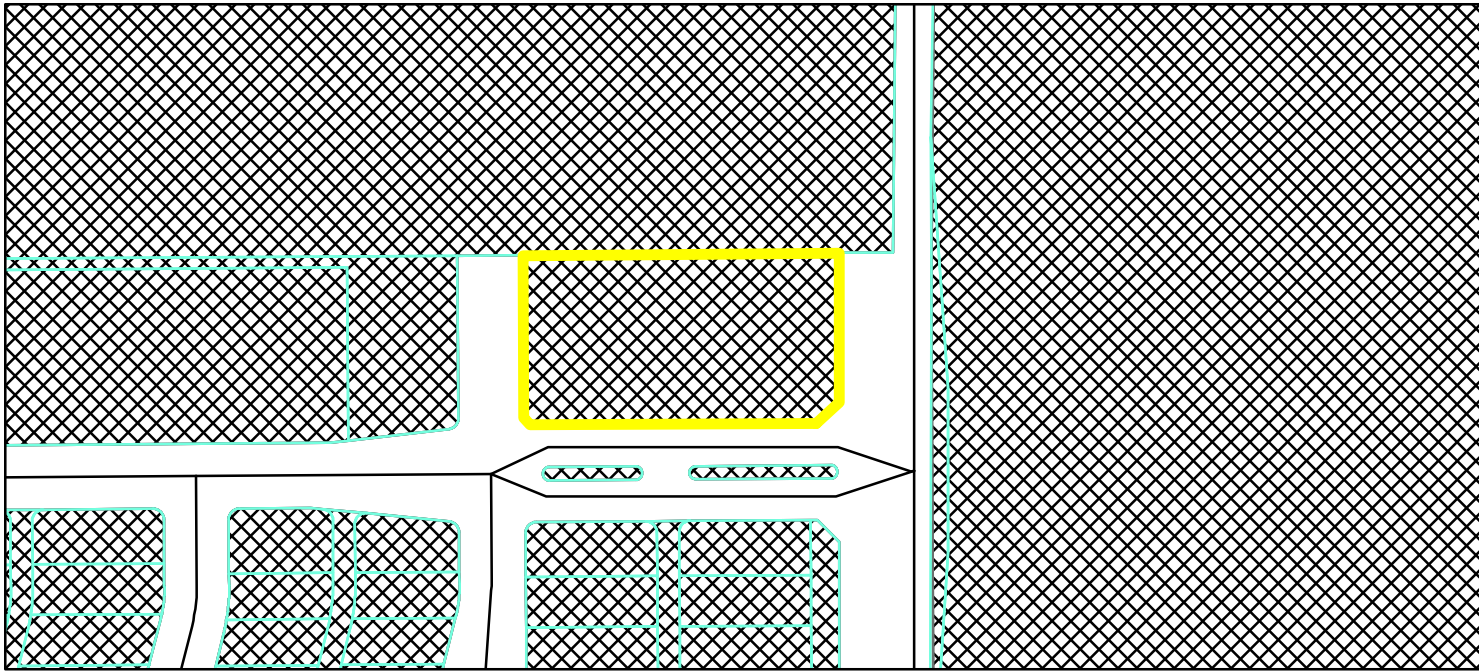
Denial: If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.

Aerial Location Map

 Site

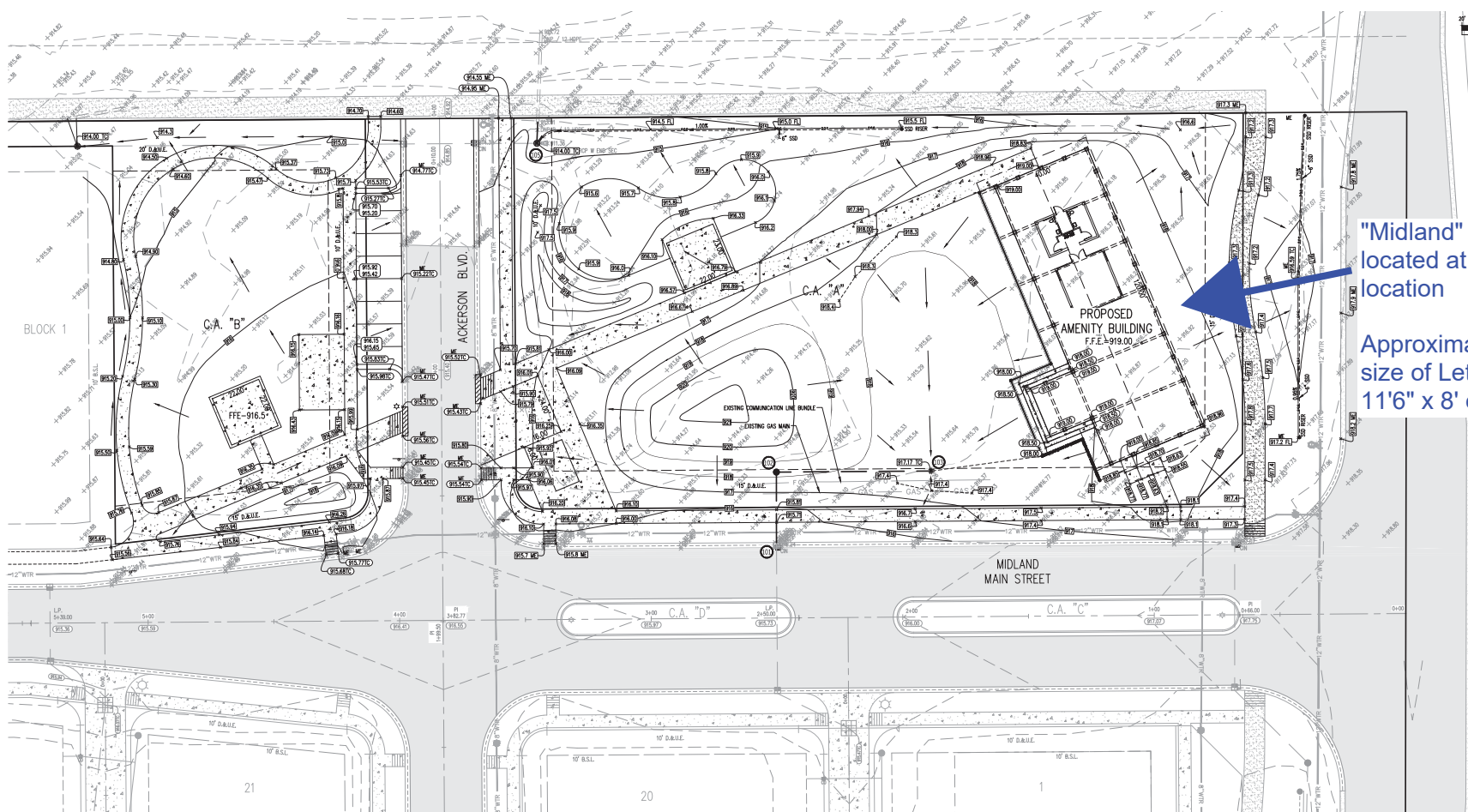
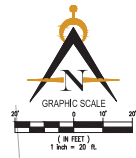


Zoning Map





- Section 3.5. Residential Amenities.**
- A. Specifics Design/Amenity**
- The following Amenities will be distributed throughout the Real Estate, for use by all residents in detached and multi-family residences within the Real Estate.
- ✓ Community Clubhouse;
 - ✓ One (1) large neighborhood park;
 - ✓ Four (4) other more additional parks, playgrounds, or picnic areas in which at least two (2) of the following amenities shall be included in any one (1) or more of the parks: a basketball court, tennis court, volleyball court, or parking garage;
 - ✓ Swimming pool with the neighborhood center or another building containing showers and changing rooms;
 - ✓ Trail connecting to the Midland Trail and continuing along the public right-of-way, see Public Rights Map (DRAFT);
 - ✓ Internal trails, paths connecting to the Perimeter Trail.
- B. In addition to the above amenities, at least two (2) of the following amenities shall be distributed throughout the Ackerson Farms for use by all residents of attached, detached and multi-family residences within Ackerson Farms.**
- 1. Fitness Center;
 - 2. Community vegetable and flower gardens;
 - 3. Outdoor concert and movie facility;
 - 4. Fishing pond;
 - 5. Sports field.
- C. Any amenity structure or facility or any part thereof, together with adjacent common areas, may be made available or rented to other Ackerson Farms residents or to non-residents for special occasions or special purposes under terms and conditions approved by the Developer or by an Association.**



GENERAL NOTES

1. IT SHALL BE THE RESPONSIBILITY OF EACH SUBCONTRACTOR TO VERIFY ALL EXISTING UTILITIES AND CONDITIONS THAT PERTAIN TO THEIR PHASE OF WORK PRIOR TO START OF WORK. IT SHALL ALSO BE THE RESPONSIBILITY OF EACH SUBCONTRACTOR TO CONTACT THE OWNER OF THE UTILITIES FOR PROPER STATE LOCATIONS PRIOR TO START OF WORK.
2. IF ANY CHANGES, OMISSIONS OR ERRORS ARE FOUND ON THESE PLANS OR IN THE FIELD THE SUBCONTRACTOR SHALL NOTIFY, IN WRITING, THE OWNER AND ENGINEER BEFORE WORK IS STARTED OR RESUMED.
3. DO NOT SCALE FROM THESE PLANS FOR SURVEY LOCATIONS.
4. STANDARD SPECIFICATIONS FOR CITIES SHALL APPLY FOR ALL SANITARY SEWERS.
5. STANDARD SPECIFICATIONS FOR THE TOWN OF WESTFIELD, INDIANA SHALL APPLY FOR ALL STORM SEWERS.
6. ANY PART OF THE SANITARY OR STORM SEWER TRENCHES THAT RUN UNDER OR WITHIN 5 FEET OF PAVED AREAS ARE TO BE SHOULDERED WITH CHANNEL MATERIAL.
7. EXISTING UTILITIES SHOWN ARE FOR INFORMATION PROVIDED BY THE RESPECTIVE UTILITY COMPANIES. ALL UTILITY COMPANIES SHALL BE NOTIFIED PRIOR TO ANY LOCATION FOR FIELD LOCATION SERVICES.
8. ALL CONSTRUCTION ACTIVITY ON THIS SITE TO BE PERFORMED IN COMPLIANCE WITH ALL APPLICABLE OSHA STANDARDS FOR WORKER SAFETY.
9. ALL FILL AREAS SHALL BE COMPACTED TO AT LEAST 95 PERCENT OF THE MAXIMUM DRY DENSITY (ASTM D-1557).
10. ALL POINTS OF CONSTRUCTION OF PROPOSED SANITARY AND STORM SEWER ARE TO BE VERIFIED FROM A KNOWN BENCHMARK PRIOR TO CONSTRUCTION.
11. ALL GRADES SHALL MEET EXISTING GRADE AT THE PROPERTY LINE.
12. ANY DISCREPANCIES WITH INFORMATION PROVIDED IN THESE CONSTRUCTION DOCUMENTS IS TO BE REPORTED TO THE ENGINEER AND OWNER IMMEDIATELY.
13. ANY FIELD TIES ENCOUNTERED DURING THE COURSE OF CONSTRUCTION SHALL BE INCORPORATED INTO THE PROPOSED STORM SEWER SYSTEM AS SHOWN WITHIN THESE PLANS.
14. CONTACT ENGINEER PRIOR TO RE-ROUTING OF ANY FIELD TIES.

