



CITY OF WESTFIELD, IN
BoardofZoningAppeals_Meeting_Agenda_08_09_2022

Tuesday, August 09, 2022 at 07:00 PM

BOARD OR COMMISSION: Board of Zoning Appeals (BZA)

MEETING DATE: Tuesday, August 09, 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

July 12, 2022

Documents: [July 12, 2022 APC Minutes](#)

Review Rules & Procedures

ITEMS OF BUSINESS:

2208-VS-23 [PUBLIC HEARING]

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)

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

2208-VS-25 [PUBLIC HEARING]

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)

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Site Plan](#) | [Exhibit 4: Concept Drawings](#) | [Exhibit 5: Elevations](#)

2208-VS-26 [PUBLIC HEARING]

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)

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Site Plan](#) | [Exhibit 4: Fence Exhibit](#) | [Exhibit 5: Statement of Intent](#) | [Exhibit 6: Application](#)

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, July 12, 2022 BZA Meeting

Presented for approval: August 9, 2022

The Westfield-Washington Township Board of Zoning Appeals met at 7:00 p.m. on Tuesday, July 12, 2022 at Westfield City Hall.

Active Links for this Meeting:

[July 12, 2022 BZA Agenda & Exhibits](#)

[July 12, 2022 YouTube Video](#)

OPENING OF MEETING

[YouTube Time: 0:12](#)

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: Kevin Todd, Director; Daine Crabtree, Senior Planner; Ryan Collingwood, Associate Planner; and Weston Rogers; Associate Planner.

City Staff Present Virtually: None

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

APPROVAL OF MINUTES

Fortier motioned to approve the June 14, 2022 Minutes.

Hatfield seconded. Motion passed. Vote 5-0.

REVIEW RULES AND PROCEDURES

Crabtree reviewed BZA rules and procedures.

ITEMS OF BUSINESS

2207-VS-24 [PUBLIC HEARING]

[YouTube Time: 3:30](#)

16132 Oak Road / Kelly Thompson

The Petitioner requests a Variance of Development Standard to permit an Accessory Building (detached garage) located less than ten (10) feet from the Established Front Yard on 1.93 acres in the SF2: Single Family Low-Density District (Article 6.1(D)(1)(a)).

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

Staff presentation / Petitioner presentation.

Public Hearing for 2207-VS-24 opened at 7:07 p.m.

- No public comments.

Public Hearing for 2207-VS-24 closed at 7:08 p.m.

BZA comments / Petitioner responses.

Fortier motioned to approve 2207-VS-24 subject to the recommended conditions stated in the motion.

Boller seconded. Motion passed. Vote 5-0.

McCarty motioned to adopt Staff's Findings of Fact for the approval of 2207-VS-24.

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 July 12, 2022 Page 1 of 4

2207-VU-10 [PUBLIC HEARING][YouTube Time: 27:39](#)**Gonzalez Construction / Mauricio Gonzalez by Pleasant Cities, LLC**

The Petitioner requests a Variance of Use to permit a Construction Trade Office on 4 acres +/- in the EI: Enclosed Industrial Zoning District and the US Highway 31 Overlay District.

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

Staff presentation / Petitioner presentation.

Public Hearing for 2207-VU-10 opened at 7:32 p.m.

- No public comments.

Public Hearing for 2207-VU-10 closed at 7:33 p.m.

BZA comments / Petitioner responses.

Fortier motioned to approve 2207-VU-10.

Boller seconded. Motion passed. Vote 5-0.

McCarty motioned to adopt Staff's Findings of Fact for the approval of 2207-VU-10.

Boller seconded. Motion passed. Vote 5-0.

2207-VU-11 [PUBLIC HEARING][YouTube Time: 39:36](#)**4027 W State Road 32 / Courtney Clark**

The Petitioner requests a Variance of Use to permit a private leisure and hobby facility on 0.37 acres +/- in the SF5: Single-Family High-Density (Villages) District.

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

Staff presentation / Petitioner presentation.

Public Hearing for 2207-VU-11 opened at 7:48 p.m.

- One (1) public comment.

Public Hearing for 2207-VU-11 closed at 7:52 p.m.

BZA comments / Petitioner responses.

McCarty motioned to approve 2207-VU-11 subject to the nine (9) 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 2207-VU-11.

Fortier seconded. Motion passed. Vote 5-0.

2206-VS-21 [PUBLIC HEARING][YouTube Time: 1:01:42](#)**10 E. 191st Street / West Fork Whiskey Company**

The Petitioner requests Variances of Development Standard to permit a temporary gravel parking lot without surfacing, curbing, lighting, or landscaping on 12.85 acres +/- in the Osborne Trails PUD District (UDO Articles 6.8(O), 6.14(G)(7)(a), 6.14(G)(7)(b), and 6.14(G)(10).

(Planner: Pam Howard-phoward@westfield.in.gov) (Presented by Weston Rogers- wrogers@westfield.in.gov)

Staff presentation / Petitioner virtual presentation.

Public Hearing for 2206-VS-21 opened at 8:03 p.m.

- No public comments.

Public Hearing for 2206-VS-21 closed at 8:04 p.m.

BZA comments / Petitioner responses.

Boller motioned to approve 2206-VS-21 subject to the four (4) recommended conditions stated in the motion.

Fortier seconded. Motion passed. Vote 5-0.

McCarty motioned to adopt Staff's Findings of Fact for the approval 2206-VS-21.

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 July 12, 2022 Page 2 of 4

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)

ITEMS WITHDRAWN

2205-VU-08 [WITHDRAWN]

17821 Joliet Road / Matthew Schiller

The Petitioner requests a Variance of Use to permit a private athletic training facility on 6.62 acres +/- in the AG-SF1: Agriculture/Single-Family Rural District (Article 13.2)

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

REPORTS/COMMENTS:

[YouTube Time: 1:18:46](#)

- Plan Commission Liaison
- Community Development Department

ADJOURNMENT

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

The meeting adjourned at 8:21 p.m.

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Signature Page for BZA Minutes for July 12, 2022

Chairperson
Dave Schmitz

Secretary
Kevin M. Todd, AICP
Director



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

August 9, 2022

2208-VS-23

Exhibit 1

Petition Number: 2208-VS-23

Subject Site Address: 16847 Onward Drive ("the Property")

Petitioner: Debra Randall ("the Petitioner")

Request: The Petitioner requests a Variance of Development Standard to encroach eight (8) feet into the thirty (30) foot Minimum Rear Yard Setback on 0.35 acres +/- to accommodate a swimming pool and deck (Article 4.5(E)(1)(a))

Current Zoning: SF-2: Single-Family Low Density

Current Land Use: Residential

Approximate Acreage: 0.35 acres +/-

Exhibits:

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

Staff Reviewer: Daine Crabtree, Senior Planner

OVERVIEW

Location: The subject property is 0.35 acres +/- in size (the "Property") and located at 16847 Onward Drive in the Springmill Park subdivision (see **Exhibit 2**).

Requested Variances: The petitioner is requesting 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.

SUMMARY OF VARIANCE

SF-2 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 eight (8) feet into the 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

August 9, 2022

2208-VS-23

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 August 9, 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

August 9, 2022

2208-VS-23

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 (2208-VS-23):

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

Finding: It is unlikely that approving the requested variance would be injurious to the public health, safety, morals, and general welfare of the community because the existing use and proposed improvements will otherwise comply with the applicable standards of the zoning of the SF-2 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.



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

August 9, 2022

2208-VS-23

Exhibit 1

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.

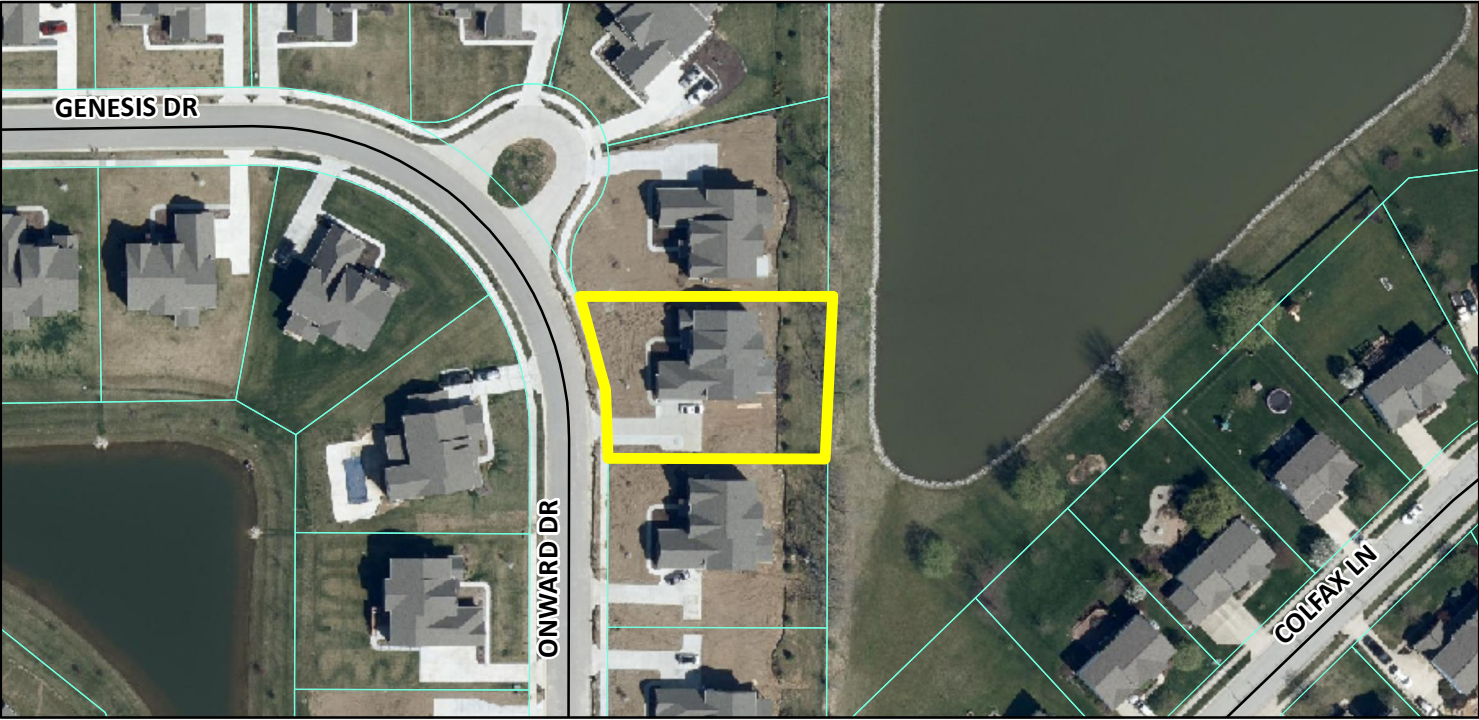
Recommended Conditions:

- 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.

