CITY OF WESTFIELD, IN

BoardofZoningAppeals_Meeting_Agenda_07_14_2020

Tuesday, July 14, 2020 at 07:00 PM

BOARD OR COMMISSION: **Board of Zoning Appeals (BZA)**
MEETING DATE: **Tuesday, July 14, 2020 at 07:00 PM**
MEETING PLACE:

ONLINE VIA SKYPE

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

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

OPENING OF REGULAR MEETING

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

Note the presence of a quorum

Minutes - June 9, 2020 - Tabled to next BZA meeting.

Pro-Tempore Replacement for M. Raines Discussion

Review Rules & Procedures

ITEMS OF BUSINESS:

2006-VS-07 [PUBLIC HEARING]
4321 W. 166th Street
Scott Higgs
The Petitioner requests Variances of Development Standard to allow a detached garage taller than the Maximum Accessory Building Height and to encroach in the Established Front Yard on 10 acres +/- in the AG-SF1: Agriculture / Single-family Rural District (Articles 6.1(D)(2)(a)) & 6.1(F)).
(Planner: Corey Harris – Charris@westfield.in.gov)
Documents: Exhibit 1: Staff Report | Exhibit 2: Location Map | Exhibit 3: Site Plan | Exhibit 4: Elevations | Exhibit 5: Application

2007-VS-11 [PUBLIC HEARING]
549 McNamara Court
Michael Schroeder
The Petitioner requests a Variance of Development Standard to Encroach fifteen (15) feet into the thirty (30) foot Minimum Rear Yard Setback on 0.38 acres +/- in the SF-2: Single-Family Low-Density District to accommodate a swimming pool and pergola (Article 4.5(E)(3)(a)).
Planner: Jonathan Dorsey – JDorsey@westfield.in.gov) /i>
Documents: Exhibit 1: Staff Report | Exhibit 2: Location Map | Exhibit 3: Site Plan | Exhibit 4: Concept Plan

2007-VS-14[PUBLIC HEARING]
2150 E Greyhound Pass
Menard, Inc.
The Petitioner requests Variances of Development Standard so that (a) existing Variance 0206-VS-058, which permitted the increase of Maximum Fence Height from ten (10) feet to fourteen (14) feet, be also applicable to additional real estate proposed to be added to the subject Property and (b) encroachments into the Side and Rear Yard Building Setbacks for a future building addition in the SBN-PD: Special Business-Planned Development District (Article 4.22)(B)).
(Planner: Jonathan Dorsey – JDorsey@westfield.in.gov)
Documents: Exhibit 1: Staff Report | Exhibit 2: Location Map | Exhibit 3: Concept Plan | Exhibit 4: Elevations

2007-VS-16[PUBLIC HEARING]
SE Corner of 161st Street and US Highway 31.
Pure Development, Inc. by Tuohy Bailey & Moore LLP
The Petitioner requests Variances of Development standard to: (a) increase the Maximum Building Size from 30,000 SF to approximately 70,000 SF, (b) reduce Masonry Materials of all external Building Facades to less than 60%, (c) provide horizontal offsets as proposed, and (d) provide a flat roof design as proposed for the construction of a new office building in the LB: Local and Neighborhood Business District. (Articles 4.14(H)(2), 6.3(F)(2), 6.3 (F)(5)(b), and 6.3(F)(7)(b)).
Planner: Caleb Ernest - cernest@westfield.in.gov
Documents: Exhibit 1: Staff Report | Exhibit 2: Location Map | Exhibit 3: Proposed Site Plan | Exhibit 4: Exhibit A | Exhibit 5: Application