LEGEND

- Existing Storm Sewer
- New Storm Sewer
- Existing Sanitary Sewer
- SSD Trench Drain
- Existing Contour
- Existing Spot Elevation
- New Pavement Grade
- All Other Finish Grades
- Match Existing Grades
- Top of Curb Grade
- Surface Flow Arrow
- Swale Flowline w/Grade
- Existing Water Main
- Existing Flowline

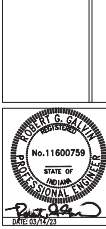


REVISIONS:

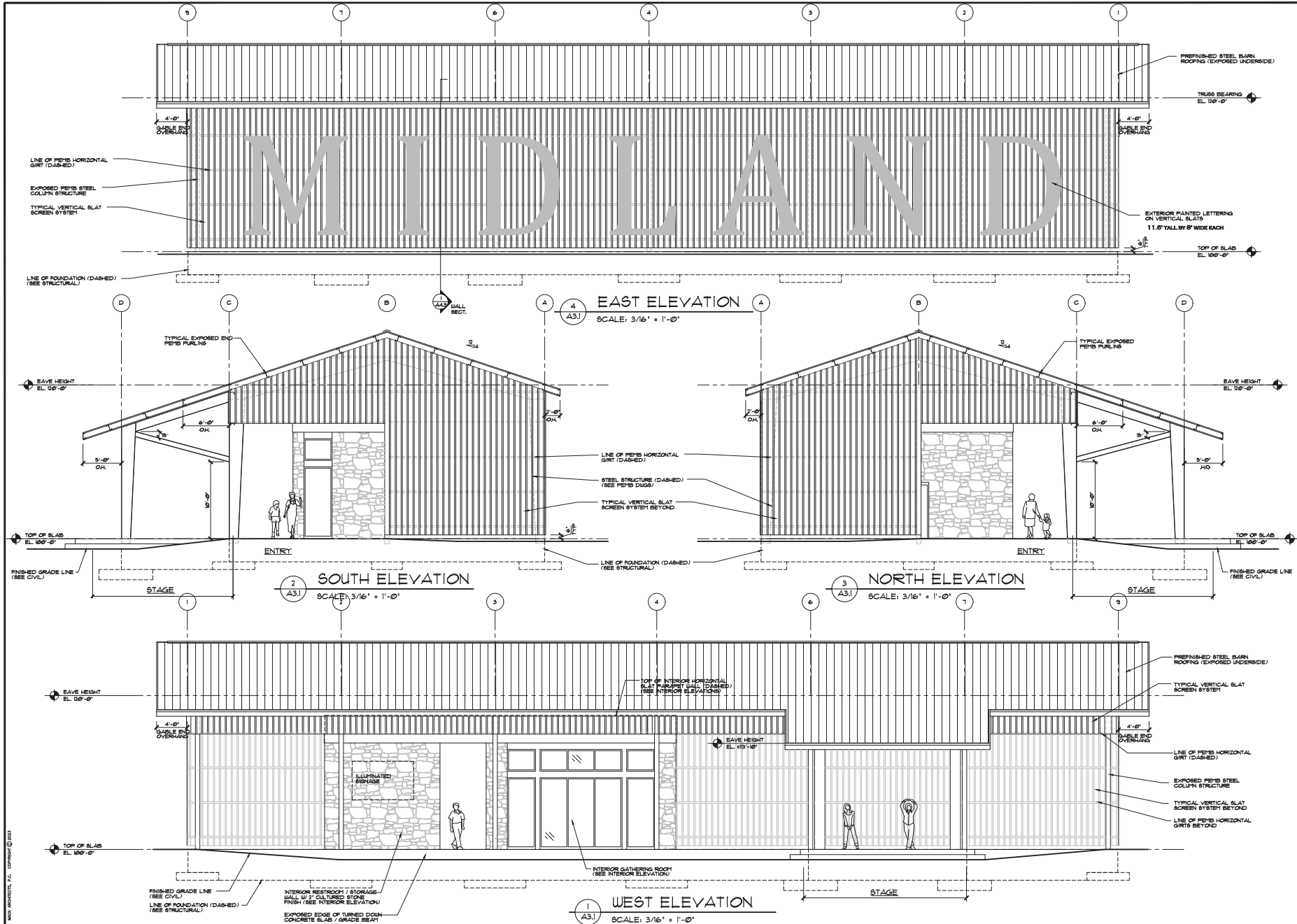
NO.	DATE	DESCRIPTION
1	03/14/23	ISSUED FOR PERMIT

PREPARED FOR:
Estodge Development Management, LLC
Estodge Development Management, LLC
12965 Old Meridian Street
Carmel, IN 46032
317-669-6269

PROJECT NAME:
**Amenity Building
Midland Section 1**
Westfield, Indiana
Grading Plan



DATE: 03/14/23
DRAWN BY: k/wk
CHECKED BY: [Signature]
JOB NUMBER: 22139
SHEET # **C103**



Mack Architects

Mack Architects, P.C.
5920 North Keystone Avenue
Indianapolis, Indiana 46220
P: (317) 251-2468
F: (317) 251-2469
E-mail: mackarchitects@abgglobal.net

PROJECT NO.
2223

NEW AMENITY BUILDING FOR:

MIDLAND

1426 MIDLAND MAIN STREET
WESTFIELD, INDIANA 46077

ISSUE DATE:
JANUARY 10, 2023

REVISIONS:

MAY 11, 2023
PEBS STRUCTURE
SEPTEMBER 12, 2023
MIDLAND LOGO

CERTIFICATION



A3.1

SHEET NO.







Petition Number:	2310-VU-11
Subject Site Address:	18 E SR 32 (the "Property")
Petitioner:	Joseph Lese on behalf of Aws Hattab – Suffolk Properties LLC (the "Petitioner")
Request:	The Petitioner requests a Variance of Use to permit indoor vehicle sales on 1.87 acres in the EI – Enclosed Industrial District
Current Zoning:	EI – Enclosed Industrial District; SR 32 Overlay District
Current Land Use:	Auto service garage – classified by UDO as a High Intensity Retail use
Approximate Acreage:	1.87 acres
Property History:	87-AP-8 – approval of 24'x32' rear addition (1987) 96-V-4 – Reduced min. lot area from 3 acre to 2 acres (1996) 87-AP-8 – Revision to prior approval to further expand building (1996) 87-AP-8 – Revision to prior approval to construct a monument sign in the Overlay Sign Corridor (1997) <u>1809-VS-13</u> – Increased max. sign area; SR 32 Overlay screening and fence materials (2018)
Exhibits:	1. Staff Report 2. Location Map
Staff Reviewer:	Lauren Gillingham, AICP - Senior Planner

PROPERTY INFORMATION & BACKGROUND

The subject Property is +/- 1.87 acres in size and located at 18 E SR 32. (previously addressed as 18 SR 32 E), as seen in **Exhibit 2**. The Property is currently zoned EI District. The surrounding properties to the east and west are also zoned the EI District, and the properties to the north and south are zoned Wheeler Landing PUD and Maple Knoll Planned Unit Development, respectively.

On the site is an approx. 8,200 SF steel building and an additional 8,000 SF of fenced-in parking area. Since 1976, the site has housed several auto repair businesses including The Tin Ranch, Maaco, and, currently, Elite Fix Collision. However, since of the adoption of the UDO, auto repair is now considered a legal nonconforming use.

With the approval of [1809-VS-13](#), which allowed a slatted chain-link fence in lieu of a screening wall, the site meets all Outside Storage and Display standards applicable to Industrial Districts and SR 32 Overlay District standards related to walls and fencing.

REQUEST FOR VARIANCE

The variance requested is remarkably similar to [2309-VU-10](#), approved at the September 12th, 2023 BZA meeting.

The applicant requests a variance of use to permit the indoor sale of vehicles at Elite Fix Collision, an auto service garage. Although they currently only provide vehicle restoration and other auto body shop services, they are interested in expanding their scope and would like the ability to sell some of the vehicles they restore. For sale vehicles will be stored inside the building and will not be out on display or at all visible from SR 32.

As you know, indoor auto sales fall within a gray area of the UDO, which does not contemplate the “casual” sale of vehicles and instead lumps all forms of auto sales in the “Very High Intensity Retail” use, defined as:

Retail businesses that have a very high impact on neighboring properties, traffic generation, and public safety and that inherently operates in whole or part outdoors through sale, display or other general activities.

Being as there will be no associated outdoor sales or display area, Staff believes that indoor vehicle sales should be considered incidental to the auto repair use. Staff has not received any letters of remonstrance against the request.

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Use. This petition is scheduled to receive its public hearing at the October 10th, 2023, 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 UDO 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 benefitted by 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.



Acknowledgment of the Variance: If the Board of Zoning Appeals approves this petition, then the UDO requires the approval of the variance shall be memorialized in an acknowledgment of variance instrument prepared by Department. The acknowledgment 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 the 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 acknowledgment 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.

COMPREHENSIVE PLAN

The Westfield-Washington Township 2006 Comprehensive Plan ("the Comprehensive Plan") identifies this property within the "Employment Corridor" land use classification. The vision for the Employment Corridor and all Highway Corridor classifications is contemplated for employment-generating uses and related supporting service uses.

DEPARTMENT COMMENTS

If the Board is inclined to **approve** 2310-VU-11, Staff recommends the following conditions and findings:

Recommended Conditions:

- All vehicles available for sale be stored inside the building;
- Auto repair shall remain the primary use of the property;
- No temporary or inflatable signage shall be permitted;
- No wall signs shall be permitted beyond what is necessary to meet state licensing requirements;
- Additional signage shall be permitted only on the existing monument sign;
- If the auto repair use is discontinued for more than 12 consecutive months or otherwise loses its legal nonconforming status, this use variance shall become void;
- 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 Variance of Use (2310-VU-11):

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

Finding: The variance would not be immediately injurious to the public health, safety, morals, and general welfare of the community. Approval of the use variance will not increase traffic or otherwise change the existing conditions of the site and surrounding area.

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

Finding: The use is unlikely to affect adjacent properties in a substantially adverse manner. The property is industrial in nature and has been used as an auto body shop for nearly 50 years, long before the area was developed. Approval of the variance request will not generate additional traffic or otherwise increase the intensity or impact of the use.

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

Finding: Ultimately, the need for the variance arises from the peculiarities of the UDO and the reclassification of auto service uses from industrial-type uses to retail-type uses. As an industrial building in an industrial zone, the site was unfairly affected by that reclassification.

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

Finding: The strict application of the terms of the UDO will result in practical difficulties in using the property as it currently exists because it is unclear where the use falls within our zoning code.

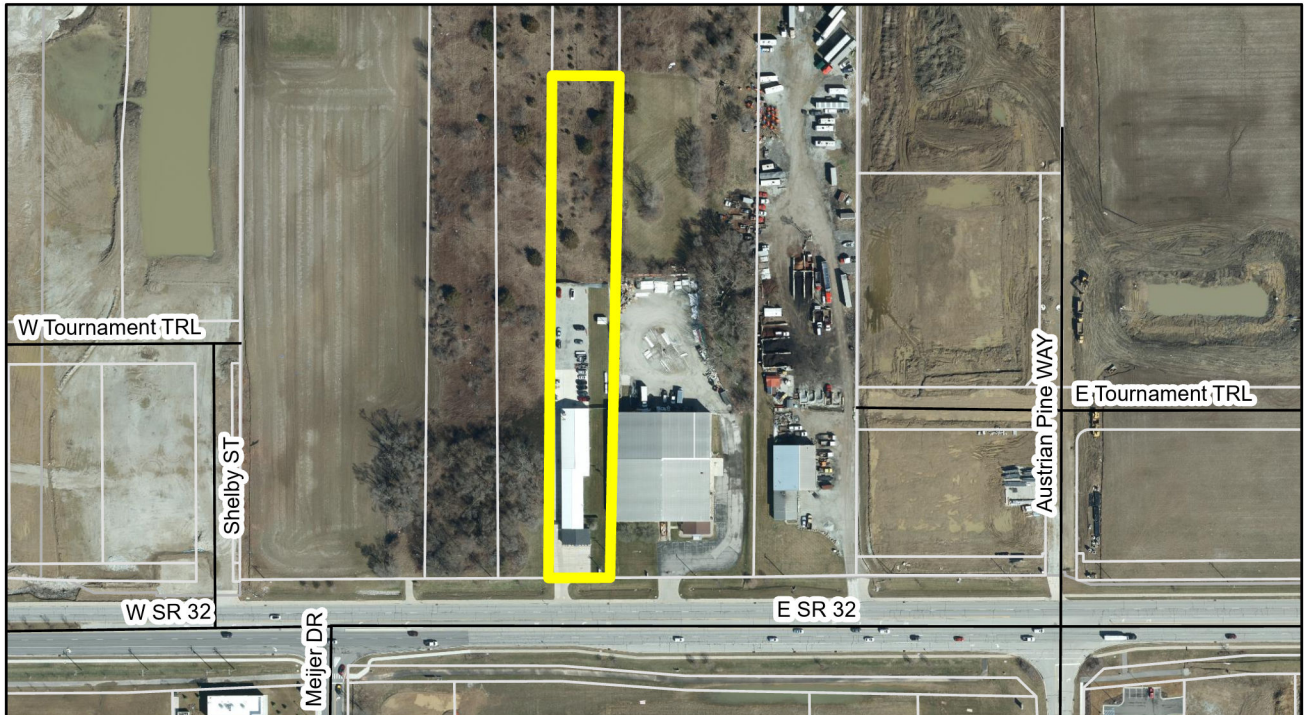
- 5) ***The approval does not interfere substantially with the Comprehensive Plan:***

Finding: The use is substantially in-line with the 2006 Comprehensive Plan, which designates the property as "Employment Corridor". The Comprehensive Plan lists Retail, Commercial, and Offices as appropriate land uses, however, the site and its use long predate the Comprehensive Plan.

