



CITY OF WESTFIELD, IN
Board of Zoning Appeals Meeting Agenda

[IGNORE_INDENT]

BOARD OR COMMISSION: Board of Zoning Appeals Meeting

MEETING DATE: Tuesday, December 9, 2025 at 7:00 PM

MEETING PLACE: Westfield City Hall - Assembly Room

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

Mark Keen, Chairman | Advisory Plan Commission Appointed | 2-year term | 1/6/25-1/4/27

William Bunkowfst, Vice Chairman | Mayoral Appointed | 4-year term | 1/1/24-1/3/28

Jeff Boller, Pro-Tempore | Mayoral Appointed | 4-year term | 1/4/22-1/5/26

Larry Clarino | Mayoral Appointed | 4-year term | 1/5/21-1/6/25

Jacob Plummer | Council Appointed | 4-year term | 1/3/23-1/4/27

Public input can be submitted in 1 of 2 ways:

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

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

OPENING OF REGULAR MEETING

Note the presence of a quorum

Approval of Minutes - November 11, 2025

Review Rules of Procedure

ITEMS OF BUSINESS

2512-VS-18 [PUBLIC HEARING]

17531 Joliet Road

Dmytro Sudak by Direct Homes, LLC

The Petitioner requests Variances of Development Standard to modify Minimum Lot Area, Minimum Lot Frontage, Minimum Lot Width, and Minimum Front Yard Building Setback for an existing legal nonconforming lot as well as an existing legal nonconforming structure and to encroach twenty-seven (27) feet into the thirty (30) foot Minimum Rear Yard Setback to accommodate a new detached Accessory Structure on 0.5 acres +/- in the AG-SF1:

Agriculture/Single-Family Rural District (Articles 4.2(C), 4.2(D), 4.2(E) & 4.2(F)

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

2512-VS-19 [PUBLIC HEARING]

21204 Freemont Moore Road

Scott Daugherty

The Petitioner requests a Variance of Development Standard to encroach forty (40) feet into the eighty (80) foot Minimum Front Yard Setback Line to accommodate a new agricultural barn on 4.98 acres +/- in the AG-SF1:

Agriculture/Single-Family Rural District (Article 4.2(E)(1).

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

ITEMS CONTINUED TO A FUTURE MEETING

2512-VS-20

19900 East Street

Community Health Network by Staley Signs, Inc.

The Petitioner requests a Variance of Development Standard to modify sign Standards on 53 acres +/- in the GB: General Business District

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

REPORTS/COMMENTS

Plan Commission Liaison

Community Development Department

ADJOURNMENT

Adjourn



Petition Number: 2512-VS-18

Subject Site Address: 17531 Joliet Road (the "Property")

Petitioner: Dmytro Sudak, represented by Alyona Tellez

Request: The Petitioner requests approval of multiple Variance of Development Standards including Minimum Lot Acreage, Minimum Lot Frontage, Minimum Lot Width, and Minimum Front Yard Setback for a legal nonconforming lot and existing structure, and to encroach twenty-seven (27) feet into the thirty (30) foot Rear Yard Setback to accommodate a new detached Accessory Structure for personal storage on 0.5 acres +/- in the AG-SF1: Agricultural / Single-family Rural District.

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

Current Land Use: Residential

Approximate Acreage: 0.5 acres +/-

Exhibits:

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

Staff Reviewer: Ryan Collingwood, Senior Associate Planner

PROPERTY INFORMATION & BACKGROUND

The subject Property is approximately 0.5 acres +/- in size and generally located at 17531 Joliet Road, as seen in the Location Map (**Exhibit 2**). The Property is zoned as part of the AG-SF1: Agricultural / Single-family Rural District.

REQUEST FOR VARIANCE

The Petitioner is requesting a Variance of Development Standard to encroach as much as twenty-seven (27) feet into the thirty (30) foot Rear yard Minimum Building Setback to accommodate an Accessory Structure utilized for storage purposes.

Due to various characteristics of the subject parcel, there are other numerous Variances being sought in order to bring the lot up to compliance with AG-SF1 regulations such as Minimum Lot Acreage, Minimum Lot Frontage, Minimum Lot Width, and Minimum Front Yard Setback.



Since this lot is zoned within the AG-SF1: Agricultural / Single-family Rural District, which is traditionally the City's largest & most agricultural-based zoning district, the lot does not quite align with the traditional AG-SF1 lot regulations of today.

On the lot today exists a single-family home, in which must be made compliant from the requested Variances, as it sits within the Front Yard Setback of the Property.

In order to legally construct the storage structure in the proposed location as seen within the provided Site Plan (**Exhibit 3**), a successful Variance approval of the listed regulations must be granted by the Board of Zoning Appeals (BZA) due to setback requirements and parcel nonconformity.

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 December 9, 2025, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

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

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

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

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

DEPARTMENT COMMENTS

If the Board is inclined to approve 2512-VS-18, The Department recommends the following findings and conditions:

Recommended Conditions:

- The constructed Accessory Structure be developed in substantial compliance with the Site Plan (**Exhibit 3**) & the Architectural Elevations (**Exhibit 4**), and
- That the Petitioner record an acknowledgement of this approval with the Hamilton County Recorder's Office and return a copy of the recorded instrument to the Community Development Department.

Recommended Findings for Variance of Development Standards (2512-VS-18):

- 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 proposed use and improvements will otherwise comply with the applicable standards of the AG-SF1: Agricultural / Single-family Rural District.