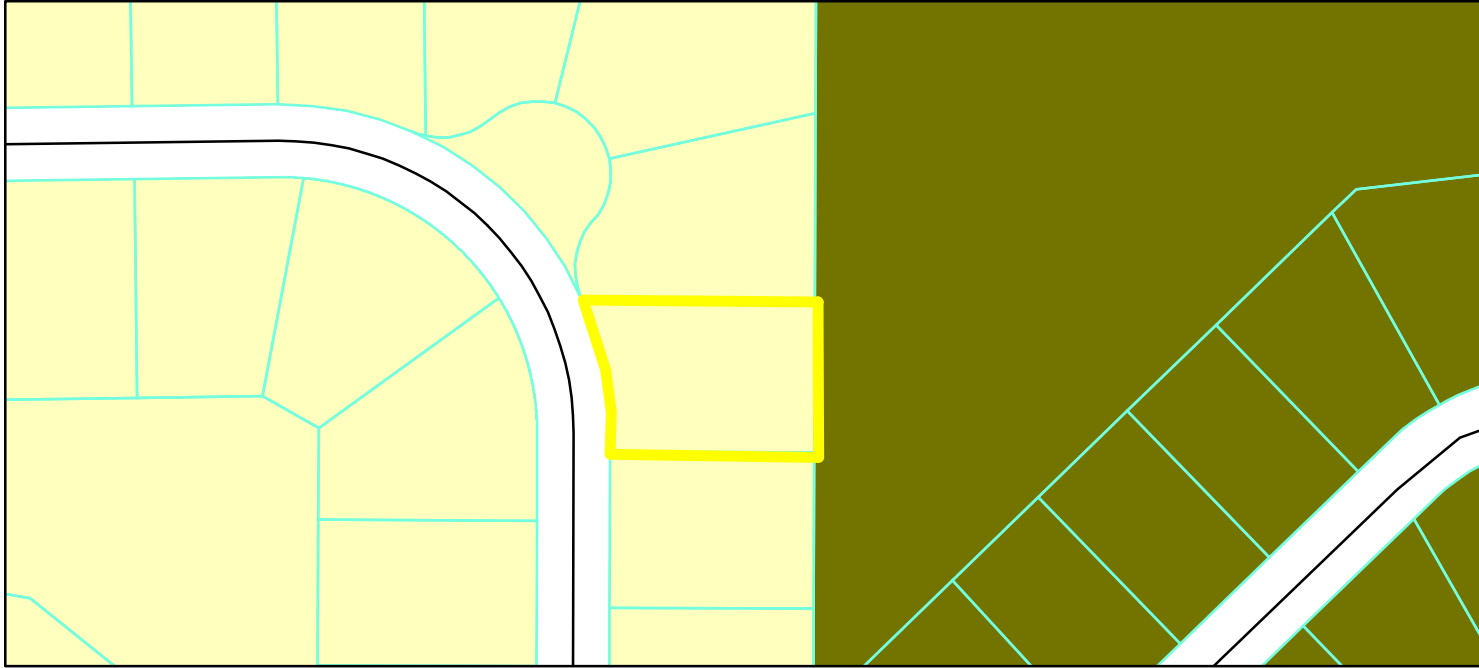
Denial: If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.

Aerial Location Map

 Site

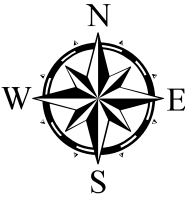


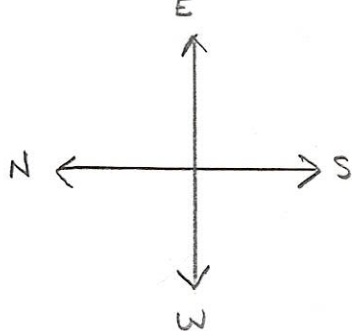
Zoning Map



GIS.DBO.PW_Streets Zoning
Parcel
Parcel
Zoning - All
SF-2 (Single Family - 2)
SF-3 Cluster

0 0.015 0.03
Miles





STOEPPELWERTH

ALWAYS ON

7965 East 106th Street, Fishers, IN 46038-2505

phone: 317.849.5935 fax: 317.849.5942

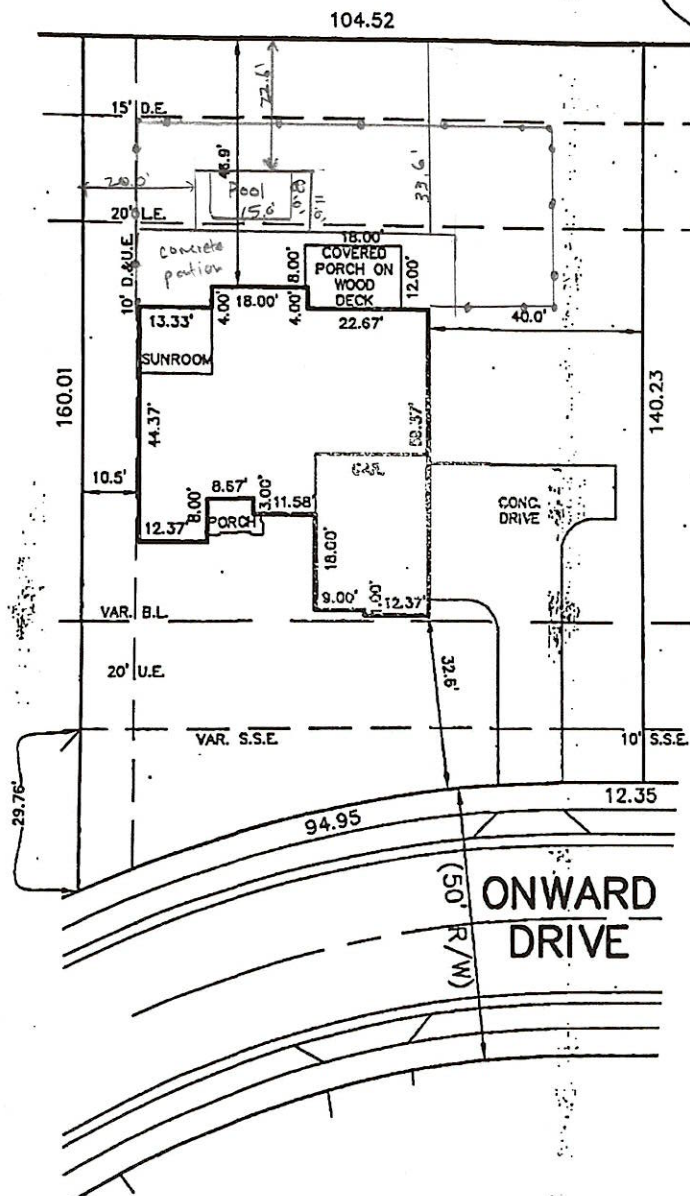
JOB ID SMPK2.19

CONTROL# 81593 CAL

NOTE: THERE IS NO VISIBLE EVIDENCE OF LINES OF
POSSESSION UNLESS OTHERWISE NOTED.
I CERTIFY THIS IS A TRUE AND EXACT COPY
OF THE ORIGINAL

Fence

22.6' water's edge to property
line



1" = 30'
LOT AREA: 15,267 Sq. Ft.

LEGEND:

D.&U.E.	DRAINAGE & UTILITY EASEMENT
B.L.	BUILDING LINE
D.E.	DRAINAGE EASEMENT
L.E.	LANDSCAPE EASEMENT
VAR.	VARIABLE
S.S.E.	SANITARY SEWER EASEMENT
U.E.	UTILITY EASEMENT

X *[Signature]*

X

(50' R/W)
ONWARD
DRIVE

June 21, 2022

Derrick A. and Debra K. Randall
16847 Onward Drive,
Westfield, IN 46078

Dear Derrick A. and Debra K. Randall,

As you are aware, OMNI Management Services is the property manager for Springmill Park. One of Omni's responsibilities is to inform homeowners when their Architectural Approval Submission has been approved or denied by the Board of Directors.

Based upon the information submitted, your request for Pool has been *APPROVED*.
Please notify the community when the project is complete, so we may conduct our inspection for conformity to these plans.

Please note that the Architectural Approval Committee and the Association has no liability or responsibility for any defects in the plans, specifications or other materials submitted to them and moreover holds no responsibility for defects in any work done on these projects. Further, it is the responsibility of the homeowner and their contractor to obtain any building permits required by the Local Code Authority and to contact Call Before You Dig at 811 for them to mark utilities. Additions are subject to the Local Zoning Ordinance and must be reviewed for setbacks and other issues by the City Zoning Authority. In addition, if there are easements on the lot regarding utilities or civil agencies that any improvements may be subject to removal or alterations which is not the liability or responsibility of the Community or Association. Liabilities when projects are constructed upon easements are the owner's responsibility.

Sincerely,

Sunshine Lawrence
Property Manager
slawrence@omni-property.com
Omni Management Services, Inc.



