



**CITY OF WESTFIELD, IN**  
**BoardofZoningAppeals\_Meeting\_Agenda\_09\_10\_2019**

*Tuesday, September 10, 2019 at 07:00 PM*

**BOARD OR COMMISSION:** Board of Zoning Appeals (BZA)

**MEETING DATE:** Tuesday, September 10, 2019 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**

**OPENING OF REGULAR MEETING**

Note the presence of a quorum

Approval of Minutes - August 13, 2019

Documents: [BZA Minutes - August 13, 2019](#)

Review Rules & Procedures

**ITEMS OF BUSINESS:**

**1909-VS-16 [PUBLIC HEARING]**

**1234 W. 161st Street**

**Matthew Obras**

The petitioner is requesting a Variance of Standard to reduce the Minimum Lot Frontage requirement from 250 feet to zero (0) feet to accommodate a new lot and residence in the AG-SF1: Agriculture/Single-Family District (Article 4.2(D)).

(Planner: Daine Crabtree - [DCrabtree@westfield.in.gov](mailto:DCrabtree@westfield.in.gov))

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Concept Plan](#) | [Exhibit 4: Preliminary Plat](#)

**1909-VS-17 [PUBLIC HEARING]**

**15366 Whistling Lane**

**Extreme Outdoor Solutions**

The petitioner is requesting a Variance of Development Standard to reduce the Minimum Rear Yard Setback from thirty-five (35) feet to nine (9) feet to accommodate a swimming pool and knee wall in the Bridgewater Planned Unit Development District. (Exhibit 12 of Ord. 06-49).

(Planner: Daine Crabtree - [DCrabtree@westfield.in.gov](mailto:DCrabtree@westfield.in.gov))

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

**ITEMS CONTINUED TO A FUTURE MEETING:**

**1803-AA-01 [CONTINUED]**

**16708 Dean Road (Bob's Garage)**

**Esler Properties, LLC by Morse & Bickel, P.C.**

**The petitioner is appealing an Administrative Determination (1712-AD-04) regarding the revocation of a variance (1603-VU-03).**

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

**REPORTS/COMMENTS:**

**Plan Commission Liaison**

**Economic and Community Development Department**

**ADJOURNMENT**



**Westfield–Washington Township Board of Zoning Appeals**  
**Minutes of the August 13, 2019 BZA Meeting**  
*Presented for approval: September 10, 2019*

The Westfield-Washington Township Board of Zoning Appeals met at 7:00 p.m.  
on Tuesday, August 13, 2019 at Westfield City Hall.

Members Present: Jeannine Fortier, Ken Kingshill, Martin Raines, Dave Schmitz, and Robert Smith.

Members Absent: All present.

City staff present: Pam Howard, Senior Planner; Caleb Ernest, Associate Planner; and Brian Zaiger, City Attorney.

**APPROVAL OF MINUTES**

Raines motioned to approve the June 11, 2019 meeting minutes as written.

Schmitz seconded. Motion passed. Vote 5-0

**REVIEW RULES AND PROCEDURES**

Howard reviewed BZA rules and procedures.

**1908-VU-05**

**[PUBLIC HEARING]**

**547 N. East Street**

*Valerie Watson*

The petitioner is requesting a Variance of Use to permit a craft retreat house on 0.57 acres +/- in the SF3: Single Family Medium Density District (Article 13.2).

*(Planner: Pam Howard - [PHoward@westfield.in.gov](mailto:PHoward@westfield.in.gov))*

Howard explained that before this petition is heard the Commission members should know that the Public Notice signs were not placed in the standard way; the signs were placed parallel to the road instead of perpendicular and farther back than signs usually are placed.

The petitioner explained that the signs were placed in advance of the required date of installation.

Kingshill asked about the frequency of response to the signs.

Howard responded that the responses from the signs vary based on traffic near the property.

Schmitz asked if the petitioners are given instruction on how to place.

Howard said no.

The Commission members discussed this and determined that the petition could proceed.

Howard overviewed this that before this petition for Variance of Use. She said the petitioner met with Grand Junction Task Group and that a letter from them was included in the provided Public Comment Exhibit.

Valerie Watson, the petitioner, explained her plans for this property. That she would like to operate a craft retreat house. This house is rented for craft workshops. She said she also hopes to use the facility for craft classes. She said the main questions she has received are about parking and removal of a large tree on the property. She said she doesn't plan to remove that tree. She said her signs were designed for identification not solicitation. She said her goal is to retain a residential look. She said her customers would shop and dine in Westfield. Her policy allows only for adult crafters 16 years and older.

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

Website: <http://www.westfield.in.gov> | Economic and Community Development Department E-mail: [community@westfield.in.gov](mailto:community@westfield.in.gov)

Commissioners asked about the nature of the business, the prior use of the property, the current permitted use of the property as an Air BnB and as a place to hold art classes. Parking was extensively discussed and how it would be managed.

Public Hearing for 1908-VU-05 opened at 7:20 p.m.

Ellen Deardorff, 332 East Hoover Street; said she was concerned about how the zoning would be affected if the petitioner would sell the property in the future.

Public Hearing for 1908-VU-05 closed at 7:21 p.m.

Watson outlined her plan to expand current parking on the property. She said her goal is to avoid on-street parking.

Fortier asked for a conceptual plan of the parking plan.

Schmitz asked about having commitments including parking and class size.

Smith expressed concern over the parking.

Howard said the City cannot, per the State, regulate short term rentals in residential zoning districts.

Kingshill said that on-street parking is already in place and doesn't feel that this an issue.

Watson said there are five legally permitted on-street parking spots she could use.

Risa Turney, 316 East Hoover Street; said her concern is about on-street parking would affect her. She said that since on-street parking is first-come/first-serve that would cause her to have an objection.

Smith voiced opposition to this type of project in a residential neighborhood.

Schmitz said that perhaps commitments could be put forward tonight to move the petition forward.

Kingshill motioned to approve 1908-VU-05 with the following conditions/commitments:

- The Petitioner shall commit to and comply with the items listed on the “Key Points” slide of the Petitioner’s presentation, and also listed below:
  - a. Home maintains residential look
  - b. Parking (area) increased while maintaining residential look
  - c. Craft retreat rentals to be limited to 2 – 10 people
  - d. Classes limited to 2 – 10 people
  - e. Similar to Air BnBs on Hoover Street
  - f. Will look like any other home in the area
  - g. Caters to crafters
  - h. Home will be well maintained inside/outside
  - i. Brings people to the area/other businesses
  - j. Creates a community craft space
- A permit will be obtained within ninety (90) days to expand the current parking area to allow for parking of 10 vehicles.
- The Property is permitted a maximum of two (2) signs, consistent with the size and designs shown in the Proposed Signage Exhibit.

Raines seconded. Motion passed. Vote 4-0. (Smith-No)

Kingshill motioned to adopt Staff’s Findings of Fact for 1908-VU-05.

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Raines seconded. Motion passed. Vote 5-0.

**1908-VS-13**  
**[PUBLIC HEARING]**

**14610 N. Meridian Street/14610 Greyhound Plaza**

*Best Buy by Joe Nolasco*

The petitioner is requesting a Variance of Standard to increase the permitted In-Line Tenant Sign Area (Article 6.17 (J)(5)(c)) in the GB: General Business District.  
(Planner: Jonathan Dorsey - JDorsey@westfield.in.gov)

Ernest overviewed this request for a Variance of Development Standard.

Wayne Rhodes on behalf of Best Buy summarized this request and addressed how each of the items required for a variance were met by the petitioner.

Kingshill asked for clarification of the standards. Schmitz responded.

Public Hearing for 1908-VS-13 opened at 7:56 p.m.

