



CITY OF WESTFIELD, IN
BoardofZoningAppeals_Meeting_Agenda_09_14_2021

Tuesday, September 14, 2021 at 07:00 PM

BOARD OR COMMISSION: Board of Zoning Appeals (BZA)

MEETING DATE: Tuesday, September 14, 2021 at 07:00 PM

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

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

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

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

OPENING OF REGULAR MEETING

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

Note the presence of a quorum

Approval of Minutes

August 10, 2021

Documents: [BZA August 10, 2021-Minutes](#)

Review Rules & Procedures

ITEMS OF BUSINESS:

2108-VU-03 [PUBLIC HEARING]

217 Mill Street

4E by WKRP Indy

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

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

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Proposed Site Plan](#) | [Exhibit 4: Statement of Intent](#) | [Exhibit 5: Application](#)

2109-VS-33 [PUBLIC HEARING]

603 W 216th Street

Michael Quinn

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

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

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

2109-VS-34 [PUBLIC HEARING]

16334 River Crest Court

Scott Shanks

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

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

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Site Plan](#) | [Exhibit 4: Existing Conditions](#) | [Exhibit 5: HOA Approval](#)

2109-VS-35 [PUBLIC HEARING]

3810 W 146th Street

Indy Latin School

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

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

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

2109-VS-36 [PUBLIC HEARING]

17101 Rushmore Road

Michael Gray by Vive Exterior Design

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

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

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Proposed Site Plan](#) | [Exhibit 4: Pool Design](#) | [Exhibit 5: Existing Conditions](#) | [Exhibit 6: Application](#)

ITEMS CONTINUED TO A FUTURE MEETING:

None

REPORTS/COMMENTS:

Plan Commission Liaison

Community Development Department

ADJOURNMENT



Westfield–Washington Township Board of Zoning Appeals (BZA)

Minutes of the Tuesday, August 10, 2021 BZA Meeting

Presented for approval: September 14, 2021

The Westfield-Washington Township Board of Zoning Appeals met at 7:00 p.m.
on Tuesday, August 10, 2021 at Westfield City Hall.

Active Links for this Meeting:

[August 10, 2021 BZA Agenda & Exhibits](#)

[August 10, 2021 YouTube Video](#)

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

OPENING OF MEETING *YouTube Time: 0:25*

ROLL CALL

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

BZA Members Present Virtually: None

BZA Members Absent: Jeff Boller.

City Staff Present: Daine Crabtree, Associate Planner; Caleb Ernest, Associate Planner; Rachel Riemenschneider, Associate Planner

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

APPROVAL OF MINUTES

Fortier motioned to approve the July 13, 2021 Minutes.

Morales seconded. Motion passed. Vote 4-0.

REVIEW RULES AND PROCEDURES

Crabtree reviewed BZA rules and procedures.

BZA Resolution 21-01 *YouTube Time: 3:31*

Establishing a Virtual Meeting Policy.

McCarty motioned to approve BZA Resolution 21-01.

Fortier seconded. Motion passed. Vote 4-0.

ITEMS OF BUSINESS

2108-SE-02 [PUBLIC HEARING] *YouTube Time: 8:31*

2909 E State Road 32 / Next Gear Auto Sales

The Petitioner requests an extension for an existing Special Exception for a Very High Intensity Retail Use (Auto Sales) on 1.93 acres +/- in the GB: General Business District and State Highway 32 Overlay District (Articles 4.16(B) & 13.2).

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

Public Hearing for 2108-SE-02 opened at 7:10 p.m.

- No public comments.

Public Hearing for 2108-SE-02 closed at 7:11 p.m.

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

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

Schmitz motioned to approve 2108-SE-02 subject to Staff conditions.
Fortier seconded. Motion passed. Vote 4-0.

Schmitz motioned to adopt Staff's Findings of Fact for 2108-SE-02.
Fortier seconded. Motion passed. Vote 4-0.

2108-VU-03 [WITHDRAWN]

15718 Towne Road / Dannon and Andrea Brown

The Petitioners request Variances of Development Standard to modify the Minimum Lot Frontage from 250 feet to 220 feet and modify the Minimum Lot Area from 3 acres to 1.3 acres +/- to permit the subdivision of a 2.77 acre +/- parcel in the AG-SF1: Agriculture/Single-Family Rural District (Articles 4.2(C) and (D)).

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

2108-VS-28 [PUBLIC HEARING] YouTube Time: 15:03

15500 Viking Crusader Court / Heather Hohla

The Petitioner requests a Variance of Development Standard to encroach ten (10) feet into the twenty-five (25) foot Minimum Rear Yard Setback on 0.57 acres +/- in the Viking Meadows PUD District to accommodate a swimming pool, deck, and associated accessory structure.

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

Public Hearing for 2108-VS-28 opened at 7:16 p.m.

- No public comments.

Public Hearing for 2108-VS-28 closed at 7:17 p.m.

McCarty motioned to approve 2108-VS-28 subject to Staff conditions.
Fortier seconded. Motion passed. Vote 4-0.

Schmitz motioned to adopt Staff's Findings of Fact for 2108-VS-28.
Fortier seconded. Motion passed. Vote 4-0.

2108-VS-29 [PUBLIC HEARING] YouTube Time: 20:37

Freemont Moore Road Subdivision / Mark Zielinski by Northern Commercial

The Petitioner requests a Variance of Development Standard to modify the Minimum Lot Frontage from 250 feet to 233 feet for two (2) lots and 40 feet for one (1) lot on 18.11 acres +/- in the AG-SF1: Agriculture/Single-Family Rural District.

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

Public Hearing for 2108-VS-29 opened at 7:22 p.m.

- No public comments.

Public Hearing for 2108-VS-29 closed at 7:23 p.m.

Fortier motioned to approve 2108-VS-29 subject to Staff conditions.
McCarty seconded. Motion passed. Vote 4-0.

Schmitz motioned to adopt Staff's Findings of Fact for 2108-VS-29.
Fortier seconded. Motion passed. Vote 4-0.

2108-VS-30 [PUBLIC HEARING] YouTube Time: 28:08

Flat Mountain II / Miller Surveying

The Petitioner requests a Variance of Development Standard to modify the Minimum Lot Frontage from 250 feet to 214.9 feet on 3 acres +/- in the AG-SF1: Agriculture/Single-Family Rural District (Article 4.2(D)).

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

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

Public Hearing for 2108-VS-30 opened at 7:29 p.m.

- No public comments.

Public Hearing for 2108-VS-30 closed at 7:30 p.m.

Fortier motioned to approve 2108-VS-30 subject to Staff conditions.

Morales seconded. Motion passed. Vote 4-0.

Schmitz motioned to adopt Staff's Findings of Fact for 2108-VS-30.

McCarty seconded. Motion passed. Vote 4-0.

2108-VS-31 [PUBLIC HEARING] YouTube Time: 36:39

17112 Towne Road / Michael A. Johnson

The Petitioner requests Variances of Development Standard to modify the Minimum Lot Size from 3 acres to 1.43 acres, the Minimum Lot Frontage from 250 feet to 140 feet, the Minimum Front Yard Setback from 100 feet to 77 feet, and the Minimum Side Yard Setback from 30 feet to 10 feet for the north and south lot lines on 1.43 acres +/- in the AG-SF1: Agriculture/Single-Family Rural District for building additions and a future accessory building (Articles 4.2(C), (D), (E)(1), and (E)(2)).

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

Public Hearing for 2108-VS-31 opened at 7:39 p.m.

- No public comments.

Public Hearing for 2108-VS-31 closed at 7:40 p.m.

McCarty motioned to approve 2108-VS-31 subject to the four stated modifications and the Staff condition.

Fortier seconded. Motion passed. Vote 4-0.

Schmitz motioned to adopt Staff's Findings of Fact for 2108-VS-31.

Fortier seconded. Motion passed. Vote 4-0.

Modified Motion

McCarty re-motioned to approve 2108-VS-31 subject to the four stated modifications and the Staff condition.

Schmitz seconded. Motion passed. Vote 4-0.

Schmitz re-motioned to adopt Staff's Findings of Fact for 2108-VS-31.

Morales seconded. Motion passed. Vote 4-0.

2108-VS-32 [PUBLIC HEARING] *YouTube Time: 1:09:12*

19400 Tomlinson Road / Westfield-Washington Schools by Cripe

The Petitioner requests a Variance of Development Standard to modify the maximum height of an Accessory Building from eighteen (18) feet to twenty-five (25) feet on 86.77 acres +/- in the AG-SF1: Agriculture/ Single-Family Rural District (UDO 6.1(F)).

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

Public Hearing for 2108-VS-32 opened at 8:12 p.m.

- No public comments.

Public Hearing for 2108-VS-32 closed at 8:13 p.m.

McCarty motioned to approve 2108-VS-32 subject to Staff conditions.

Fortier seconded. Motion passed. Vote 4-0.

Schmitz motioned to adopt Staff's Findings of Fact for 2108-VS-32.

Fortier seconded. Motion passed. Vote 4-0.

ITEMS CONTINUED TO A FUTURE MEETING

2108-VS-27 [PUBLIC HEARING CONTINUED]

217 Mill Street / 4E by WKRP Indy

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

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

REPORTS/COMMENTS: *YouTube Time: 1:16:57*

- Plan Commission Liaison
- Community Development Department

ADJOURNMENT *YouTube Time: 1:19:33*

Schmitz motioned to adjourn the meeting. Fortier seconded. Motion passed. Vote 4-0.

The meeting adjourned at 8:19 p.m.

Chairperson
Dave Schmitz

Secretary
Kevin M. Todd, AICP
Director



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

September 14, 2021
2109-VS-35
Exhibit 1

Petition Number: 2109-VS-35

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

Petitioner: Indy Latin School (the "Petitioner")

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

Current Zoning: Agriculture / Single-Family Rural District

Current Land Use: Agriculture

Approximate Acreage: 30.8 acres +/-

Exhibits:

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

Staff Reviewer: Rachel Riemenschneider, Associate Planner

OVERVIEW

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

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

SUMMARY OF VARIANCE

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

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

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

COMPREHENSIVE PLAN

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

PROCEDURAL

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

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

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

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

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

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

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

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

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

ordinance. Variances may be approved under Indiana Code § 36-7-4-918.5 only upon a determination in writing that:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.

DEPARTMENT COMMENTS

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

Recommended Conditions for Approval:

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

Recommended Findings for Approval of the Variance of Development Standard:

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

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

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

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

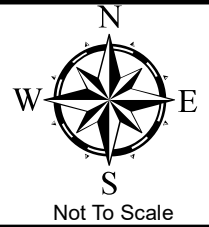
3. *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.*

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

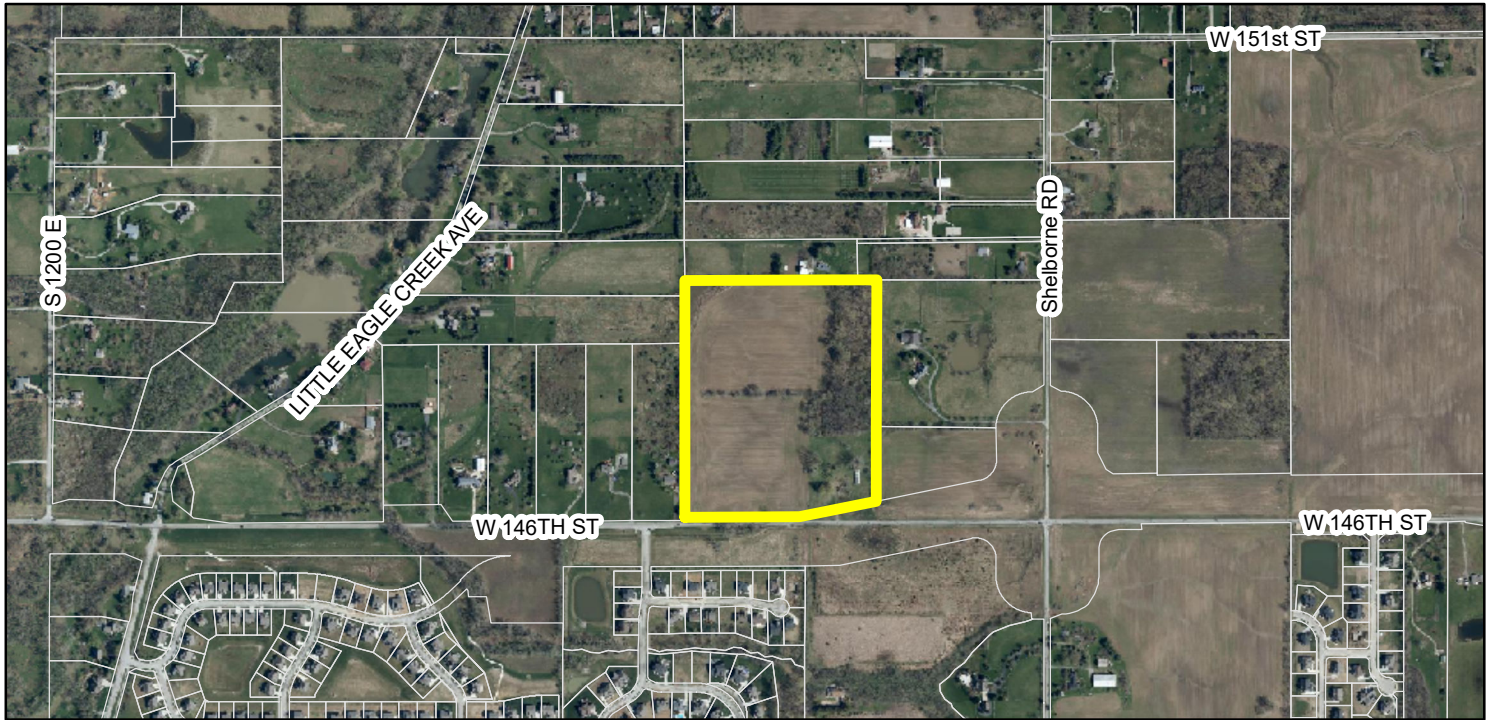
Denial: If the Board is inclined to deny the requested variances, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings consistent with the public hearing evidence and Board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



