



CITY OF WESTFIELD, IN
BoardofZoningAppeals_Meeting_Agenda_09_13_2022

Tuesday, September 13, 2022 at 07:00 PM

BOARD OR COMMISSION: Board of Zoning Appeals (BZA)

MEETING DATE: Tuesday, September 13, 2022 at 07:00 PM

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

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

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

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

OPENING OF REGULAR MEETING

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

Note the presence of a quorum

Approval of Minutes

August 09, 2022

Documents: [August 09, 2022 BZA Minutes](#)

Review Rules & Procedures

ITEMS OF BUSINESS:

2209-VS-27 [PUBLIC HEARING]

1365 Burgess Hill Pass

Michael and Valerie Sullivan

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

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

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

2209-VS-28 [PUBLIC HEARING]

18272 Lakes End Drive

Lauren Waldroup

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

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

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

ITEMS CONTINUED TO A FUTURE MEETING:

2202-VU-02 [TABLED]

2907 W SR 32

Alan Hodgeson

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

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

REPORTS/COMMENTS:

Plan Commission Liaison

Community Development Department

ADJOURNMENT



Westfield-Washington Township Board of Zoning Appeals (BZA)

Minutes of the Tuesday, August 9, 2022 BZA Meeting

Presented for approval: September 13, 2022

The Westfield-Washington Township Board of Zoning Appeals
met at 7:00 p.m. on Tuesday, August 9, 2022 at Westfield City Hall.

Active Links for this Meeting:

[August 9, 2022 BZA Agenda & Exhibits](#)

[August 9, 2022 YouTube Video](#)

OPENING OF MEETING

[YouTube Time: 0:05](#)

Roll Call

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

BZA Members Present Virtually: Dave Schmitz.

BZA Members Absent: None.

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

City Staff Present Virtually: None

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

APPROVAL OF MINUTES

Fortier motioned to approve the July 12, 2022 Minutes.

Boller seconded. Motion passed. Vote 5-0.

REVIEW RULES AND PROCEDURES

Crabtree reviewed BZA rules and procedures.

ITEMS OF BUSINESS

2208-VS-23 [PUBLIC HEARING]

[YouTube Time: 3:27](#)

16847 Onward Drive / Debra Randall

The Petitioner requests a Variance of Development Standard to encroach eight (8) feet into the thirty (30) foot Minimum Rear Yard Setback to accommodate a swimming pool and deck (Article 4.5(E)(1)(a).

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

Staff presentation / Petitioner presentation.

Public Hearing for 2208-VS-23 opened at 7:04 p.m.

- One (1) public comment.

Public Hearing for 2208-VS-23 closed at 7:05 p.m.

Staff Response / Public Comment Question for Clarification / BZA Comments / Petitioner Response.

Fortier motioned to approve 2208-VS-23 subject to the two recommended conditions stated in the motion.

Hatfield seconded. Motion passed. Vote 5-0.

McCarty motioned to adopt Staff's Findings of Fact for the approval of 2208-VS-23.

Fortier seconded. Motion passed. Vote 5-0.

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

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

BZA Minutes for August 9, 2022 Page 1 of 3

2208-VS-25 [PUBLIC HEARING]

[YouTube Time: 11:36](#)

16234 Montrose Lane / Michael Green

The Petitioner requests multiple Variance of Development Standards to modify the Minimum Side Yard Setback (south) from thirty (30) feet to ten (10) feet and to modify Minimum Lot Size and Lot Frontage Standards so that an Accessory Building (detached garage) may be built on an 0.89 acre +/- legal, nonconforming lot in the AG-SF1: Agriculture / Single-family Rural District. (Articles 4.2(C), 4.2(D), and 4.2(E)(2)).

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

Staff presentation.

Public Hearing for 2208-VS-25 opened at 7:13 p.m.

- No public comments.

Public Hearing for 2208-VS-25 closed at 7:14 p.m.

BZA comments / Petitioner responses.

Boller motioned to approve 2208-VS-25.

Fortier seconded. Motion passed. Vote 5-0.