Dan Degnan, 14701 Shadow Lakes Drive East; said there is currently no sign on 146<sup>th</sup> Street and this request includes one for this area. He said this shopping center has historically not met the commitments of previous standards. Stated that he is against this request. He said that should this variance be approved, he requested the following three conditions: 1) no trash pick-up for any business in Greyhound Plaza between the hours of 11:00 p.m. and 7:00 a.m.; 2) No outside storage of pallets, trash receptacles without zoning compliant screening (based on original zoning requirements); and 3) A five year limit on this sign variance request to allow for a regular opportunity for the public to have input regarding the shopping center's compliance with BZA variances and zoning requirements.

Public Hearing for 1908-VS-13 closed at 8:01 p.m.

Ernest told the BZA members that the enforcement of items 1 & 2 is currently being acted upon by the City.

BZA members asked for clarification of the Sign Plane Standards. The BZA members had questions about design and size of the proposed sign.

Ernest explained that the Department's director made the determination on the acceptability of the proposed sign's design.

Howard clarified the size and location of the proposed sign and how these are determined.

Smith asked about the compliance of the rules that are currently in violation.

Ernest explained the status of the violations.

Kingshill said he feels the public comment is more of a landlord issue rather than the tenant's issue.

Howard stated that the City doesn't regulate building color.

Smith motioned to approve 1908-VS-13.

Fortier seconded. Motion passed. Vote 5-0.

Smith motioned to adopt Staff's Findings of Fact for 1908-VS-13.

Raines seconded. Motion passed. Vote 5-0.

**1908-VS-14**  
**1908-VS-15**

**16802 Southpark Drive**

*JJK Investments, LLC by Keeler-Webb Associates*

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Website: <http://www.westfield.in.gov> | Economic and Community Development Department E-mail: [community@westfield.in.gov](mailto:community@westfield.in.gov)

**[PUBLIC HEARING]**

The petitioner is requesting Variances of Development Standard to reduce the Minimum Lot Width from one-half (0.5) the depth of the Lot to 0.365 the of depth of the Lot and increase the Maximum Lot Coverage from thirty-five percent (35%) to seventy percent (70%) in the EI: Enclosed Industrial District and the US Highway 31 Overlay District (Articles 5.2(E)(7), (8), & (9)(a)); and to modify a commitment of a previously approved Variance of Development Standard (99-V-36) to reduce the Minimum Lot Size from 1.32 acres to 1.030 acres  
(Planner: Caleb Ernest - [CErnest@westfield.in.gov](mailto:CErnest@westfield.in.gov))

Ernest overviewed this request for a Variances of Development Standard.

Adam Dehart, with Keeler-Webb Associates, on behalf of the petitioner summarized the details of this project, the history of the land use and the reasons for needed variances. He stated that all utilities are available and that the petitioner is committing to the site plan. He showed the BZA members the intended building elevation. He said no drainage hardship will result from this project.

Public Hearing for 1908-VS-14 & 1908-VS-15 opened at 8:23 p.m.

No public comments.

Public Hearing for 1908-VS-14 & 1908-VS-15 closed at 8:24 p.m.

Kingshill motioned to approve 1908-VS-14 & 1908-VS-15 with the following staff conditions.

- Subdivide the Property in substantial compliance with the site plan.

Raines seconded. Motion passed. Vote 5-0.

Kingshill motioned to adopt Staff's Findings of Fact for 1908-VS-14 & 1908-VS-15.

Fortier seconded. Motion passed. Vote 5-0.

**ITEMS CONTINUED TO A FUTURE MEETING:**

**1803-AA-01**

[CONTINUED]

**16708 Dean Road (Bob's Garage)**

*Esler Properties, LLC by Morse & Bickel, P.C.*

The petitioner is appealing an Administrative Determination (1712-AD-04) regarding the revocation of a variance (1603-VU-03).

(Planner: Pam Howard - [PHoward@westfield.in.gov](mailto:PHoward@westfield.in.gov))

**REPORTS/COMMENTS:**

- Plan Commission Liaison
- Economic and Community Development Department

**ADJOURNMENT**

Raines motioned to adjourn the meeting.

Kingshill seconded. Motion passed. Vote 5-0.

The meeting adjourned at 8:37 p.m.

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Chairperson  
Dave Schmitz

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Secretary  
Kevin M. Todd  
Director



WESTFIELD-WASHINGTON  
BOARD OF ZONING APPEALS

September 10, 2019

1909-VS-16

Exhibit 1

**Petition Number:** 1909-VS-16

**Subject Site Address:** 1234 West 161<sup>st</sup> Street (the "Property")

**Petitioner:** Matthew Obras (the "Petitioner")

**Request:** The Petitioner requests a Variance of Development Standard to modify the Minimum Lot Frontage for a new lot from 250 feet to 0 feet (Article 4.2(D))

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

**Current Land Use:** Agriculture

**Approximate Acreage:** Current: One (1) 8.0 acres +/- lot  
Proposed: One (1) 5.0 acre +/- lot and one (1) 3.0 acre +/- lot

**Exhibits:**

1. Staff Report
2. Location Map
3. Concept Plan
4. Preliminary Plat

**Staff Reviewer:** Daine Crabtree, Associate Planner

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## **OVERVIEW**

**Location:** The subject property is an 8.0 +/- acre parcel located at 1234 West 161<sup>st</sup> Street (see **Exhibit 2**).

**Requested Variances:** The Petitioner is requesting a Variance of Development Standard to modify the Minimum Lot Frontage for a new lot from 250 feet to zero (0) feet.

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## **SUMMARY OF VARIANCE**

The Petitioner requests a Variance of Development Standard (the "Variance") to modify the Minimum Lot Frontage from 250 feet to zero (0) feet to allow for the creation of a new, 3.0 acre +/- lot (see **Exhibit 3**). The newly created lot is the only real estate for which the variance shall be applicable. The Petitioner is concurrently going through the Secondary Platting process as well (see **Exhibit 4** for the current version of the proposed plat), including receiving feedback at the August 20, 2019 Technical Advisory Committee (TAC) meeting. If the Variance is granted, the new lot will be accessed through a proposed ingress/egress easement which utilizes the already existing driveway on the Property.



A similar variance (**0604-VS-033**) reducing the Minimum Road Frontage from 250 feet to twenty (20) feet was granted for the property (1206 West 161<sup>st</sup> Street) immediately to the east of the subject property in 2006, and was subsequently amended in 2011 (**1103-VS-01**), reducing the Minimum Road Frontage from twenty (20) feet to eighteen (18) feet.

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## **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 10, 2019, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

**Conditions:** The UDO<sup>1</sup> 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 UDO<sup>2</sup> 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;

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

<sup>2</sup> 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; and
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.

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**DEPARTMENT COMMENTS:**

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

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

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

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

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

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

**Finding:** The Petitioner wishes to use the lot in a manner deemed appropriate by the Comprehensive Plan in terms of land use, low density, and single family residential. Strict application of the ordinance would result in the inability to subdivide the Property with the required Minimum Lot Frontage as proposed.

**Recommended Conditions:**

- The approval of the variance shall only apply to the proposed 3.0 acre +/- parcel, shown as "Parcel 2", on the Concept Plan.
- The approval of the variance is contingent upon the approval of the associated Secondary Plat (1909-SFP-51) by the Community Development and Public Works Departments.