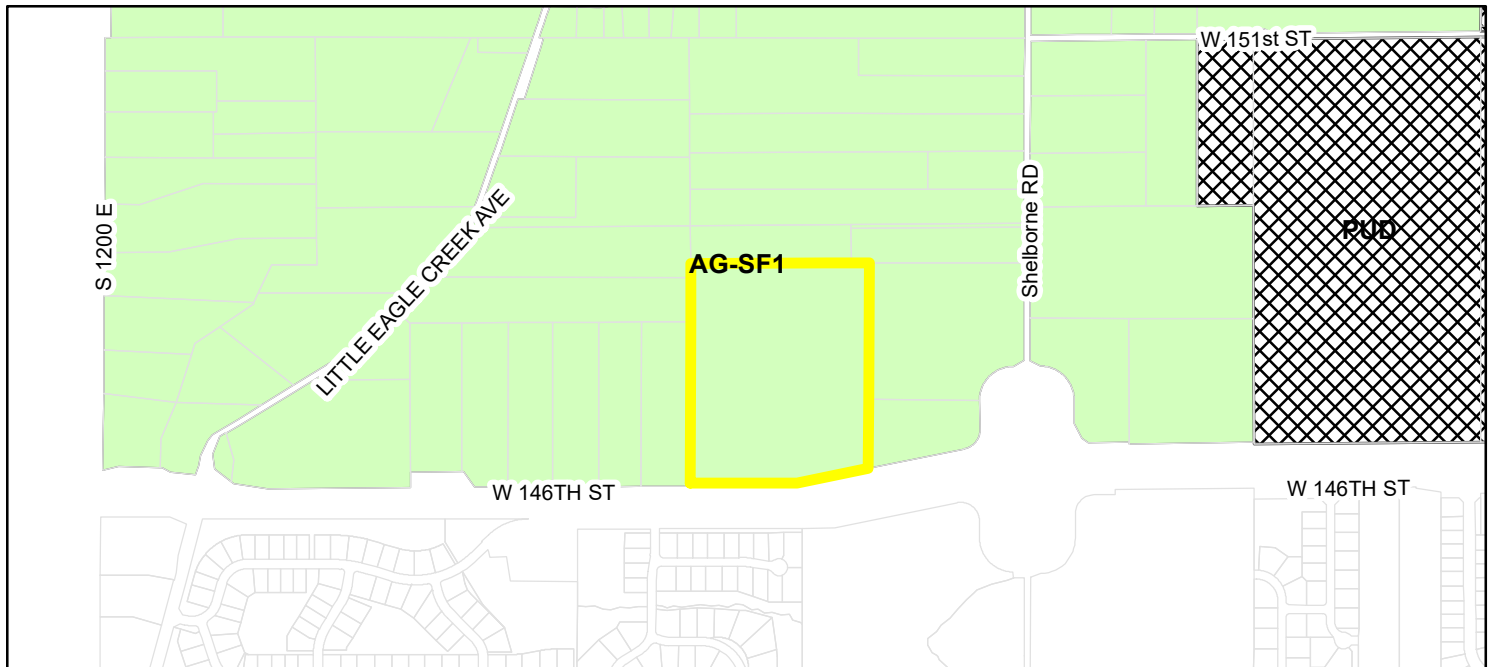
Property Location Map
Highlands Latin School
2109-VS-35



Aerial Location Map



Zoning Map



 Highlands Latin School

 Parcel

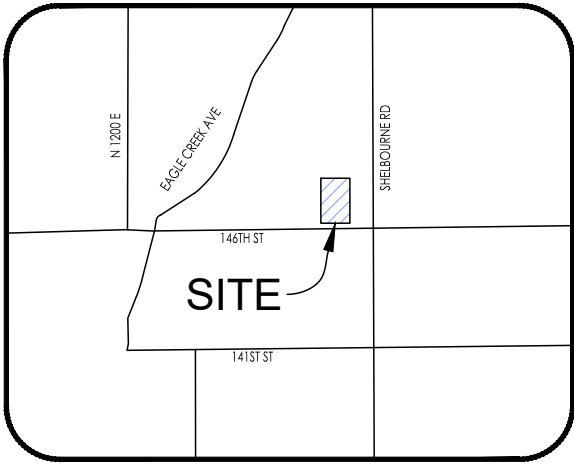
Zoning

 AG-SF1 (Agriculture - Single Family - 1)

 PUD (Planned Unit Development)

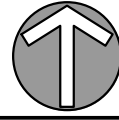
OVERALL DEVELOPMENT PLAN FOR HIGHLANDS LATIN SCHOOL

3810 W 146th Street
Westfield, Indiana 46074

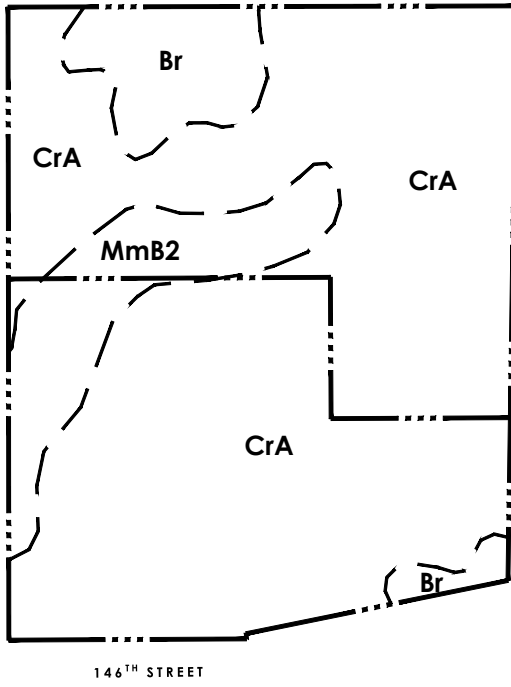


LOCATION MAP

WESTFIELD, INDIANA

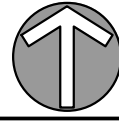


NOT TO SCALE



SOILS MAP

WESTFIELD, INDIANA



1" = 400'

Map Unit:

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

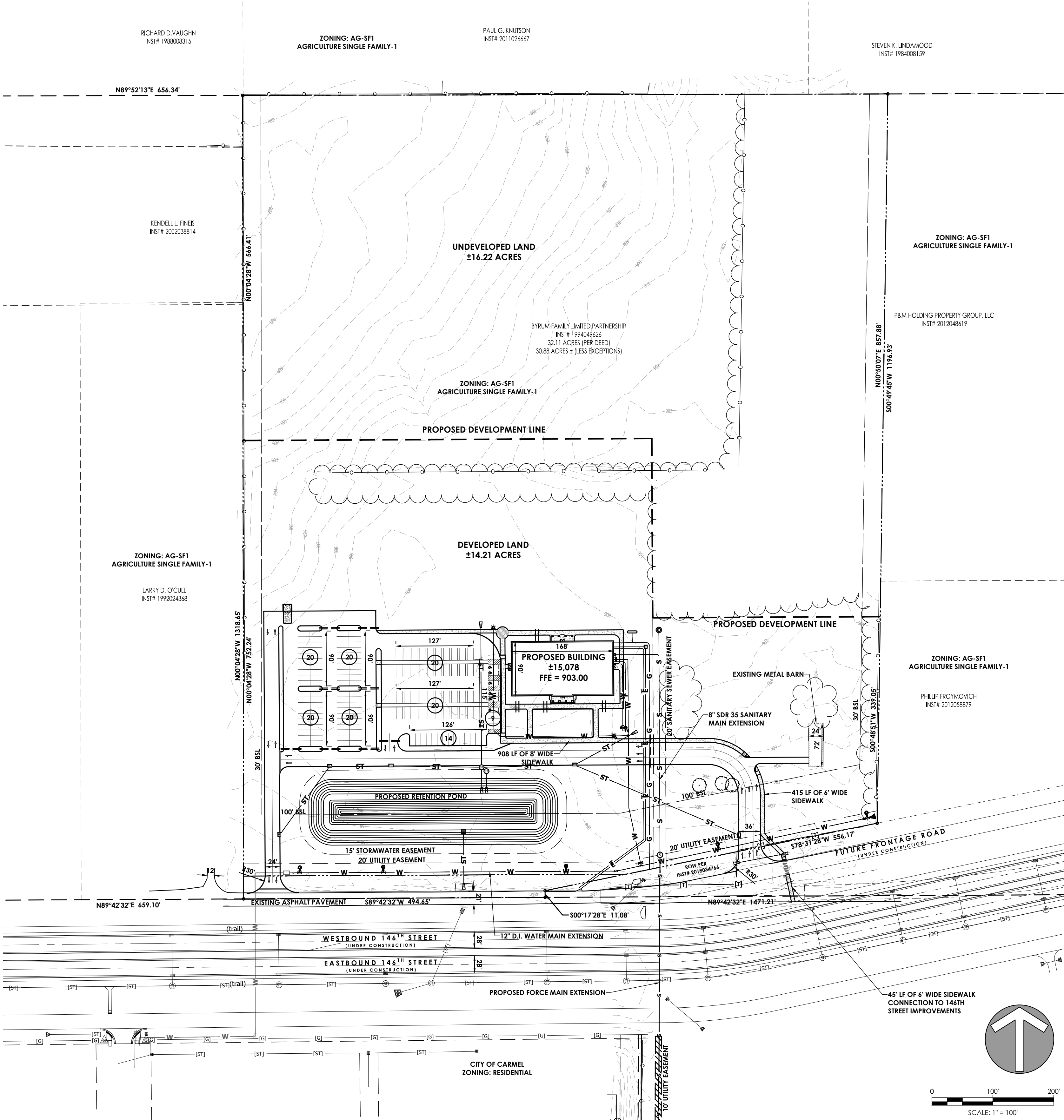
This poorly drained soil has a seasonal high watertable above the surface or within 1' and is in depressions. Permeability is moderately slow and available water capacity is high. This soil responds well to tile drainage.

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

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

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

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



LEGEND OF EXISTING FEATURES

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

LEGEND OF PROPOSED FEATURES

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

CONSULTANT TEAM

DEVELOPER/OWNER

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

CONTACT: TIM HUSTON
EMAIL: thuston@indylatinschool.org

CIVIL ENGINEER & LAND SURVEYOR

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

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

ARCHITECT

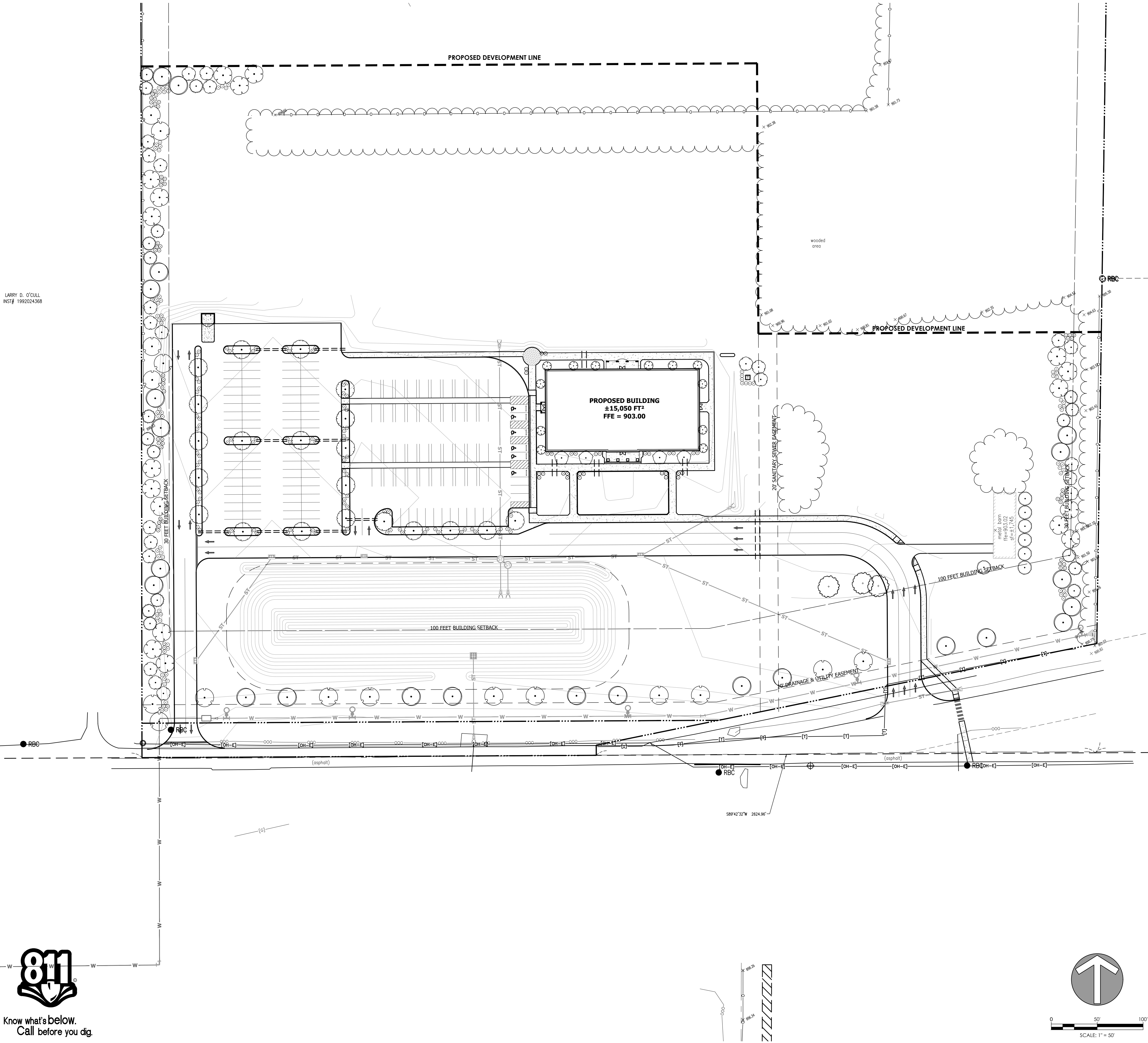
SRS ARCHITECTS, INC
200 S RANGELINE ROAD
SUITE 226
CARMEL, INDIANA 46032
PH: (317) 989-6248

CONTACT: STU SHADE
EMAIL: sshade@mitschdesign.com



Know what's below.
Call before you dig.