McCarty motioned to adopt Staff's Findings of Fact for the approval of 2208-VS-25.

Hatfield seconded. Motion passed. Vote 5-0.

2208-VS-26 [PUBLIC HEARING]

[YouTube Time: 27:17](#)

20334 Commerce Park Drive / Amazon Westfield, LLC by Church, Church, Hittle + Antrim

The Petitioner requests multiple Variances of Development Standards to permit outdoor storage for a period of five (5) years and to modify landscaping and fencing standards on 4.87 acres +/- in the District 3 Commerce Area of the Northpoint PUD. (Ord. 17-51 Section 7.4(A)(3), UDO Articles 6.12(D), 6.8(L), and 6.5(C)(5).

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

Staff presentation / Petitioner presentation.

Public Hearing for 2208-VS-26 opened at 7:32 p.m.

- No public comments.

Public Hearing for 2208-VS-26 closed at 7:33 p.m.

BZA comments / Petitioner responses / Staff responses.

McCarty motioned to approve 2208-VS-26 subject to the conditions stated in the motion.

Fortier seconded. Motion passed. Vote 5-0.

McCarty motioned to adopt Staff's Findings of Fact for the approval of 2208-VS-26.

Boller seconded. Motion passed. Vote 5-0.

ITEMS CONTINUED TO A FUTURE MEETING

2202-VU-02 [TABLED]

2907 West SR 32 / Alan Hodgeson

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

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

REPORTS/COMMENTS:

[YouTube Time: 50:46](#)

- Plan Commission Liaison
- Community Development Department

ADJOURNMENT

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

The meeting adjourned at 8:21 p.m.

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

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

Signature Page for BZA Minutes for August 9, 2022

Chairperson
Dave Schmitz

Secretary
Kevin M. Todd, AICP
Director



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

September 13, 2022

2209-VS-27

Exhibit 1

Petition Number: 2209-VS-27

Subject Site Address: 1365 Burgess Hill Pass ("the Property")

Petitioner: Michael and Valerie Sullivan ("the Petitioner")

Request: The Petitioner requests a Variance of Development Standard to encroach fifteen (15) feet into the thirty (30) foot Minimum Rear Yard Setback on 0.30 acres +/- to accommodate a swimming pool and deck (Article 4.5(E)(3)(a))

Current Zoning: SF-3: Single-Family Medium Density

Current Land Use: Residential

Approximate Acreage: 0.30 acres +/-

Exhibits:

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

Staff Reviewer: Daine Crabtree, Senior Planner

OVERVIEW

Location: The subject property is 0.30 acres +/- in size (the "Property") and located at 1365 Burgess Hill Pass in the Derby Ridge subdivision (see **Exhibit 2**).

Requested Variances: The petitioner is requesting a Variance of Development Standard to encroach fifteen (15) feet into the thirty (30) foot Minimum Rear Yard Setback to accommodate a swimming pool and deck.

SUMMARY OF VARIANCE

SF-3 standards of the Westfield-Washington Township Unified Development Ordinance (UDO) sets forth a minimum Rear Yard Setback of thirty (30) feet for the property. The Petitioner is requesting this variance to encroach fifteen (15) feet into the Minimum Rear Yard Setback to accommodate a swimming pool and deck as illustrated on the Site Plan (see **Exhibit 3**).

The deck of the swimming pool would encroach two (2) feet into the fifteen (15) foot drainage easement at the rear of the Property. This encroachment has been approved by the Public Works Department. The pool itself would remain outside the drainage easement.



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

September 13, 2022

2209-VS-27

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 13, 2022, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals’ Rules of Procedure.

Conditions: The UDO⁴ and Indiana law provide that the Board of Zoning Appeals may impose reasonable conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of the UDO upon any Lot benefited by a variance as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject Lot or upon

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

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

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

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



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

September 13, 2022

2209-VS-27

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 (2209-VS-27):

- 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-3 zoning district.

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

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



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

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

Finding: Strict adherence to the zoning ordinance would result in a swimming pool and deck that does not meet the needs of the Petitioner.