WESTFIELD-WASHINGTON  
BOARD OF ZONING APPEALS

September 10, 2019

1909-VS-16

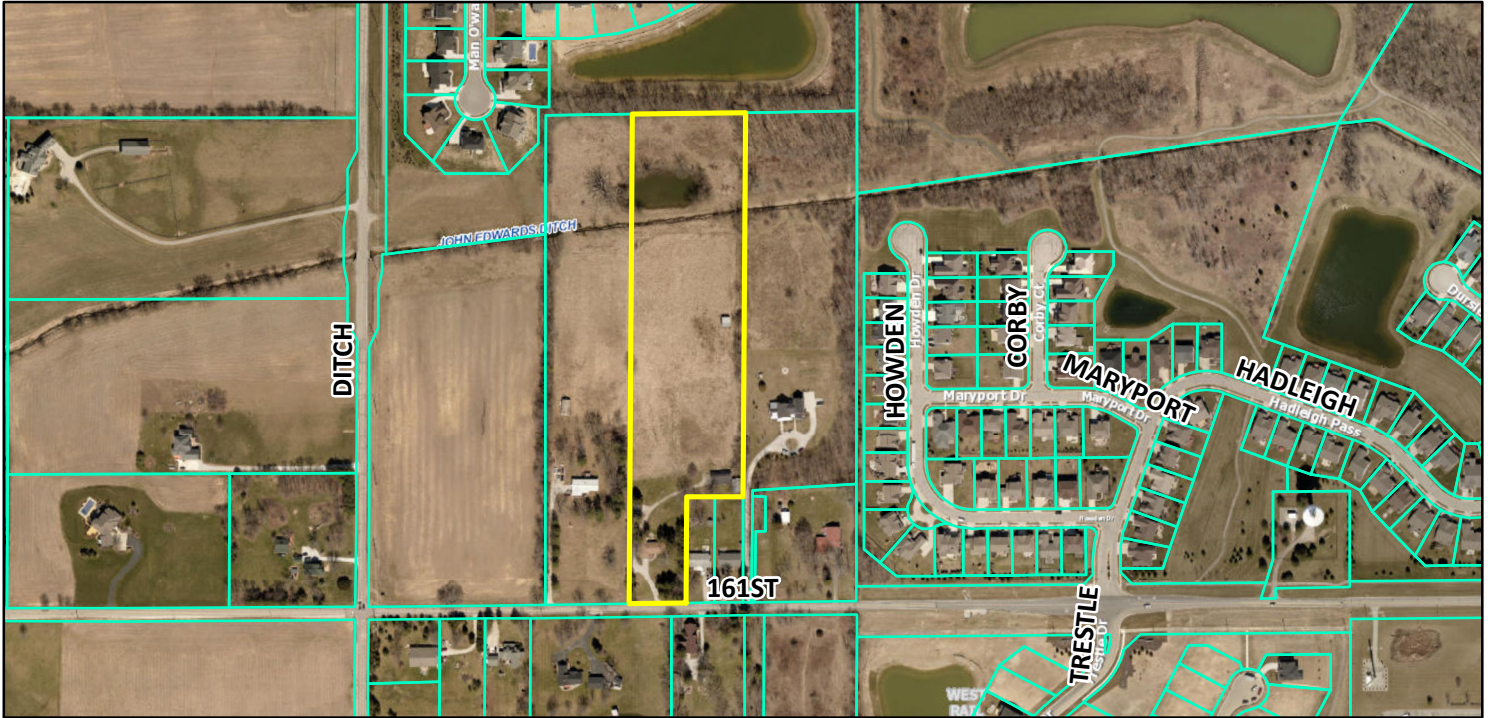
Exhibit 1

- The Petitioner shall record an acknowledgement of this approval with the Hamilton County Recorder's Office and return a copy of the recorded instrument to the Economic and Community Development Department.

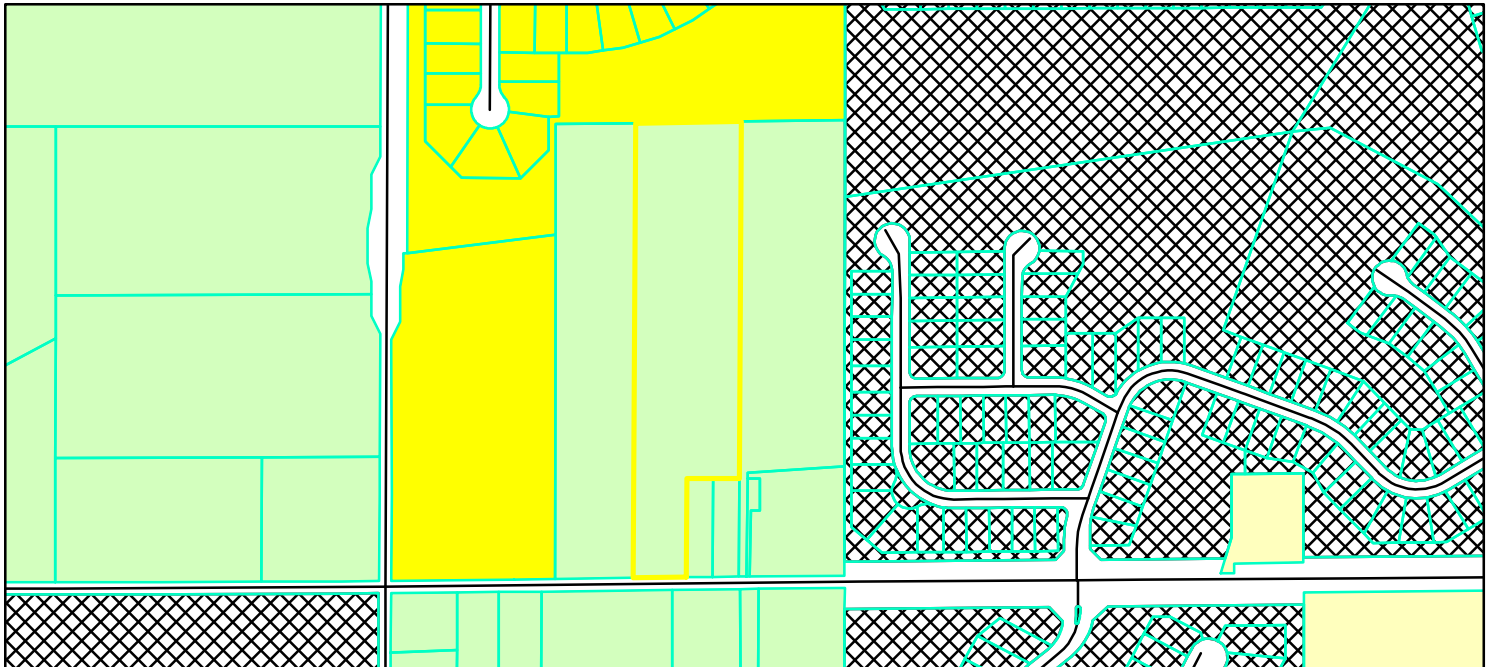
**Denial:** If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings consistent with the public hearing evidence and Board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

Aerial Location Map

 Site



Zoning Map



 Parcel  
 GIS.DBO.PW\_Streets  
**Zoning - All**  
 AG-SF1 (Agriculture - Single Family - 1)  
 PUD (Planned Unit Development)  
 SF-2 (Single Family - 2)  
 SF-3 (Single Family - 3)