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

August 9, 2022

2208-VS-26

Exhibit 1

Petition Number: 2208-VS-26

Subject Site Address: 20334 Commerce Park Drive ("the Property")

Petitioner: Amazon Westfield, LLC ("the Petitioner")

Request: Multiple Variances of Development Standard to permit Outside Storage for a period of five (5) years, and to modify the 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).

Current Zoning: Northpoint PUD ([Ord. 17-51](#)) as amended

Current Land Use: Vacant

Approximate Acreage: 4.87 acres +/-

Exhibits:

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

Staff Reviewer: Weston Rogers, Associate Planner

OVERVIEW

Location: The subject Property is 4.87 acres +/- in size (the "Property") and is located at 20334 Commerce Park Drive – northeast of the intersection at Grassy Branch Road and Commerce Park Drive (see **Exhibit 2**). The Property is zoned the Northpoint PUD District with the underlying zoning of "EI" - Enclosed Industrial. The adjacent properties to the east, south, and west are also zoned Northpoint PUD. The adjacent Property to the north is zoned AG-SF1.

Property History: Since the early 1900's the Property appears to have been utilized for agricultural purposes. In 2018 the property was re-zoned to the Northpoint PUD which serves as the present-day zoning classification of the land.

Requested Variances: The Petitioner requests three (3) Variances of Development Standard:

- 1) Permit Outside Storage for a maximum period of five (5) years - [Ord. 17-51 Sec. 7.4\(A\)\(3\)](#) & [UDO Article 6.12\(D\)](#)
- 2) Omit foundation landscaping along walls containing overhead doors - [UDO Article 6.8\(L\)](#)
- 3) Modify the maximum allowable fence height from 10' to 12' feet - [UDO Article 6.5\(C\)\(5\)](#)

SUMMARY OF VARIANCES

Staff received a variance of development standard application for a proposed Self Storage facility located at 20334 Commerce Park Drive. In total the Petitioner has requested three (3) variances of development standard.

A summary of each requested variance of development standard is outlined below:

- 1) Permit Outside Storage – [Ord. 17-51 Sec. 7.4\(A\)\(3\)](#) & [UDO Sec. 6.12\(D\)](#)
 - The Northpoint PUD Section 7 Development Standards prohibit Outside Storage within the District 3 Commerce Park area where the Property is located. The requested variance of development standard would permit Outside Storage on the Property as described in the Petitioner’s Statement of Intent (see **Exhibit 5**). It shall be noted this request would be valid for a maximum duration of five (5) years following the issuance of the Certificate of Occupancy for the first building constructed on the Property.
- 2) Omit foundation landscaping – [UDO Article 6.8\(L\)](#)
 - The current UDO Landscape Standards require Foundation Plantings along long expanses of Building Facades, fences, and other barriers. The requested variance of development standard would omit this standard from applying to building facades containing overhead doors.
- 3) Modify the maximum allowable fence height – [UDO Article 6.5\(C\)\(5\)](#)
 - The current UDO Fence Standards require fences enclosing an industrial property to not exceed a height of ten (10) feet. The requested variance of development standard would increase the allowable fence height to twelve (12) feet.

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 August 9, 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 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

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



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

August 9, 2022

2208-VS-26

Exhibit 1

upon other Property and improvements in the vicinity of the subject Lot or upon public facilities and services. Such conditions shall be expressly set forth in the order granting the variance.

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

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

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

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 (2208-VS-26), with the recommended conditions and findings as set forth below:

Recommended Conditions of Approval:

1. That the site shall be developed in substantial compliance with **Exhibit 3** and **Exhibit 4**;
2. That the Outside Storage shall be limited to the specific locations identified as "Proposed Future Building C" and "Proposed Future Building E" as shown on **Exhibit 3**;
3. The Property shall be developed and operated in substantial compliance with the Petitioner's Statement of Intent as described in **Exhibit 5**;
4. That the Outside Storage shall be removed from the Property within a maximum duration of five (5) years following the issuance of the Certificate of Occupancy for the first building constructed on the Property; and

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



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

August 9, 2022

2208-VS-26

Exhibit 1

5. 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 variances would be injurious to the public health, safety, morals, and general welfare of the community because the use and proposed improvements will otherwise comply with the applicable standards of the UDO and Northpoint PUD 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:*

Finding: It is unlikely the use and value of adjacent Property will be affected in a substantially adverse manner. The proposed variances should not have a negative impact on surrounding properties because the Outside Storage area will be screened from public view. In addition, the requested landscaping modifications will be internal to the property not visible from public view.

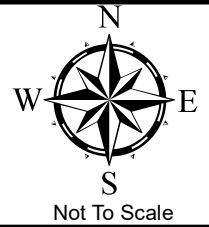
- 3) *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject Property:*

Finding: Strict adherence to the zoning ordinance would result in the inability to construct the proposed self-storage facility internal access garage doors as proposed and the inability to develop the project in sequential phases as described in the Petitioner's Statement of Intent.

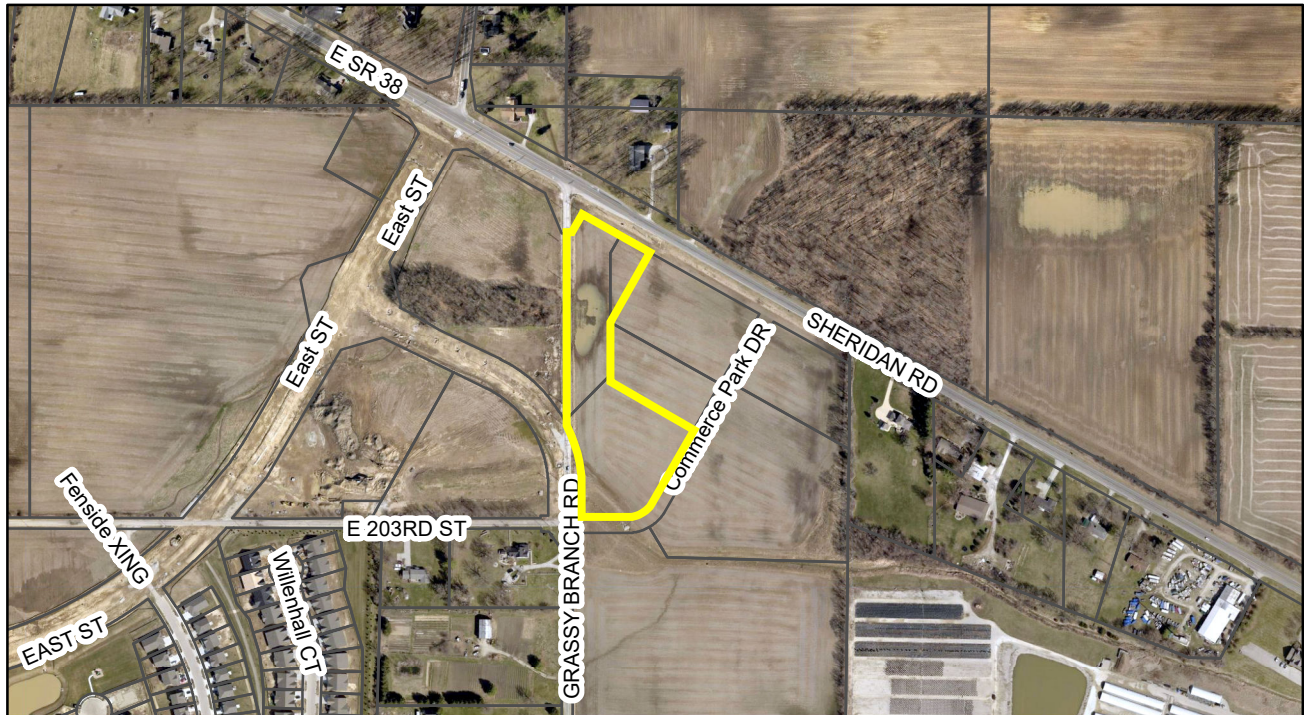
Denial: If the Board is inclined to deny the requested variances, then the Department recommends denying the variances, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.



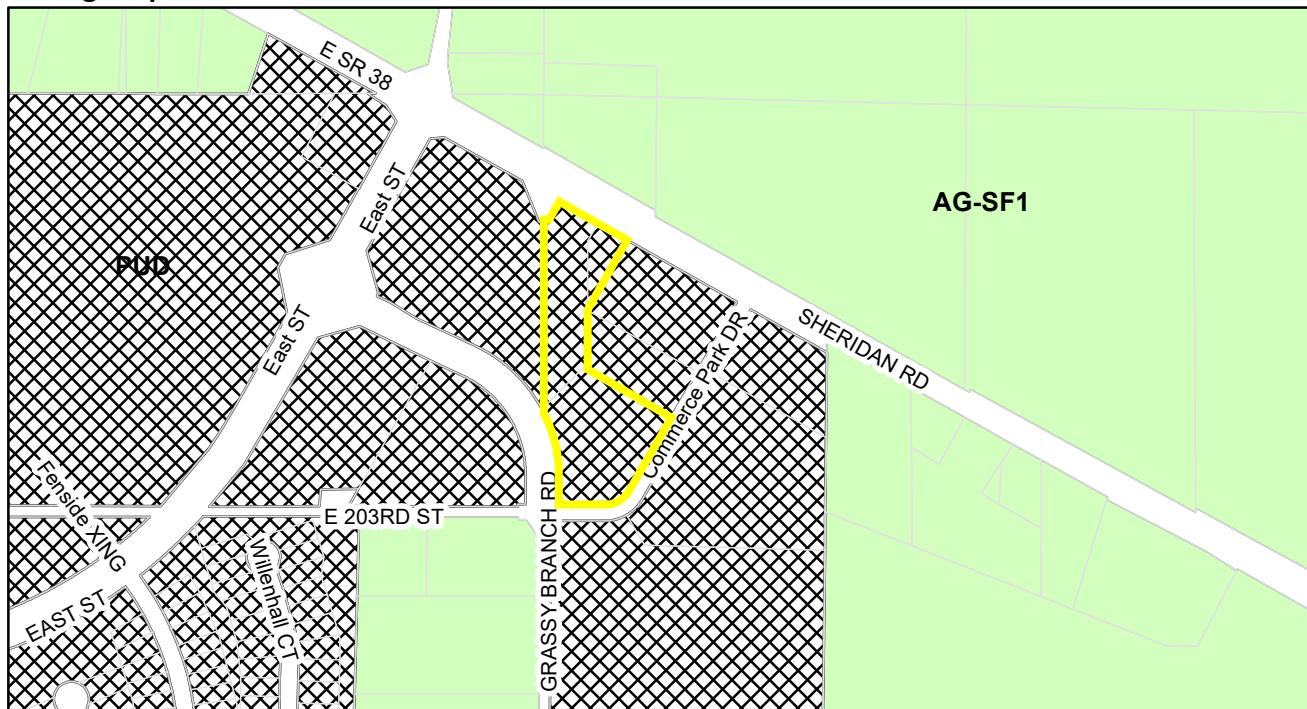
Property Location Map
Amazon Self Storage
20334 Commerce Park Drive
2208-VS-26