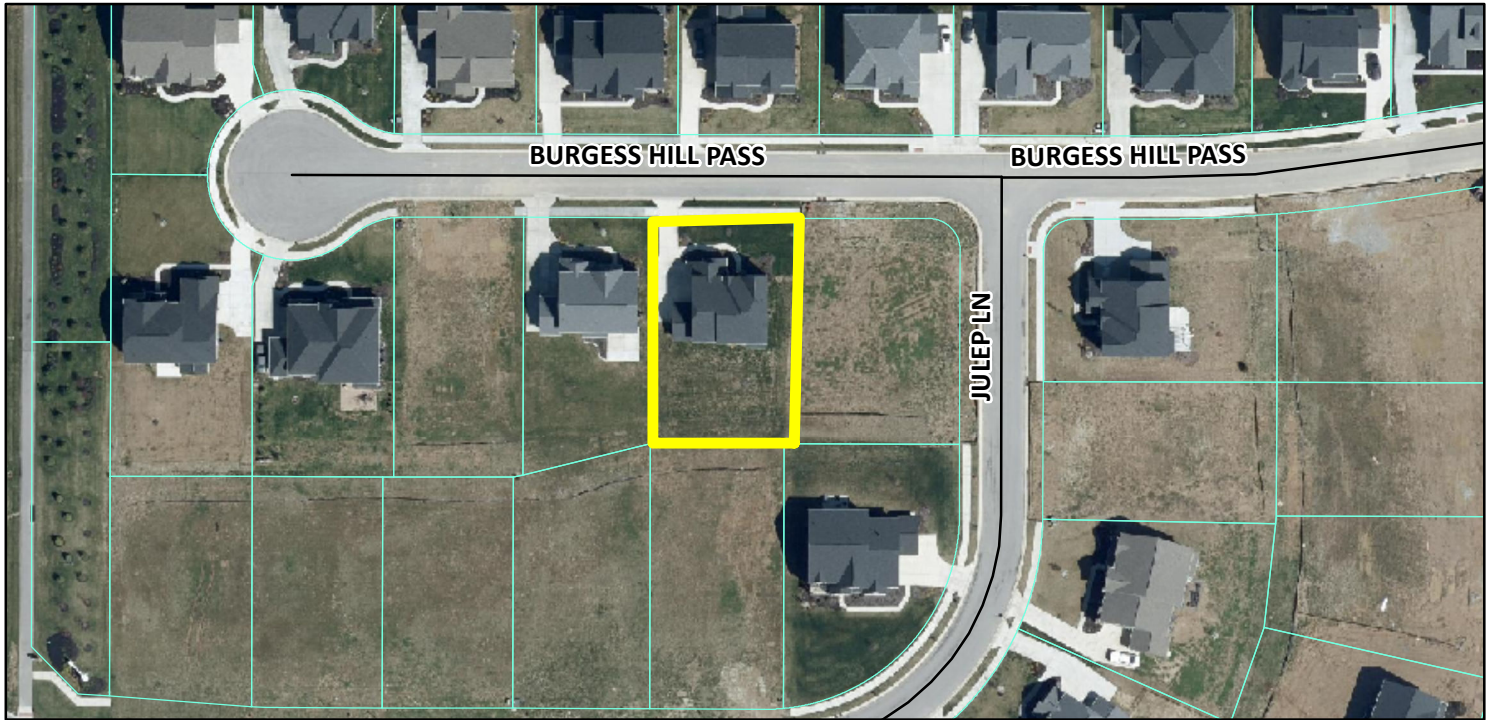
Recommended Conditions:

- That the Property be developed in substantial compliance with the Site Plan (**Exhibit 3**).
- That the Petitioner shall record an acknowledgement of this approval with the County Recorder's Office and return a copy of the recorded instrument to the Economic and Community Development Department.