0 0.0326.065 0.13 0.195 0.26  
Miles



1234 W 161<sup>st</sup> St

Parcel 1 -  
~5 acres

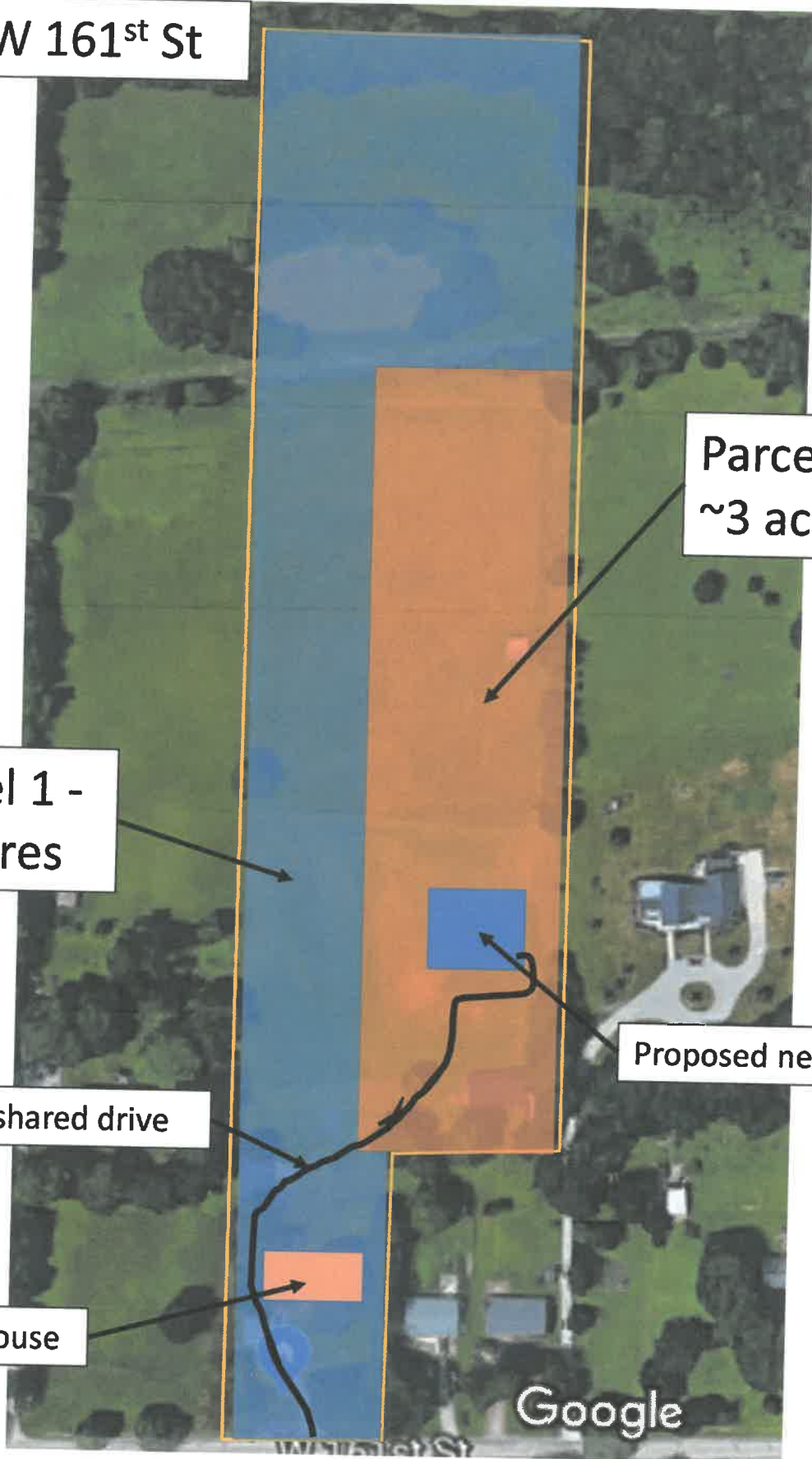
Parcel 2 -  
~3 acres

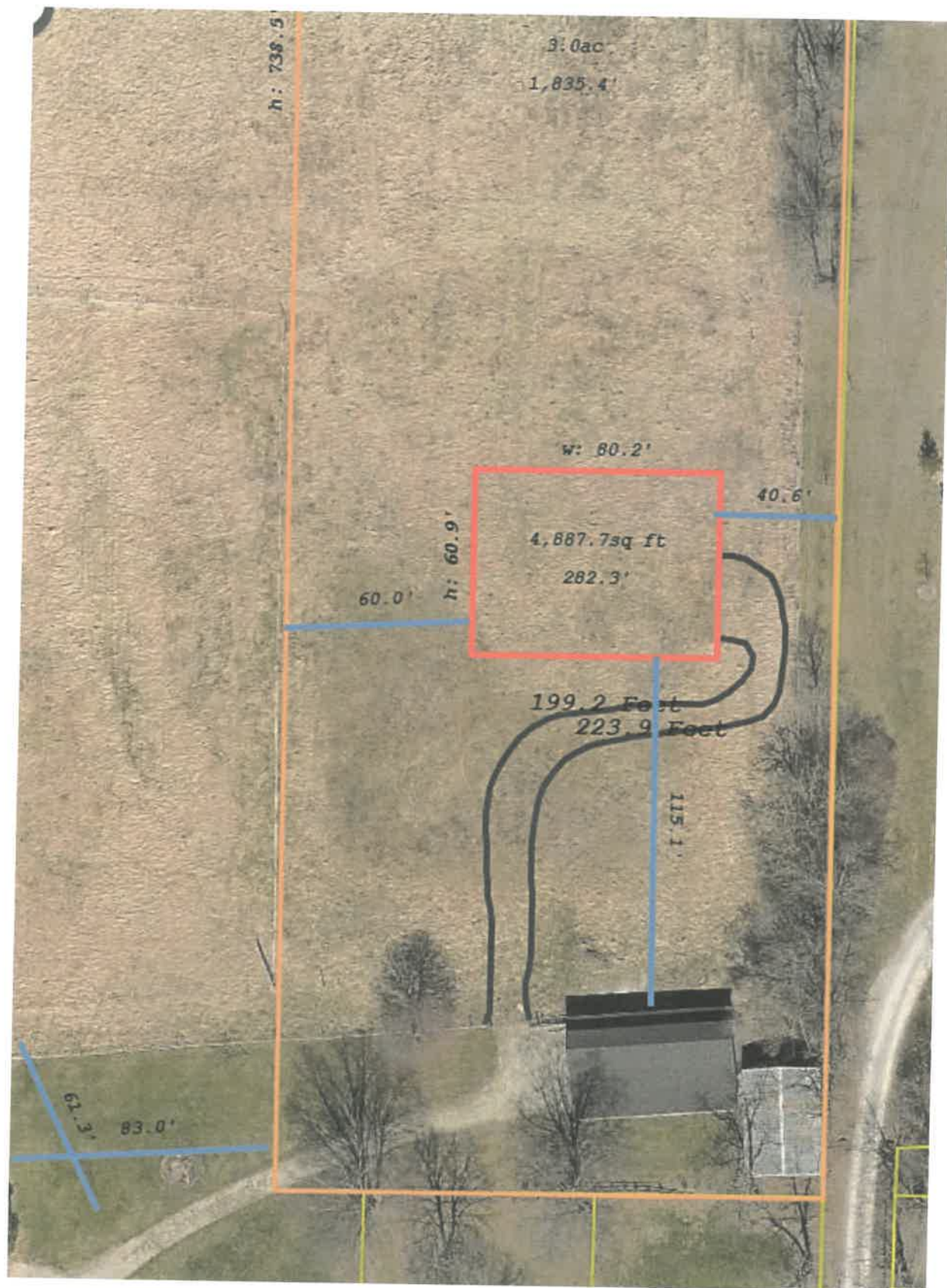
Proposed new house

Common shared drive

Existing house

Google





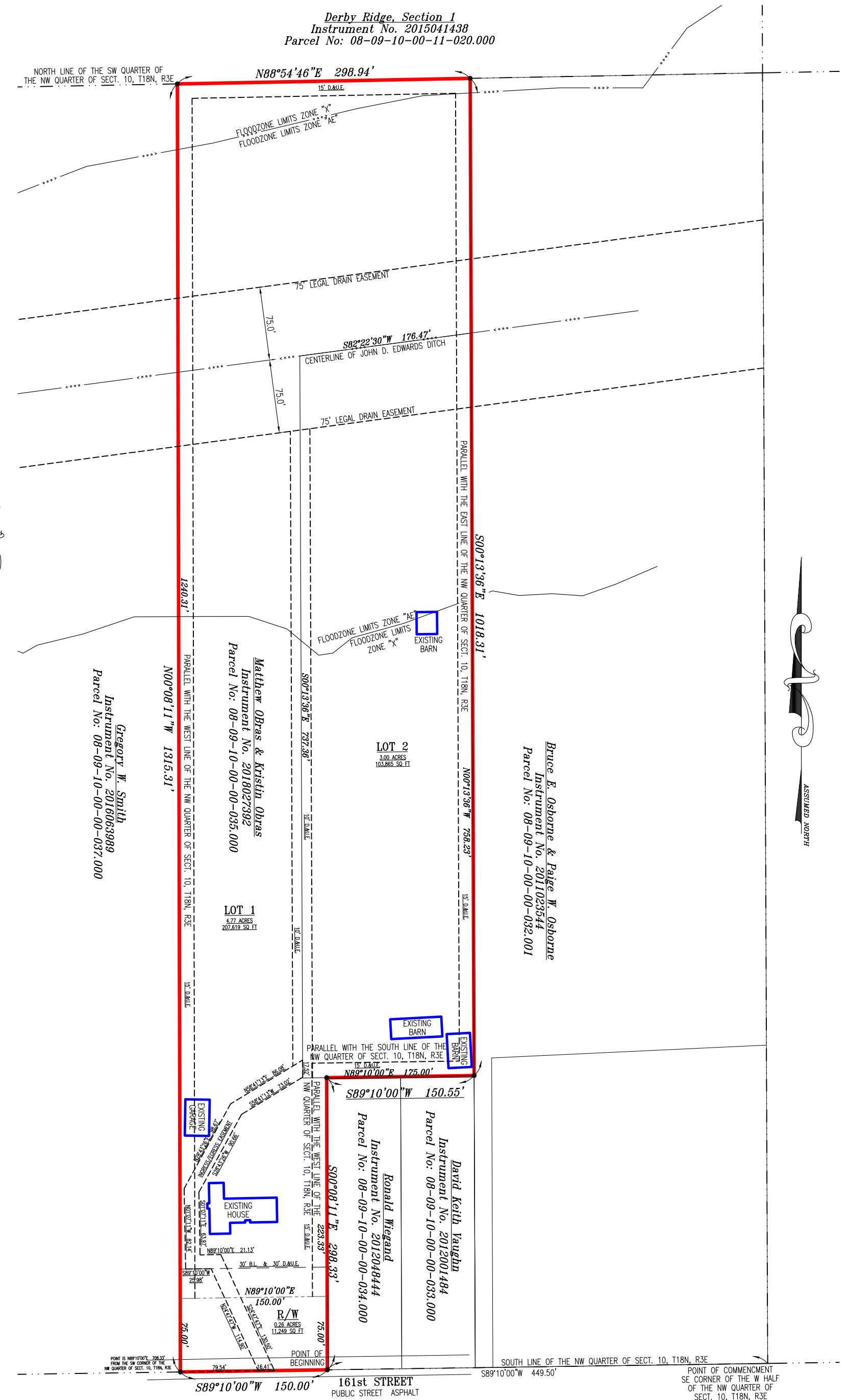
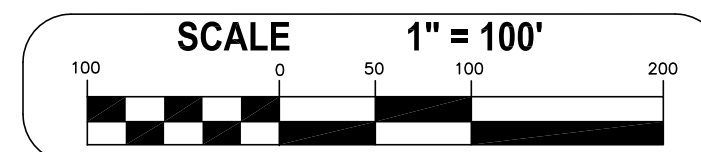
PART OF NORTHWEST QUARTER OF SECTION 10  
TOWNSHIP 18 NORTH RANGE 3 EAST  
WASHINGTON TOWNSHIP HAMILTON COUNTY

A map showing the location of the site. The site is marked with a red rectangle and a location pin icon. The address "1234 W 161st St" is displayed next to the pin. The word "SITE" is written in a large, stylized font. The map includes surrounding streets: W 166th St to the north, W 161st St to the south, Ditch Rd to the west, and several streets to the east including Adlo Ln, Morley Ln, Plunkett Ave, Connolly Dr, Haven Dr, and Hadleigh Ave. A blue line representing a waterway or canal runs horizontally across the middle of the map.

I, THE UNDERSIGNED HEREBY CERTIFY, UNDER THE PENALTIES OF PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW, AND THIS DOCUMENT PREPARED BY:

  
DONN M. SCOTTEN

R/W = RIGHT OF WAY  
B.L. = BUILDING LINE  
D.&U.E. = DRAINAGE AND UTILITY EASEMENT  
● MONUMENT SET OR FOUND



1234 WEST 161ST STREET  
WESTFIELD, INDIANA

**OWNER / DEVELOPER:**  
Matt OBras  
1234 WEST 161ST STREET  
WESTFIELD, INDIANA

NORTHWEST QUARTER  
OF SECTION 10  
TOWNSHIP 18 NORTH  
RANGE 3 EAST  
WASHINGTON TOWNSHIP  
HAMILTON COUNTY

The logo for Axis Surveying, LLC features the word "AXIS" in a large, bold, black sans-serif font. A stylized orange and white circular graphic is positioned behind the letters "A" and "X". Below "AXIS", the words "SURVEYING, LLC" are written in a smaller, black, sans-serif font.

Complete Surveying Services for Commercial - Construction - Residential

(317) 841-1506 - [www.AXISIndy.com](http://www.AXISIndy.com) P.O. BOX 502369 - Indianapolis, IN 46250

DRAWN BY: R. STOHLER  
CHECKED BY: D. SCOTTEN  
ISSUE DATE: 08-28-2019

R. STOHLER  
D. SCOTTEN  
08-28-2019

OBRAS ESTATES  