LARRY D. O'CULL
INST# 1992024368



LEGEND OF EXISTING FEATURES

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

REVISION BLOCK

NOT FOR
CONSTRUCTION

DATE
08/12/2021

DRAWN BY
MAR

CHECKED BY
MAT

**HAMILTON
DESIGNS**
A LIMITED LIABILITY COMPANY

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

CONSTRUCTION PLANS FOR:
HIGHLANDS LATIN HIGH SCHOOL

3810 W 146th Street
Westfield, Indiana 46074

HIGHLANDS LATIN HIGH SCHOOL

1010 E 126th Street
Carmel, Indiana 46033

PROJECT NO.
2019-0190

DATE
08/12/2021

SCALE
1" = 50'

SHEET NAME
**LANDSCAPE
PLAN**

SHEET NO.

LP-101



Know what's below.
Call before you dig.

VARIANCE APPLICATION

OFFICE USE ONLY

DOCKET #: _____ FILING DATE: _____

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

PRE-FILING CONFERENCE

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

PRIOR OR RELATED DOCKET NUMBERS

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

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

APPLICANT INFORMATION

APPLICANT'S NAME: _____ TELEPHONE: _____

ADDRESS: _____ EMAIL: _____

PROPERTY OWNER'S NAME: _____ TELEPHONE: _____

ADDRESS: _____ EMAIL: _____

REPRESENTATIVE'S NAME: _____ TELEPHONE: _____

COMPANY: _____ EMAIL: _____

ADDRESS: _____

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: _____

COUNTY PARCEL ID #(S): _____

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

PROPERTY AND PROJECT INFORMATION

☐ VARIANCE OF LAND USE CODE CITATION: _____

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

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

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

APPLICANT AFFIDAVIT

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

Tim S. Huston
Applicant/Representative (signature)

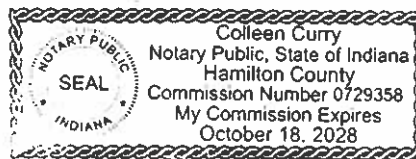
Tim S. Huston
Applicant/Representative (printed)

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

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

Colleen Curry
Notary Public (signature)

Colleen Curry
Notary Public (printed)



PROPERTY OWNER AFFIDAVIT

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

Tim S. Huston
Property Owner (signature)*

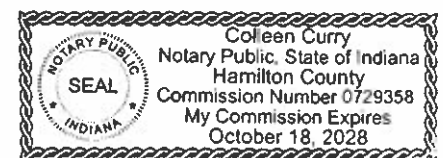
Tim S. Huston
Property Owner (printed)

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

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

Colleen Curry
Notary Public (signature)

Colleen Curry
Notary Public (printed)



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

FINDINGS OF FACT (VARIANCE OF DEVELOPMENT STANDARD)

APPLICANT: _____ **DOCKET #:** _____

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

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

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

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

GENERAL INSTRUCTIONS

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



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

September 14, 2021

2109-VS-33

Exhibit 1

Petition Number: 2109-VS-33

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

Petitioner: Michael Quinn ("the Petitioner")

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

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

Current Land Use: Residential

Approximate Acreage: 8.96 acres +/-

Exhibits:

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

Staff Reviewer: Daine Crabtree, Associate Planner

OVERVIEW

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

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

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

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

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

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



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

September 14, 2021

2109-VS-33

Exhibit 1

SUMMARY OF VARIANCE

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

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

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

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

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

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

PROCEDURAL

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

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

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

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

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

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



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

September 14, 2021

2109-VS-33

Exhibit 1

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

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

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.

DEPARTMENT COMMENTS:

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

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

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

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

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

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



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

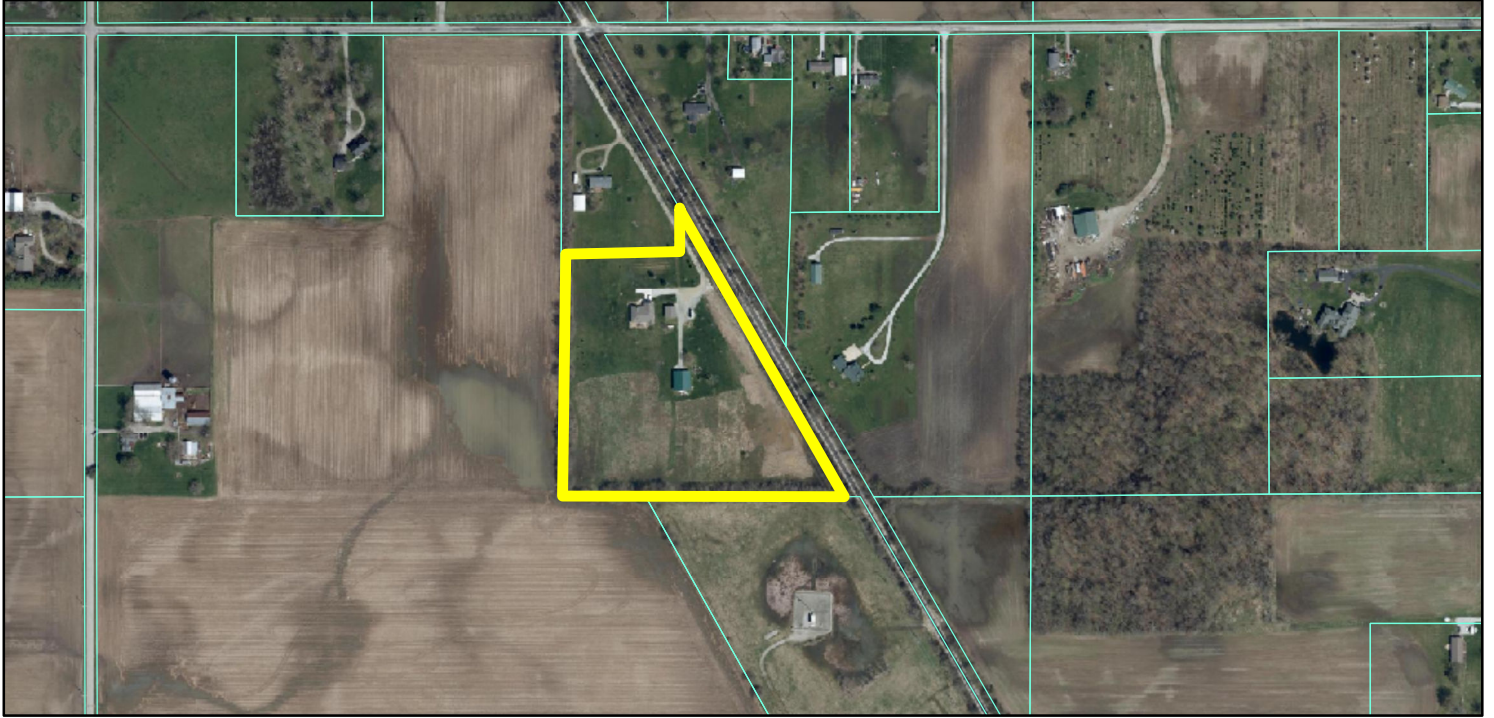
Recommended Conditions:

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

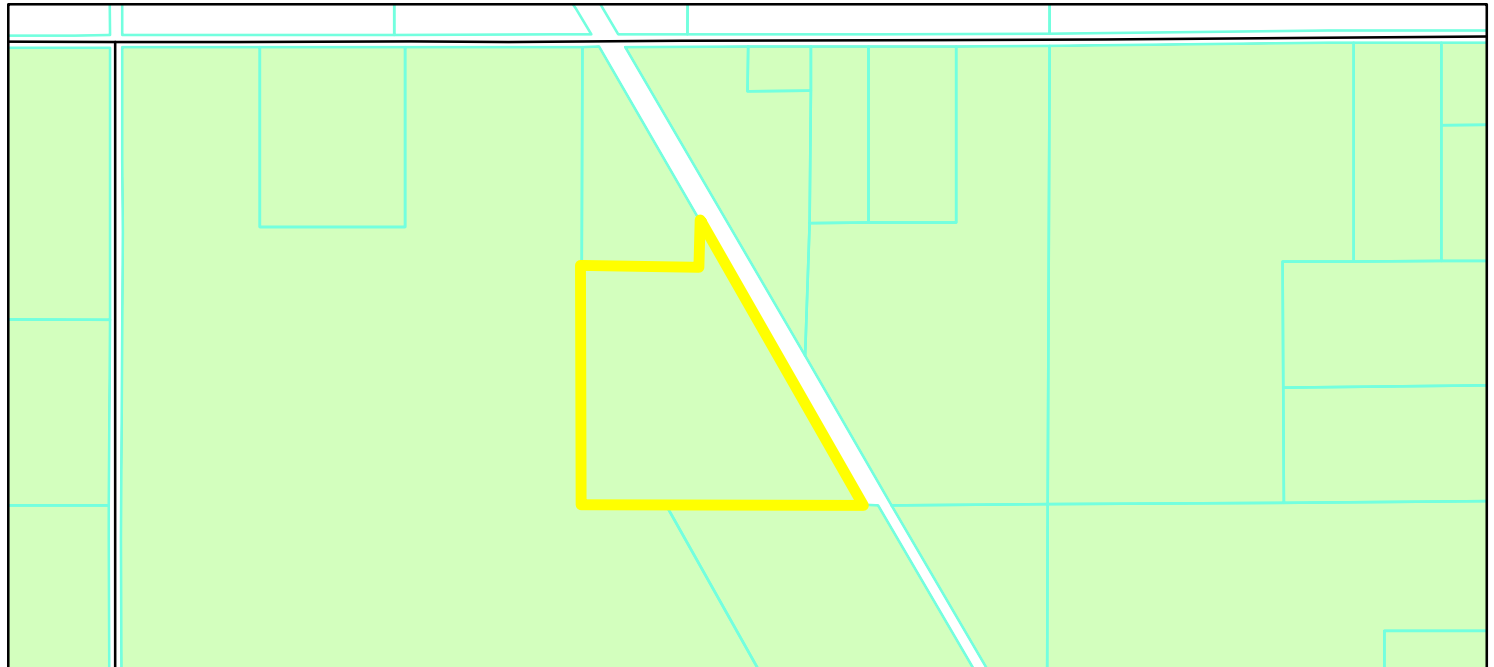
Denial: If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.

Aerial Location Map

 Site



Zoning Map

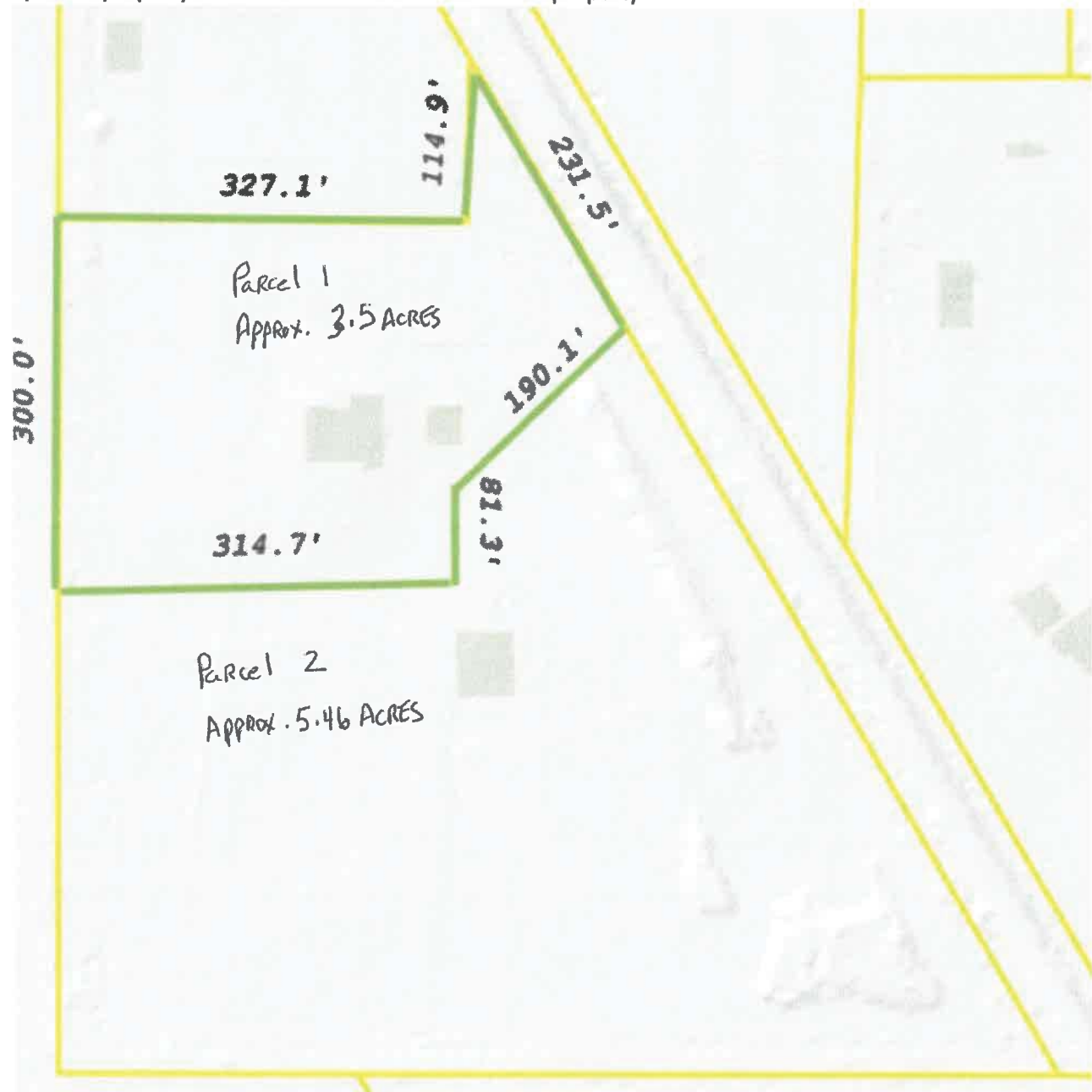


GIS.DBO.PW_Streets Zoning
Parcel
Parcel
Zoning - All
AG-SF1 (Agriculture - Single Family - 1)