Aerial Location Map



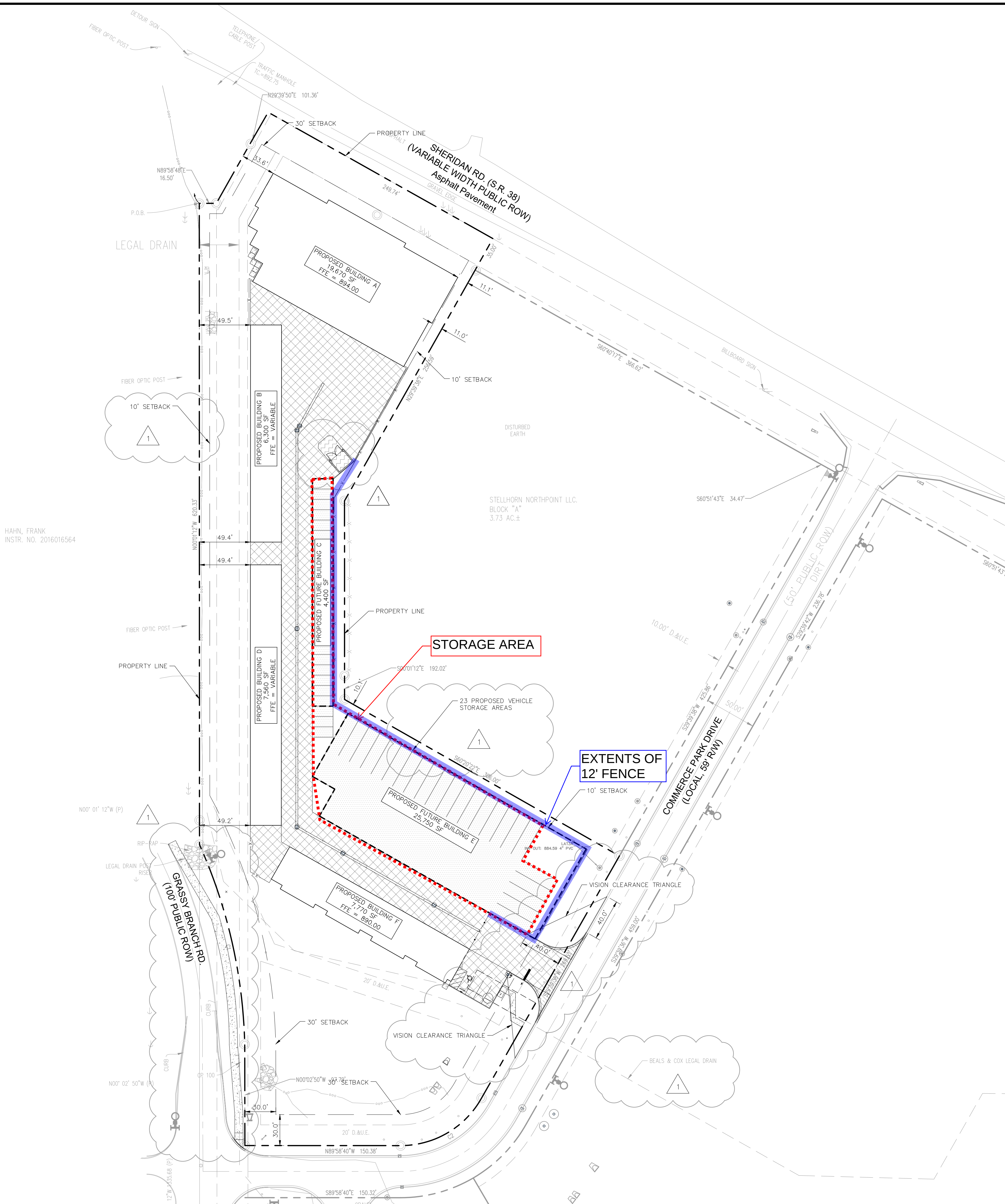
Zoning Map



	Parcel	Zoning
	Zoning - All	AG-SF1 (Agriculture - Single Family - 1)
		PUD (Planned Unit Development)

Drawing name: K:\IND_LEV\170312000_(L) Aspen, Northpoint Self Storage, Westfield, IN\2 Design\CAD\PlanSheets\C3.0-OVERALL SITE PLAN.dwg C3.0 Aug 03, 2022 6:01pm by: LGRRedel
This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kinley-Horn and Associates, Inc. shall be without liability to Kinley-Horn and Associates, Inc.

CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	22°50'15"	500.00'	199.30'	N12°45'18"W	197.98'
C2	60°53'04"	89.62'	95.23'	S59°34'58"W	90.81'



Indiana Utilities Protection Service

Call 811
before you dig

PAVING LEGEND	
	STANDARD DUTY ASPHALT PAVEMENT SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION
	HEAVY DUTY ASPHALT PAVEMENT SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION
	CLASS III INDOT ENTRY SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION

SITE SUMMARY	
SITE ZONING	PUD
SITE ACREAGE	4.87 AC.±
NUMBER OF LOTS	1
BUILDING A AREA	19,670 SF
BUILDING B AREA	6,300 SF
BUILDING C AREA	4,400 SF
BUILDING D AREA	7,560 SF
BUILDING E AREA	25,750 SF
BUILDING F AREA (INCLUDES 180 SF OFFICE)	7,770 SF
BUILDING HEIGHT	VARIES
PARKING SPACES (STANDARD) PROVIDED	3 SPACES
PARKING SPACES (RV) PROVIDED	35 SPACES
PARKING SPACES (ACCESSIBLE) PROVIDED	1 SPACE
TOTAL PARKING SPACES PROVIDED	39 SPACES

EXISTING LEGEND	
	PS PARKING SPACE
	H/C PARKING SPACE
	TRAFFIC SIGNAL POLE
	LIGHT POLE
	TREE
	MAILBOX
	MONITOR WELL
	UNDERGROUND FIBER OPTIC
	UNDERGROUND CABLE
	UNDERGROUND ELECTRIC
	DITCH FLOWLINE
	STORM DRAIN
	SEWER LINE
	GAS LINE
	WATER LINE

BENCHMARKS

ORIGINATING BENCHMARK:
THE HORIZONTAL AND VERTICAL LOCATION DATA SHOWN ON THIS SURVEY ARE BASED UPON A POSITIONAL SOLUTION DERIVED FROM THE GLOBAL POSITIONING SYSTEM (GPS) OBSERVATIONS PROCESSED BY NATIONAL GEODETIC SURVEY (NGS) UTILIZING THEIR ONLINE POSITIONING USER SERVICE (OPUS) SOFTWARE. THE COORDINATE VALUES SHOWN ARE IN THE INDIANA STATE PLANE COORDINATE SYSTEM (EAST ZONE) REFERENCE TO THE 1983 NORTH AMERICAN DATUM UTILIZING THE CONTINUOUSLY OPERATING REFERENCE STATIONS (CORS) ADJUSTMENT AS DETERMINED BY NGS (NAD 83(CORS96)(EPOCH 2022.0000)) AND REPORTED ON THE 1988 NORTH AMERICAN VERTICAL DATUM (NAVD88). THIS ORTHOMETRIC ELEVATION WAS COMPUTED USING GEOID18.

CP100 - N 1761448.33' 204252.24' ELEVATION - 888.52
CAPPED REBAR

GENERAL PLAN NOTES

REFER TO GENERAL NOTES SHEET FOR MORE INFORMATION INCLUDING THE FOLLOWING: (EXISTING LEGEND, BENCHMARK INFORMATION, AND SPECIFIC GENERAL PLAN NOTES.)

ECR

08/01/22

TAC COMMENTS

NO.

BY

DATE

REVISIONS

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250 EAST 96TH STREET, SUITE 550,
INDIANAPOLIS, IN 46240
WWW.KIMLEY-HORN.COM

PROPERTY MANAGEMENT

OVERALL SITE PLAN

NORTHPOINT SELF STORAGE
20334 COMMERCE PARK DRIVE
WESTFIELD, IN 46074

ORIGINAL ISSUE:
06/02/2022

KHA PROJECT NO.
170312000

SHEET NUMBER
C3.0

TYPICAL FENCE SECTIONS—AMAZON SELF STORAGE



TYPICAL FENCE SECTIONS—AMAZON SELF STORAGE



12 Foot Wooden Fence

The unfinished side has black 3" 40 weight round posts set 5' on center with black steel buckets attaching to the 5 – horizontal 2x4 stringers. The 5 – stringers will be at the bottom, 3', 6' & 9' above the ground & at the top. 1x6 trim will be at the top, middle & bottom. The 1x6 pickets that provide the privacy are 6' tall & stacked on top of each other for a 12' total height.