MINOR PLAT

PART OF NORTHWEST QUARTER OF SECTION 10  
TOWNSHIP 18 NORTH RANGE 3 EAST  
WASHINGTON TOWNSHIP HAMILTON COUNTY

LEGAL DESCRIPTION

Part of the West Half of the Northwest Quarter of Section 10, Township 18 North, Range 3 East in Hamilton County, Indiana, more particularly described as follows:

Beginning at a point on the South line of said Northwest Quarter Section 449.50 feet South 89 degrees 10 minutes 00 seconds West of the Southeast corner of the West Half of said Quarter Section thence South 89 degrees 10 minutes 00 seconds West on and along said South line 150.00 feet to a point that is 708.33 feet North 89 degrees 10 minutes 00 seconds East of the Southwest corner of said Northwest Quarter Section, thence North 00 degrees 08 minutes 11 seconds West and parallel with the West line of said Quarter Section 1315.31 feet to the North line of the Southwest Quarter of said Northwest Quarter Section, thence North 88 degrees 54 minutes 46 seconds East 298.94 feet; thence South 00 degrees 13 minutes 36 seconds East and parallel with the East line of said Quarter Section 1018.31 feet; thence South 89 degrees 10 minutes 00 seconds West and parallel with the South line of said Quarter Section 150.55 feet; thence South 00 degrees 08 minutes 11 seconds East and parallel with said West line 298.33 feet to the point of beginning.

SURVEYOR'S CERTIFICATE

I, DONN SCOTTEN HEREBY CERTIFY THAT:

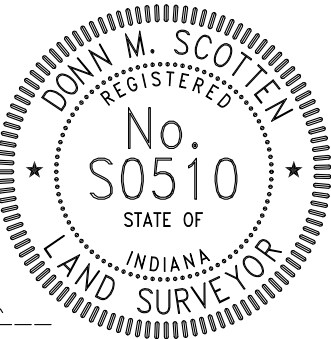
The within Plat is a representation of the lands surveyed and platted under my direct supervision and control and that it is true and correct to the best of my knowledge and belief;

This subdivision consist of 2 Lots, Numbered 1 and 2 and shall be known and designated as OBras Estates with public rights of way, easements and setbacks as shown on the within plat;

The size of the lots and widths of the street and easements are shown in figures denoting feet and decimal parts thereof;

The boundary lines for this plat are based on the Survey recorded \_\_\_\_\_ as Instrument No. \_\_\_\_\_ in the Office of the Hamilton County Recorder.