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

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



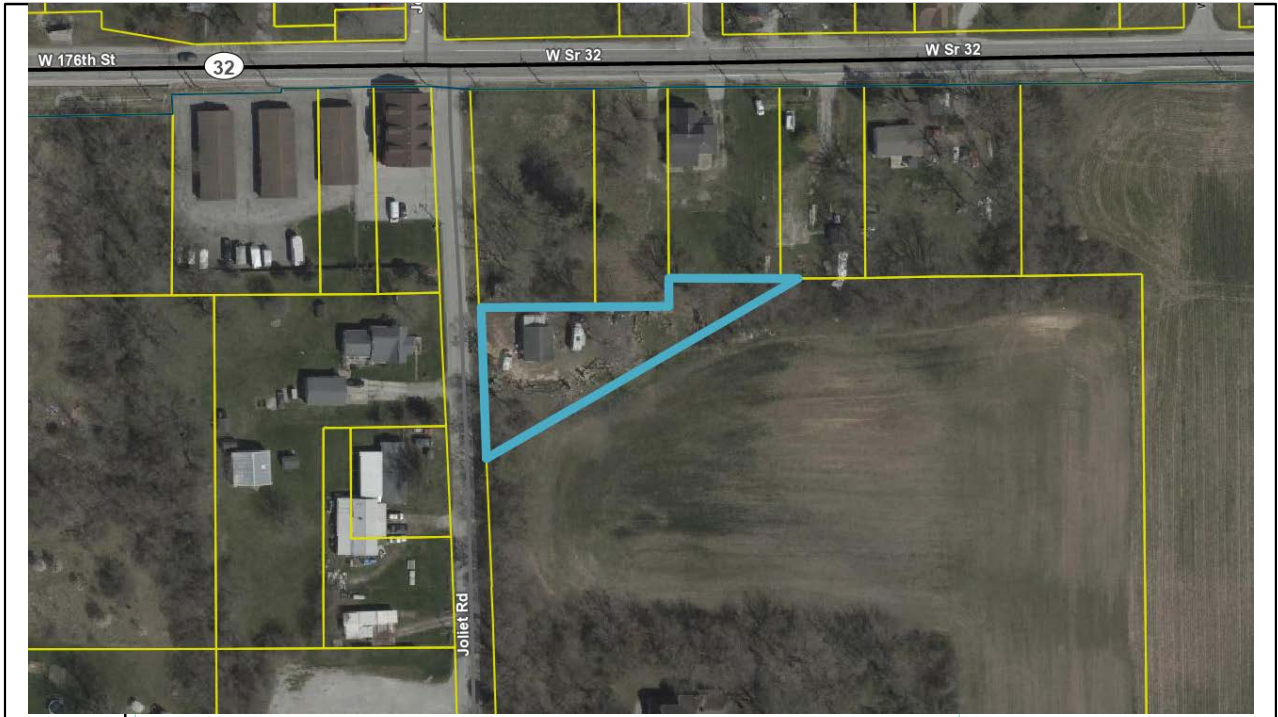
- 3) ***The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.***

Finding: Strict adherence to the zoning ordinance would result in the Petitioner not being cover able to provide storage in the desired location of the Petitioner, due to the AG-SF1 regulations applicable to the Property regarding setbacks and acreage.

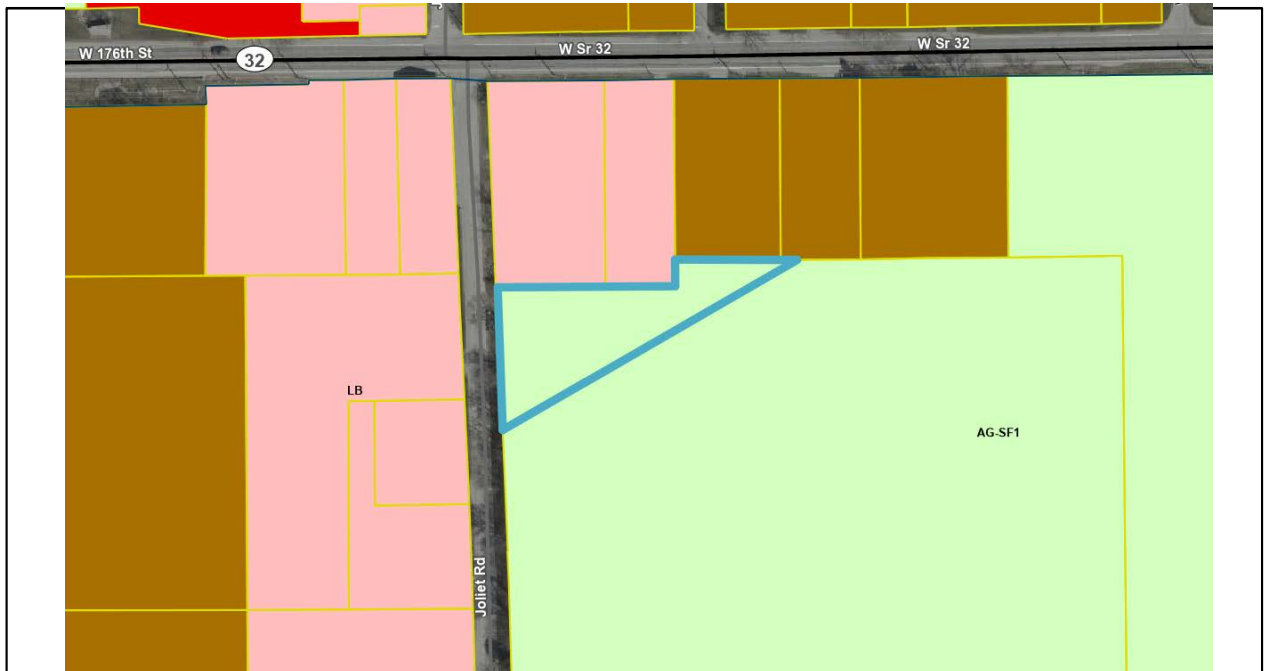
Denial: If the Board is inclined to reject or deny the Variance of Development Standard, then the Department recommends denying the Variances of Development Standard, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant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