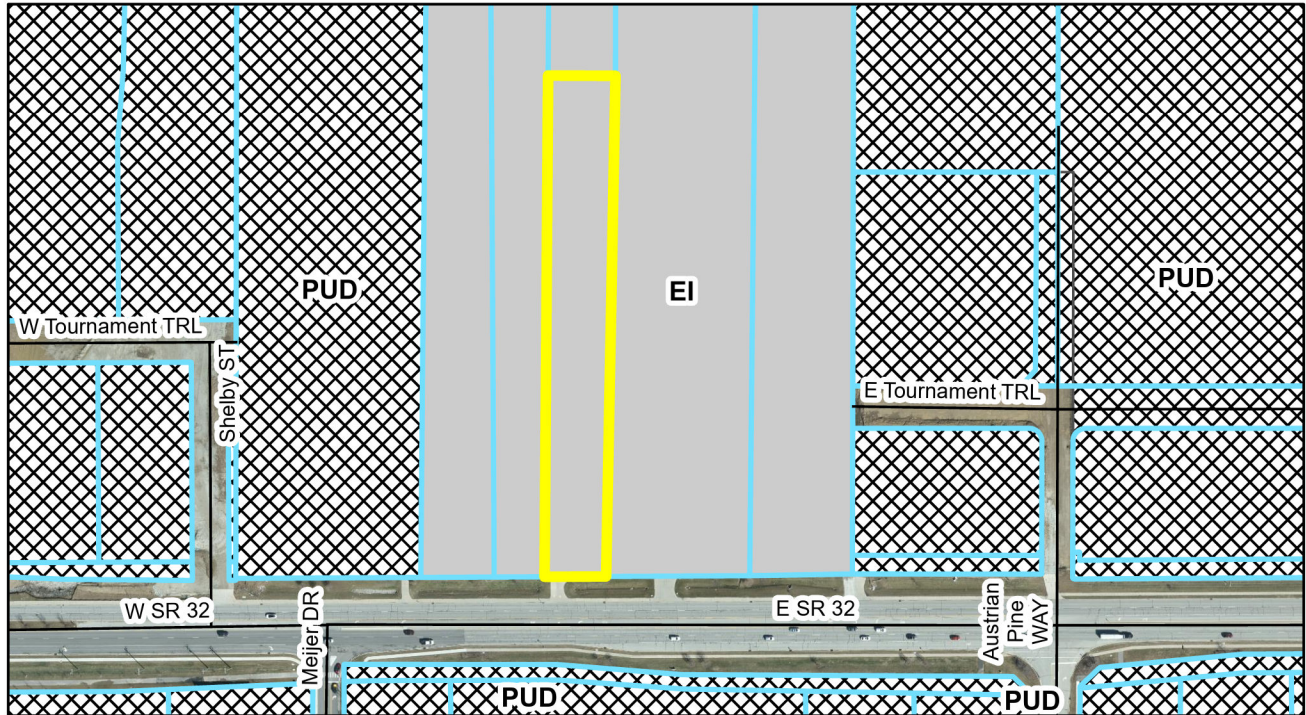
Denial: If the Board is inclined to reject or deny the Variance of Use, then the Department recommends denying the Variance of Use, but tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and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



Aerial Location Map



Zoning Map



Legend

 Subject Parcel

0 0.03 0.05 0.1 Miles





Petition Number: 2310-VS-25

Subject Site Address: 1019 E. 199th Street (the "Property")

Petitioner: Michelle & Samuel Kim (the "Petitioner")

Representative: David Gilman / Land Development Services

Request: The Petitioner requests Variances of Development Standards to modify Minimum Lot Area and Minimum Lot Frontage standards for a legal nonconforming Lot and to permit an Accessory Structure larger than the Principal Building on 2.07 acres +/- in the AG-SF1: Agricultural / Single Family Rural District. (*UDO Articles 4.2(C), 4.2(D), 6.1(B)(2), and 6.1(F)*).

Current Zoning: AG-SF1: Agricultural / Single-family Rural District

Current Land Use: Residential

Approximate Acreage: 2.07 acres +/-

Exhibits:

1. Staff Report
2. Location Map
3. Site Plan
4. Architectural Drawings

Staff Reviewer: Ryan Collingwood, Associate Planner

PROPERTY INFORMATION & BACKGROUND

The subject Property is 2.07 acres +/- in size and located at 1019 E. 199th Street, as seen in the Location Map (**Exhibit 2**). The Property's zoning classification is the AG-SF1: Agriculture / Single-family Rural District.

The Property is deemed legal nonconforming due to the Minimum Lot Area and Minimum Lot Frontage standards, respectively, not conforming to the regulations of the UDO. As it reads today, AG-SF1 parcels must be at least 3 acres in size and exhibit at least 250 feet of road frontage. The Property currently exhibits 2.07 acres and approximately 163 feet of road frontage along E. 199th Street.

In addition, it shall be noted that if the proposed structure were to be used in an agricultural manner, the structure would be permitted by-right today without the need for variance. The need for variance stems from the proposed use inside the structure.



REQUEST FOR VARIANCES

The Petitioner intends to build an accessory structure on the Property, as displayed in **Exhibit 3 & Exhibit 4**. The intended use of the proposed structure will be a private indoor tennis facility. The need for variance arises from the characteristics of the proposal, where the accessory structure would be larger and taller than the residence already on site.

- UDO Article 6.1(B)(2) – Accessory Buildings shall be subordinate in height, width, length and bulk to the Principal Building on the same Lot.
 - *The proposed accessory structure is not subordinate to the Principle Building, otherwise known as the primary residence on-site.*
- UDO Article 6.1(F) – Maximum Accessory Building Height: Eighteen (18) feet
 - *The proposed accessory structure exceeds the 18-foot maximum.*
- UDO Article 4.2(C) – Minimum Lot Area: Three (3) acres
 - *Although not fully necessary to include in this variance request, the Petitioner will be bringing the lot into compliance by modifying minimum acreage.*
- UDO Article 4.2(D) – Minimum Lot Frontage: 250 feet
 - *Although not fully necessary to include in this variance request, the Petitioner will be bringing the lot into compliance by modifying minimum lot frontage.*

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 10, 2023, 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 UDO 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 benefitted by 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.



Acknowledgment of the Variance: If the Board of Zoning Appeals approves this petition, then the UDO requires the approval of the variance shall be memorialized in an acknowledgment of variance instrument prepared by Department. The acknowledgment 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 the 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 acknowledgment shall be provided to the Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

Variance of Development Standard: The Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the underlying zoning ordinance. 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.

COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan identifies the property within the “New Suburban” land use classification. The vision for the New Suburban Residential classification is contemplated for future residential growth of the community, generally to the southwest, northwest, and northeast of the Existing Suburban area.

The New Suburban classification is designed to accommodate detached dwellings, attached dwellings, institutional uses, and recreational uses, artisan farms, and equestrian uses.

DEPARTMENT COMMENTS

If the Board is inclined to approve 2310-VS-25, The Department recommends the following findings and conditions:

Recommended Findings for Variance of Development Standard (2310-VS-25):

- 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 new accessory structure will be built to meet all applicable building codes and health department standards. The existing parcel has adequate room to accommodate the new accessory structure and will not impede on proper drainage. The existing parcel has access to a public street.

- 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 because the lot has adequate area in the rear of the parcel to accommodate the new accessory structure. The site has existing evergreen deciduous trees along the perimeter of the west, south, and east property lines. The owners will maintain these plantings in good condition at all times.

- 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 variance for the subject parcel is necessary to remove the non-conforming encumbrances to clear the title for future investment or sale. No personal use of a barn or larger accessory structure is permitted in any residential district without the need for a variance.

Recommended Conditions:

- The private tennis facility use shall operate in substantial compliance with the Site Plan (**Exhibit 3**) and Architectural Drawings (**Exhibit 4**),
- That the private tennis facility be used in a manner so that commercialization or general public use shall be prohibited and only be used in a private manner,
- That the barn cannot be separated from the parent parcel, sold or leased to third party,
- That the height shall be a maximum of 35 feet at the center line of the net to meet the US Tennis Association Regulations, and



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

October 10, 2023

2310-VS-25

Exhibit 1

- That the Petitioner 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.

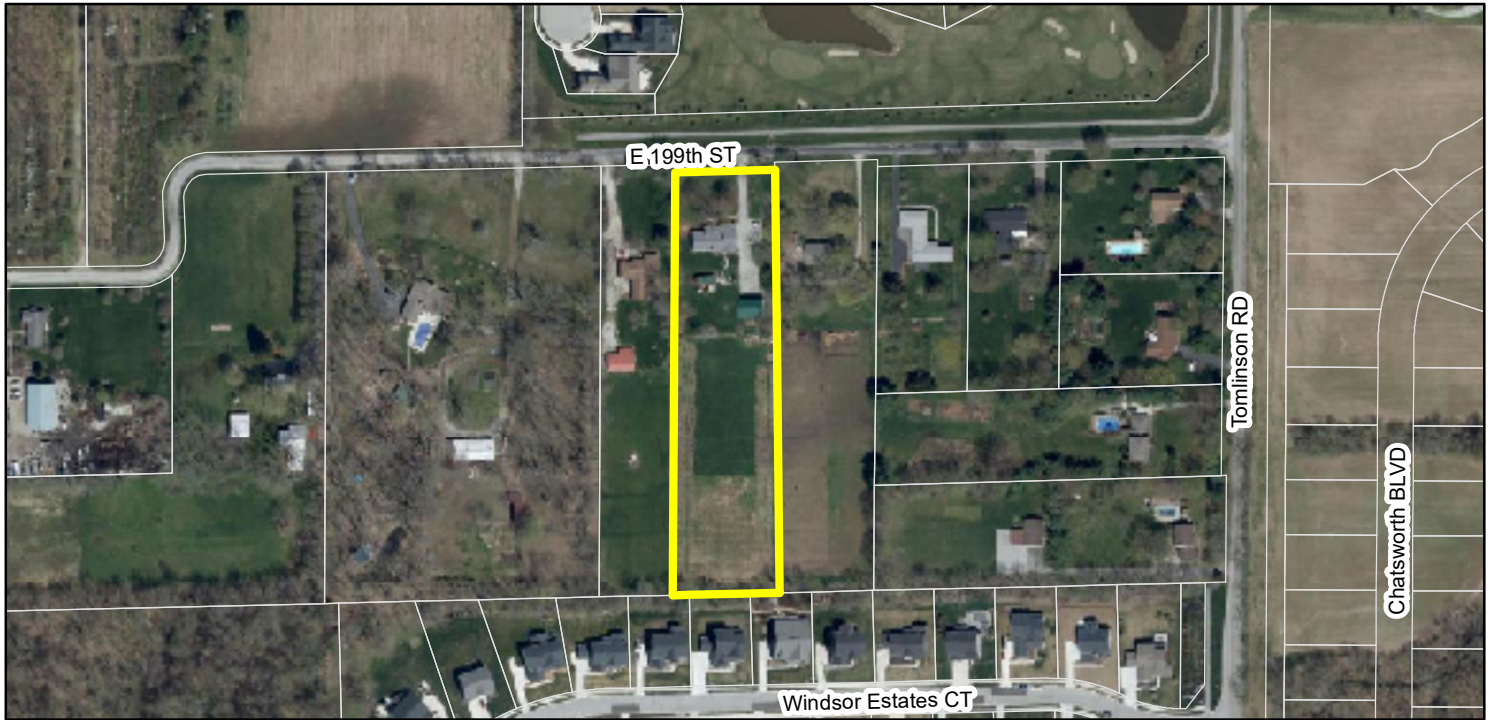
Denial: If the Board is inclined to reject or deny the Variance of Development Standard, then the Department recommends denying the Variance of Development Standard, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant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