0 0.05 0.1
Miles



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



Property 1 with current House and detached garage

Property 2 with barn – proposed future house build



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

September 14, 2021

2109-VS-34

Exhibit 1

Petition Number: 2019-VS-34

Subject Site Address: 16334 River Crest Court ("the Property")

Petitioner: Scott Shanks ("the Petitioner")

Request: The Petitioner requests a Variance of Development Standard to encroach nine (9) feet into the thirty (30) foot Rear Yard Setback to accommodate a swimming pool and deck on 0.50 acres +/-

Current Zoning: SF-2: Single-Family Low Density (With Commitments)

Current Land Use: Residential

Approximate Acreage: 0.57 acres +/-

Exhibits:

1. Staff Report
2. Location Map
3. Site Plan
4. Existing Conditions
5. HOA Approval

Staff Reviewer: Daine Crabtree, Associate Planner

OVERVIEW

Location: The subject property is 0.57 acres +/- in size (the "Property") and located at 16334 River Crest Court in the Brookside subdivision (see **Exhibit 2**).

Requested Variances: The petitioner is requesting a Variance of Development Standard to encroach nine (9) feet into the thirty (30) foot Minimum Rear Yard Setback as further described herein.

SUMMARY OF VARIANCE

The Property is currently subject to the SF-2: Single Family Low-Density Standards as set forth in the Westfield-Washington Township Unified Development Ordinance (UDO) along with Commitments (Ord. 00-28) The zoning sets forth a minimum rear yard setback line of thirty (30) feet. The Petitioner is requesting this variance to encroach nine (9) feet into the thirty (30) foot Minimum Rear Yard Setback to accommodate a swimming pool and deck, as illustrated on the Site Plan (see **Exhibit 3**).



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

September 14, 2021

2109-VS-34

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 September 14, 2021, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals’ Rules of Procedure.

Conditions: The 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

September 14, 2021

2109-VS-34

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 (2109-VS-34):

- 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: Single Family Low-Density District and Ordinance 00-28.

- 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.



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 the inability to improve the property as proposed and would result in the construction of a swimming pool and deck that would not suit the needs of the Petitioner.

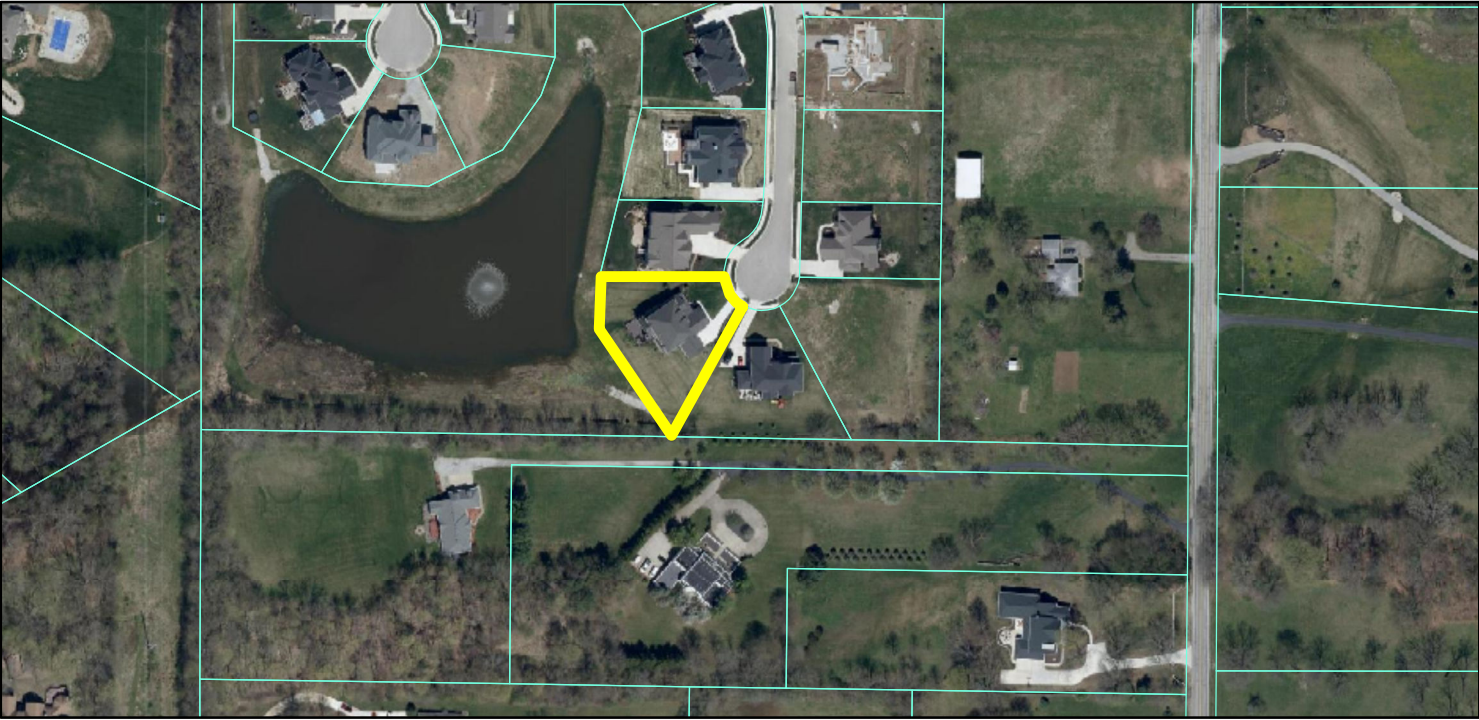
Recommended Conditions:

- That the Property be developed in substantial compliance with 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 Economic and Community Development Department.

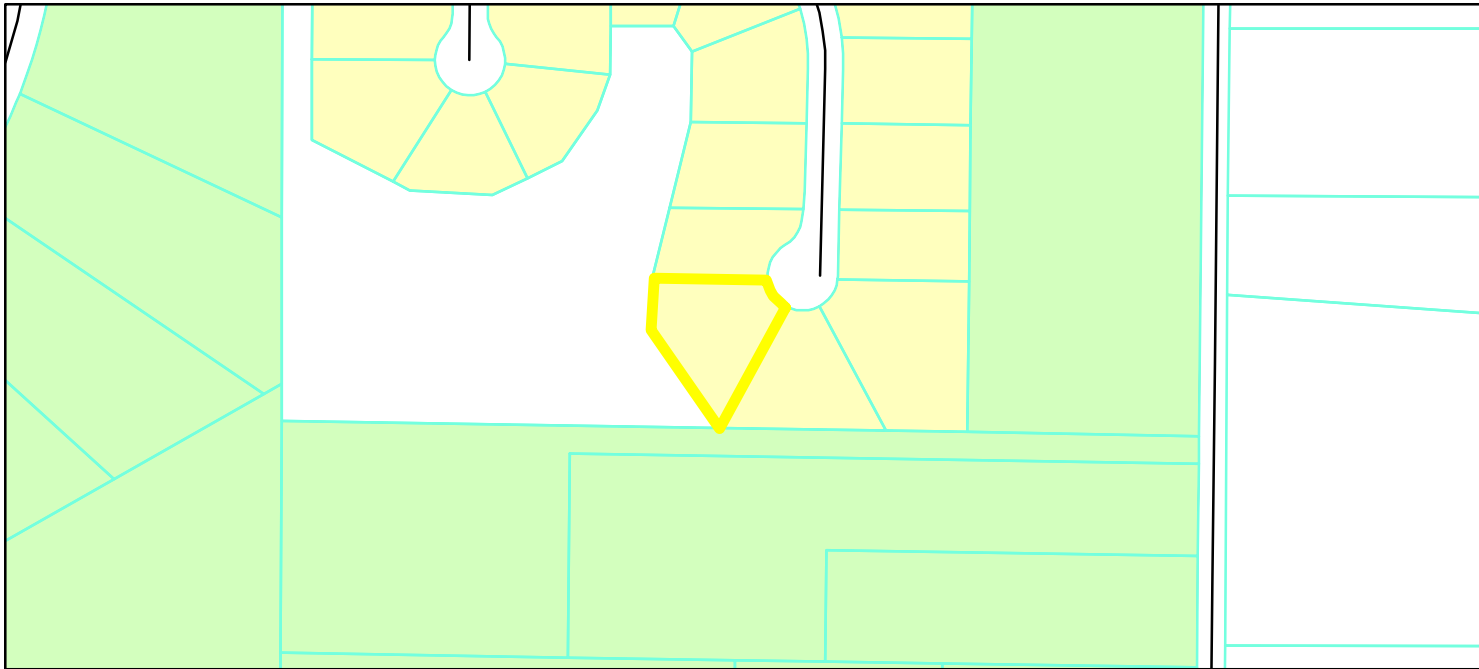
Denial: If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.

Aerial Location Map

 Site



Zoning Map



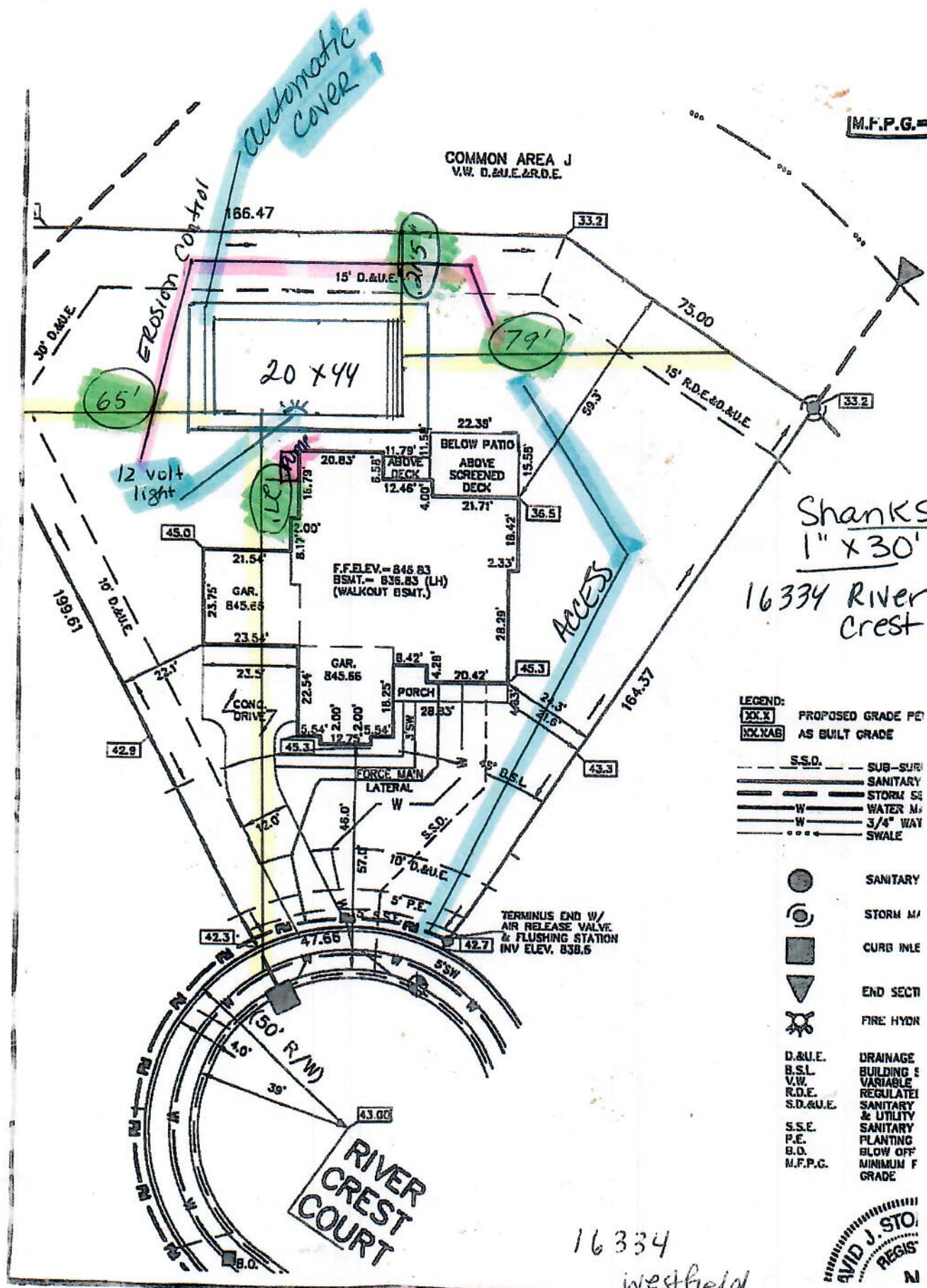
GIS.DBO.PW_Streets
Parcel
Parcel
Zoning - All

Zoning

AG-SF1 (Agriculture - Single Family - 1)
SF-2 (Single Family - 2)

0 0.025 0.05
Miles





M.F.P.G.