  
Donn M. Scotten  
Professional Land Surveyor #S0510  
P.O. BOX 502369 INDIANAPOLIS, INDIANA



REDACTION STATEMENT

I, THE UNDERSIGNED HEREBY CERTIFY, UNDER THE PENALTIES OF PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW, AND THIS DOCUMENT PREPARED BY:

  
DONN M. SCOTTEN

DEED DEDICATION

THE UNDERSIGNED, OWNERS OF THE WITHIN DESCRIBED REAL ESTATE, DO HEREBY LAY OFF, PLAT AND SUBDIVIDE THE SAME INTO LOTS AND EASEMENTS IN ACCORDANCE WITH THE APPLICABLE LAWS, ORDINANCES, COVENANTS, RESTRICTIONS, AND THE PLAT SHOWN HEREON, THAT THE RIGHTS-OF-WAY OF THE STREETS AS SHOWN ON THIS PLAT, IF NOT HERE-TO-FOR DEDICATED TO THE PUBLIC ARE HEREBY DEDICATED TO THE PUBLIC FOR USE AS A PUBLIC RIGHT-OF-WAY.

THE WITHIN PLAT SHALL BE KNOWN AS: OBras Estates

IN WITNESS WHEREOF, HAS HEREUNTO CAUSED SUCH NAME TO BE SUBSCRIBED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2019.

OWNER:

\_\_\_\_\_  
Matt OBras

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED Matt OBras AND ACKNOWLEDGED THE EXECUTION OF THIS PLAT AS HIS VOLUNTARY ACT AND DEED AND AFFIXED HIS SIGNATURE THERETO.

WITNESS MY SIGNATURE AND SEAL THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2019.

NOTARY PUBLIC: \_\_\_\_\_

COUNTY OF RESIDENCE: \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

COMMISSION CERTIFICATE

UNDER AUTHORITY PROVIDED BY IC 36-7, ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA, AND ALL ACTS AMENDATORY THERETO, AND AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF WESTFIELD AS FOLLOWS;

APPROVAL DELEGATED TO THE ECONOMIC AND COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF WESTFIELD, INDIANA BY THE WESTFIELD ORDINANCE 11-06, ENACTED BY THE WESTFIELD CITY COUNCIL ON MARCH 14, 2011.

APPROVED BY THE WESTFIELD ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

WESTFIELD – WASHINGTON TOWNSHIP PLAN COMMISSION

\_\_\_\_\_  
KEVIN TODD, DIRECTOR  
ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT

BOARD OF PUBLIC WORKS  
AND SAFETY CERTIFICATE

THIS PLAT AND THE ACCEPTANCE OF ANY PUBLIC RIGHTS-OF-WAY DEDICATED HEREIN IS HEREBY APPROVED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019, BY THE DIRECTOR OF THE PUBLIC WORKS DEPARTMENT OF THE CITY OF WESTFIELD, INDIANA, ON BEHALF OF THE BOARD OF PUBLIC WORKS AND SAFETY, PURSUANT TO RESOLUTION 15-120 ENACTED BY THE BOARD OF PUBLIC WORKS AND SAFETY ON AUGUST 26, 2015, AND ARTICLE 7.4(B) OF THE UNIFIED DEVELOPMENT ORDINANCE.

\_\_\_\_\_  
JEREMY LOLLAR DIRECTOR  
PUBLIC WORKS DEPARTMENT

EASEMENT NOTE

Each lot in this subdivision is subject to an easement for utility services to the other lots in the subdivision. The ingress/egress easement shown hereon is for the benefit of Lot 2 over, across and through Lot 1.

OBRAS ESTATES  
MINOR PLAT

1234 WEST 161ST STREET  
WESTFIELD, INDIANA

MINOR PLAT

OWNER / DEVELOPER:  
Matt OBras  
1234 WEST 161ST STREET  
WESTFIELD, INDIANA

PROJECT LOCATED IN:

NORTHWEST QUARTER  
OF SECTION 10  
TOWNSHIP 18 NORTH  
RANGE 3 EAST  
WASHINGTON TOWNSHIP  
HAMILTON COUNTY

SURVEYOR:

  
SURVEYING, LLC

Complete Surveying Services for Commercial - Construction - Residential

(317) 841-1506 - www.AXISIndy.com P.O. BOX 502369 - Indianapolis, IN 46250

SHEET  
2 OF 2

PROJECT  
NUMBER  
1-23403 P

DRAWN BY: R. STOHLER  
CHECKED BY: D. SCOTTEN  
ISSUE DATE: 08-28-2019



**Petition Number:** 1909-VS-17

**Subject Site Address:** 15366 Whistling Lane (the "Property")

**Petitioner:** Michael J. Gochenour (the "Petitioner")

**Request:** The Petitioner requests a Variance of Development Standard to modify the Rear Yard Setback Line on the Property from thirty-five (35) feet to nine (9) feet to allow for the construction of a pool and knee wall.

**Current Zoning:** The Bridgewater Planned Unit Development (PUD) District (Ord. 06-49)

**Current Land Use:** Residential

**Approximate Acreage:** 0.71 acres +/-

**Exhibits:**

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

**Staff Reviewer:** Daine Crabtree, Associate Planner

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## **OVERVIEW**

**Location:** The subject property is a 0.71 +/- acre parcel located at 15366 Whistling Lane (see **Exhibit 2**) in The Bridgewater PUD.

**Requested Variances:** The Petitioner is requesting a Variance of Development Standard to modify the Rear Yard Setback Line from thirty-five (35) feet to nine (9) feet to accommodate a swimming pool and associated knee wall.

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## **SUMMARY OF VARIANCE**

The Petitioner requests a Variance of Development Standard to modify the Rear Yard Setback Line from thirty-five (35) feet to nine (9) feet to allow for the construction of a pool and knee wall (see **Exhibit 3**). A pool house is proposed as part of this development as well, but it will meet the required thirty-five (35) foot setback. A planting plan (see **Exhibit 4**) is proposed for the Property as well.

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## **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 10, 2019, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

**Conditions:** The UDO<sup>1</sup> 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 UDO<sup>2</sup> 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.

---

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

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



**DEPARTMENT COMMENTS:**

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

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

**Finding:** It is unlikely that approving the requested variance would be injurious to the public health, safety, morals, and general welfare of the community because the existing use and proposed improvements will otherwise comply with the applicable standards of The Bridgewater PUD 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: (i) the proposed improvements will enhance the value of the subject property; (ii) the improvements will otherwise comply with or exceed the applicable standards; (iii) the use of the Property will not change; and (iv) the approval of the variance will allow for the continued use and improvement of the property in a manner substantially consistent with the quality and character of the surrounding area and Comprehensive Plan.

- 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 the inability to improve the property, as proposed, in accordance with the Unified Development Ordinance and Bridgewater PUD Ordinance. The primary residential use of the property is otherwise permitted by the applicable ordinances and the proposed improvements would otherwise comply with the applicable ordinances.

**Recommended Conditions:**

- The improvements associated with Variance 1909-VS-17 are constructed in substantial compliance with what is shown on the Site Plan and Planting Plan.
- That all necessary Improvement Location Permits (ILP) are reviewed and approved by the Community Development Department.
- The Petitioner shall record an acknowledgement of this approval with the Hamilton County Recorder's Office and return a copy of the recorded instrument to the Economic and Community Development Department.