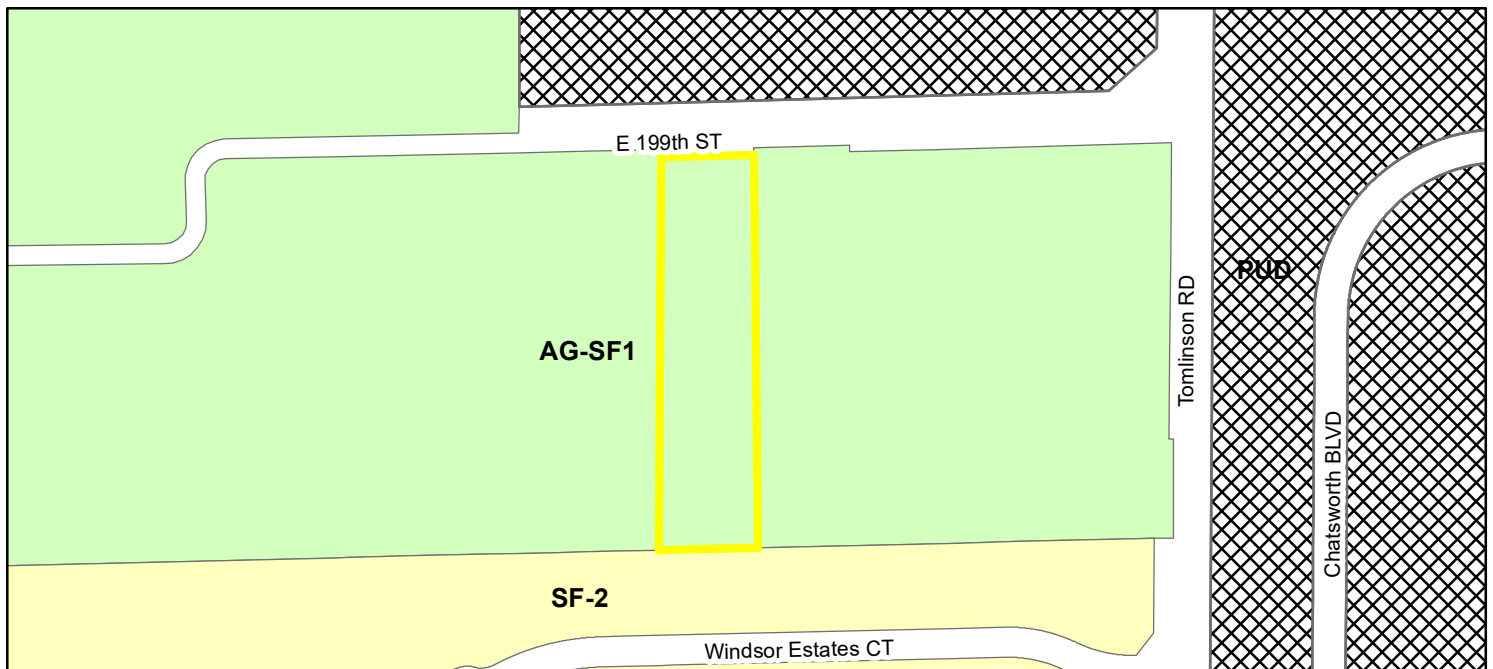
Property Location Map
1019 E. 199th Street (Kim)
2310-VS-25



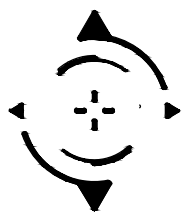
Aerial Location Map



Zoning Map



-  **SITE Zoning**
-  AG-SF1 (Agriculture - Single Family - 1)
-  SF-2 (Single Family - 2)
-  PUD (Planned Unit Development)



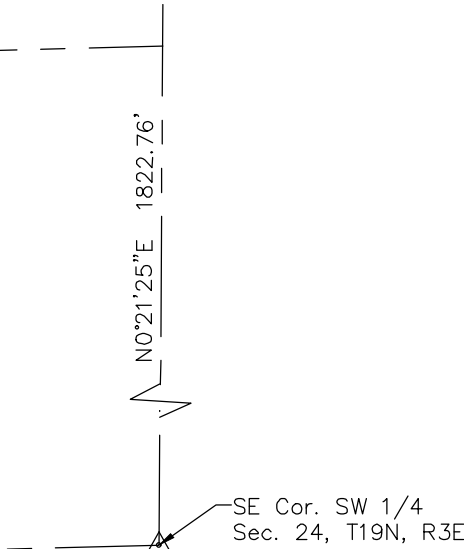
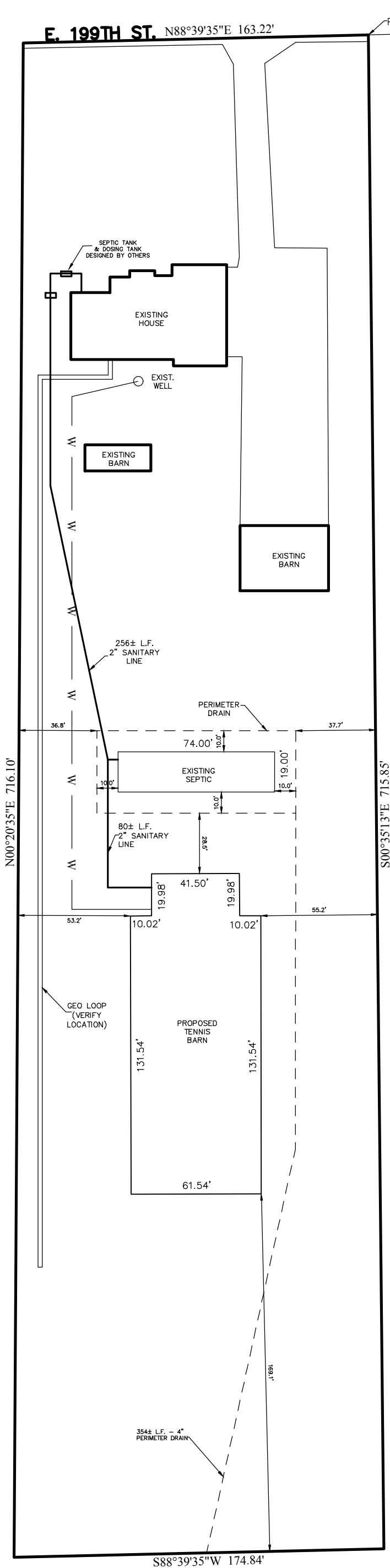
STOEPPELWERTH

ALWAYS ON

7965 East 106th Street, Fishers, IN 46038-2505
phone: 317.849.5935 fax: 317.849.5942

JOB ID 106854HOS

CONTROL# 106854HOS



1019 E. 199TH STREET
WESTFIELD, IN 46074



1" = 50'

LOT AREA: 2.70 AC±

ZONING: AG-SF1
80' MINIMUM FRONT YARD
30' MINIMUM REAR YARD
30' MINIMUM SIDE YARD

--- PERIMETER DRAIN
---w--- WATER LATERAL

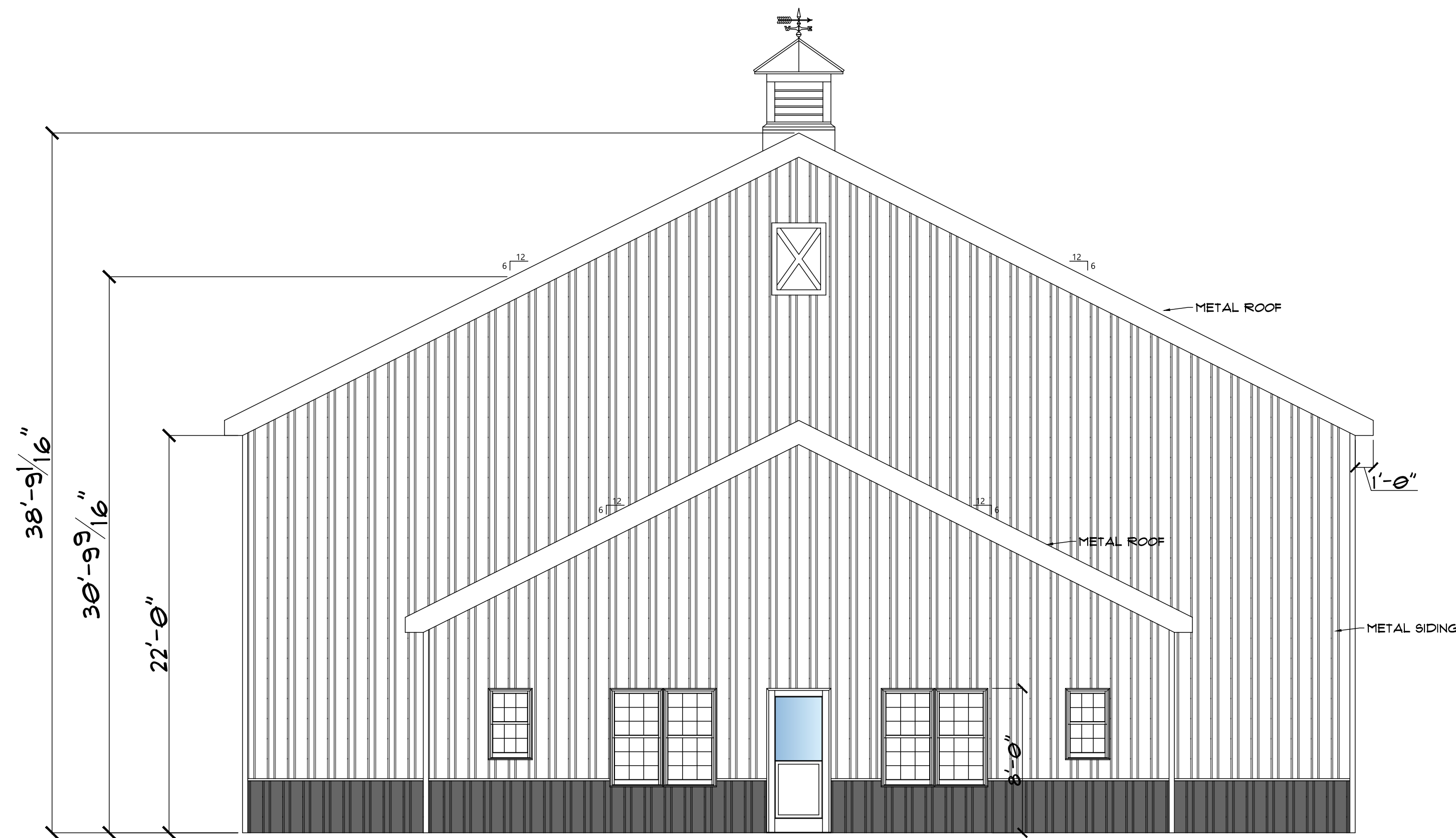


David J. Stoepfelwerth

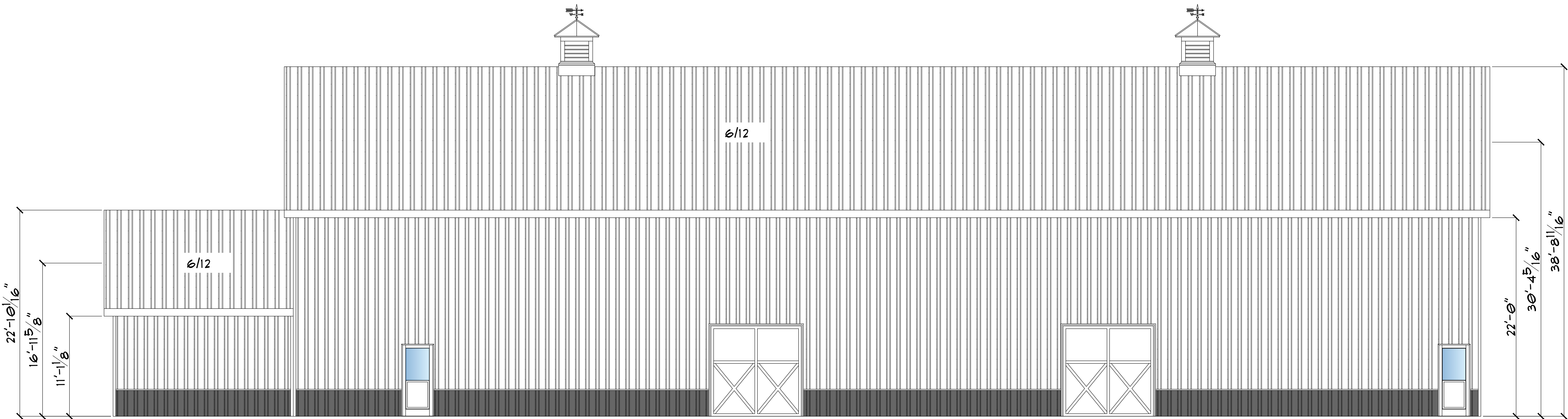
NOTE: THIS DRAWING IS FOR PERMITTING PURPOSES ONLY AND NOT INTENDED TO BE REPRESENTED AS A RETRACEMENT SURVEY, ORIGINAL SURVEY, ROUTE SURVEY, LOT SURVEY OR A SURVEYOR LOCATION REPORT OR ANY OTHER TYPE OF PROPERTY BOUNDARY ASSESSMENT. NO BOUNDARY CORNERS HAVE BEEN SET AND THEREFORE NO LIABILITY WILL BE ASSUMED FOR ANY USE OF THIS DATA FOR CONSTRUCTION OF NEW IMPROVEMENTS INCLUDING FENCES.