COMMON AREA J
V.W. D.&U.E. & R.D.E.

Shanks
1" x 30'
16334 River
Crest Ct.

LEGEND:
[X]X[X] PROPOSED GRADE PER
[X]X[X] AS BUILT GRADE

S.S.D. SUB-SURF
SANITARY
STORM SE
WATER M
3/4" WAY
SWALE

● SANITARY
○ STORM M
■ CURB INLE
▼ END SECT
☼ FIRE HYDR

D.&U.E. DRAINAGE
B.S.L. BUILDING S
V.W. VARIABLE
R.D.E. REGULATE
S.D.&U.E. SANITARY & UTILITY
S.S.E. SANITARY
P.E. PLANTING
B.O. BLOW OFF
M.F.P.G. MINIMUM F
GRADE

16334
westfield

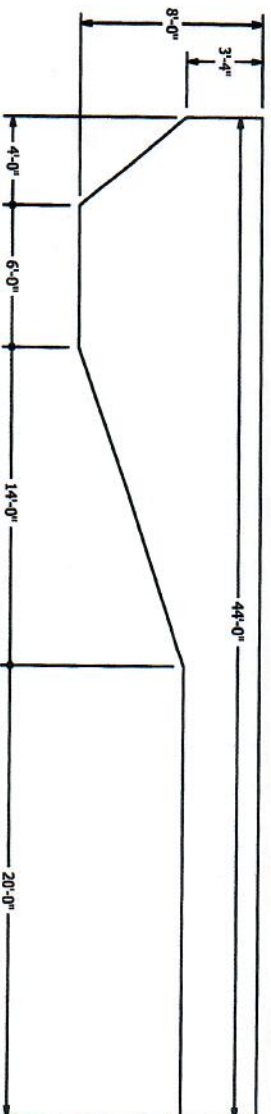
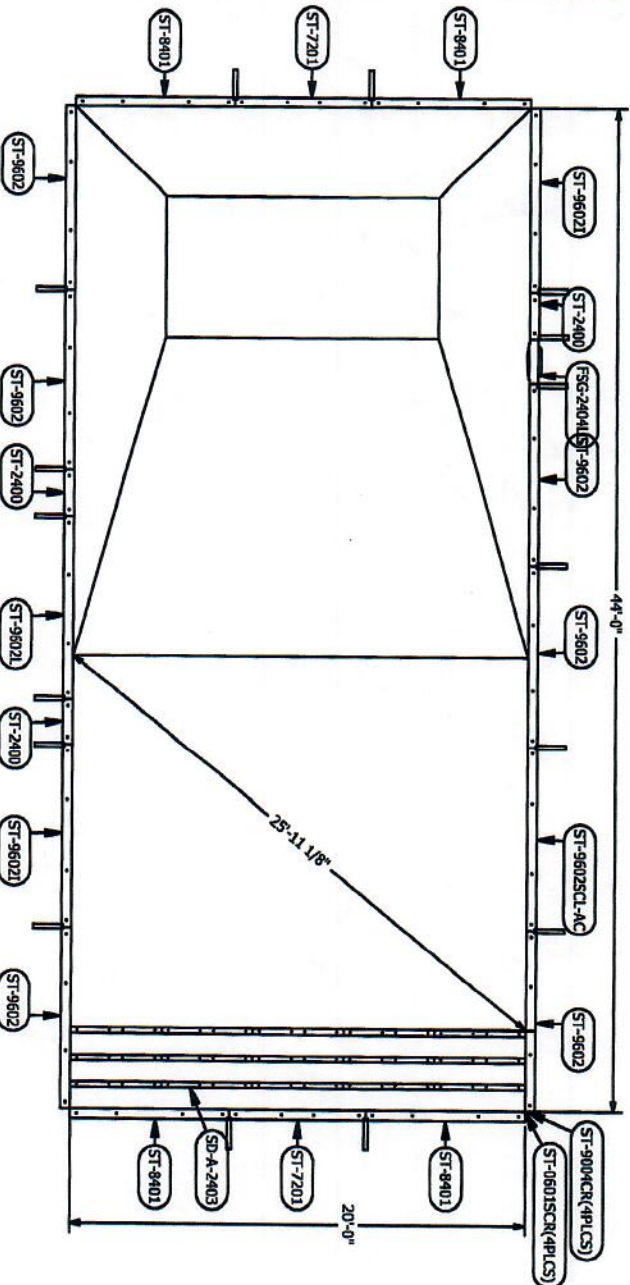
AVID J. STO
REGIS
N

20' X 44' RECTANGLE 06"R/90DEG

***THIS DRAWING REPRESENTS CUSTOMER SPECIFICATIONS
*YOUR SIGNATURE ACKNOWLEDGES ACCEPTANCE.**

SIGN: _____ DATE: _____

SIGN: _____ **DATE:** _____



THIS DOCUMENT IS NOT ILLUSTRATIVE ONLY.

Only Alpha Pool Products make only those representations which are stated in its written warranty. Any other representations, statements, or contracts made by the dealer/contractor to the customer regarding any component's produced by Oly Alpha pool products are attributable to the dealer/contractor only. The dealer or contractor who sells or installs your pool is an independent contractor and is not an agent or employee of Oly Alpha Pool Products. The construction methods illustrated here are suggestions and apply only to normal ground conditions. There may be additional prescriptive and/or method of construction. The responsibility is the contractors'. Only alpha Pool Product It is being primarily installed 1' to 6" below side of the product at most slope change - different methods and precautions may be dictated by various ground conditions This is to be determined by and it is the responsibility of the contractor who is installing the liner. If you believe soil is in accordance with all federal, state and local building codes as well as AIA/SLS/LSL-2 specified standards. BOTTOM SPECIFICATIONS MUST MEET OR EXCEED ALL U.S., N.E.C.A./S.P.A., INTERNATIONAL STANDARDS AND CODES. IF ANY OF THE ABOVE ARE VIOLATED BY YOUR CONTRACTOR, YOU WILL BE RESPONSIBLE FOR REMEDIATION COSTS TO BRING THEM INTO COMPLIANCE WITH APPLICABLE STATE AND LOCAL CODES AND REGULATIONS. VIOATING THE GUIDELINES ESTABLISHED BY ANSI/APSP/ICCRA RECOMMENDED STATUTORYS, AND IT ACCORDANCE WITHALL APPLICABLE STATE AND LOCAL CODES AND REGULATIONS MAY RESULT IN FINES, PENALTIES, AND/OR CRIMINAL CHARGES.

Only
Alpha
Pool Products









A • R • M • O • U • R

PROPERTY MANAGEMENT, LLC

“We Manage Neighborhoods, like they’re Our Own”

August 30, 2021

Scott Shanks
16334 River Crest Ct.
Westfield, IN 46062

I am pleased to inform you the Architectural Review Committee has approved your request for the following item(s):

Install 20’ x 44’ inground pool with automatic pool cover per request submitted and proposal by Tropic Pools.

Please be aware of the following conditions:

- You ensure that the pool plan meets local zoning requirements.
- You are responsible for maintaining proper drainage in the area affected by the work.

It is your responsibility to obtain any necessary permits and follow the guidelines mandated by the county, city, or state and to ensure all improvements are within your property lines and setbacks. Also, be aware that you are responsible at your expense to move anything in the easement if a utility company needs to have access to that area. This approval covers the inground pool but does not address an outdoor kitchen.

If you have any questions, please feel free to contact our office. Thank you for submitting your request.

Regards,

Nancy Bates

Managing Agent
Armour Property Management, LLC



Petition Number: 2108-VU-03

Subject Site Address: 217 Mill Street (the "Property")

Petitioner: 4E, LLC (the "Petitioner")

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

Current Zoning: MF1: Multi-family Low Density

Current Land Use: Residential

Approximate Acreage: 0.32 acres+/-

Exhibits:

1. Staff Report
2. Location Map
3. Proposed Site Plan
4. Statement of Intent
5. Application

Staff Reviewer: Caleb Ernest, Associate Planner

PROPERTY INFORMATION

The subject property is 0.32 acres +/- in size and is located at 217 Mill Street (see **Exhibit 2**). Adjacent properties to the north and south are also zoned MF1 District. Adjacent properties to the west are zoned MF1 and Park Street in Junction Planned Unit Development (PUD) District. The adjacent property to the east is zoned the Grand Junction Plaza PUD District.

VARIANCE REQUEST

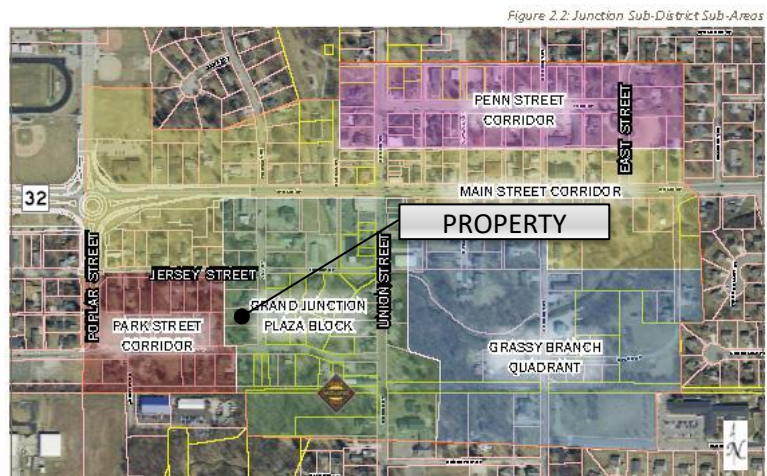
The Petitioner is requesting a variance of use to permit a Gift and Coffee Shop with bakery and limited seating. These type of uses fall under the Low Intensity Retail Use. The use classification "Low Intensity Retail"¹ is not a permitted use within the MF1 District.

¹ Chapter 12 of the UDO defines "Retail businesses that have a low impact on neighboring properties, traffic generation, and public safety. Example businesses include, but are not limited to: ...bakery with limited seating...gift shop..."

COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan identifies the property within the “Downtown” land use classification. The “Downtown” area was further studied in 2008 after the formation of the Grand Junction Task Group (the “GJTG”). The study resulted in an amendment to the Comprehensive Plan known as the Grand Junction Master Plan and Addendum, adopted in 2009, and then subsequently the adoption of the Grand Junction Implementation Plan (the “Implementation Plan”), an amendment to the Comprehensive Plan adopted in 2013. The studied land use component of the Implementation Plan identified several sub-districts.

In 2015, the Grand Junction Addendum: Sub-Districts of the Grand Junction was adopted, and then amended in May, 2016, to include the Junction Sub-District (the “[Sub-District Addendum](#)”). The subject property is located within - the Junction Sub-District. The Sub-District Addendum further identifies this property as being located within the “Grand Junction Plaza Block”. The Sub-District Addendum provides a detailed vision for the Junction Sub-Districts, as established by the Implementation Plan, and the various sub-areas established by the Sub-District Addendum.



The vision for the Junction Sub-District is to accommodate future mixed-use development and redevelopment with the core of downtown by balancing the historic charm and character with contemporary, place for visitors and residents to connect, shop, eat, live, work and be entertained. The Junction Sub-District is intended to serve as a focal point for the community, and is where a complete range of goods, services and entertainment are located.

Report continued on next page.

The desired character for the “Grand Junction Plaza Block” is characterized as follows (pg. 22 of the Sub-District Addendum):

The plaza provides key connections with intersecting trail systems and is designed to engage within the plaza while also embracing its surroundings (see Figure 2.7: Plaza Site Framework). As a result, the block surrounding the plaza warrants special attention to ensure the redeveloped built environment is done in harmony with the plaza.

Even though this sub-area may overlap other sub-areas, the Grand Junction Plaza Block takes precedence and should have a more urban form than the village or old town form of other sub-areas.

All buildings should be a minimum of three stories in height, with three to six stories encouraged. First floor facades should be designed for a pedestrian-scale and contribute to the public realm to which it abuts. The public realm between buildings and the plaza should engage the plaza with: pedestrian scale details (furniture, signs, awnings); outdoor dining areas; front doors open towards the plaza; transparent storefront glass for most of the first floor; and, parking in the rear or sides of buildings.

Land uses are encouraged to be a mix of uses typically associated with central business and entertainment districts. Residential uses should be restricted from the first floor within this sub-area.

The Sub-District Addendum further establishes recommended design requirements (e.g., parking (pg. 44) landscaping (pg. 48), lighting (pg. 55), signage (pg. 52), architecture (pg. 56, pg. 60), land uses (pg. 23) for development within the Park Street Corridor.

PROCEDURAL

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

Conditions: The 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

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

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

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:

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

Recommended Conditions for Approval:

1. That the approval be limited to a Gift and Coffee Shop with a bakery and limited seating, as described in the Statement of Intent (see **Exhibit 4**); and
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:

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

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

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

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

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

Finding: The use of Low Intensity Retail Use (Gift and Coffee Shop with a bakery) is not permitted within the MF1: Multi-Family Low Density District. The Comprehensive Plan and subsequent Comprehensive Plan Addendums have identified an emerging economic development opportunity in downtown. As this redevelopment will occur overtime, the transitional period warrants the adaptive reuse of existing structures to promote downtown as a destination and lively center to the community.

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

Finding: The use of Low Intensity Retail is not permitted within the MF1: Multi-Family Low Density District. Strict adherence to the Zoning Ordinance would allow for arguably more intense uses (nursing home, assisted living facilities, daycare); however, would not permit less intense, Gift and Coffee Shop with a bakery use.