Statement of Intent

Amazon Self Storage, Northpoint

20334 Commerce Park Drive

Amazon Westfield LLC is proposing a self-storage facility at 20334 Commerce Park Drive in the Northpoint PUD. To be called Amazon Self Storage, this 4.87 acre development will feature a total of 71,450 square feet in six buildings, to be constructed in two phases. Phase 1, with 41,300 square feet of building area, will also contain a temporary outdoor parking area in the location of future Phase 2. This storage area will be paved and screened with a twelve-foot high wooden fence. Items to be stored in this area will be limited to residential and recreational vehicles and small box trucks. No semi-trucks or building materials will be stored at this location. The parking area will be removed five years from the issuance of the Certificate of Occupancy for the first building.

The elevations of the proposed buildings show a combination of panelized brick and block, and metal. Architecture will meet the standards of the Northpoint PUD ordinance. A variance is being sought to allow for the temporary outdoor parking area. A second variance is being sought for reduction of the required foundation plantings along walls containing overhead doors. The third variance request is to increase the fence height from the standard of ten feet to twelve feet.

VARIANCE APPLICATION

OFFICE USE ONLY

DOCKET #: _____ FILING DATE: _____

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

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: Pam Howard (STAFF NAME) DATE: June 30, 2022

PRIOR OR RELATED DOCKET NUMBERS

CHANGE OF ZONING: _____ AMENDMENTS: 1801-PUD-03 DEVELOPMENT PLAN: 1707-ODP-07
PRIMARY PLAT: 1707-SPP-07 SECONDARY PLAT: 1711-SFP-36 VARIANCE(S): _____

APPLICANT INFORMATION

APPLICANT'S NAME: Amazon Westfield LLC
ADDRESS: 910 Shadeland Avenue, Indianapolis, IN 46219

TELEPHONE: 317.727.0850
EMAIL: jperine@aspenmanagementcompany.com

PROPERTY OWNER'S NAME: Amazon Westfield LLC
ADDRESS: 910 Shadeland Avenue, Indianapolis, IN 46219

TELEPHONE: 317.727.0850
EMAIL: jperine@aspenmanagementcompany.com

REPRESENTATIVE'S NAME: Andrew Wert
COMPANY: Church Church Hittle + Antrim
ADDRESS: 116 North Union Street, Westfield, IN 46074

TELEPHONE: 317.776.5262
EMAIL: awert@cchalaw.com

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 20334 Commerce Park Drive, Westfield, IN 46074
COUNTY PARCEL ID #(S): 08-06-20-00-001.002, 08-06-20-00-001.102, 08-06-20-00-001.112
EXISTING ZONING DISTRICT(S): PUD EXISTING LAND USE(S): vacant

PROPERTY AND PROJECT INFORMATION

☐ VARIANCE OF LAND USE CODE CITATION: _____
☒ VARIANCE OF DEVELOPMENT STANDARD(S) CODE CITATION: UDO 6.8(L) & Original Northpoint PUD Section 7.4

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

STATEMENT OF INTENT (EXPLANATION OF REQUEST - ATTACH SEPARATE SHEET IF NECESSARY):
Applicant is seeking a reduction in the foundation planting standard and allowance of outdoor parking for a period of five years.
See attached Statment of Intent.

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.


Applicant/Representative (signature)

JOHN PERINE
Applicant/Representative (printed)

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

Witness my hand and Notarial Seal this 27th day of June, 2022
State of Indiana County of Madison, SS: _____


Notary Public (signature)

Brenda Hochstetler
Notary Public (printed)



PROPERTY OWNER AFFIDAVIT

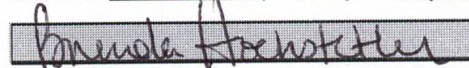
IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says they are the owners of the property involved in this application and that they hereby acknowledge and consent to the foregoing Application.


Property Owner (signature)*

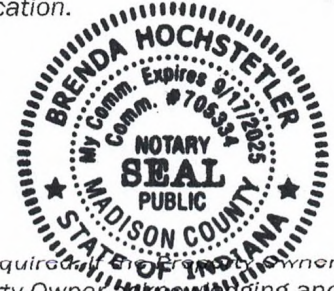
JOHN PERINE
Property Owner (printed)

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 27th day of June, 2022
State of Indiana County of Madison, SS: _____


Notary Public (signature)

Brenda Hochstetler
Notary Public (printed)



*A signature from each party having interest in the property involved in this application is required. If a 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: Amazon Westfield 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 (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:

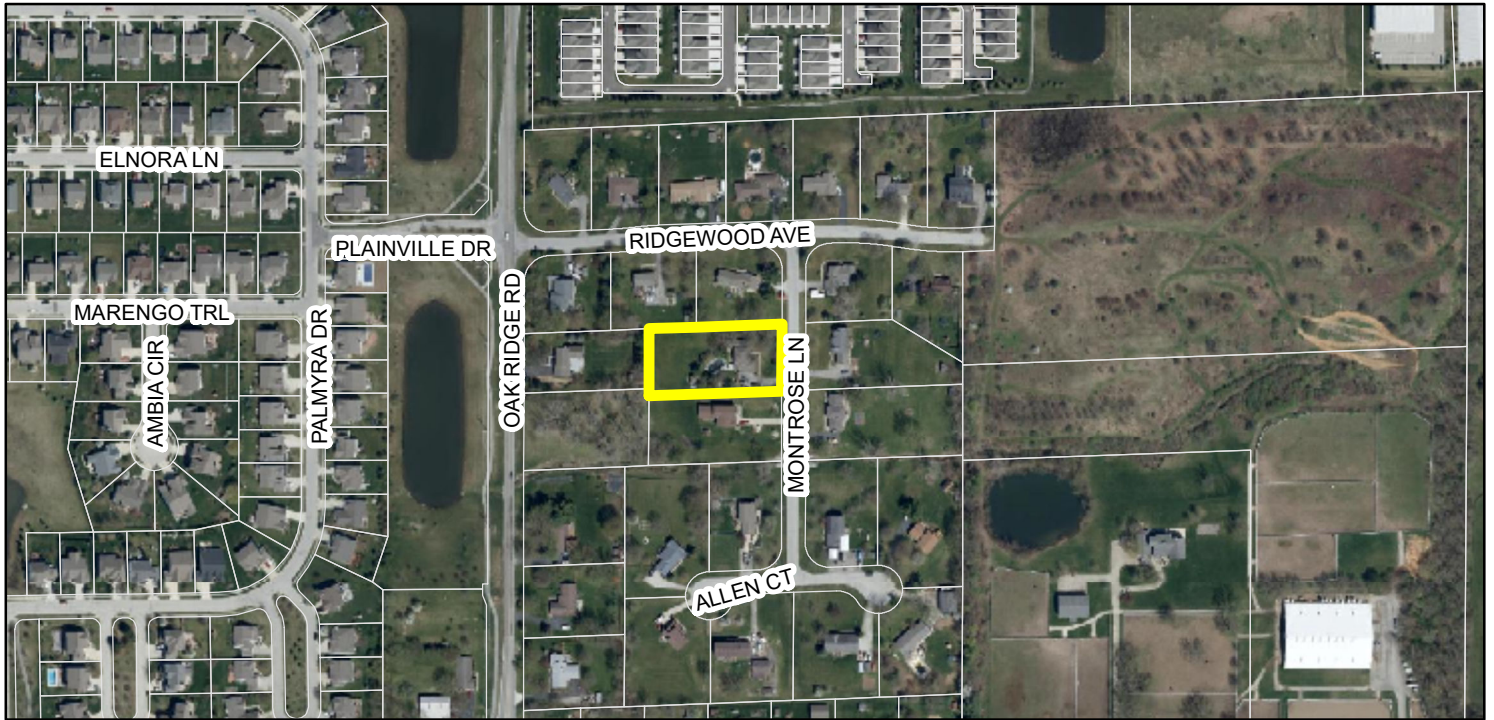
- A. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because: _____
the proposed self-storage use is permitted in the current zoning district. All other standards and regulations will be met or exceeded.

- 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: this is a developing area. The five year limitation on the outdoor parking area will roughly coincide with adjacent construction activity and will not be visible from public roads or adjoining properties.