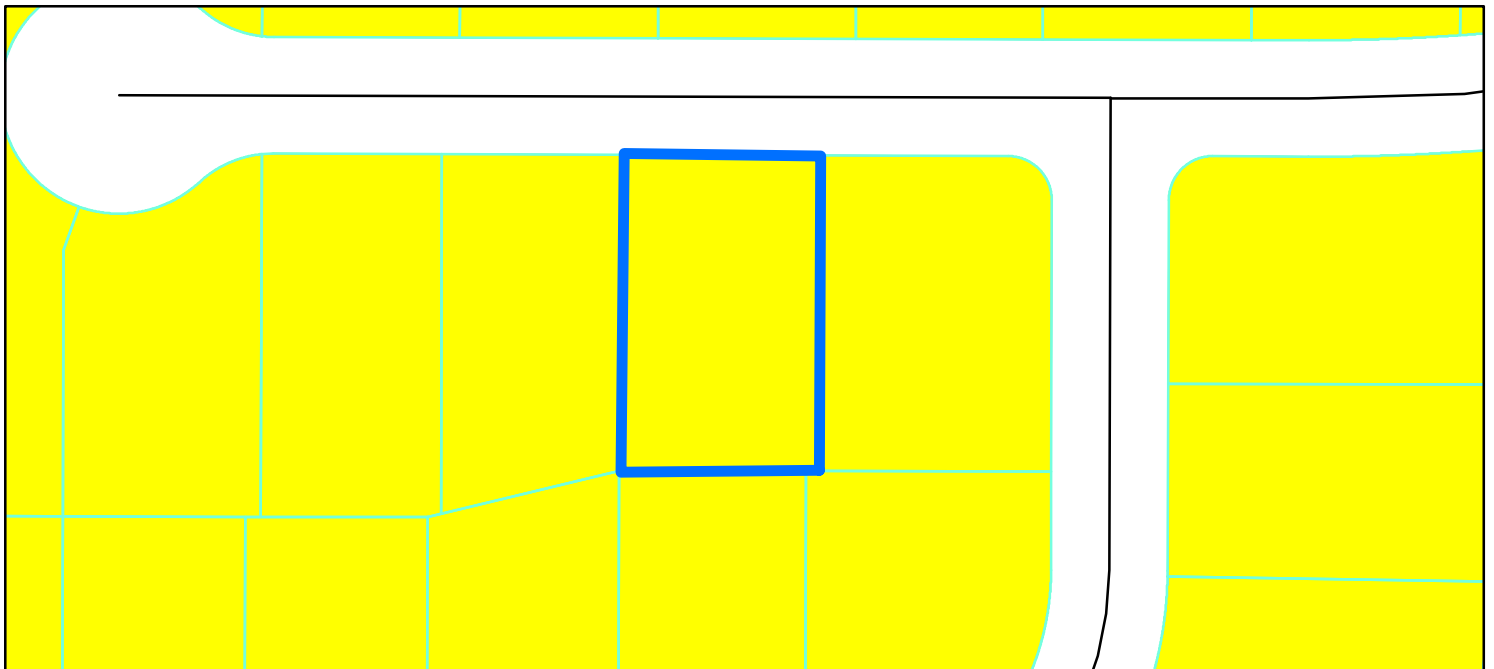
Denial: If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.

Aerial Location Map

 Site



Zoning Map



GIS.DBO.PW_Streets Zoning
Parcel
Parcel
Zoning - All
SF-3 (Single Family - 3)