Aerial Location Map

 Site



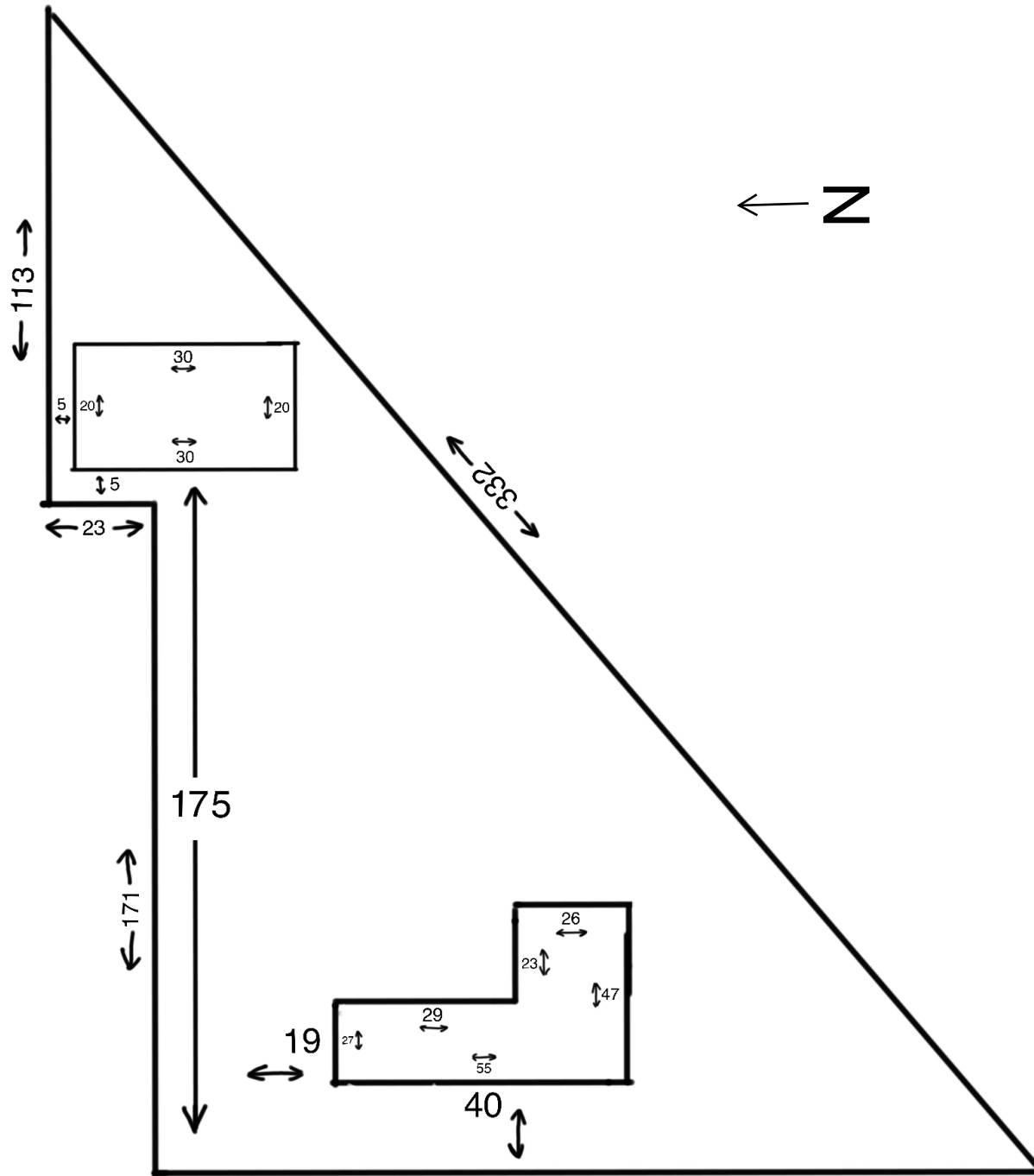
Zoning Map



-  AG-SF1: Agricultural / Single Family Rural District
-  LB: Local Business
-  SF-5: Single-family High Density (Village)