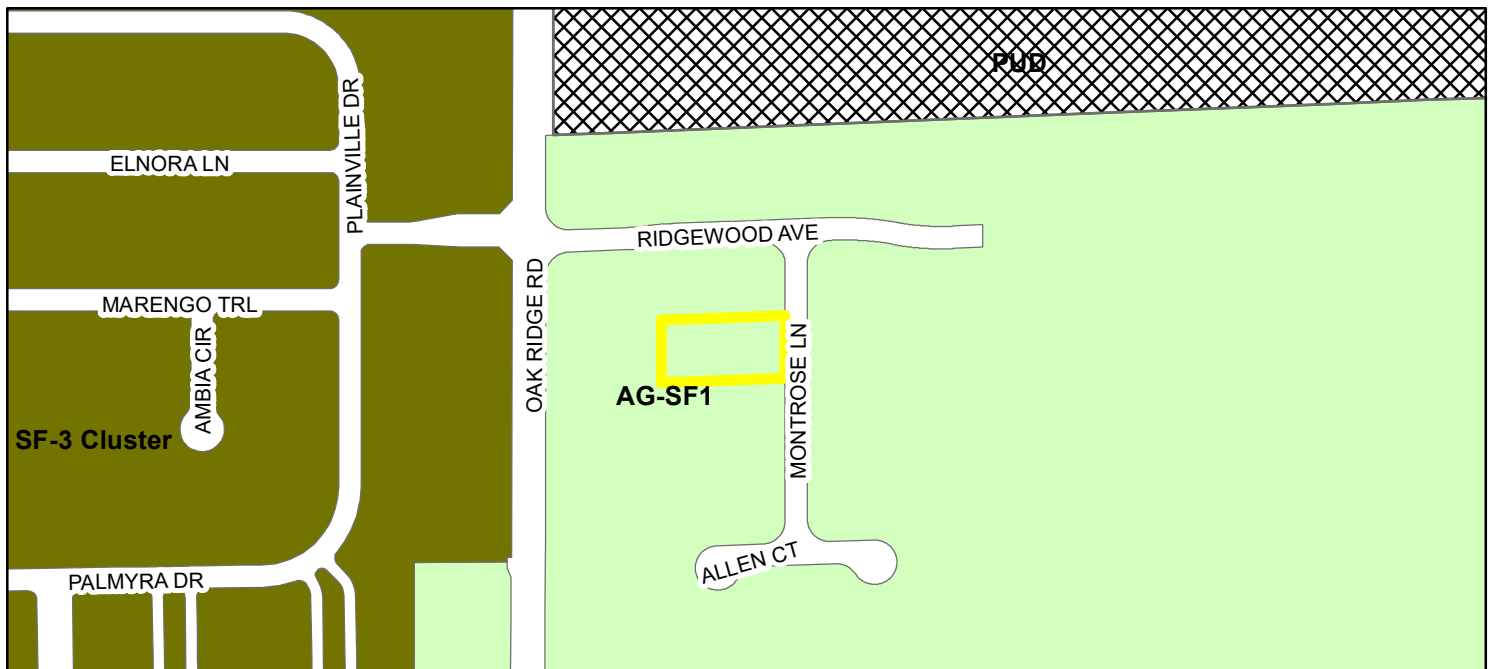
- C. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property because: _____
the proposed self-storage buildings have a high garage door-to-building facade ratio, making compliance with the one planting every forty feet problematic.
The temporary outdoor parking area provides initial economic utility of a future building phase.

Aerial Location Map

 Site

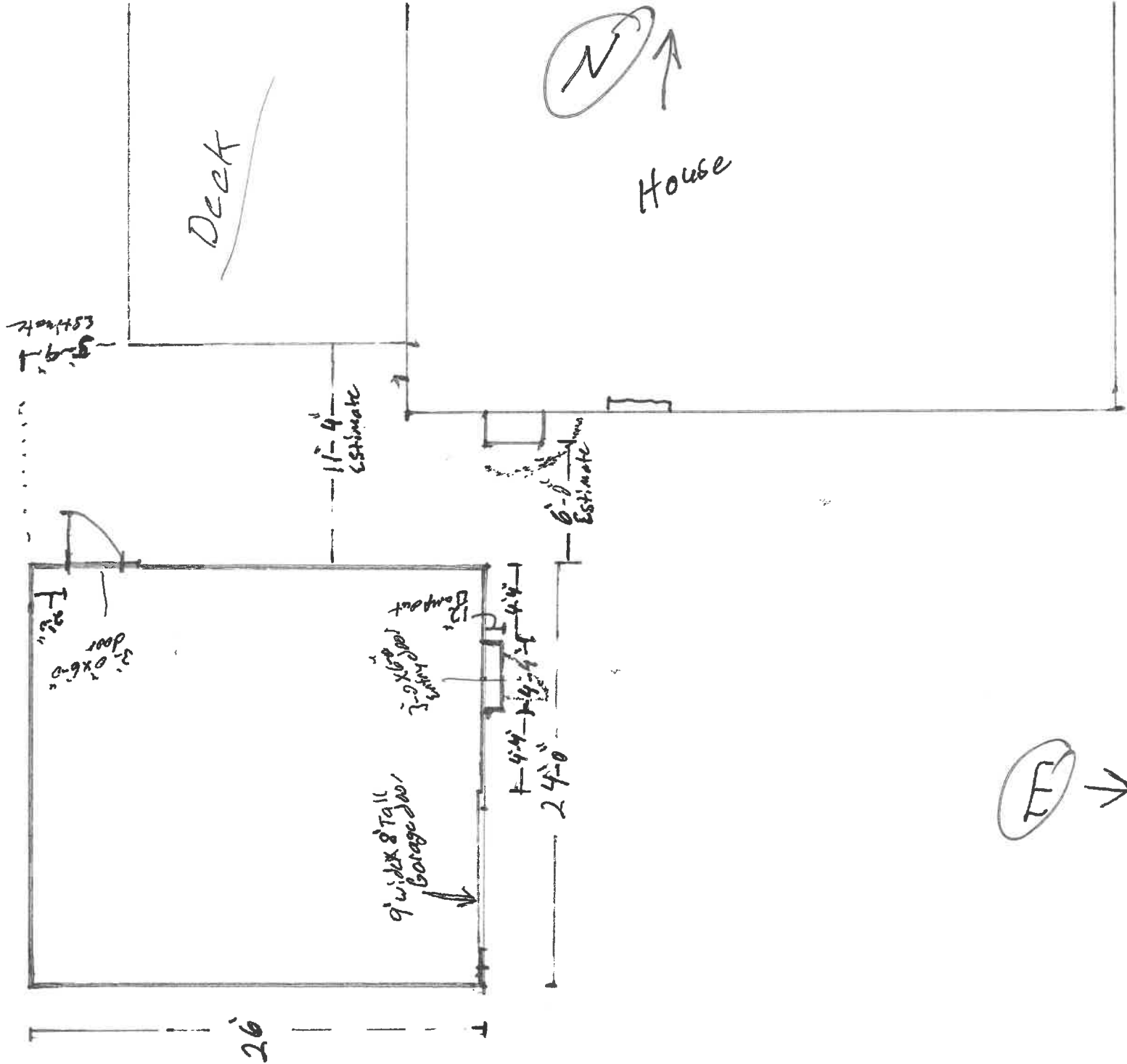


Zoning Map



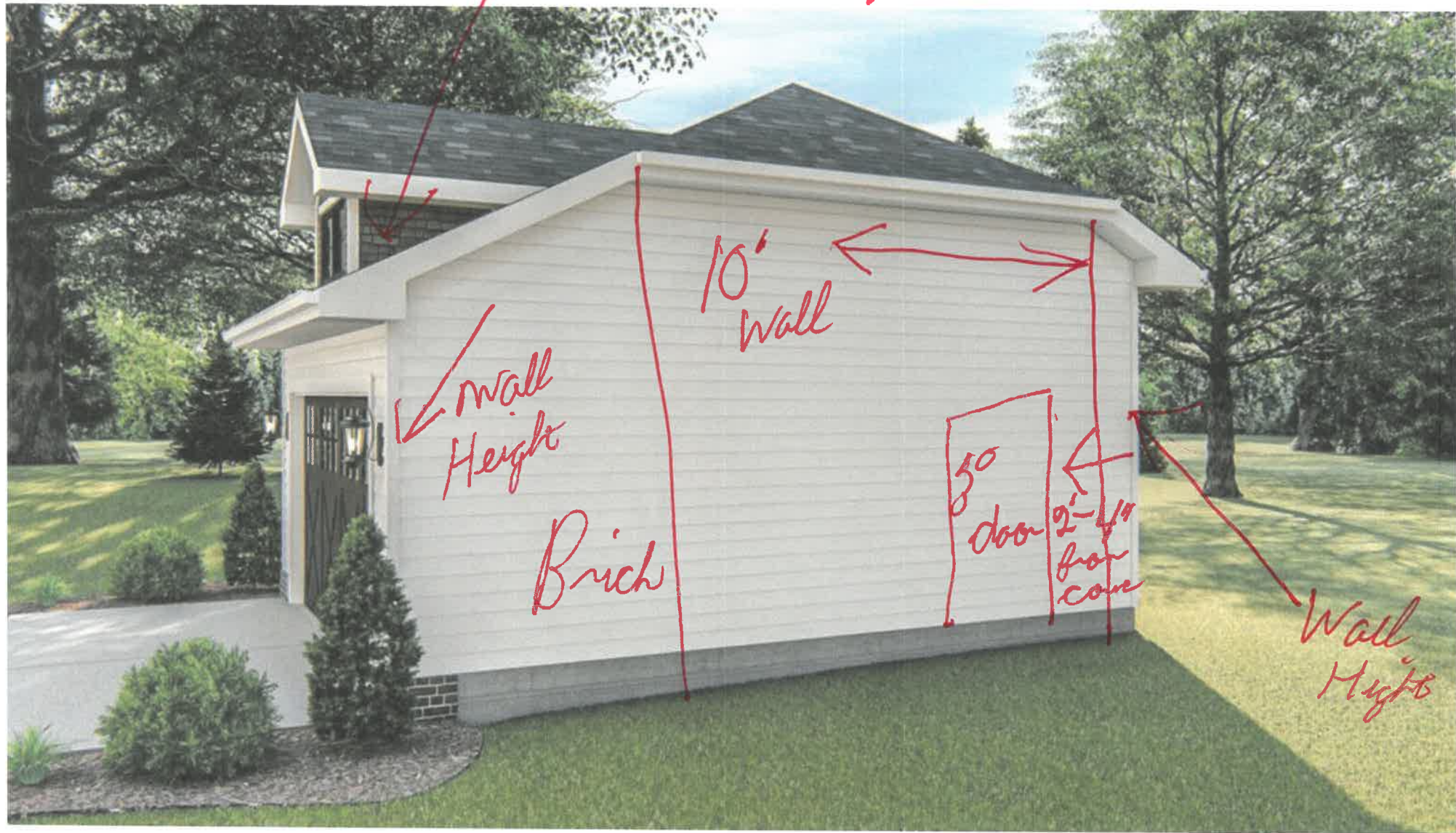
 **SITE Zoning**  PUD (Planned Unit Development)
 AG-SF1 (Agriculture - Single Family - 1)  SF-3 Cluster