0 0.01 0.02
Miles



Drainage center

Property line

Fence

Automatic
Pool
Cover

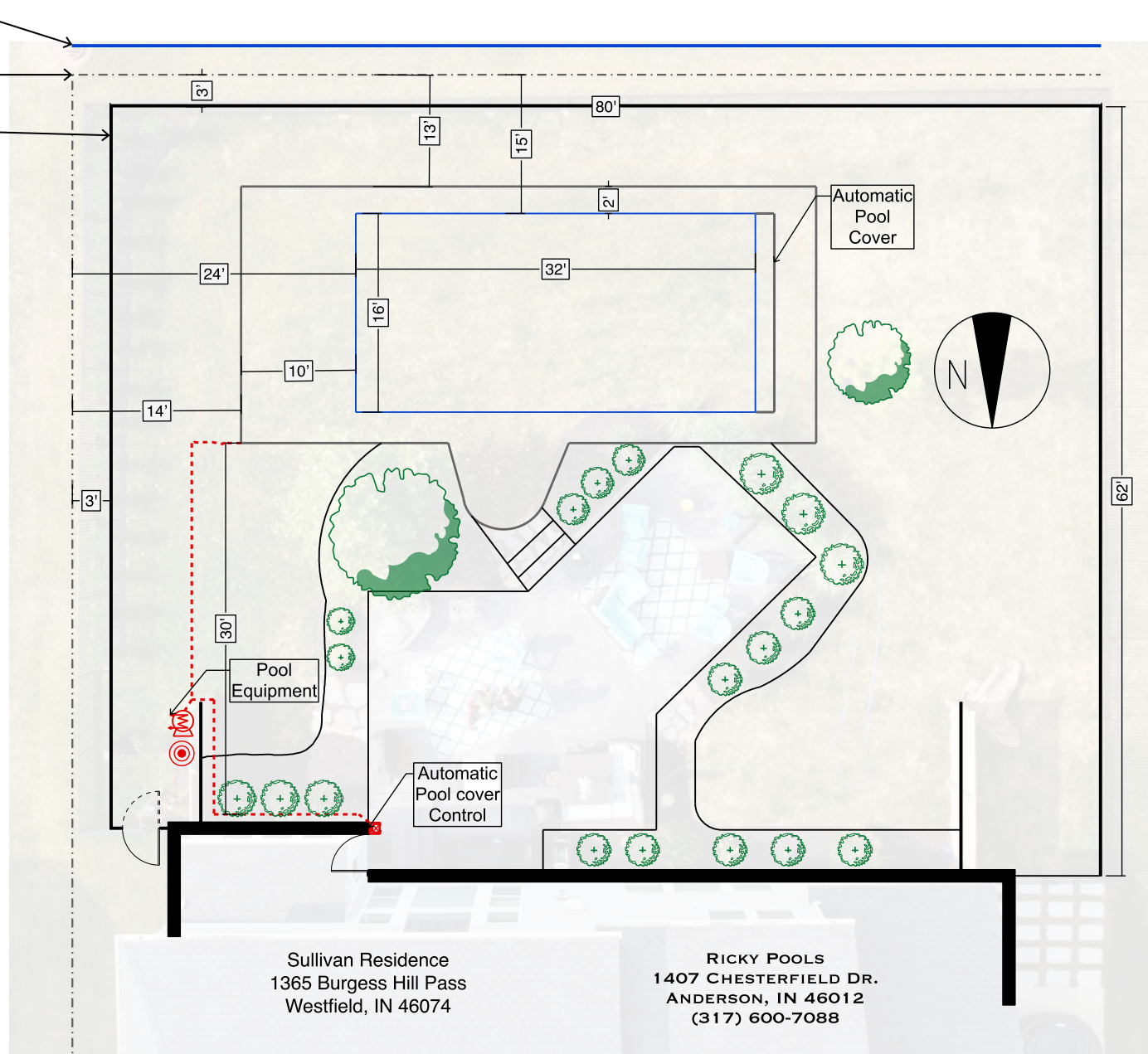


Pool
Equipment

Automatic
Pool cover
Control

Sullivan Residence
1365 Burgess Hill Pass
Westfield, IN 46074

RICKY POOLS
1407 CHESTERFIELD DR.
ANDERSON, IN 46012
(317) 600-7088





Petition Number: 2209-VS-28

Subject Site Address: 18272 Lakes End Drive ("the Property")

Petitioner: Lauren Waldroup ("the Petitioner")

Request: The Petitioner requests a Variance of Development Standard to encroach ten (10) feet into the twenty-five (25) foot Rear Yard Setback on 0.34 acres +/- to permit a swimming pool, hot tub, and deck.

Current Zoning: Andover PUD (Ord. 06-24) [SF2 underlying zone]

Current Land Use: Residential

Approximate Acreage: 0.34 acres +/-

Exhibits:

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

Staff Reviewer: Lauren Gillingham, AICP, Senior Planner

OVERVIEW

Location: The subject property is 0.31 acres +/- in size (the "Property") and located at 18272 Lakes End Drive in the Lakes at Grassy Branch subdivision (see **Exhibit 2**).