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

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



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

September 14, 2021

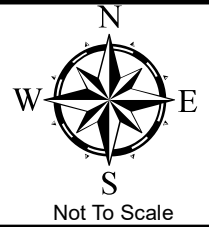
2108-VU-03

Exhibit 1

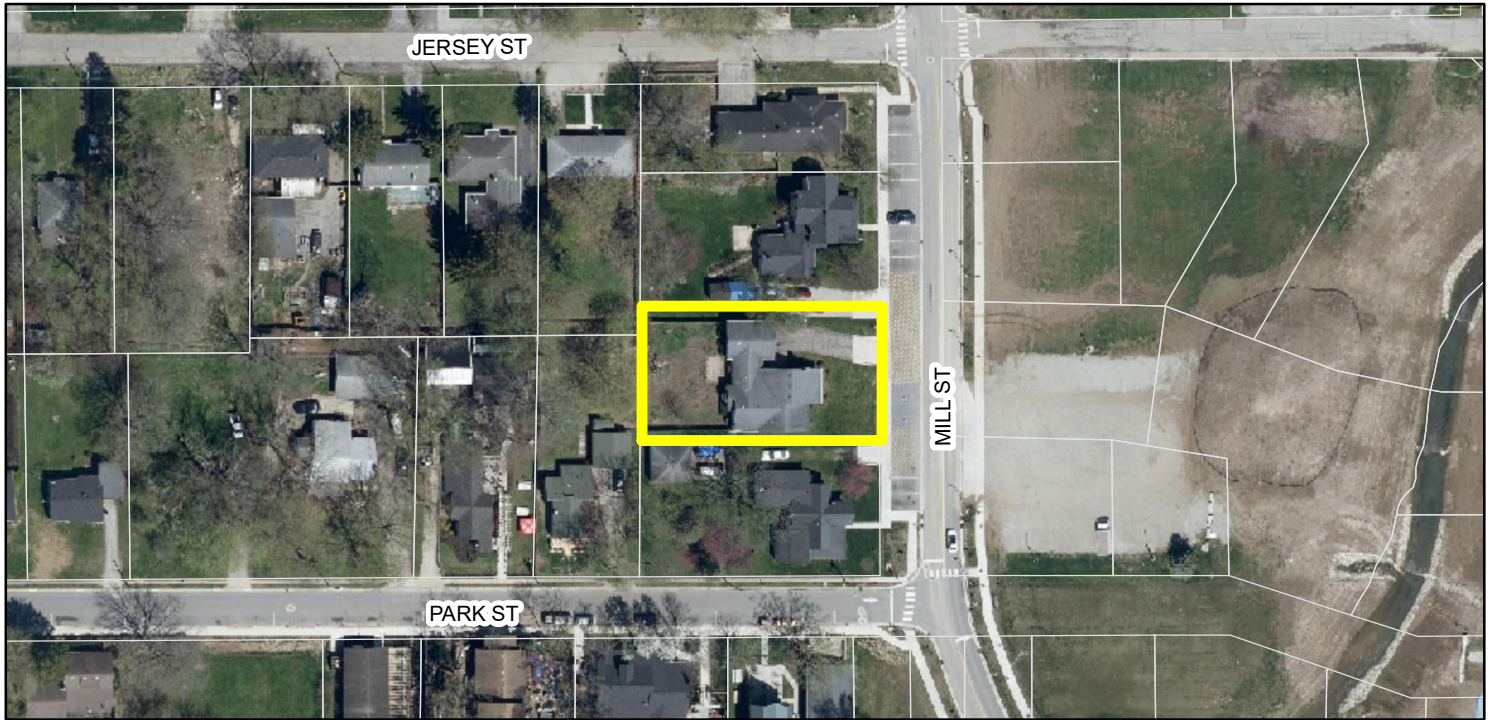
Denial: If the Board is inclined to reject or deny the Variance of Use, then the Department recommends denying the Variance of Use, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence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



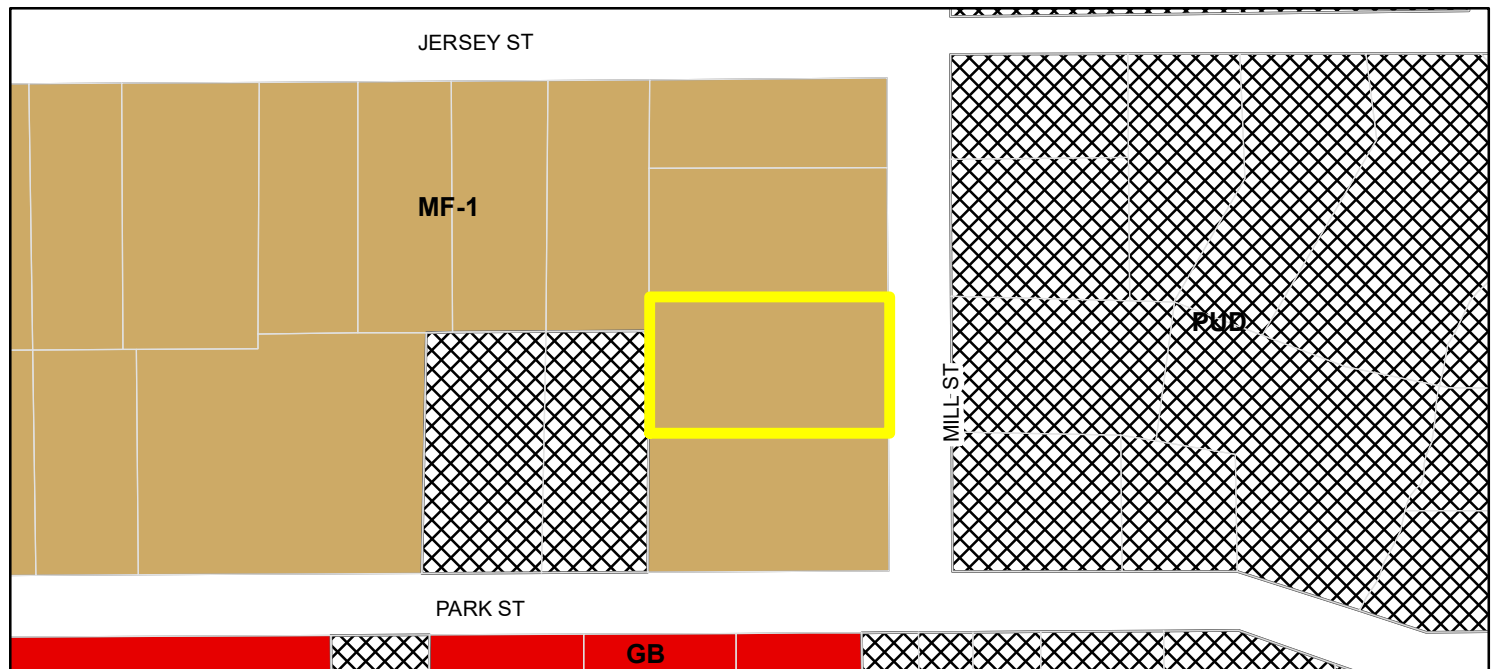
Property Location Map
217 Mill Street
Variance of Use
2108-VU-03



Aerial Location Map



Zoning Map



- Parcel
- Zoning**
- Zoning - All**
- GB (General Business)
 - MF-1 (Multiple Family - 1)
 - PUD (Planned Unit Development)

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.

Note: Due to the lack of qualified monumentation found, the accuracy of this report is limited to $3' \pm$.

[illegible]


 Right-of-Way Fence±



www.hahnsurveying.com



Drawn By: MAG
Job No.: S21-3448
Sheet 2 of 2



317-428-8994
8459 Castlewood Drive, Suite D
Indianapolis, IN 46250

June 14, 2021

Re: 217 Mill Street, Westfield, IN 46074

Dear Grand Junction Task Group:

The purpose of this letter is to begin the request for a variance for 217 Mill Street. We would like to give you a little background about our team, our company, and our vision for the property.

Personal Information:

Something Splendid is a female owned gifting company- started by sisters, Elyse & Erynn Petruzzi, along with our best friend, Allison Pirtle. We started Something Splendid with a clear mission: to simplify the entire gifting process by serving as a curator and concierge. We have always had a passion for gift giving and have a knack for finding the perfect, unique gifts. Between the three of us, we have deep roots in Carmel and Westfield area. Elyse & Erynn are Carmel grads who attended DePauw University & Indiana University respectively. Allison, a HSE grad went to Purdue University. In the past five years, we all have purchased homes in downtown Carmel and are very committed to supporting local businesses in the surrounding areas of our homes. With 2 uncles who have businesses in Westfield and our parents living in Chatham Hills for the past 4 years, downtown Westfield has become a favorite of ours to visit. Elyse & Erynn come from a long line of entrepreneurs, with their father being an entrepreneur for the past 35 years in Central Indiana. He has successfully started, built, and sold five business over that time period and employed hundreds during that time frame. In 2019 and inspired by our father, we decided to start our own business- we liked the idea of starting something from scratch, becoming solid citizens in our community, and being able to help our team members with their future prosperity and family needs. We have always been enthusiastic about giving back to our community & are committed to supporting organizations through our Gift & Giveback program.



317-428-8994
8459 Castlewood Drive, Suite D
Indianapolis, IN 46250

About Something Splendid:

In 2019, we started Something Splendid in Elyse's spare bedroom. For the first year of business, we all worked full time for our previous employers and built and created Something Splendid after work and on the weekends. Gradually, we became successful enough where we were able to move full time to Something Splendid in late 2020. Our e-commerce site lets our customers either pick a thematic, expertly curated box or build the perfect gift box for any occasion through our build your own platform. We sell gift boxes for any reason and every season including holidays, anniversaries, birthdays, sympathy, weddings & much more. With over 300 national brands, locally sourced items, and one-of-a-kind artisan items, many of our customers enjoy picking out their own box to reflect the styles of the recipient and occasion. We have had the honor to build our corporate profile over the past year, including selling boxes to Snapchat, Google, local realtors, & universities. Our promise to everyone who shops Something Splendid is that the presentation will be impeccable and the process- simple.

Vision for 217 Mill Street:

Our vision for 217 Mill Street as a commercial property is as follows- first, we would use the house to store our gifting inventory, assemble our gift boxes, and ship our gift boxes via Fed Ex, UPS, & USPS. Second, we would like to have the ability for local customers to experience our current e-commerce in person. We would love for local customers to visit us and pick out their own gift box or purchase our already expertly curated boxes. We would then build and assemble the gift boxes for the customer, so they can leave with a perfectly presented gift. As part of our inventory, we sell baked goods & would eventually love the ability to offer some of our baked goods and drinks and along with other food items to those who visit Something Splendid house in the form of a bakery/eatery/cafe. We would hope to have the option to host small groups in our backyard or garage where they could have the ability to eat, drink, and put together personal boxes for holidays and special events.

With regards to the house, we plan to improve the property in the following ways- we would 'open' up the house by removing walls, painting the house, putting in new flooring, lighting and updating the bathrooms. We would also put new decking in the front, side, and back. We would also upgrade the garage to either seat people or use for storing inventory. This would likely include providing heat and air conditioning to the garage. On the exterior, we would replace the roof, paint, and add landscaping and signage.



317-428-8994
8459 Castlewood Drive, Suite D
Indianapolis, IN 46250

Conclusion:

We would love the opportunity to locate our business in Downtown Westfield. As one of our favorite areas, we strongly believe we can enhance the Downtown Westfield experience with our gift shop and possible bakery/ cafe. We are proud of our items and love the stories behind all of the brands that we hand select to sell, including a focus on women-owned businesses, brands who give back to causes close to their hearts, minority owned business and our favorite- locally owned businesses. We know that the Something Splendid brand will fit in seamlessly and would add to the downtown Westfield atmosphere that Grand Junction is attempting to create. We truly appreciate your consideration and would be pleased to be a bigger part of your community. Please find the attached links to enhance your understanding of Something Splendid & should you need any additional information that might help assist in your decisions, do not hesitate to reach out.

[Link To Something Splendid Website](#)

[Where Is Sherman | Something Splendid in the News](#)

[Harpers Bazaar | Best Wedding Gifts](#)

[Rank and Style | 10 Best Gift Box Companies](#)

[About Us](#)

Best regards,

Elyse, Erynn & Allison



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: Daine Crabtree (STAFF NAME) DATE: 6/17/21

PRIOR OR RELATED DOCKET NUMBERS

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

APPLICANT INFORMATION

APPLICANT'S NAME: 4E, LLC TELEPHONE: 317-428-8046
ADDRESS: 20283 Chatham Creek Drive EMAIL: Deanrpétruzzi@gmail.com
PROPERTY OWNER'S NAME: Tracey Cassidy TELEPHONE: 317-514-0285
ADDRESS: 217 Mill Street EMAIL: Tcassidy@gmail.com
REPRESENTATIVE'S NAME: Curt Whitesell TELEPHONE: 317-698-2700
COMPANY: WKRP INDY EMAIL: Curt@WKRPINDY.com
ADDRESS: 2929 East 186th Street

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 217 Mill Street, Westfield IN
COUNTY PARCEL ID #(S): 09-09-01-02-012.000
EXISTING ZONING DISTRICT(S): _____ EXISTING LAND USE(S): Single Family

PROPERTY AND PROJECT INFORMATION

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

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

STATEMENT OF INTENT (EXPLANATION OF REQUEST - ATTACH SEPARATE SHEET IF NECESSARY):
Applicant is requesting variances of use and development standards to allow a Low-Intensity Retail Use (Gift and Coffee Shop and Bakery with limited seating) for Something Splendid (somethingsplendidco.com), which is a locally based company that is engaged in the storage, assembly, sale and delivery of gift items and gift boxes and the preparation and sale of food items and beverages with indoor and outside seating. Extensive renovations of the existing residence are contemplated, including the creation of outdoor service decks, signage and parking areas.