WESTFIELD-WASHINGTON  
BOARD OF ZONING APPEALS

September 10, 2019

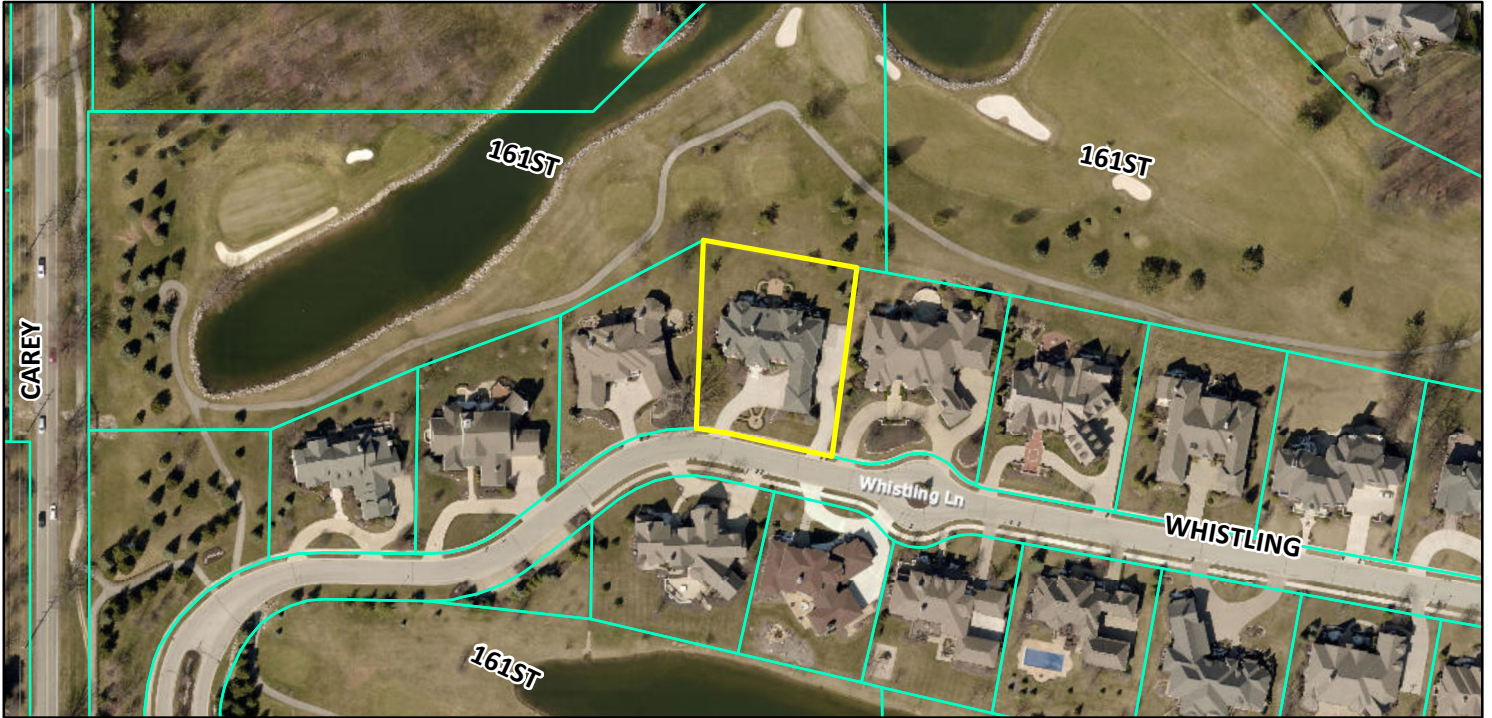
1909-VS-17

Exhibit 1

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

Aerial Location Map

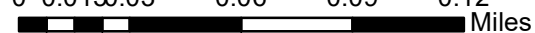
 Site



Zoning Map

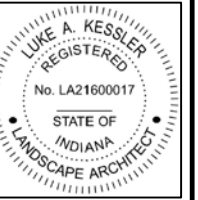
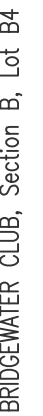


 Parcel  
 GIS DBO, PW, Streets  
**Zoning - All**  
 AG-SF1 (Agriculture - Single Family - 1)  
 PUD (Planned Unit Development)

0 0.0150.03 0.06 0.09 0.12  
 Miles



1. ALL DISTURBED SOILS SHALL BE SEED OR LAID WITH TURF GRASS TO MATCH EXISTING LAWN
2. ALL DISTURBED SOILS SHALL BE PROTECTED FROM EROSION WITH SILT FENCE OR INLET PROTECTION OF TYPE IN COMPLIANCE WITH LOCAL REGULATIONS
3. CONTRACTOR SHALL VERIFY ALL DIMENSIONS
4. ALL CONSTRUCTION DEBRIS AND VEGETATIVE DEBRIS SHALL BE DISPOSED OF OFF-SITE IN ACCORDANCE WITH LOCAL AND STATE LAWS.



|                            |         |       |
|----------------------------|---------|-------|
| Design                     | DWA     | 1/24  |
| Drainage                   | KESSLER | 7/28  |
| Checked                    |         | 07/29 |
| 03.2257                    |         |       |
| outdoorsolutions@gmail.com |         |       |

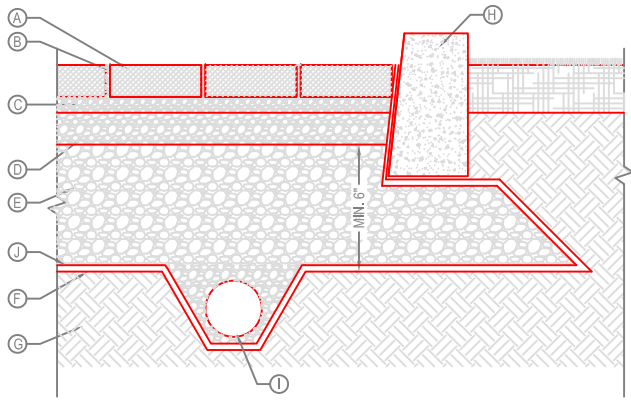
|                    |         |
|--------------------|---------|
| ADHLAKHA_RESIDENCE | INDIANA |
| 15366_WHISTLING_LN |         |
| TEL                |         |



Email: [extremeoutdoorsolutions@gmail.com](mailto:extremeoutdoorsolutions@gmail.com)



ABBREVIATIONS:

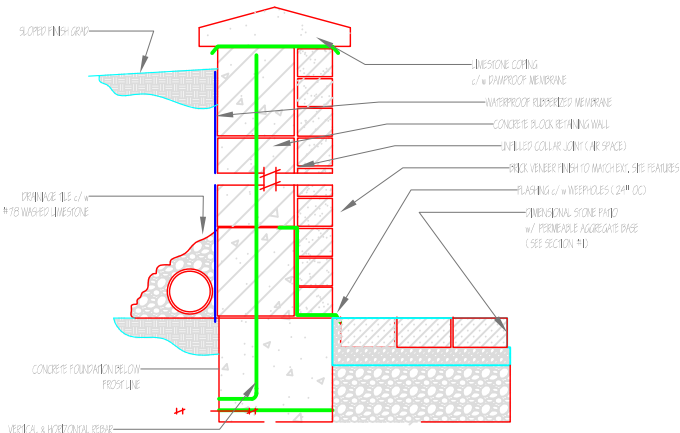


SECTION

- LEGEND:
- A DIMENSIONAL DOLOMITE LIMESTONE WITH PERMEABLE AGGREGATE JOINTING
  - B JOINT FILLING MATERIAL, CRUSHED SLATE NO. 11, CONFORMING TO ASTM D 448
  - C BEDDING COURSE, 2" (50 mm) THICK NO. 11 STONE CONFORMING TO ASTM D 448
  - D BASE COURSE, 4" (100 mm) THICK NO.78 STONE CONFORMING TO ASTM D 448
  - E SUBBASE COURSE, 6" THICK AS PER DESIGN NO.2 STONE CONFORMING TO ASTM D 448
  - F GEOTEXTILE (OR IMPERMEABLE MEMBRANE)
  - G SUBGRADE (IMPERMEABLE)
  - H EDGE RESTRAINT
  - I PERFORATED DRAIN SPACED AND SLOPED TO DRAIN STORED WATER TO EXISTING DRAINAGE INLET
  - J GEOTEXTILE TO PROTECT IMPERMEABLE MEMBRANE

- NOTES:
1. INSTALLATION TO BE COMPLETED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.
  2. ALL INFORMATION CONTAINED HEREIN WAS CURRENT AT THE TIME OF DEVELOPMENT.