07/07/23 LAF





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



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



11825 BROADWAY STREET
INDIANAPOLIS, IN 46236
317.823.9788
WWW.HOSSHOMES.COM

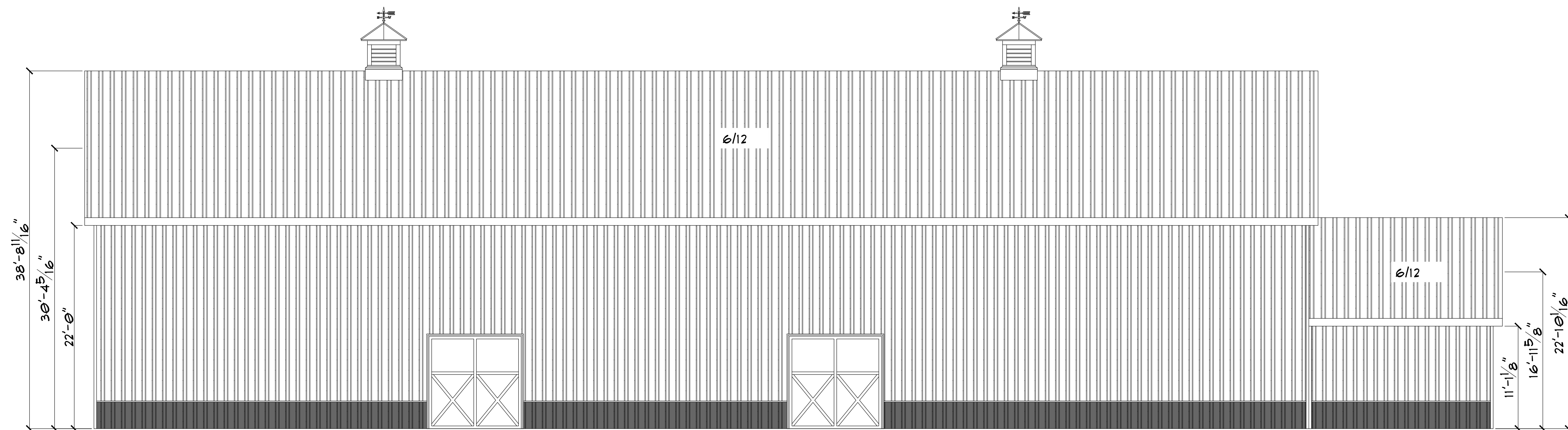
KIM BARN
1019 E. 199TH ST.
WESTFIELD, IN 46074

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

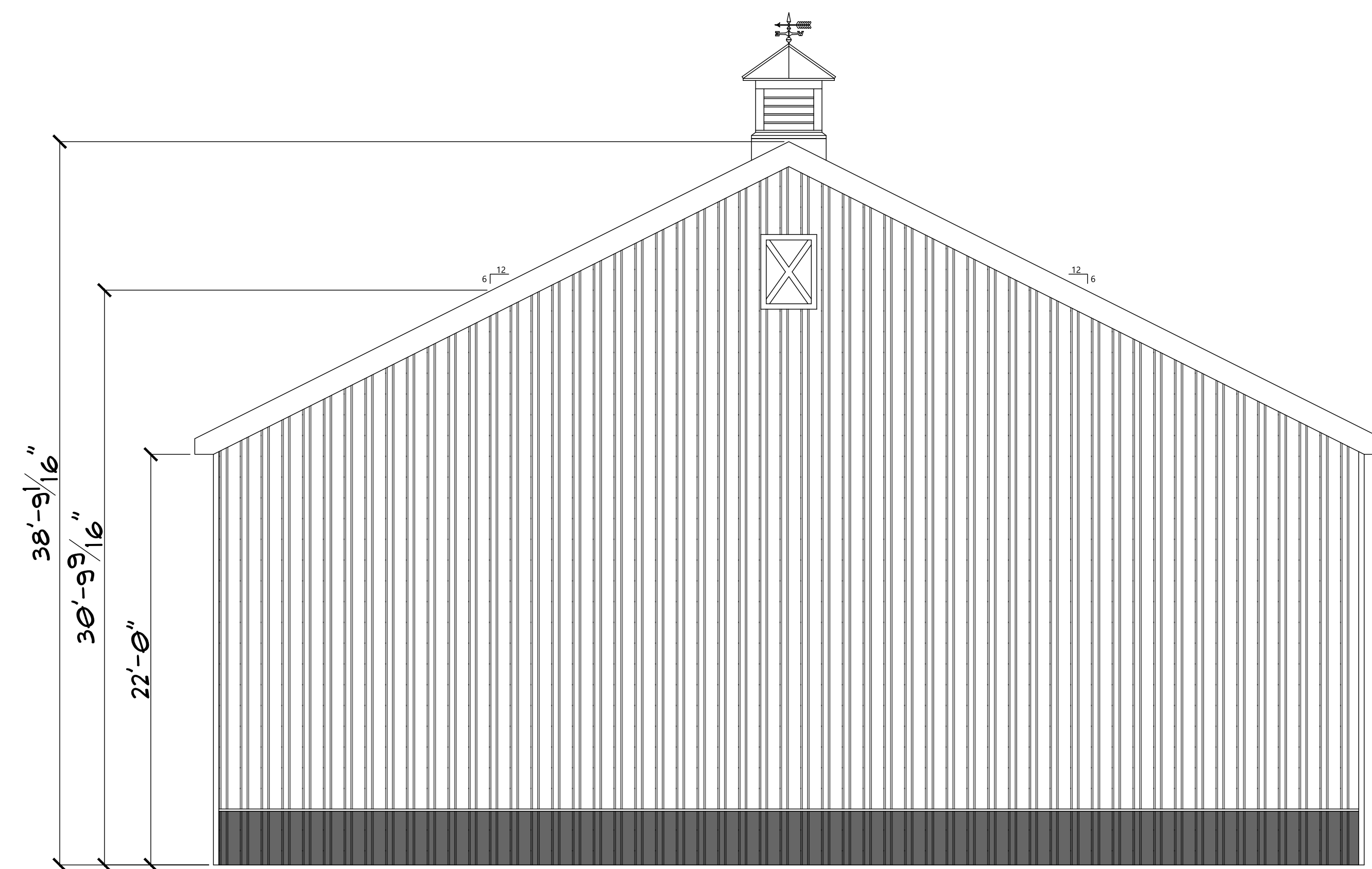
DATE:
07.26.2023

SHEET NO:

1

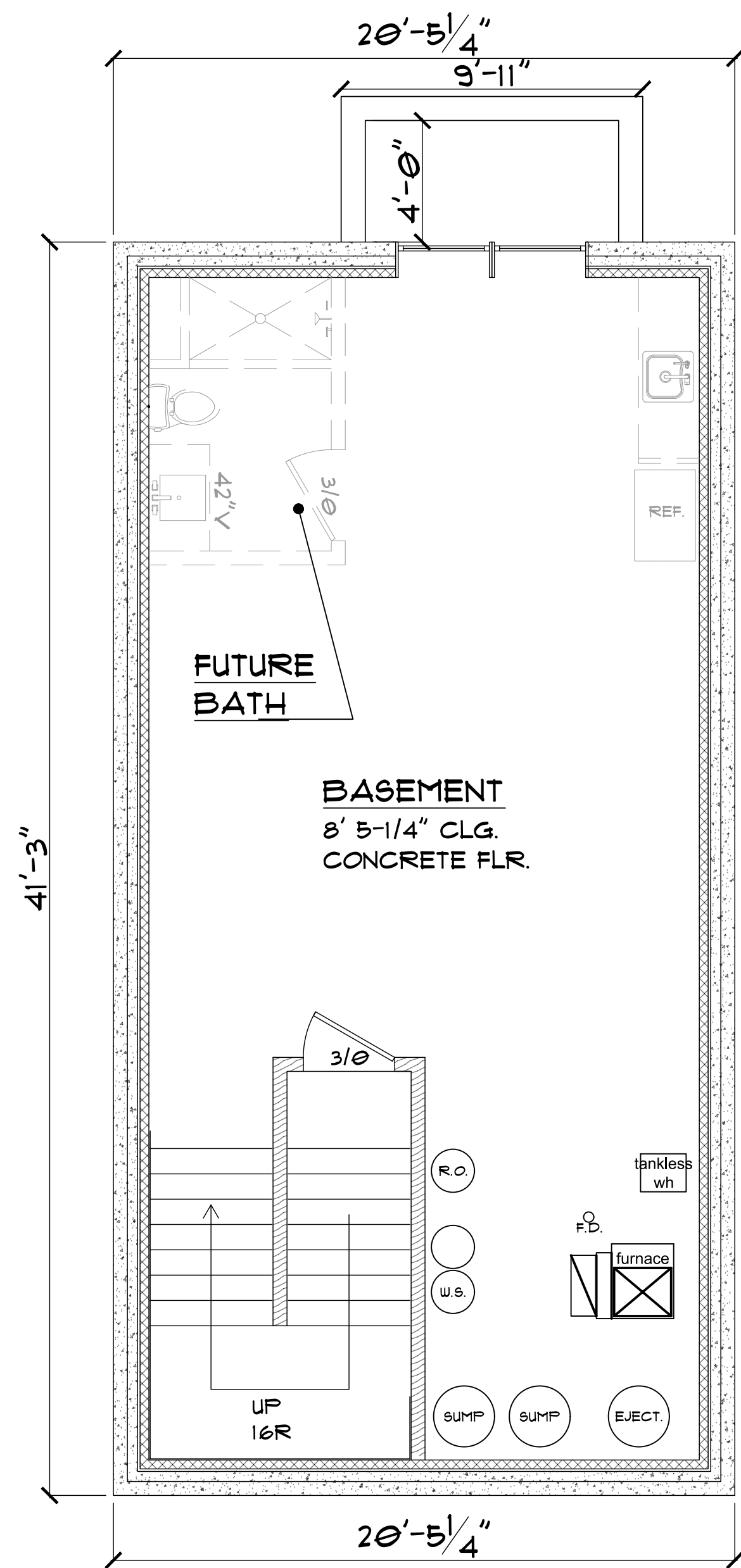


LEFT ELEVATION
SCALE: 3/16" = 1'-0"

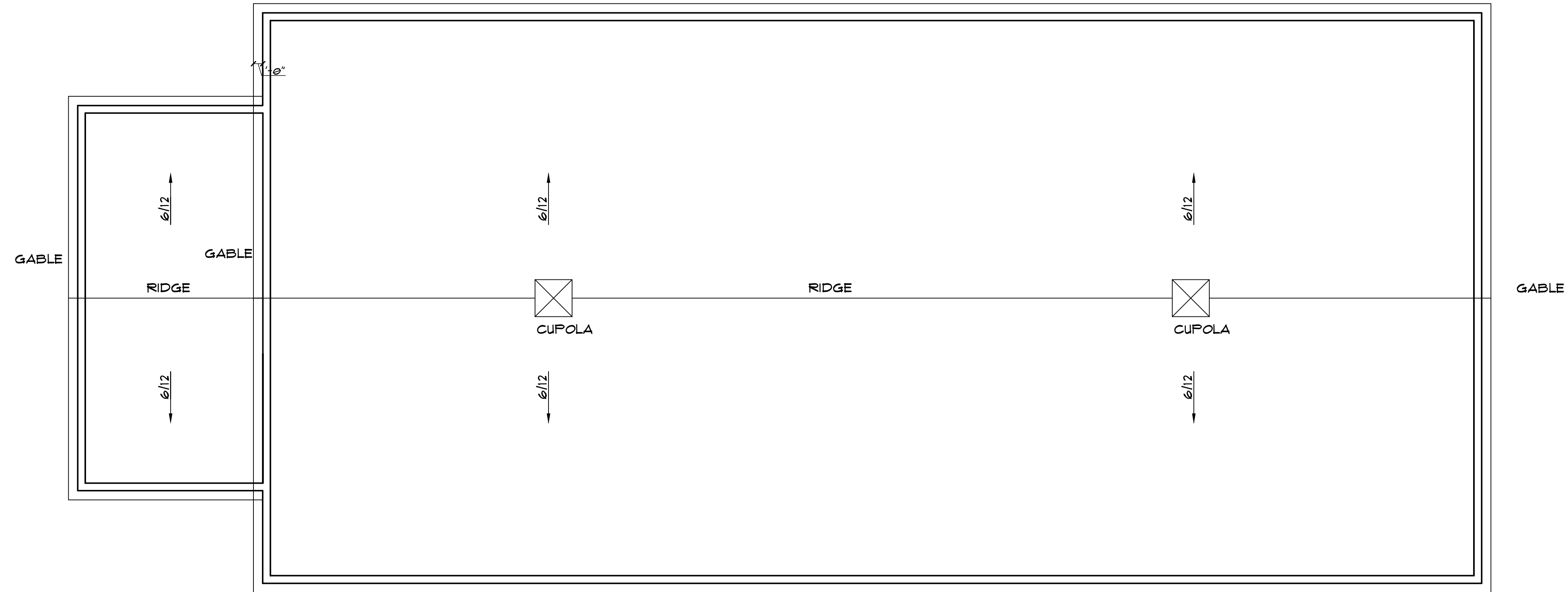


REAR ELEVATION
SCALE: 3/16" = 1'-0"