0 0.0275 0.055
Miles





EAST ELEVATION

32 Feet

SHINGLE ROOF

4 Feet

1 Feet

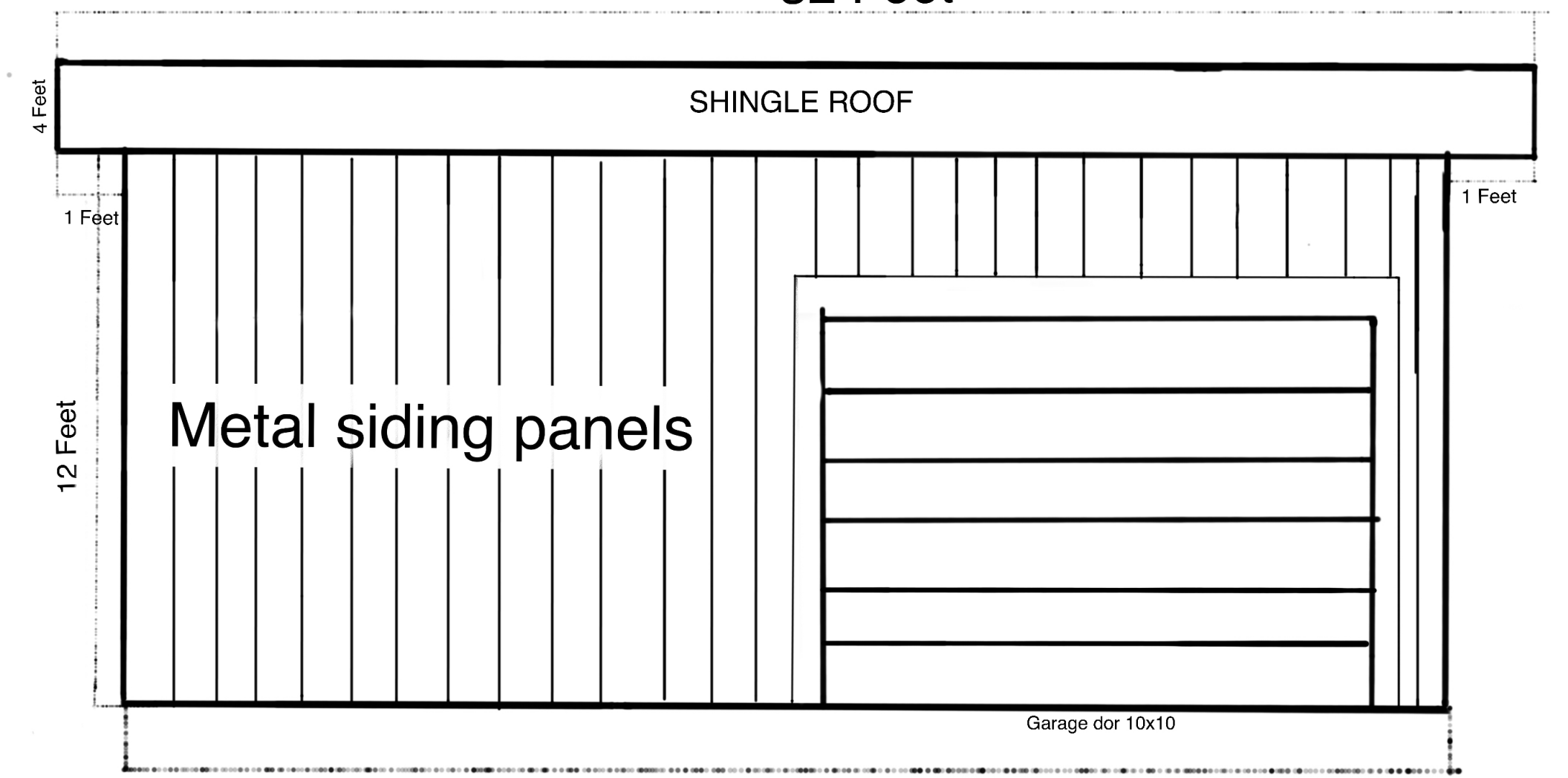
1 Feet

12 Feet

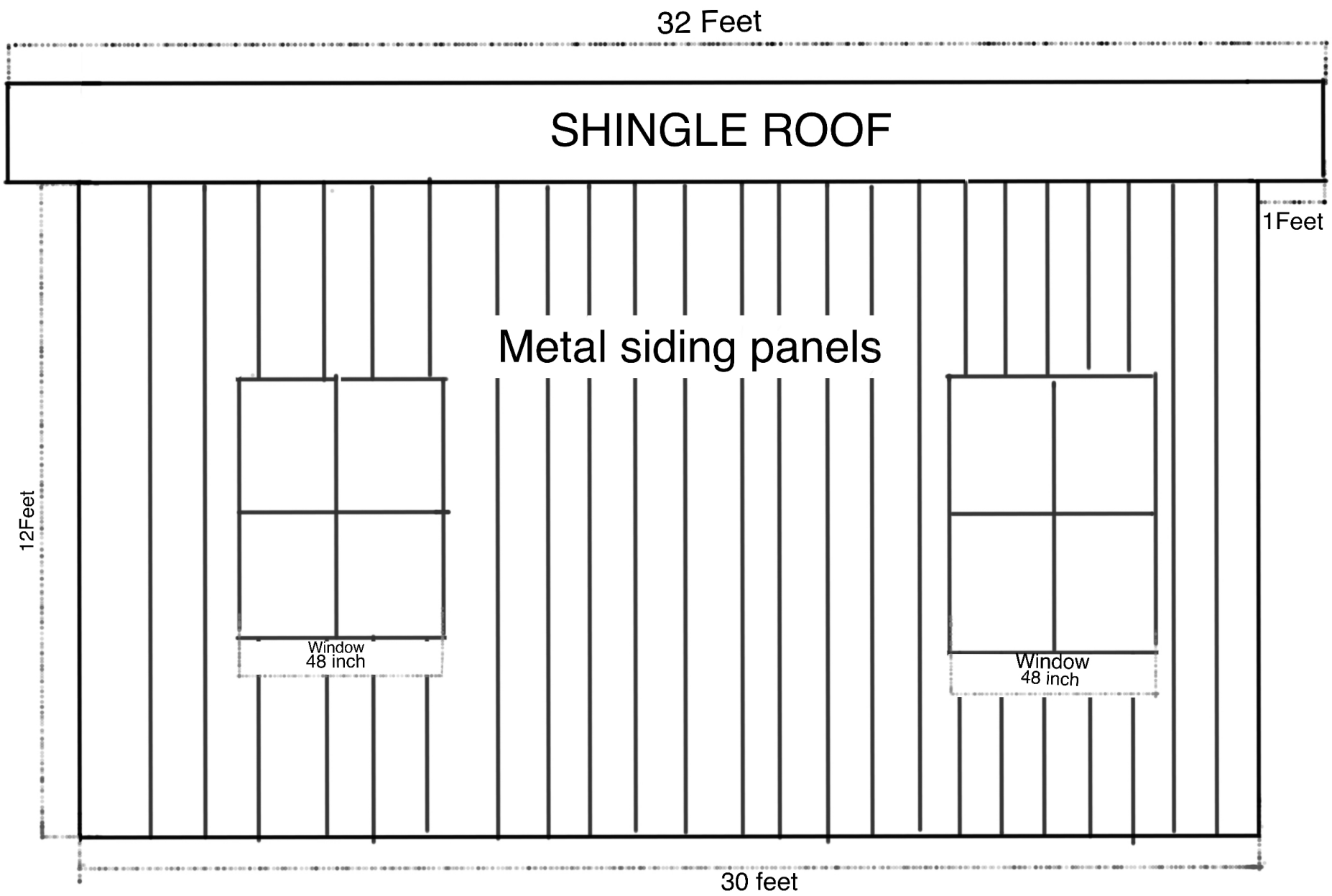
Metal siding panels

Garage dor 10x10

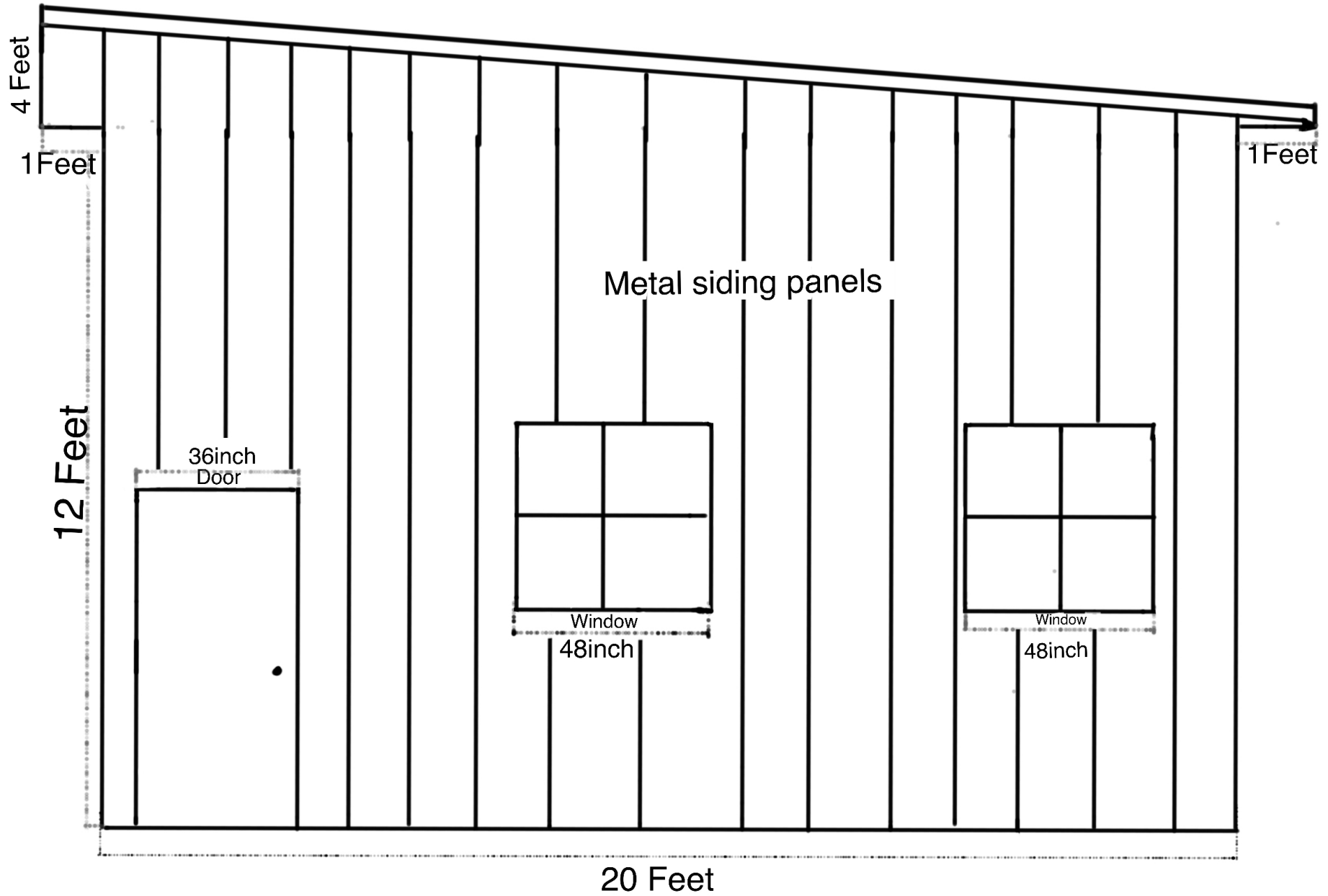
30 Feet



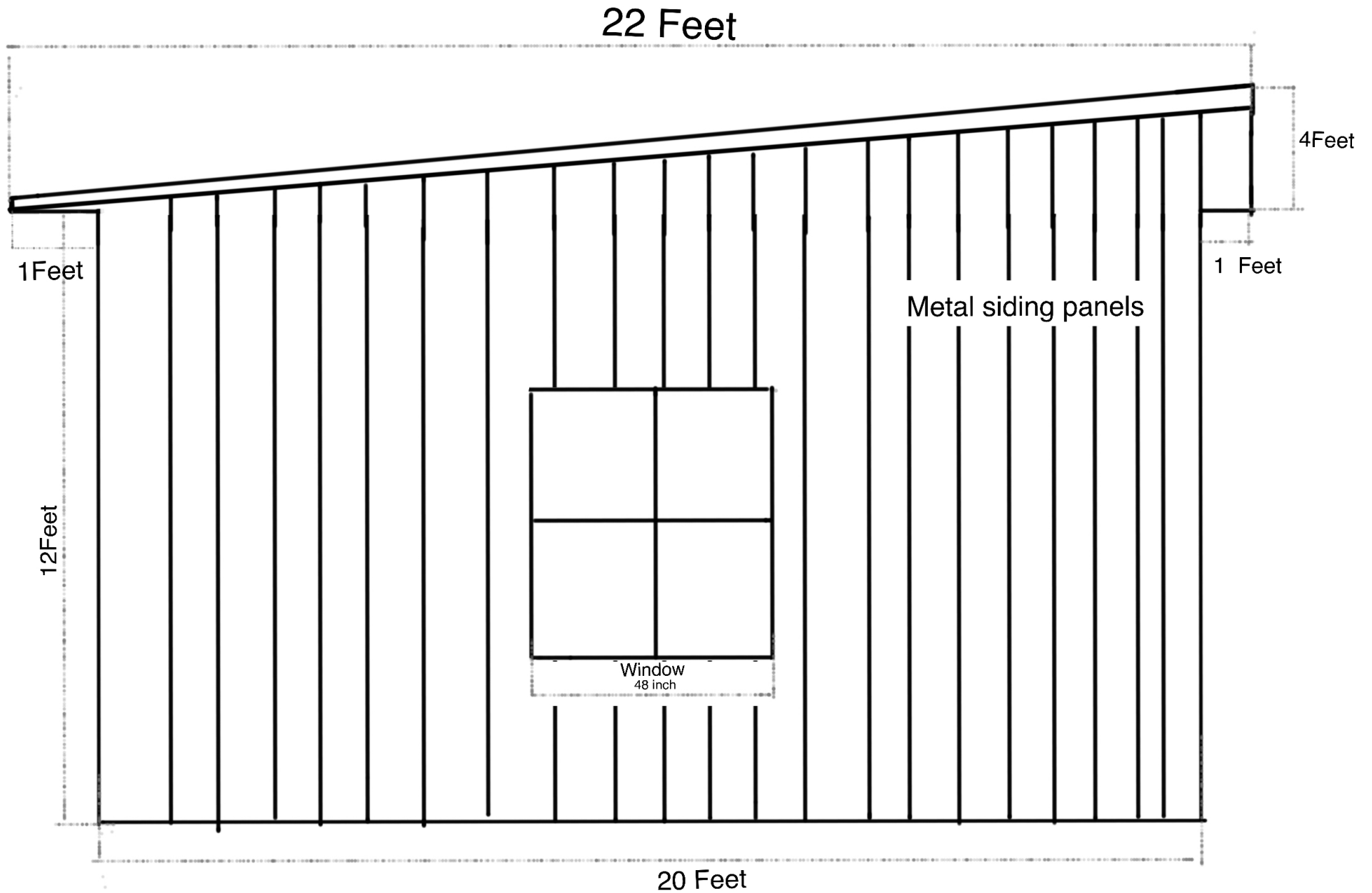
WEST ELEVATION

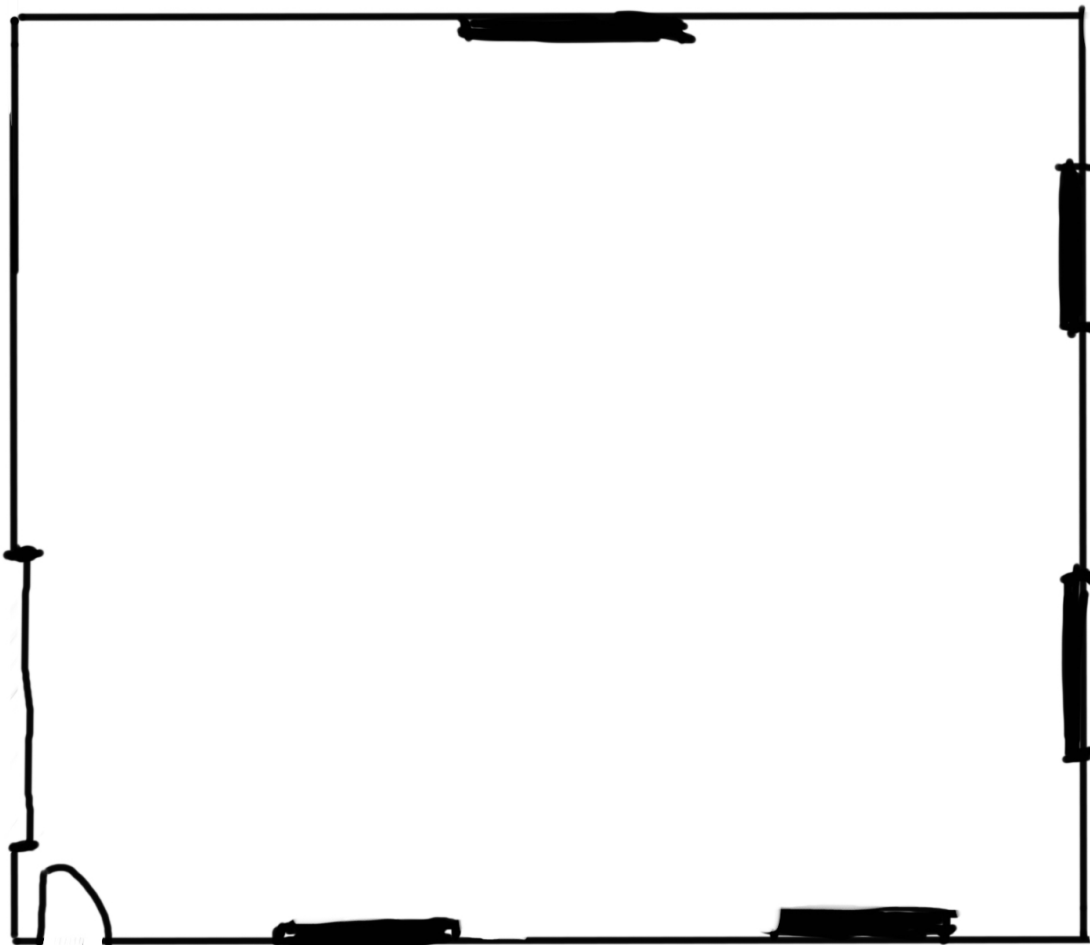


NORTH ELEVATION



SOUTH ELEVATION







Petition Number: 2512-VS-19

Subject Site Address: 21204 Freemont Moore Rd.

Petitioner: Scott Daugherty (“the Petitioner”)

Representative: Same as Petitioner

Request: Variance of Development Standard to modify the Minimum Front Yard Setback for eighty (80) feet to forty (40) feet a new agricultural barn on 4.98 acres +/- in the AG-SF1: Agriculture / Single-family Rural District. *UDO Article 4.2(E)(1)*

Current Zoning: AG-SF1 (Agriculture / Single-family Rural District)

Current Land Use: Single-family Detached Residential

Approximate Acreage: 4.98 acres +/-

Exhibits:

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

Staff Reviewer: Lauren Gillingham-Teague, AICP - Senior Planner

PROPERTY INFORMATION