Requested Variances: The petitioner is requesting a Variance of Development Standard to encroach ten (10) feet into the required twenty-five (25) foot Rear Yard Setback.

SUMMARY OF VARIANCE

The Andover PUD sets forth a minimum Rear Yard Setback of twenty-five (25) feet for the property. As previously mentioned, the Petitioner requests a variance from *Andover Planned Unit Development (Ord. 06-24), Exhibit 7 - Min. Rear Yard Setback* to encroach ten (10) feet into the twenty-five (25) foot Minimum Rear Yard Setback for a swimming pool, hot tub, and deck as illustrated on the Site Plan (see **Exhibit 3**).

The PUD and its underlying zoning permit pool decks to encroach into setbacks but not the pool structure itself, limiting the buildable area and making it difficult to design a pool that meets the standards of both the zoning district and the Indiana Swimming Pool Code. The improvements meet all other setbacks and do not encroach into any easements.



The proposed design was reviewed and approved by the Lakes of Westfield Property Owners Association.

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 (BZA) is required to hold a public hearing on its consideration of a Variance of Development Standard. This petition is scheduled to receive its public hearing at the October 13, 2022 BZA meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the BZA 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

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.



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 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 (2209-VS-28):

- 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 Andover PUD.

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



- 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 use of the Property will not change, swimming pools are expected improvements within single-family detached residential neighborhoods, and a number of surrounding homeowners are in the process of building pools or otherwise expanding their outdoor living spaces.

- 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 Petitioners being unable to have a pool, reducing their enjoyment of the property.

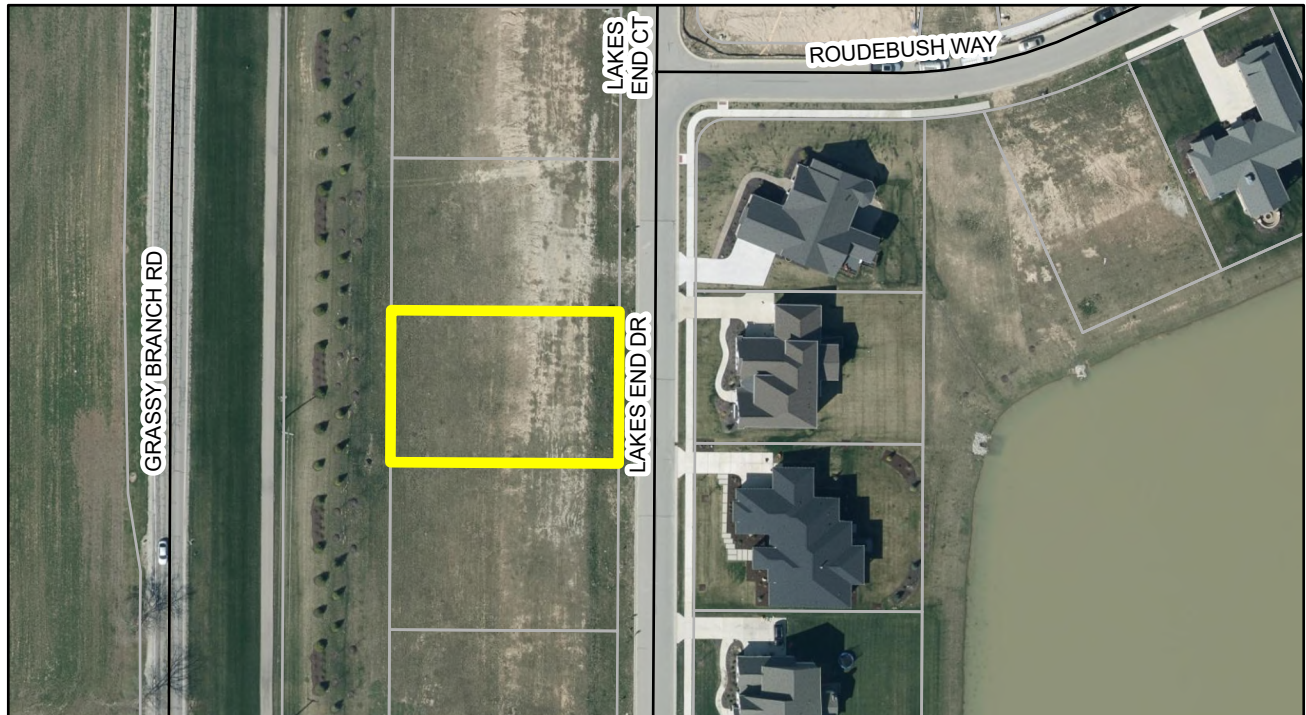
Recommended Conditions:

- That the Property be developed in substantial compliance with **Exhibit 3**.
- That the design standards variance shall apply only to the improvements shown in **Exhibit 3**, and that future improvements conform to all applicable setbacks
- 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.

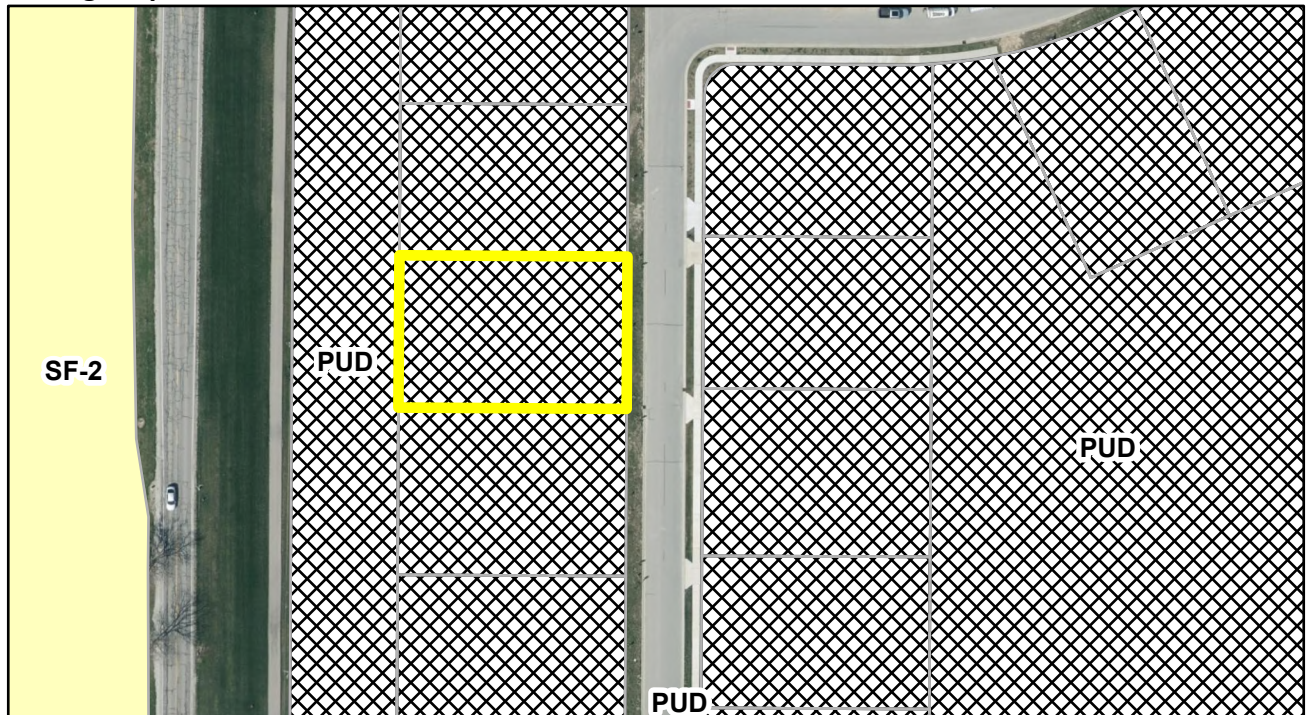
Denial: If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.