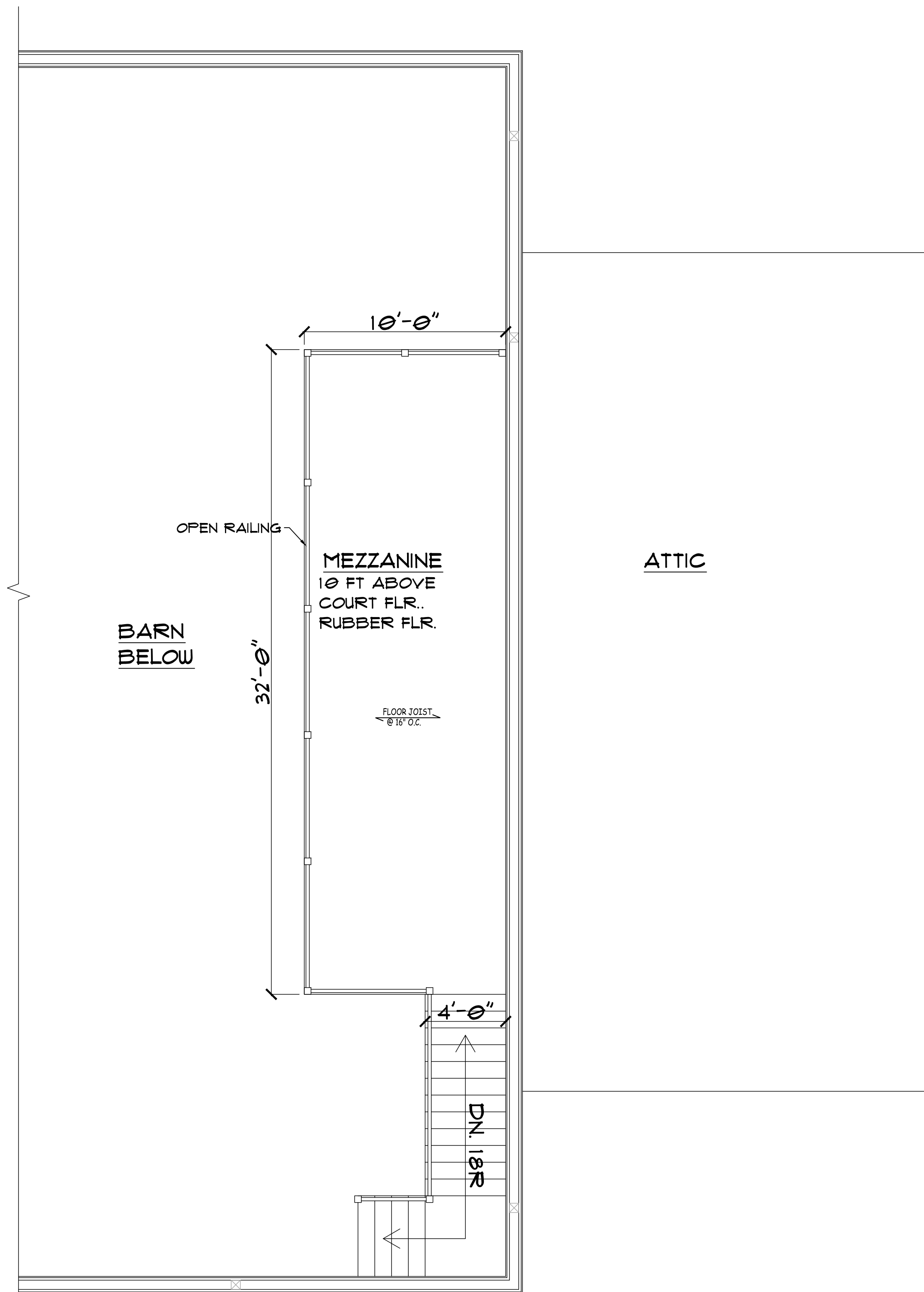




BASEMENT PLAN
SCALE: 1/4" = 1'-0"



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



MEZZANINE PLAN
SCALE: 1/4" = 1'-0"

KIM BARN
1019 E. 199TH ST.
WESTFIELD, IN 46074

SCALE:

DATE:

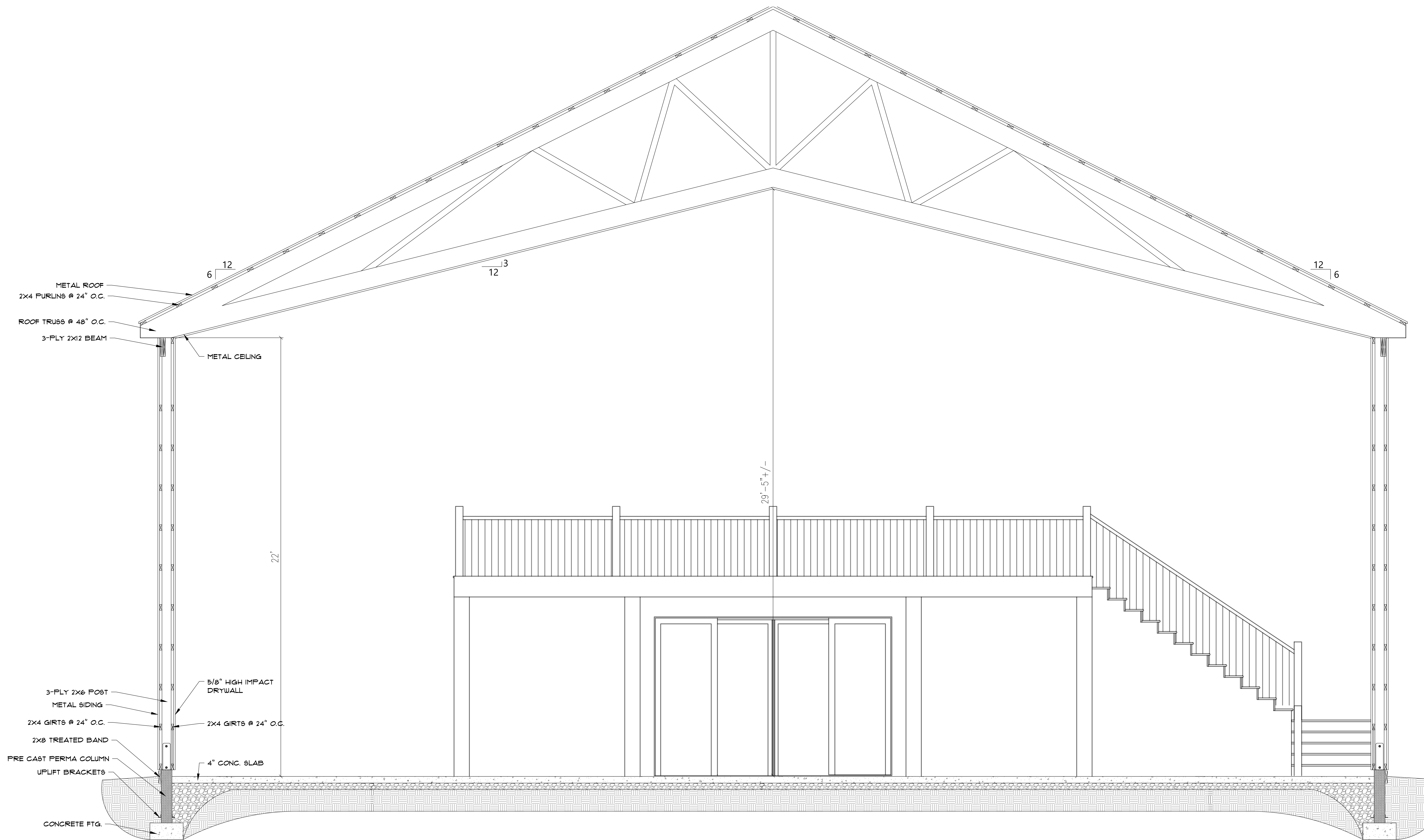
07.26.2023

SHEET NO:

4



DESIGNER/
BUILDER



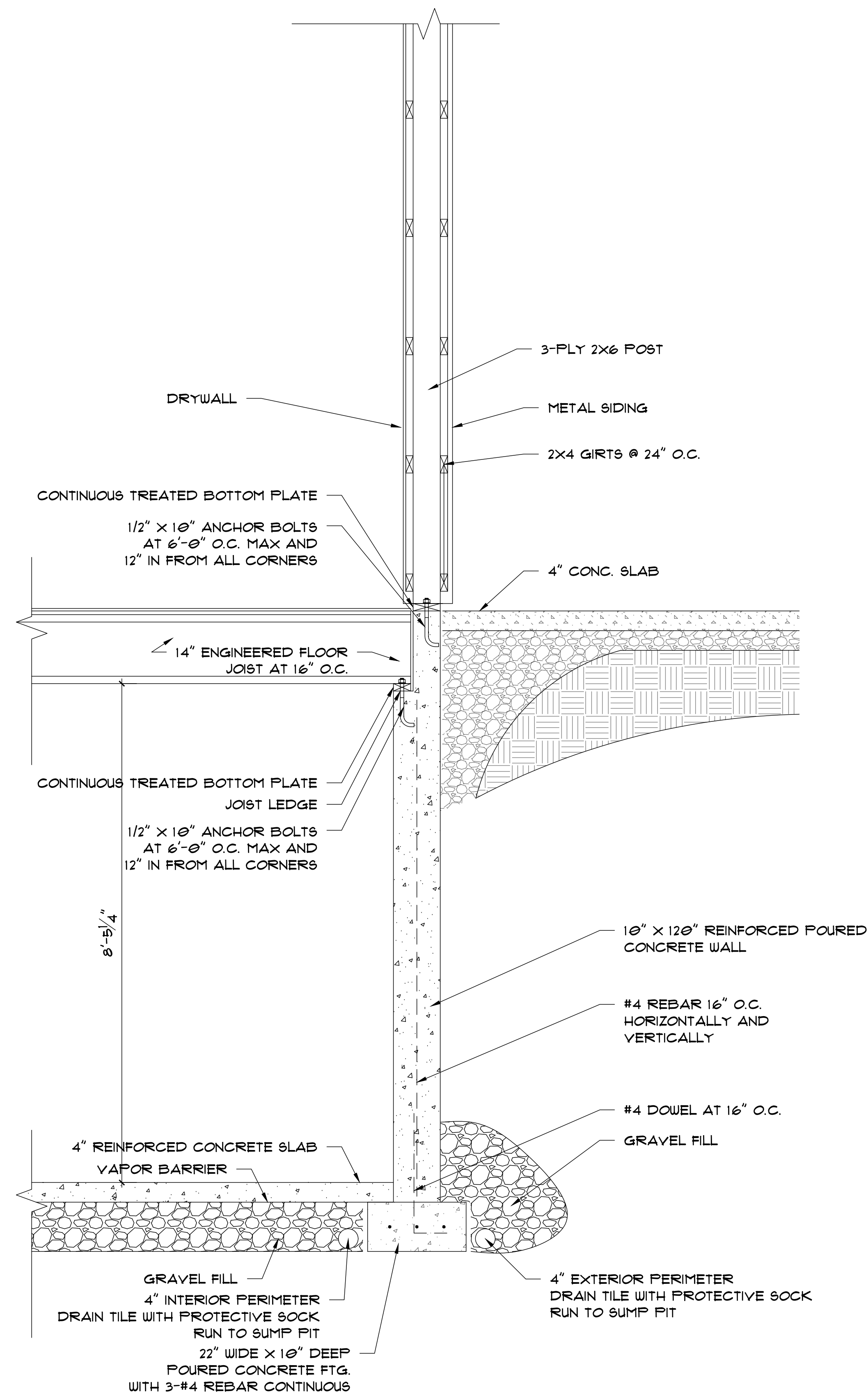
WALL SECTION
SCALE: 1/2" = 1'-0"