Location: The subject Property is 4.98 acres +/- in size (the “Property”) and located at 21204 Freemont Moore Rd., lot 1 of the Daugherty Estates, located approximately 400 feet north of the intersection of Freemont Moore Rd and W 211th St. (see **Exhibit 2**). The Property is zoned AG-SF1 – Agriculture / Single-family Rural District. The adjacent properties to the north, east, west, and south are also zoned AG-SF1.

Property History: Historical aerial imagery shows that from the early 1960s to the early 1990s the 10-acre parent parcel was used as some sort of automotive scrapyards. In the years since, the property has become very wooded, particularly to the rear of the home. The parent parcel was subdivided for residential use in 2017, creating a two-lot subdivision known as Daugherty Estates. As part of the platting process, 50 feet of right-of-way was dedicated along both 211th St and Freemont Moore Rd. Although this is the correct procedure, it is unusual to see in a rural area where parcels are more often split (illegally or otherwise) through the use of a property deed rather than through the official platting process, and means the front property line of subject lot is approximately thirty-three (33) feet behind the assumed right-of-way line established for non-platted parcels along Freemont Moore Rd.

VARIANCE DISCUSSION

The requested Variance of Development Standard would modify the Minimum Front Yard Setback from eighty (80) feet to forty (40) feet in order to accommodate the construction of a 3,200 sq. ft. (40’x80’) agricultural barn. The need for the variance ultimately stems from Unified Development Ordinance



(UDO) Art. 6.1(I) Accessory Use and Building Standards; Agriculture-Related Accessory Buildings and Uses:

Regulated as Principal Buildings: Accessory Buildings for the following Uses shall be exempt from Section (B)(2) General Standards, (D) Building Location, and (F) Maximum Accessory Building Height of this Article: Agricultural Uses, Agritourism Uses, Equestrian Facilities, Private Stables, and Nurseries. Rather, Accessory Buildings for these Uses shall meet the maximum Building Height and minimum Building Setback Line standards of the underlying Zoning District...

While this standard provides a good amount of flexibility in terms of building's location and size, it comes at the cost of potentially increasing the required setbacks. This issue is further compounded by the dedicated right-of-way discussed above.

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Conditions: The UDO and Indiana law provide that the Board of Zoning Appeals may impose reasonable conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of the UDO upon any Lot 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 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.

Variations 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 Variances of Development Standard meet the applicable review criteria, then the Department recommends approval of the Variances of Development Standard 2512-VS-19), with the recommended conditions and findings as set forth below:

Recommended Conditions of Approval:

1. That the barn be generally located as shown in **Exhibit 3**, as determined by the Director of Community Development.
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;
3. That the Petitioner shall file a Secondary Plat application to the Community Development Department for review, comment, and approval; and
4. That the Petitioner shall record the approved Secondary Plat with the Hamilton County Recorders office and return a digital copy of the recorded plat 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 proposed improvements will be in line with surrounding properties and otherwise comply with the applicable standards of the AG-SF1: Agriculture/Single-Family Rural 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 proposed structure is in character with the surrounding area.