W



ES

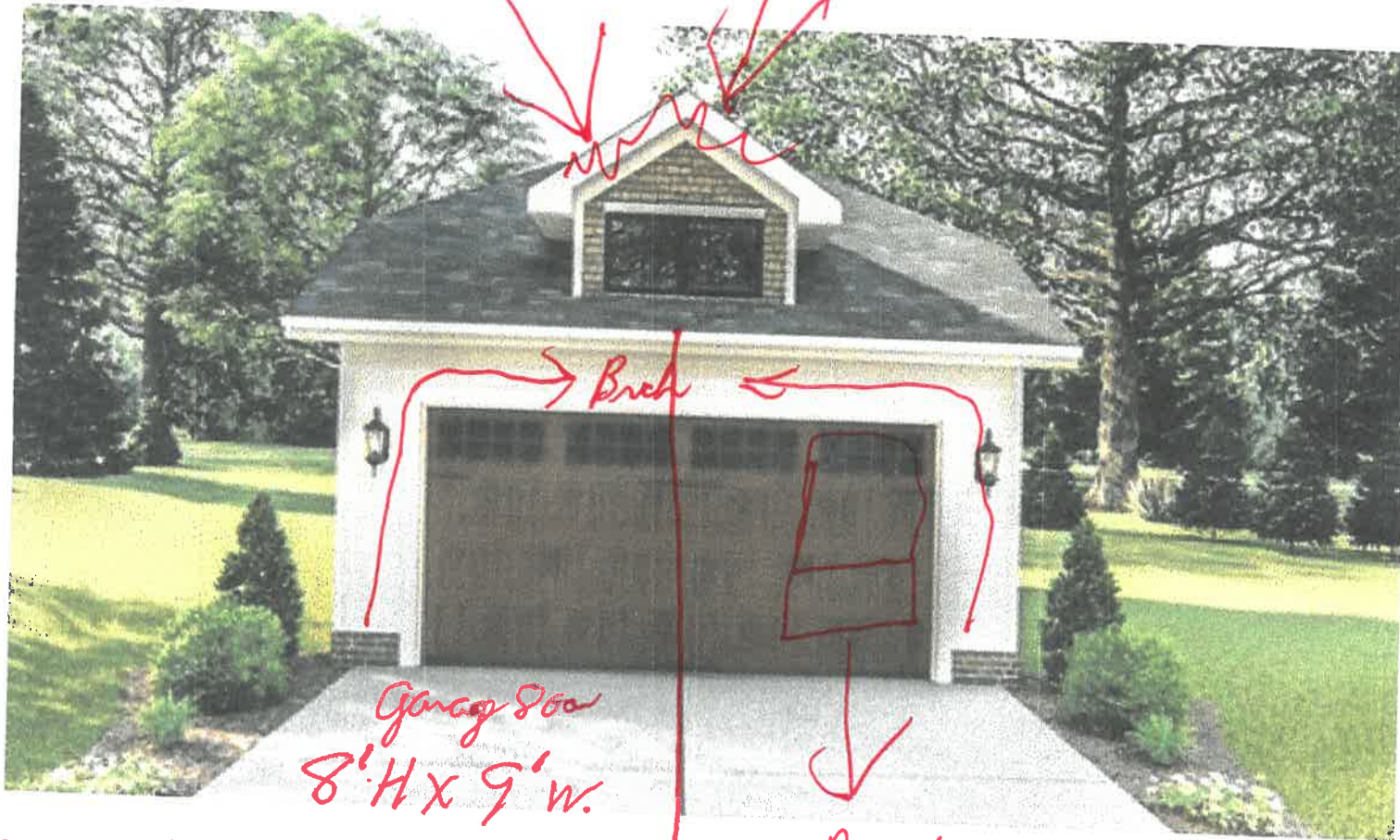
D



6/12
pitch

2-20x20 windows
with space between to match
interior wall

Hip Roof
not gable



Curved
House
Side

24'W x 26' Deep
S-S F-B

Boxed out
window

NOT for USE



Basic front flipped
on window seat 3' x 5' window 1x8 side trim only - no Roof truss
under overhang



A 3D architectural rendering of a single-story house. The house features a gabled roof with a central dormer window. The exterior walls are finished with horizontal siding, and the foundation is made of red brick. A large, dark-colored garage door is on the left side. To the right of the garage is a window with dark shutters. The house is set on a concrete driveway, with a green lawn and a clear blue sky in the background.

ALL S.C. SUBCONTRACT AND JOB SITE MANAGERS SHOULD CAREFULLY REVIEW THE NOTES PLACED THROUGHOUT THE PLANS TO RESOLVE OR VERIFY BEYOND THE NORMAL PRACTICAL CONSTRUCTION PRACTICES, ANY ITEMS THAT MAY BE ANY KIND OR ISSUE KNOWN TO THIS INDIVIDUAL PROJECT". THE LEAD CONTRACTOR SHOULD VERIFY ALL SCOPE OF WORK WITH OWNER UPON START OF PROJECT.

1. ALL ITEMS NOTED AS "ONLY AS AND AS SPEC'D" SHALL BE BASED ON BUILDING SPEC'S AND CONTRACT WITH OTHER. THESE ITEMS ARE SUPPLIED AS NOTED OR "ONLY" SUPPLIED IF LISTED IN THE CONTRACT.
2. OPENINGS AS LISTED ARE AS SPEC'D OR NOTED ON PLAN. WINDOWS ARE "PAYABLE PRODUCT"
3. ALL PLUMBING AND CONSTRUCTION PRACTICES SHALL ADHERE TO THE CURRENT IRC 2022 BUILDING CODE AND ALL ADDITIONS AND ALTERATIONS "EXEMPTED" TO DATE CURRENT.
4. ALL STRUCTURAL MEMBERS SHALL HAVE SIZES AS VERIFIED BY THE SUPPLIER BASED ON CALCULATED LOADS IF NOTED ON PLANS.
5. ALL EXTERIORS FINISHED IN FIBER CEMENT SIDING AND SHARK TRIM OVERLAPPING



CONCEPTUAL RENDER

DRAWING LIST	
SHEET	CONTENTS
SHEET C-1	COVER PAGE, NOTES AND LOCATION
SHEET A-1	ELEVATIONS
SHEET A-2	FOUNDATION PLAN, PLAN ELEC & DOOR
SHEET A-3	ROOF PLAN/SECTION & DETAILS
SHEET A-4	VA
SHEET A-5	VA
SHEET A-6	VA
SHEET A-7	VA
SHEET A-8	VA
SHEET B-1	VA
SHEET B-2	VA

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17306 SHADY NOOK ROAD
WESTFIELD, IN 46062
317-888-2020

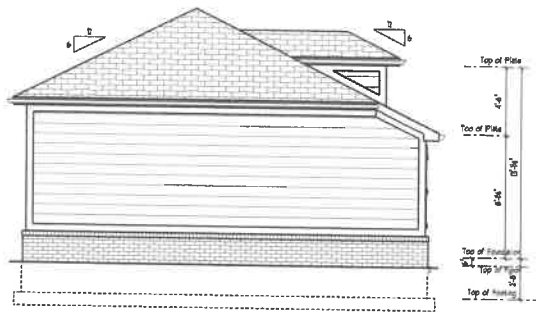
**NEW GARAGE ADDITIO FOR;
MIKE GREEN & FAMILY
16234 Montrose La
Westfield, IN 46074**

DATE: 07-18-2011
DRAWN BY: J. L.
SCALE: AS SHOWN
REVISIONS:
07-14-12: PRELIMINARY PLAN REVIEW
07-26-12: PRELIMINARY PLAN REVIEW
07-27-12: CONSTRUCTION FINAL PLAN

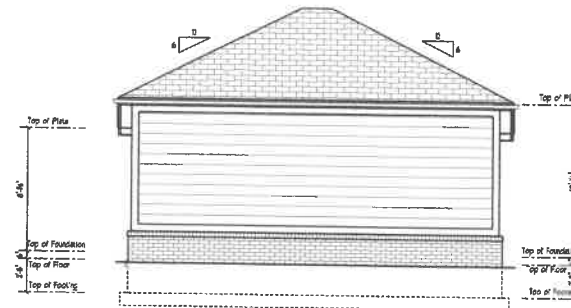
LOCATION/NOTES

COVER

Friday, July 29, 2022



SOUTH - LEFT ELEVATION
SCALE: 1/8" = 1'-0"

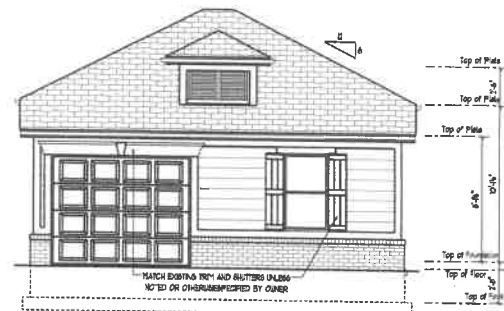


WEST - REAR ELEVATION
SCALE: 1/8" = 1'-0"

EXTERIOR TRIMS ARE R.S. CEDAR
SIDING IS HARDY LAP, REVEAL HT. T.B.D.