Aerial Location Map



Zoning Map



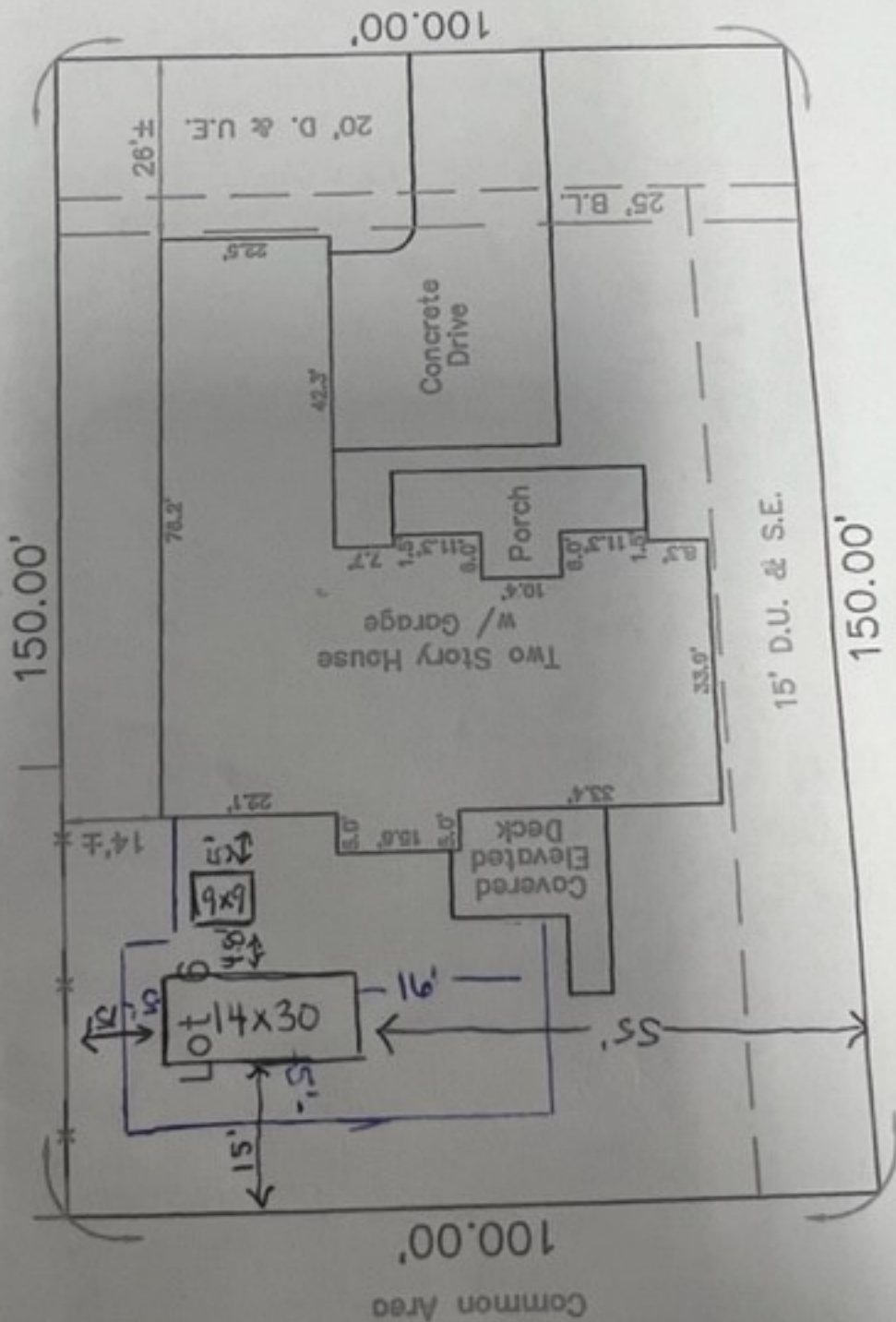
Legend

 Subject Parcel

Lakes End Drive
(28' Pavement)
(50' R/W per plat)

CERTIFIED: 0
REVISED: 01/

D. H. A.



Common Area