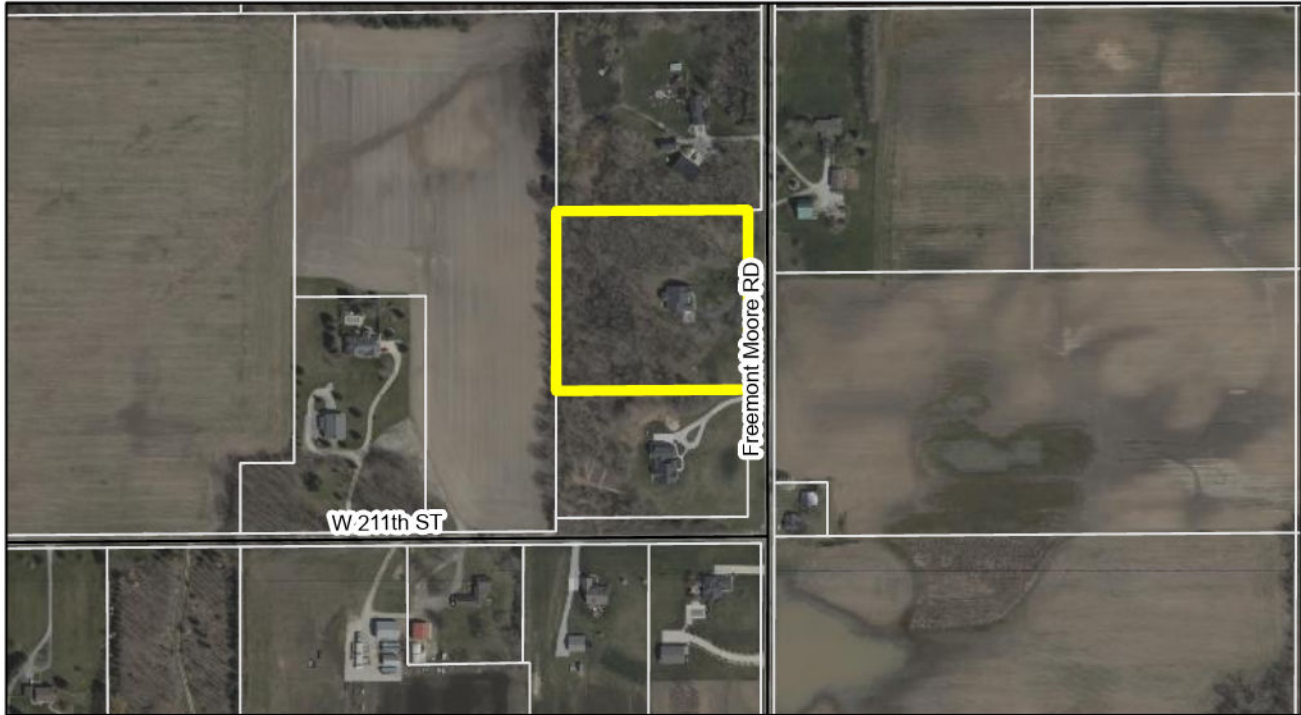
- 3) *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject Property:*

Finding: Strict adherence to the zoning ordinance would require the barn to be in a more densely wooded area, increasing the number of trees that must be removed.

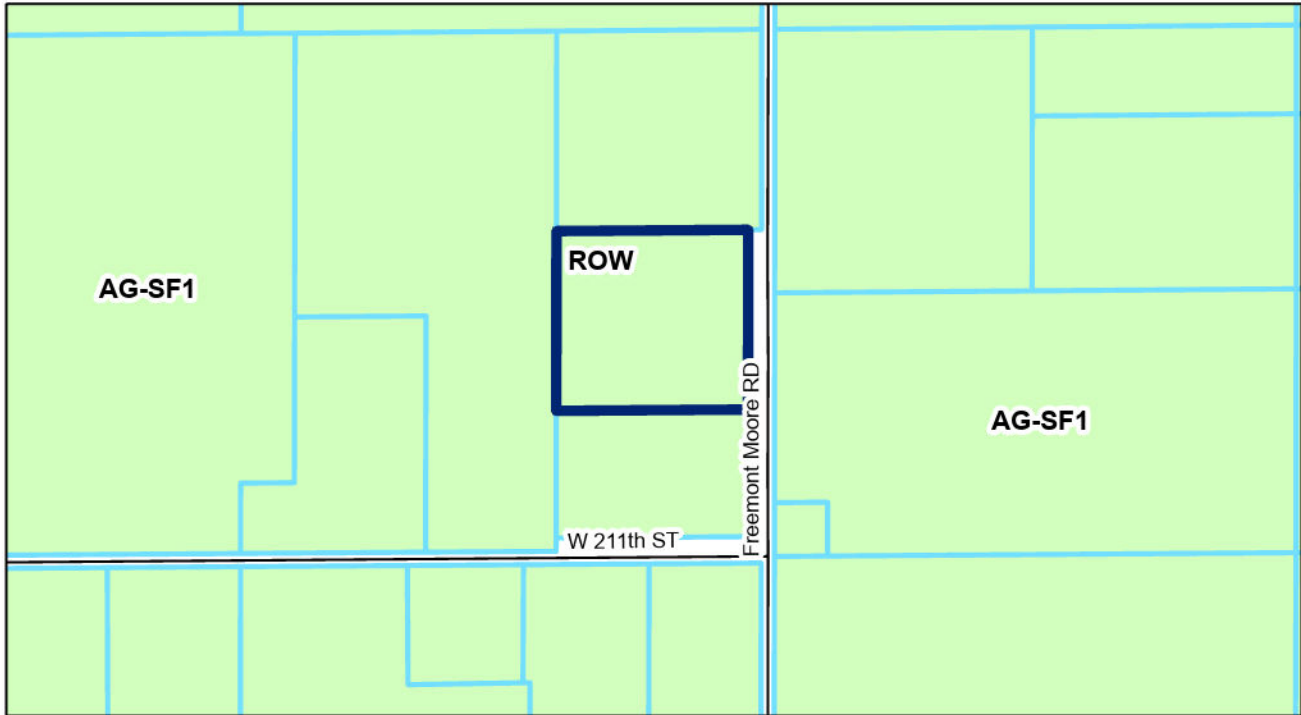
Denial: If the Board is inclined to deny the requested variances, then the Department recommends denying the variances, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.



Aerial Location Map



Zoning Map



Legend

 Subject Parcel

0 0.04 0.07 0.15 Miles

N





40' x 80'

40'

40'

Freemont Moore RD