NORTH - RIGHT ELEVATION
SCALE: 1/8" = 1'-0"



EAST - FRONT ELEVATION
SCALE: 1/8" = 1'-0"

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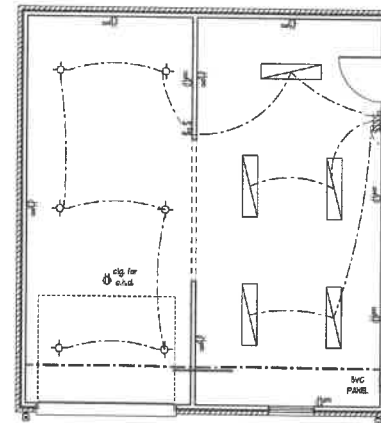
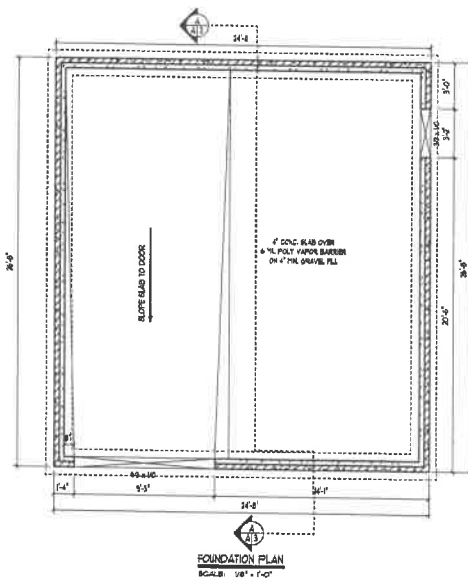
JAMES HOLLEY
PROFESSIONAL DESIGN
AND DRAFTING SERVICES
17808 SHADY NOOK ROAD
WESTFIELD, IN 46086
317-538-8020

NEW GARAGE ADDITION FOR:
MIKE GREEN & FAMILY
16234 Montrose Ln
Westfield, IN 46074
317-538-4257

DATE: 07-18-22
DRAWN BY: J.H.
SCALE: AS SHOWN
REVISIONS:
07-18-22 PRELIMINARY PLAN REVISED
07-18-22 PRELIMINARY PLAN REVISED
07-18-22 PRELIMINARY PLAN REVISED

ELEVATIONS
SHEET **A-1**

Friday, July 29, 2022

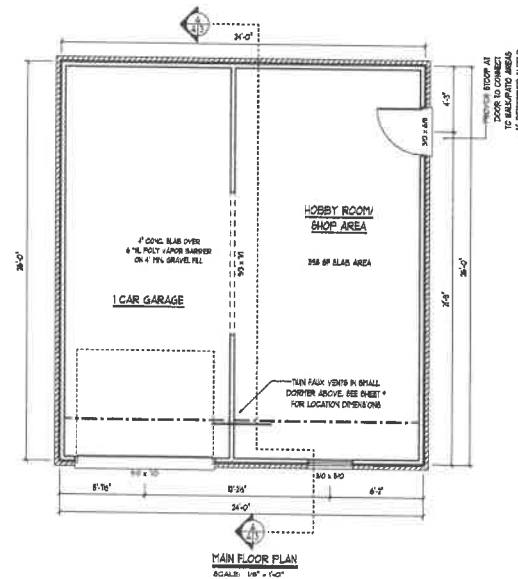


ELECTRICAL LEGEND		
ELECTRICAL	SYMBOL	CONV.
door latch		
fluorescent fixture		
electric disconnect		
electrical panel		
light		
outlet offset		
outlet		
switch 3 way		
switch triple		
switch		

ALL OUTLETS ARE GR
AND WILL BE PLACED 4' MIN
ABOVE FLOOR EXCEPT FOR
ANY IN FIELD DESIGNATED
LIGHTING MAY BE SUBJECT TO
CHANGE ONCE SPACES
BECOME MORE DEFINED

DISCONNECT
EXACT LOCATION
T.B.D. IN FIELD

MAIN FLOOR PLAN ELEC
SCALE: 1/8" = 1'-0"



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JAMES HOLLEY
PROFESSIONAL DESIGN
AND DRAFTING SERVICES
17808 SHADY NOOK ROAD
WESTFIELD, IN 46061
817-258-2020

**NEW GARAGE ADDITIO FOR:
MIKE GREEN & FAMILY
16234 Montrose Ln
Westfield, IN 46074
317-538-4257**

317-538-4257

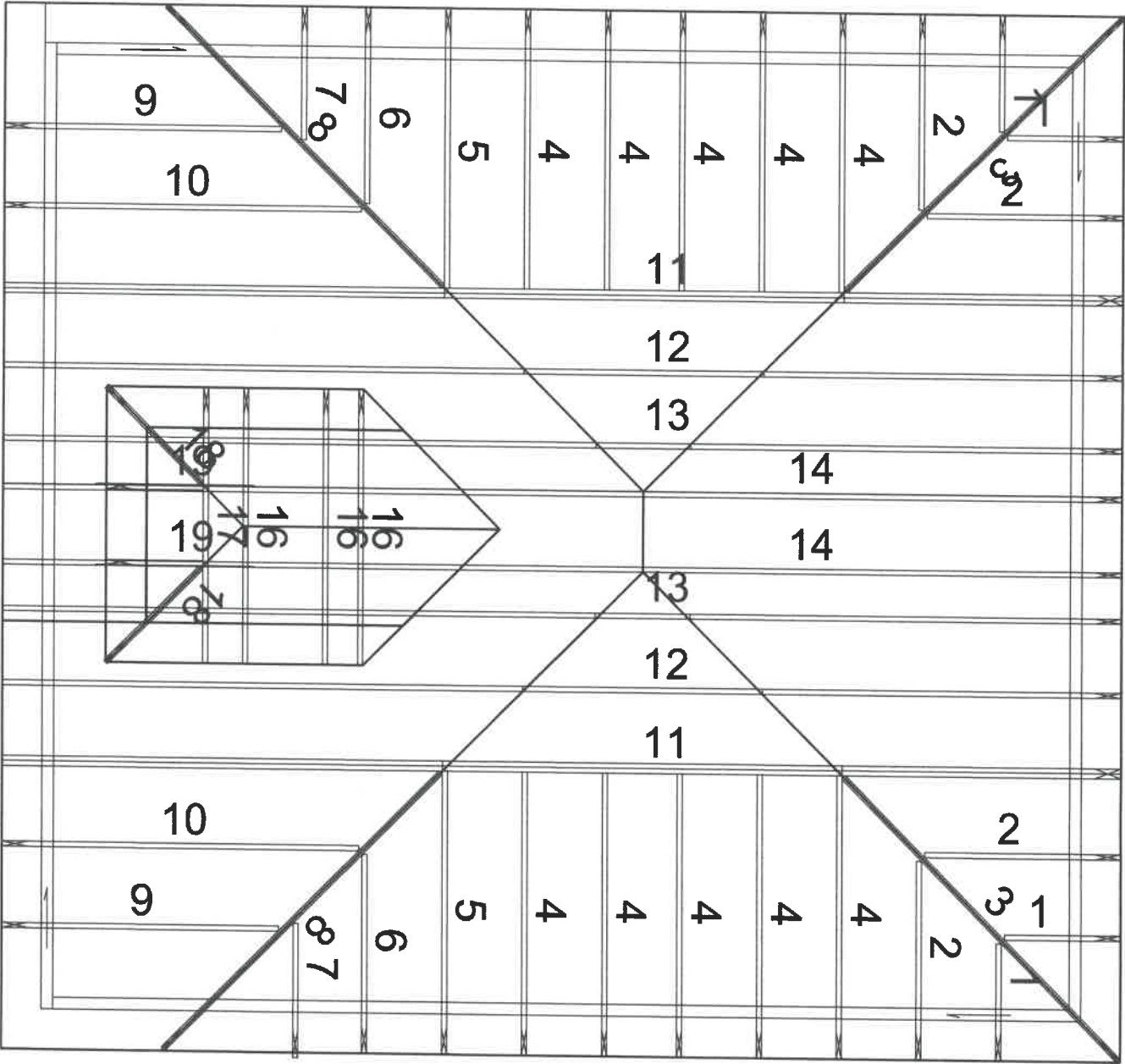
DATE: 07-25-22
DRAWN BY: JH
SCALE: AS SHOWN

REVISIONS:
07-14-20: PRELIMINARY PLAN REVIEW
07-26-20: PRELIMINARY PLAN REVIEW
07-26-20: CONSTRUCTION FINAL PLANS

ELEVATIONS	
1	100
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9	100
10	100
11	100
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100	100

SHEET **A-2**

Friday, July 29, 2022





WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

August 9, 2022

2208-VS-25

Exhibit 1

Petition Number: 2208-VS-25

Subject Site Address: 16234 Montrose Lane ("the Property")

Petitioner: Michael Green ("the Petitioner")

Request: 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)).

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

Current Land Use: Residential

Approximate Acreage: .89 acres +/-

Exhibits:

1. Staff Report
2. Location Map
3. Site Plan
4. Concept Drawings
5. Elevations

Staff Reviewer: Ryan Collingwood, Associate Planner

OVERVIEW

Location: The subject property is .89 acres +/- in size (the "Property") and located at 16234 Montrose Lane (see **Exhibit 2**).

History: The Ridgewood subdivision, where the Property is located, was established pre-1977. All lots in this subdivision are deemed legal nonconforming in the current zoning district, as all the Ridgewood properties do not meet the required lot standards of a minimum 3-acre lot area and a minimum 250 feet of road frontage for AG-SF1 zoned properties.



SUMMARY OF VARIANCES

UDO Articles 4.2(C) & 4.2(D)

The petitioner is requesting two Variances of Development Standard to bring the lot into compliance with the current zoning district (AG-SF1). These standards include minimum lot area (Article 4.2(C)) and minimum lot frontage (Article 4.2(D)).

UDO Article 4.2(E)(2)

The petitioner is requesting a Variance of Development Standard to permit an Accessory Building, a detached garage, to be located within the allotted 30-foot side yard setback for AG-SF1 zoned properties.

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.

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.



PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of the Variances of Development Standard. This petition is scheduled to receive its public hearing at the August 9, 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 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.

Variance of Development Standards: 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.

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

⁵ 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 Variances of Development Standard (2208-VS-25):

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

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

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

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

Finding: The Property is currently legal nonconforming. In order to perform improvements to the Property, the lot must comply with the lot standards of the applicable zoning district. Practical difficulties occur once improvements are proposed, and must be further complied with.

Recommended Conditions:

- That the Accessory Building (detached garage) be developed in substantial compliance with the Site Plan (**Exhibit 3**) and Elevations (**Exhibit 5**);
- 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.