- 1 PERMEABLE PATIO
- 2 PERMEABLE PRECUT STONE (NO INFILTRATION)

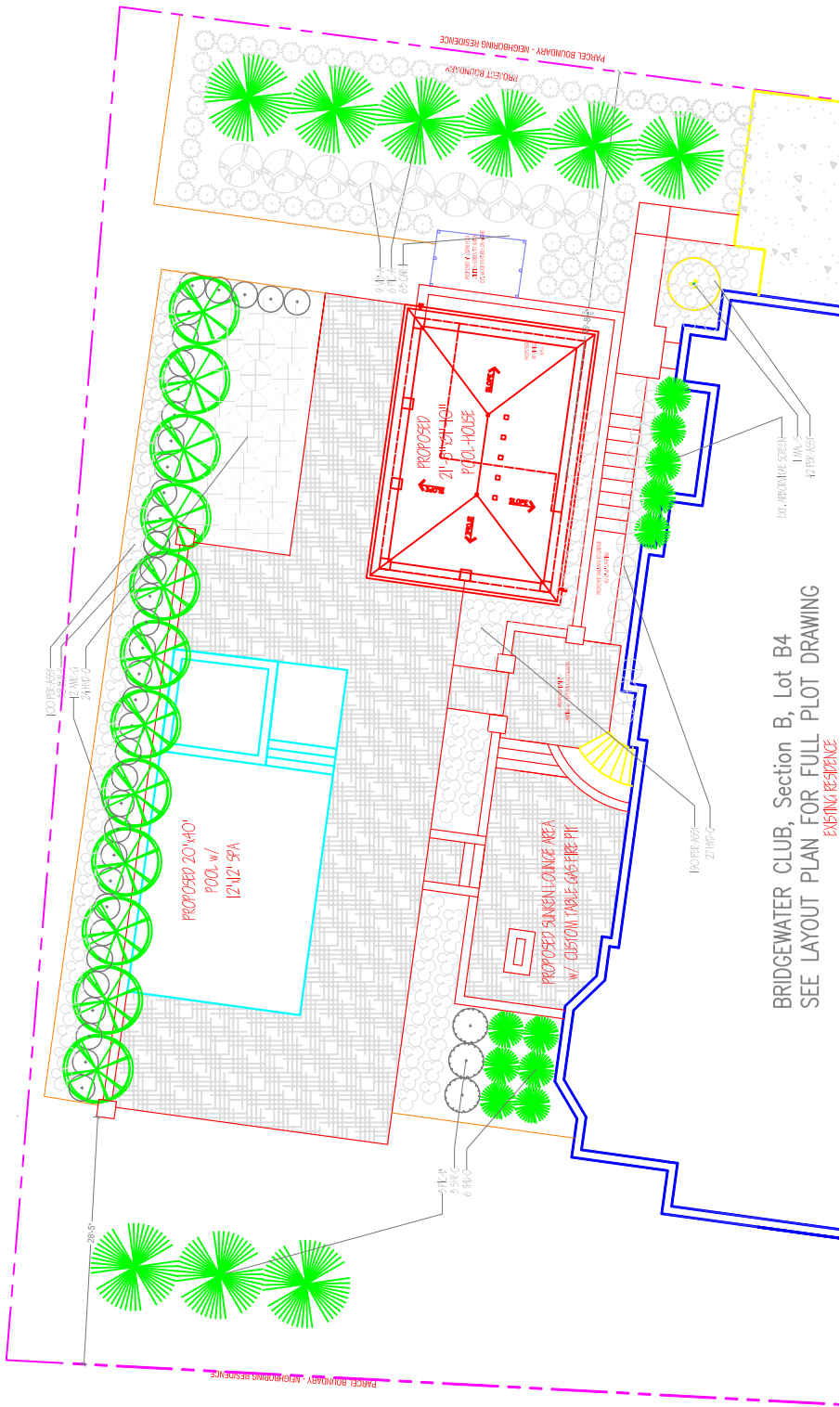


- 2 BRICK RETAINING WALL

DETAILS

PLAN

SITE & PLANTING PLAN



| PLANT SCHEDULE |          |                                                                 |                                            |                                                                                                                                                                                                                                                                          |
|----------------|----------|-----------------------------------------------------------------|--------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CODE           | QUANTITY | LATIN NAME                                                      | COMMON NAME                                | NOTES                                                                                                                                                                                                                                                                    |
| AME-G          | 12       | Amelanchier x grandiflora 'Autumn Brilliance'                   | Autumn Brilliance Serviceberry             | Small tree prized for its brilliant orange-red fall color; clusters of fragrant white flowers give way to small purplish black fruit in spring                                                                                                                           |
| MAL-S          | 1        | Malus sargentii                                                 | Sargent Crabapple                          | Fragrant, single red buds open white amid green, deeply lobed foliage. Bright red fruit follows later in the season and persists into the winter. Attracts birds. Dwarf-sized tree that fits well into most landscapes.                                                  |
| PIC-A          | 8        | Picea abies                                                     | Norway Spruce                              | Large, pyramidal tree with long, cylindrical cones that hang like ornaments from the weeping branches against the dark green foliage. This sun-loving tree is often used as screens or hedges in the landscape.                                                          |
| HYD-Q          | 57       | Hydrangea quercifolia "Alice"                                   | Alice Oakleaf Hydrangea                    | This bold selection is handsome and stately for foundation or border. It has deeply lobed, oak-like leaves and a profusion of large white blooms. Foliage turns brilliant crimson in fall, and winter reveal exfoliating mottled bark.                                   |
| PIC-A          | 6        | Picea abies                                                     | Norway Spruce                              | This classic tall timber tree has dark green evergreen needles on dense branches. Its pyramidal form has a graceful appearance because of pendulous branchlets. Tolerates heat and humidity better than other species. Works well for use as a tall screen or windbreak. |
| PIC-B          | 3        | Picea pungens var. glauca 'Bison Blue'                          | Bison Blue Spruce                          | Brilliant blue coloration on all needles, old and new. Formal conical shape. Excellent plant for Midwest landscapes                                                                                                                                                      |
| BUX-K          | 22       | Buxus x 'Green Velvet'                                          | Green Velvet Boxwood                       | A full-bodied plant well-suited for dense, low hedges. Foliage retains its rich green color throughout winter. Develops a vigorous, rounded form if not pruned.                                                                                                          |
| SYR-C          | 3        | Syringa vulgaris 'Charles Joly'                                 | Charles Joly French Lilac                  | Medium-sized shrub with an upright, open-branched habit and bright green foliage. Gorgeous, deep wine red, double flower clusters are highly fragrant. Blooms in mid-May. A lovely spring accent, screen, or border specimen.                                            |
| VIB-A          | 9        | Viburnum x rhytidophylloides 'Allegheny'                        | Allegheny Viburnum                         | This attractive, dense, upright shrub with textured, leathery, dark green foliage makes a great hedge, screen, or windbreak. Large clusters of fragrant white flowers followed by showy red fruit that matures to black.                                                 |
| CAR-I          | 63       | Caryopteris incona 'Sunshine Blue II'                           | Sunshine Blue Bluebeard                    | Amethyst blue flowers contrast with the bright yellow foliage for an outstanding late summer to early fall display. This attractive mounding shrub is stunning in mixed borders, perennial gardens and adored by butterflies.                                            |
| PER-ASST       | 332      | Salvia nemerosa 'Caradonna'; Rudbeckia fulgida var. 'Goldsturm' | Caradonna Sage; Goldsturm Black-Eyed Susan | Perennials to be planted in separate rows, w/ Black-Eyed Susans planted in the southernmost row in built space; Sage to sit at a lower level, in front of Black-Eyed Susans.                                                                                             |

PLANTING SCHEDULE

ADHLAKHA\_RESIDENCE  
15366\_WHISTLING\_LN  
INDIANA  
CARMEL

Design BWA 7/24  
Drainage KESSLER 7/28  
Checked 07/29

Phone: (317) 903.2257  
Email: extremeoutdoorsolutions@gmail.com

0 5 10 15 30 45  
SCALE: 1"=20'

EXTREME  
OUTDOOR  
SOLUTIONS