KIM BARN
1019 E. 199TH ST.
WESTFIELD, IN 46074

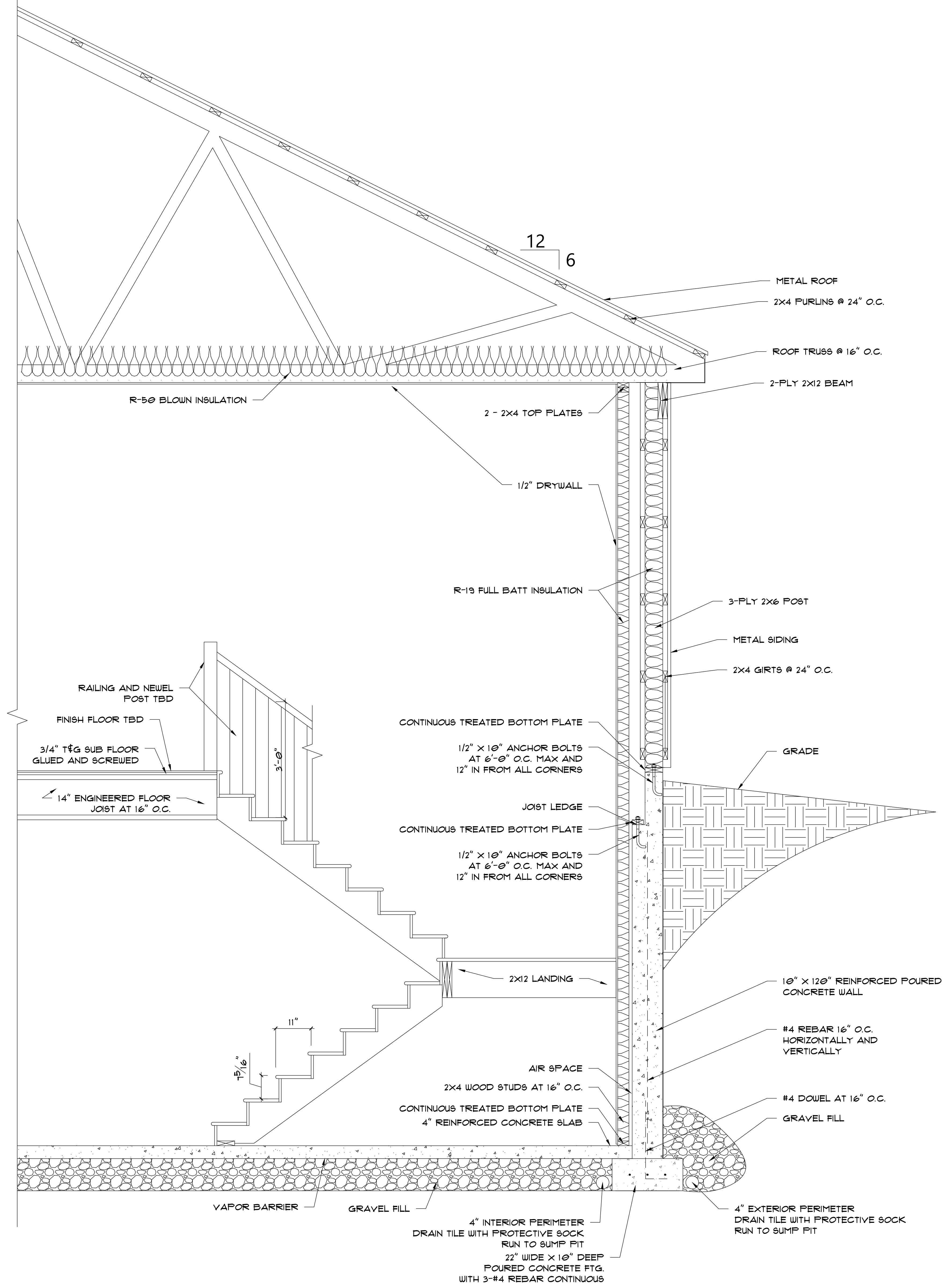
SCALE:
1/2"=1'-0"

DATE:
07.26.2023

SHEET NO:



WALL SECTION AT JOIST LEDGE
SCALE: 3/4" = 1'-0"



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

Architectural floor plan of a barn with a mezzanine and gym. The plan shows a large rectangular space with a central ridge, sloped ceilings, and various rooms including a storage area, bathroom, and gym. Dimensions are provided for the overall structure and individual rooms.

Overall Dimensions:

- Overall Width: 131'-6 1/2"
- Overall Depth: 61'-6 1/2"
- Overall Height: 10'-0 1/4"

Rooms and Features:

- Storage:** 10'1-1/8" CLG. RUBBER FLR. (6'-7 1/2" x 9'-10 3/4")
- BATH:** 10'1-1/8" CLG. RUBBER FLR. (9'-5 1/2" x 3'-0")
- Gym:** 10'1-1/8" CLG. RUBBER FLR. (10'-0" x 10'-0")
- Bottle Filler:** 8'-0" x 8'-0"
- Stairs:** UP 1BR, DN 1BR
- Refrigerator:** 8'-0" x 8'-0"
- Mezzanine:** 10'1-1/8" CLG. RUBBER FLR.
- Interior Walls:** THIN VENEER BRICK ON INTERIOR OF WINDOW WELL, LIMESTONE CAP
- Window Well:** 8'-0" x 8'-0"
- Post Type:** WD. POST TYPE 36X36 FTG.
- Beam:** WD. BEAM BORED BY LUMBER CO.
- Ridge:** LINE OF MEZZANINE ABOVE
- LEDs:** 11-BAY LED
- 10X10 O.H.D.:** 10' x 10' Overhead Door

Dimensions:

- Storage: 6'-7 1/2" x 9'-10 3/4"
- BATH: 9'-5 1/2" x 3'-0"
- Gym: 10'-0" x 10'-0"
- Bottle Filler: 8'-0" x 8'-0"
- Refrigerator: 8'-0" x 8'-0"
- Mezzanine: 10'-0" x 10'-0"
- Interior Walls: 10'-0 1/4"
- Window Well: 8'-0" x 8'-0"
- Post Type: 36X36 FTG.
- Beam: WD. BEAM BORED BY LUMBER CO.
- Ridge: LINE OF MEZZANINE ABOVE
- LEDs: 11-BAY LED
- 10X10 O.H.D.: 10' x 10'

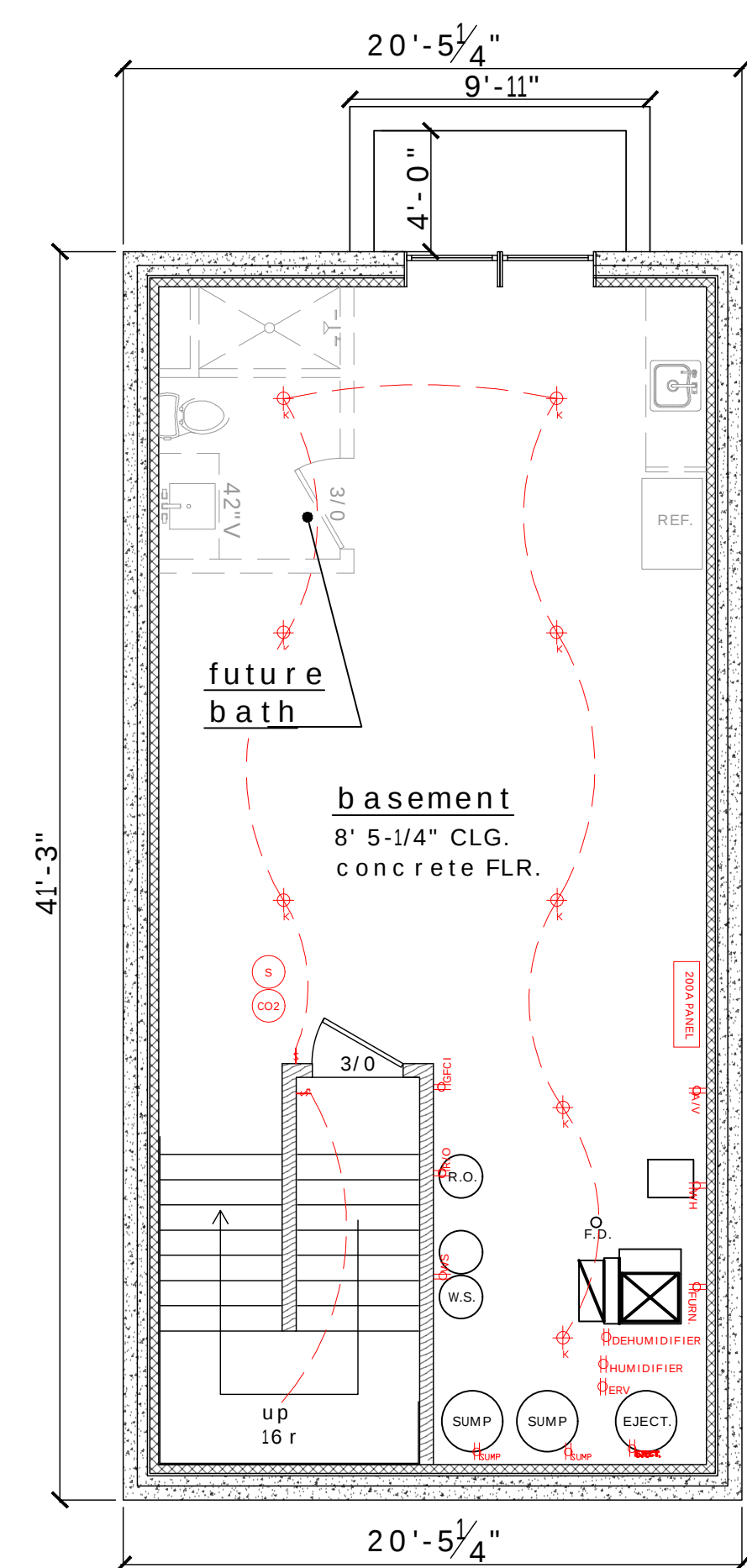
Notes:

- note: floor system mezzanine interior walls

Sq. Ft.:

- Barn: 131'-6 1/2" x 61'-6 1/2" = 8,081 Sq. Ft.
- Gym: 10'-0" x 10'-0" = 100 Sq. Ft.
- Mezzanine: 10'-0" x 10'-0" = 100 Sq. Ft.

Sq. Ft.	
Barn:	8,049
Gym:	825
Mezzanine:	320
basement:	748



1019 E 199th Street
2310-VS-25

Michelle and Samuel Kim, Owners
David Gilman, Presenter

Approval of a Variance of Development Standards

1. Legally establish an existing lot with less than the required frontage (163 feet) and lot area (2.07 acres).
2. Allow an accessory building to be used as a private tennis barn for the Owner's personal use that will not be open to the public and that will be larger and taller than the primary residence. (Agricultural Use Only).