APPLICANT AFFIDAVIT

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

Dean Petruzzi

Dean Petruzzi, as the Member/Manager of 4E, LLC

Applicant/Representative (signature)

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 17 day of June, 2021

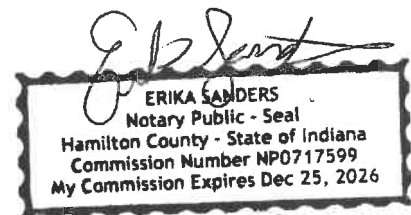
State of Indiana, County of Hamilton, SS: _____

Erika Sanders

Notary Public (signature)

Erika Sanders

Notary Public (printed)



PROPERTY OWNER AFFIDAVIT

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

Tracy Cassidy

Property Owner (signature)*

Tracy Cassidy
T.C.
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 15 day of June, 2021

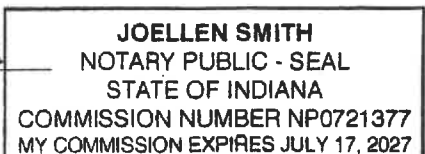
State of Indiana, County of Hamilton, SS: _____

Joellen Smith

Notary Public (signature)

Joellen Smith

Notary Public (printed)



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

FINDINGS OF FACT (VARIANCE OF USE)

APPLICANT: 4E, LLC _____ 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 proposed use is consistent with the recommendations of the Comprehensive Plan and other developments occurring in the surrounding area; will result in improvements to the existing structures and additional investment in the community; and will encourage the redevelopment of other properties during the transition of the area to a more vibrant "Downtown" environment with more commercial and neighborhood friendly uses.
- _____
- _____
- _____
- _____
- _____
- 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 proposed use will result in an increase in the assessed values of the existing property and result in a development which is consistent with the recommendations of the Comprehensive Plan and the general character of the area; provide low intensity goods and services to the neighborhood; and promote the redevelopment of other properties during the transition of the area to a more vibrant "Downtown" environment with more commercial and neighborhood friendly uses.
- _____
- _____
- _____
- _____
- _____
- C. The need for the variance arises from some condition particular to the property involved because: the current use and zoning of the property are inconsistent with the recommendations of the Comprehensive Plan and other development occurring in the surrounding area; and the granting of the variances will result in a use and improvements which are consistent with the recommendations of the Comprehensive Plan and other developments occurring in the surrounding area.
- _____
- _____
- _____
- _____
- _____
- 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 current use of the property is inconsistent with the current zoning and recommendations of the Comprehensive Plan and other developments occurring in the surrounding area; and the granting of the variance will result in uses and improvements which are more consistent with the recommendations of the Comprehensive Plan and other developments occurring in the surrounding area.
- _____
- _____
- _____
- _____
- _____

- E. The variance of use does not interfere substantially with the Comprehensive Plan because: the Comprehensive Plan includes the property in the area designated "Downtown" and recommends that uses in the "Downtown" include commercial, offices and retail in addition to residential; and the proposed Low Intensity - Retail uses are consistent with these recommendations and therefore will not interfere substantially with the Comprehensive Plan.

GENERAL INSTRUCTIONS

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



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

September 14, 2021

2109-VS-36

Exhibit 1

Petition Number: 2109-VS-36

Subject Site Address: 17101 Rushmore Drive ("the Property")

Petitioner: Michael Gray ("the Petitioner")

Request: The Petitioner requests a Variance of Development Standard to permit a swimming pool within the southern Established Front Yard of the Property on 0.35 acres +/- in the SF2: Single-family Low Density District (Article 6.1(G)(2)).

Current Zoning: SF2: Single-family Low Density District

Current Land Use: Residential

Approximate Acreage: 0.35 acres +/-

Exhibits:

1. Staff Report
2. Location Map
3. Proposed Site Plan
4. Pool Design
5. Existing Conditions
6. Application

Staff Reviewer: Caleb Ernest, Associate Planner

OVERVIEW

Location: The subject property is 0.35 acres +/- in size (the "Property") and located at 17101 Rushmore Drive (see **Exhibit 2**). The Property is zoned SF2: Single-family Low Density. Adjacent properties to the north and west are also zoned SF2. The adjacent property to the east is zoned AG-SF1: Agriculture / Single-family Rural District and the properties to the south are zoned AG-SF1-I: Agriculture / Single-family Westfield District.

Property History: The Property was previously platted as part of the Pheasant Run subdivision in 1995 (f.k.a. "Dakota Sunrise" subdivision). The Property, as platted, because of its orientation adjacent to 171st Street and Rushmore Road, has two (2) Established Front Yards. A Landscape and Sign Easement adjacent and south to the Property resulted in a mound and trees that exist currently and serve as screening for the Petitioner's Property. The Petitioner has since placed a privacy fence on the Property which is located north of the mound and trees (see **Exhibit 5**).

Requested Variances: The petitioner is requesting a Variance of Development Standard to permit a swimming pool within the southern Established Front Yard of the Property.



SUMMARY OF VARIANCE

For the Petitioner to install a pool, the Westfield-Washington Township Unified Development Ordinance (the "UDO") Accessory Use and Building Standards apply. UDO Article 6.1(G)(2) states:

"Swimming pools shall not be constructed in the Established Front Yard."

To address this standard, the Petitioner is requesting a variance to allow the pool within the southern Established Front Yard Setback on the Property. With the Property having two (2) Established Front Yards, the Petitioner is only requesting this variance apply to the southern Established Front Yard (see **Exhibit 3**).

PROCEDURAL

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

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

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

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

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



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

September 14, 2021

2109-VS-36

Exhibit 1

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

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.

DEPARTMENT COMMENTS:

Approval: If the Board finds that adequate evidence is shown that the Variance of Development Standard meets the applicable review criteria, then the Department recommends approval of the Variance of Development Standard (2109-VS-36), with the recommended conditions and findings as set forth below:

Recommended Conditions of Approval:

1. That the variance only apply to the Property's southern Established Front Yard adjacent to 171st Street.
2. That the Petitioner shall record an acknowledgement of this approval with the Hamilton County Recorder's Office and return a copy of the recorded instrument to the Community Development Department.

Recommended Findings for Approval:

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

Finding: It is unlikely that approving the requested variance would be injurious to the public health, safety, morals, and general welfare of the community because the existing use and proposed improvements will otherwise comply with the applicable standards of the SF2: Single-family Low Density District.

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

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



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

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

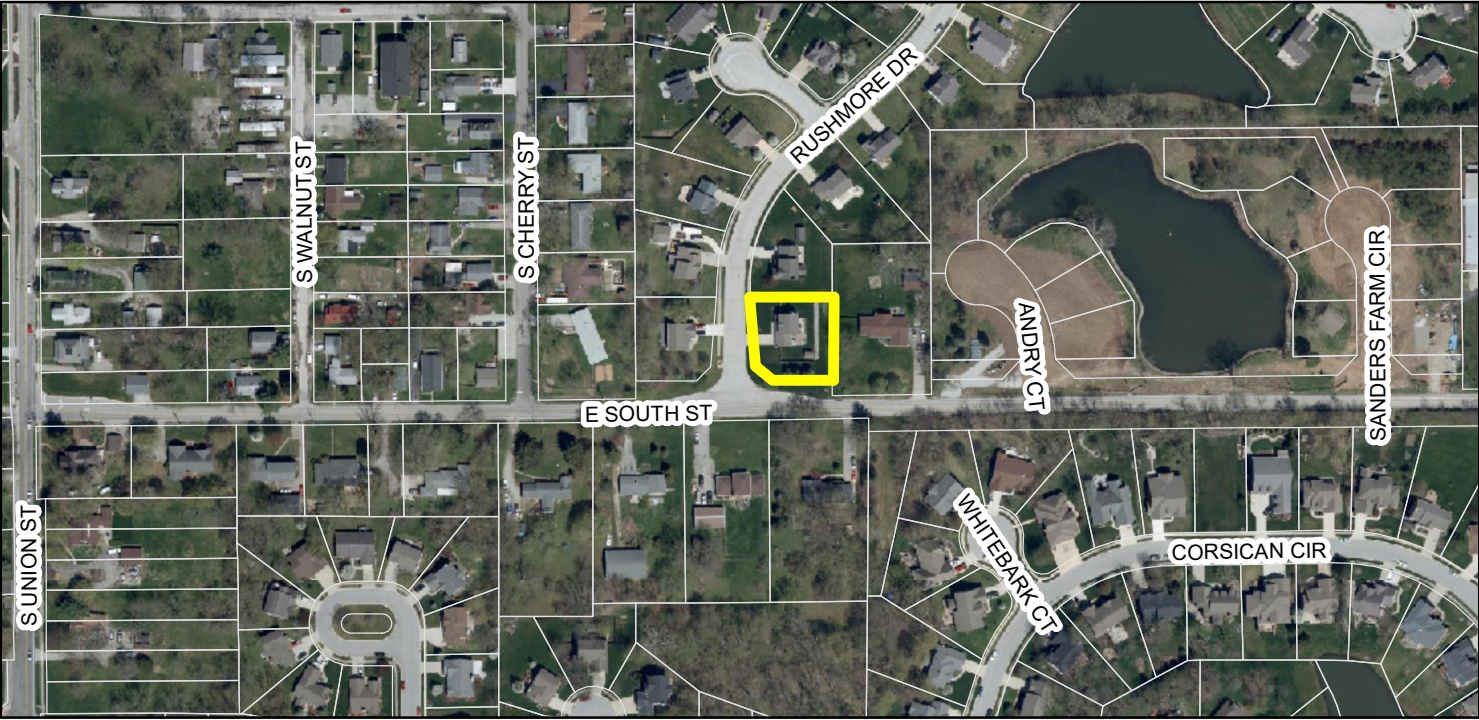
Denial: If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.



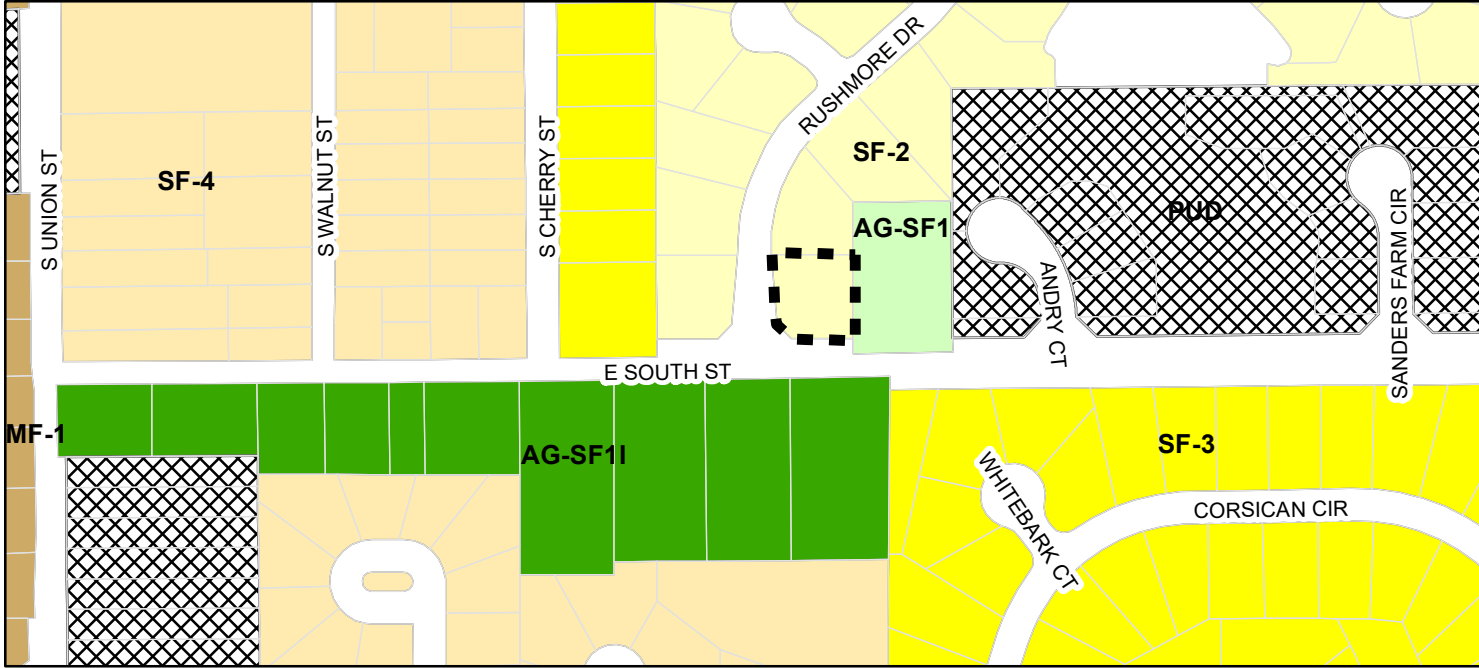
Property Location Map
17101 Rushmore Drive
Variance of Development Standard
2109-VS-36