1019 E 199th St

Propose Tennis Barn

Legend

 1019 E 199th St

Proposed
Tennis Barn
35 X 60 X 150

1019 E 199th St

E 199th St

Google Earth

Image Landsat / Copernicus

100 ft



EXHIBIT 3



STOEPPELWERTH
ALWAYS ON

7905 East 104th Street, Fishers, IN 46038-2505
phone: 317.849.5925 fax: 317.849.5942

JOB ID 106854HOS

CONTROL# 106854HOS

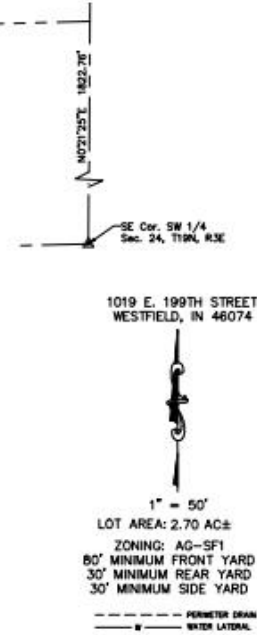
House

199th Street

Garage

Approx 360 feet

New Tennis Barn



Daniel J. Stoeppelwerth

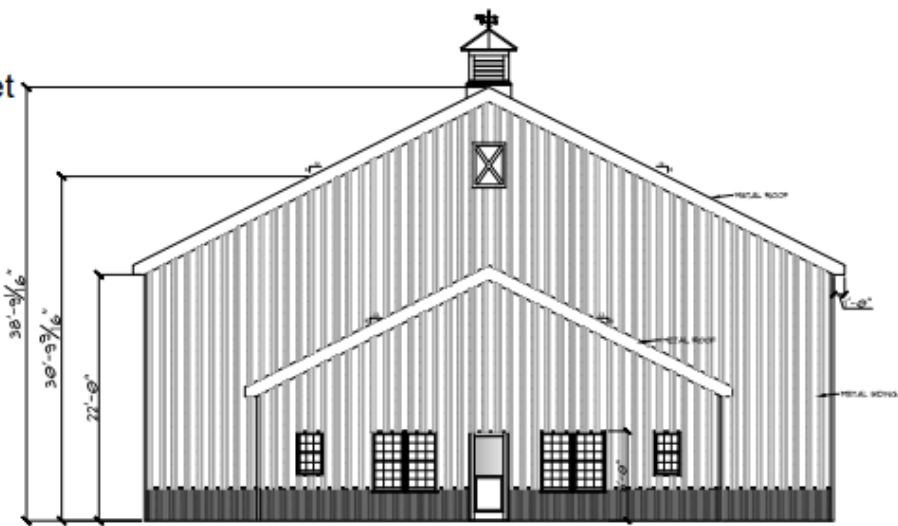
NOTE: THIS DRAWING IS FOR PERMITTING PURPOSES ONLY AND NOT
INTENDED TO BE REPRESENTED AS A SURVEYOR'S DRAWING.
ORIGINAL SURVEY DATA REPORT USE SURVEY OR A SURVEY
LOCATION REPORT OR SET CORNER TOP OF PROPERTY MONUMENT
ASSIGNMENT. NO MONUMENT CORNERS HAVE BEEN SET AND
THEREFORE NO LIABILITY WILL BE FORMED FOR THE USE OF THIS
DATA FOR CONSTRUCTION OF NEW IMPROVEMENTS INCLUDING FENCES.

01/07/23 LAF

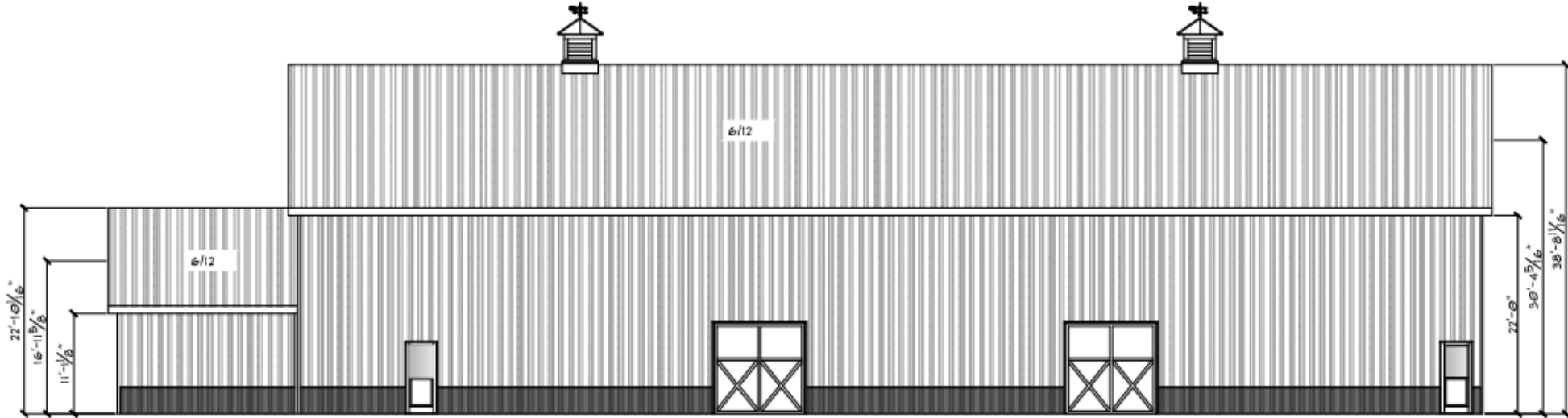


EXHIBIT 4

35 Feet

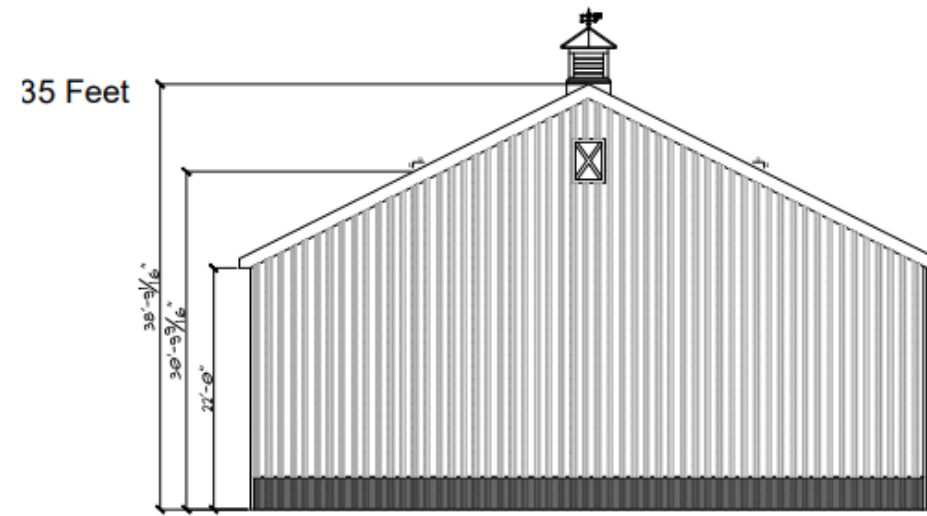


FRONT ELEVATION
SCALE: 3/16" = 1'-0"

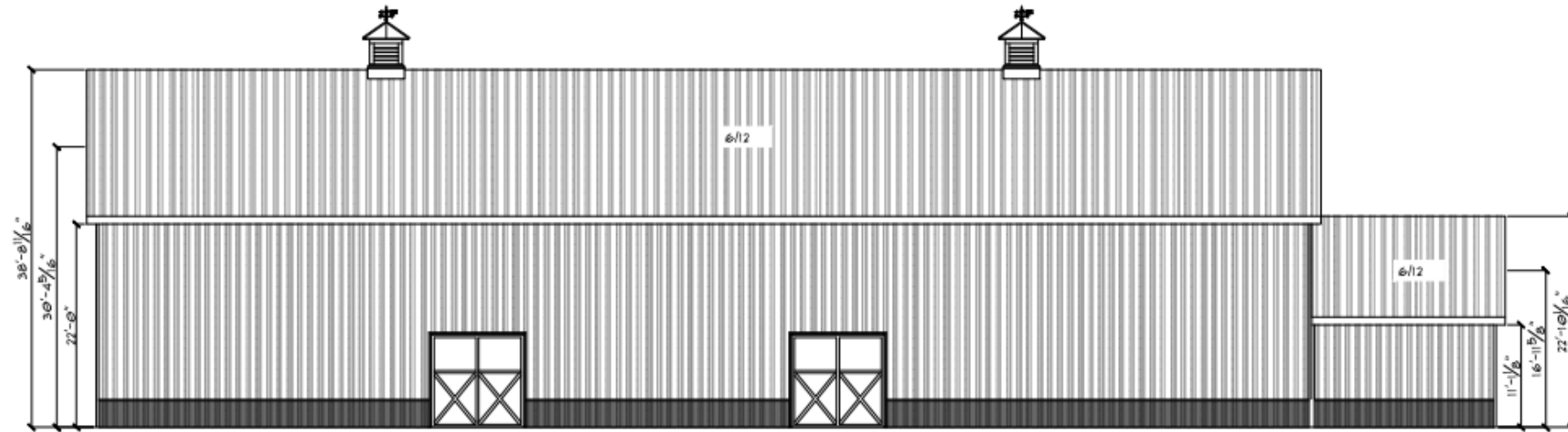


RIGHT ELEVATION
SCALE: 3/16" = 1'-0"

EXHIBIT 4

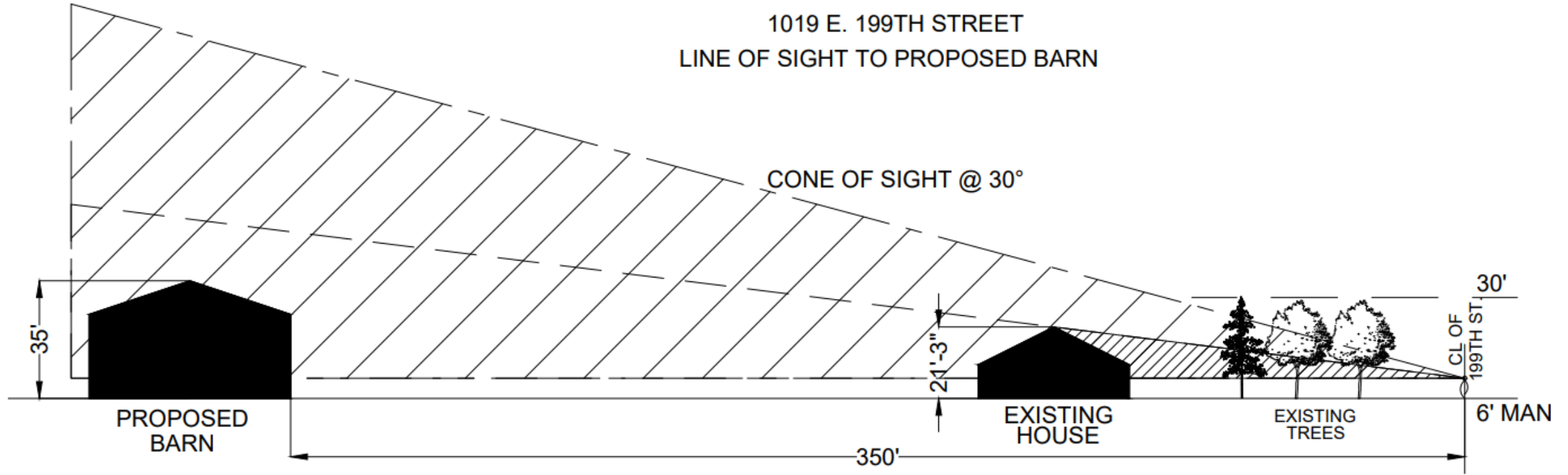


REAR ELEVATION
SCALE: $3/16" = 1'-0"$



LEFT ELEVATION
SCALE: $3/16" = 1'-0"$

1019 E. 199TH STREET
LINE OF SIGHT TO PROPOSED BARN



1019 Distance to Tennis Barn

360 feet to 199th Street + 350 feet to Proposed Barn

Legend

-  1019 E 199th St
-  1910_Distance from Neighbor House 2



Google Earth

Image Landsat / Copernicus

PROPOSED CONDITIONS FOR THE VARIANCE

1019 E 199th Street

2310-VS-25

1. The private tennis facility use shall operate in substantial compliance with the Site Plan (Exhibit 3) and Architectural Drawings (Exhibit 4).
2. That the private tennis facility be used in a manner so that commercialization or general public use shall be prohibited and only be used in a private manner.
3. The barn shall not be separated from the parent tract, sold, or leased to a third party.
4. The height of the barn shall not exceed 35 feet at the ridgeline.
5. That the Petitioner 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.

CHATHAM HILLS NEIGHBORS SUPPORT LETTER

Re: 1019 E 199th St Variance



LEWIS MIKE <mel7726@sbcglobal.net>

To davidgilman78@gmail.com

↩ Reply

↩ Reply All

→ Forward

...

Tue 10/10/2023 10:07 AM

 This message has been replied to or forwarded.

David-

Thank you for providing these drawings. They certainly help ease my mind as to our inability to see the proposed structure from our backyard. With these drawings and the previous commitments that you have made as to deed restrictions, my wife and I will agree to support your client's variance motion for the tennis facility. Again, thank you for all of your help in this matter.

Mike and Lori Lewis

On Monday, October 9, 2023 at 12:40:39 PM EDT, <davidgilman78@gmail.com> wrote:

Mike:

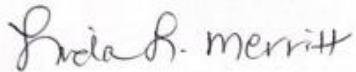
ADJACENT NEIGHBORS TO WEST AND EAST IN SUPPORT

September 13, 2023

To Whom It May Concern:

I am the property owner next door to Sam and Shelley Kim and have no problem with the erection of a barn in their back field.

Sincerely,



Linda L Merritt

1031 E. 199th Street

Westfield, IN 46074

317.459.6006

Matthew McWhorter
1007 E199th St
Westfield, IN 46074

9/13/2023

I Matthew McWhorter support my neighbor the Kim's desire for a barn on their property at 1019 E 199th St in Westfield.

Sincerely
Matthew McWhorter