Aerial Location Map



Zoning Map



- Parcel

Zoning - All

Zoning

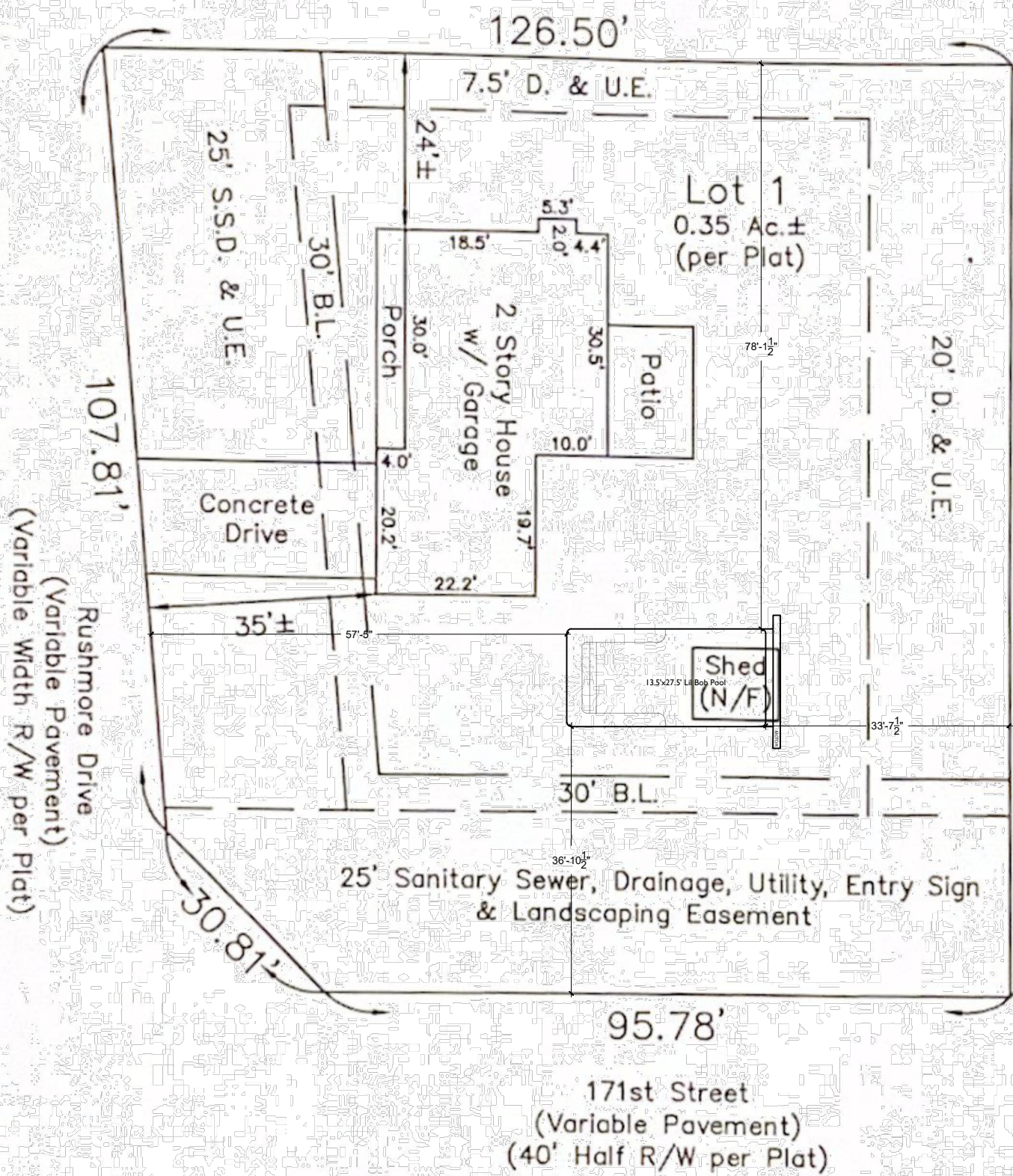
 - AG-SF1 (Agriculture - Single Family - 1)
 - AG-SF1I (Agriculture - Single Family - 1 In-town)
- MF-1 (Multiple Family - 1)
 - PUD (Planned Unit Development)
 - SF-2 (Single Family - 2)
 - SF-3 (Single Family - 3)
 - SF-4 (Single Family - 4)

SURVEYOR LOCATION REPORT

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
S.S.D. & U.E.	Sanitary Sewer Drainage & Utility Easement
R/W	Right-of-Way
N/F	No Foundation



Scale: 1"=30'



HAHN SURVEYING GROUP, INC.

Surveyors & Engineers

2850 E. 96th St., Indianapolis, IN 46240

PHONE: (317) 846-0840 or (317) 846-4119

FAX: (317) 846-4298 or (317) 582-0662



CERTIFIED: June 6, 2014

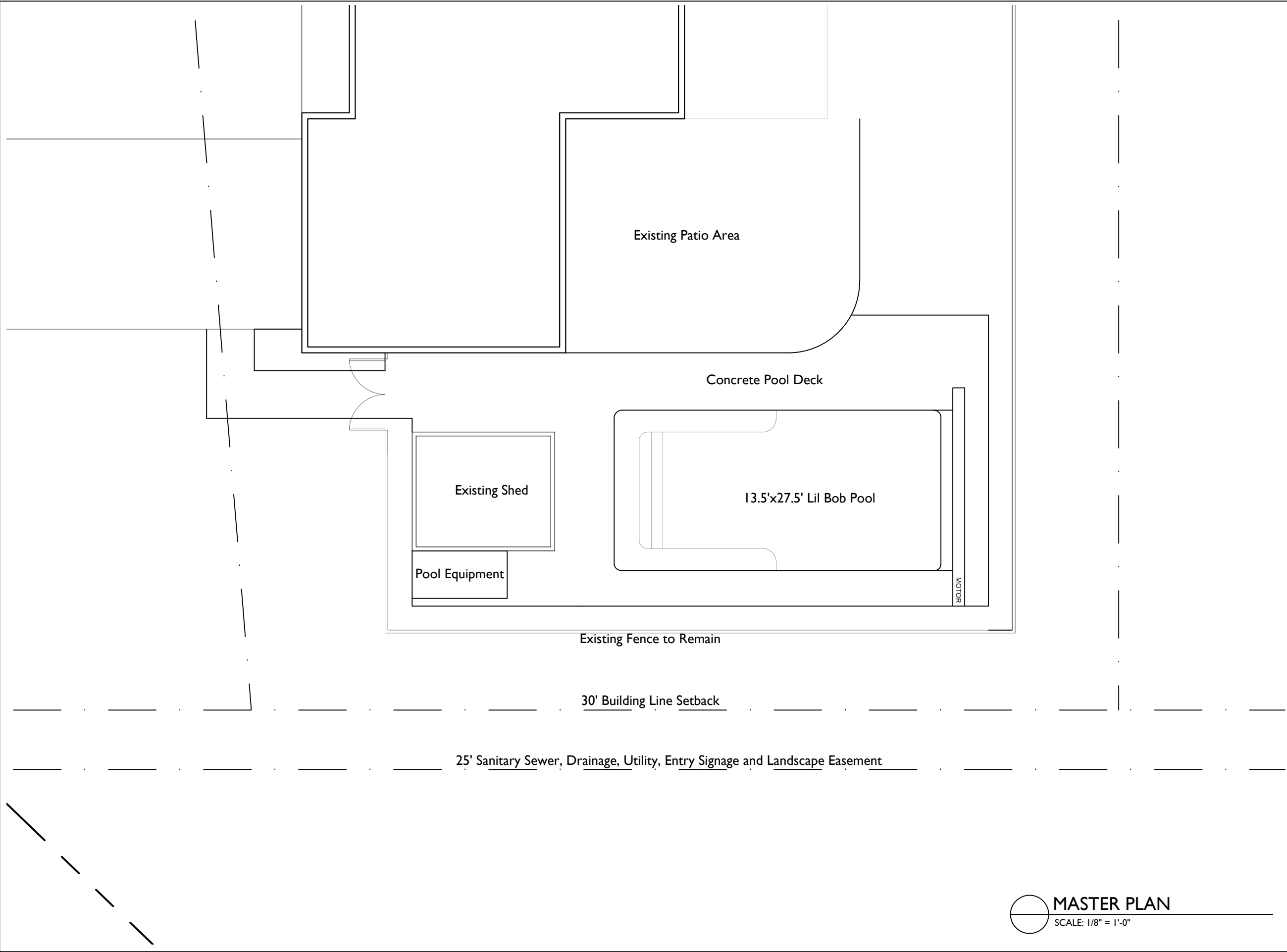
Chad D Hahn

Chad D. Hahn
Registered Land Surveyor,

Indiana #20300031

Job No.: 2014061033

Sheet 2 of 2



11071 East 126th Street
Fishers, IN 46038
p: 317-773-9933
www.viveexterior.com

ALL IDEAS, DESIGNS, ARRANGEMENTS AND PLANS INDICATED OR REPRESENTED BY THIS DRAWING ARE OWNED BY AND THE PROPERTY OF VIVE EXTERIOR DESIGN, LLC AND WERE CREATED, EVOLVED, AND DEVELOPED FOR THE USE ON AND IN CONNECTION WITH THE SPECIFIED PROJECT. NONE OF THE IDEAS, DESIGNS, ARRANGEMENTS OR PLANS SHALL BE USED BY OR DISCLOSED TO ANY PERSON, FIRM, OR CORPORATION FOR ANY PURPOSE WHATSOEVER WITHOUT THE WRITTEN PERMISSION OF VIVE EXTERIOR DESIGN, LLC.

WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER SCALE DIMENSIONS. CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB. THE DESIGNER MUST BE NOTIFIED OF ANY VARIATION FROM THE DIMENSIONS AND CONDITIONS SHOWN BY THESE DRAWINGS.

WARNING:
REPRODUCTION OF THESE PLANS IS A CRIMINAL OFFENSE UNDER 18 U.S.C. SEC. 506. UNAUTHORIZED DISCLOSURE MAY CONSTITUTE TRADE SECRET MISAPPROPRIATION IN VIOLATION OF I.C. 24-2-31-1 ET. SEQ. AND OTHER LAWS. THE IDEAS, ARRANGEMENTS AND DESIGNS DISCLOSED HEREIN MAY BE PATENTED OR BE THE SUBJECT OF PENDING PATENT APPLICATION.

COPYRIGHT VIVE EXTERIOR DESIGN.

GENERAL NOTES:

1. VERIFY UNDERGROUND UTILITY LOCATIONS PRIOR TO PLANT INSTALLATION.
3. VERIFY FIELD CONDITIONS, NOTIFY LANDSCAPE DESIGNER OF ANY DISCREPANCIES BETWEEN DRAWINGS AND FIELD CONDITIONS.
4. REGRADE, REPAIR AND REPLANT ALL AREAS DISTURBED BY CONSTRUCTION, THIS INCLUDES ANY AREAS OFF-PROPERTY AND OR OTHERWISE NOT INDICATED ON PLANS.
5. CONTRACTOR SHALL MAINTAIN POSITIVE DRAINAGE IN LAWN AND PLANTING BED AREAS.
6. MULCH PLANTING BEDS WITH 3"AA HARDWOOD MULCH.
7. TREES TO HAVE FULL HEAD AND TO BE APPROVED BY LANDSCAPE DESIGNER.

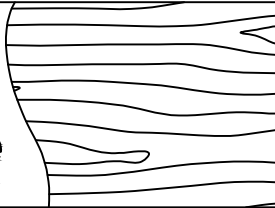
MASTER PLAN FOR:

GRAY RESIDENCE
17101 Rushmore Dr.
Westfield, IN 46074

drawn by: MAB
checked by: RMC
3.19-21

sheet:

L1.0



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

Network: Sep 7, 2021 at 3:11:35 PM EDT

Local: Sep 7, 2021 at 3:11:35 PM EDT

N 40° 2' 12.355", W 86° 7' 25.240"

17101 Rushmore Dr

Westfield IN 46074

United States



Network: Sep 7, 2021 at 3:11:15 PM EDT

Local: Sep 7, 2021 at 3:11:15 PM EDT

N 40° 2' 12.355", W 86° 7' 25.240"

17101 Rushmore Dr

Westfield IN 46074

United States



Network: Sep 7, 2021 at 3:11:00 PM EDT

Local: Sep 7, 2021 at 3:11:00 PM EDT

N 40° 2' 12.355", W 86° 7' 25.240"

17101 Rushmore Dr

Westfield IN 46074

United States



VARIANCE APPLICATION

OFFICE USE ONLY

DOCKET #: _____ FILING DATE: _____

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

PRE-FILING CONFERENCE

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

PRIOR OR RELATED DOCKET NUMBERS

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

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

APPLICANT INFORMATION

APPLICANT'S NAME: _____ TELEPHONE: _____

ADDRESS: _____ EMAIL: _____

PROPERTY OWNER'S NAME: _____ TELEPHONE: _____

ADDRESS: _____ EMAIL: _____

REPRESENTATIVE'S NAME: _____ TELEPHONE: _____

COMPANY: _____ EMAIL: _____

ADDRESS: _____

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: _____

COUNTY PARCEL ID #(S): _____

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

PROPERTY AND PROJECT INFORMATION

☐ VARIANCE OF LAND USE CODE CITATION: _____

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

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

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

APPLICANT AFFIDAVIT

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

[Signature]
Applicant/Representative (signature)

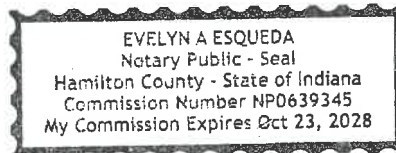
Michael Gray
Applicant/Representative (printed)

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 27 day of August, 2021
State of Indiana, County of Hamilton, SS: NP0639345

Evelyn A Esqueda
Notary Public (signature)

Evelyn A Esqueda
Notary Public (printed)



PROPERTY OWNER AFFIDAVIT

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

[Signature]
Property Owner (signature)*

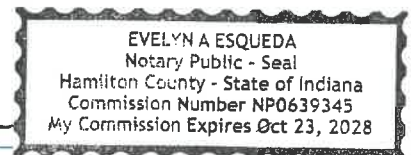
Michael Gray
Property Owner (printed)

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 27 day of August, 2021
State of Indiana, County of Hamilton, SS: NP0639345

Evelyn A Esqueda
Notary Public (signature)

Evelyn A Esqueda
Notary Public (printed)



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

FINDINGS OF FACT (VARIANCE OF DEVELOPMENT STANDARD)

APPLICANT: _____ **DOCKET #:** _____

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

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

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

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

GENERAL INSTRUCTIONS

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