2007-VS-12 & 2007-VU-02[PUBLIC HEARING]
203 Jersey Street
Grand Junction Properties, LLC by Church, Church, Hittle & Antrim, LLP
The Petitioner requests a Variance of Use to permit a Low-Intensity Retail (Plant Boutique) use as well as a Variance of Development Standard to modify applicable sign standards on 0.30 acres +/- in the MF1: Multi-Family Low Density District (Chapter 13 & Article 6.17).
(Planner: Daine Crabtree – DCrabtree@westfield.in.gov)
Documents: Exhibit 1: Staff Report | Exhibit 2: Location Map | Exhibit 3: Existing Property | Exhibit 4: Illustrative Sign Exhibit | Exhibit 5: Grand Junction Task Group Letter

2007-VS-13 & 2007-VU-03 [PUBLIC HEARING]
337 Jersey Street
Grand Junction Properties, LLC by Church, Church, Hittle & Antrim, LLP

The Petitioner requests a Variance of Use to permit a Low-Intensity Retail (Coffee Shop Without Drive-Thru) use as well as a Variance of Development Standard to modify applicable sign standards on 0.30 acres +/- in the MF1: Multi-Family Low Density District (Chapter 13 & Article 6.17).
(Planner: Daine Crabtree - dcrabtree@westfield.in.gov)
Documents: Exhibit 1: Staff Report | Exhibit 2: Location Map | Exhibit 3: Existing Property | Exhibit 4: Illustrative Sign Exhibit | Exhibit 5: Grand Junction Task Group Letter | Exhibit 6: Rendering & Floor Plan

ITEMS CONTINUED TO A FUTURE MEETING:

2007-VS-15 [CONTINUED]
17827 Commerce Drive
JCF Commerce, LLC
The Petitioner requests Variances of Development Standard to reduce the Minimum Lot Frontage from seventy (70) feet to 66.9 feet on one (1) existing Lot and from seventy (70) feet to 46.37 feet on one (1) new Lot in the EI: Enclosed Industrial Business District (Article 4.24(D)).
(Planner: Daine Crabtree – DCrabtree@westfield.in.gov)

REPORTS/COMMENTS:

ADJOURNMENT

Petition Number:	2007-VS-11
Subject Site Address:	549 McNamara Court (The "Property")
Petitioner:	Michael Schroeder (The "Petitioner(s)")
Request:	The Petitioner requests a Variance of Development Standard to encroach ten (10) feet into the thirty (30) foot Minimum Rear Yard Setback on 0.38 acres +/- in the SF2: Single-family Low Density District.
Current Zoning:	SF2
Current Land Use:	Residential
Approximate Acreage:	0.38 acres+/-
Exhibits:	1. Staff Report 2. Location Map 3. Site Plan 4. Concept Plan
Staff Reviewer:	Jonathan Dorsey, Associate Planner

OVERVIEW

Location: The subject Property is 0.38 acres +/- in size and is located at 549 McNamara Court (see **Exhibit 2**). The Property is currently zoned SF2: Single-Family Low Density. The surrounding properties are also zoned SF2: Single-Family Low Density.

Variance Request: The Petitioner is requesting a Variance of Standard to encroach ten (10) feet into the thirty (30) foot Minimum Rear Yard Setback as further described herein.

SUMMARY OF VARIANCE

The Property is currently subject to Zoning Standards for SF2: Single-Family Low Density District as set forth in the UDO. The zoning sets forth a minimum rear yard setback line of thirty (30) feet. The Petitioner is requesting this variance to encroach ten (10) feet into the thirty (30) foot Minimum Rear Yard Setback to accommodate a swimming pool, as illustrated on the Site Plan (see **Exhibit 3**). The pool is shown encroaching five (5) feet into the existing drainage easement as well; this has been reviewed and approved by the County Drainage Board.

.

COMPREHENISVE PLAN

The Westfield-Washington Township Comprehensive Plan (The "Plan") identifies the property within the "Existing Suburban" land use classification[1]. 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 uses[3]. 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 Standard. This petition is scheduled to receive its public hearing at the July 14, 2020, 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[4] 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.

[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(I) Processes and Permits; Variances; Conditions of the UDO.

Acknowledgement of Variance: If the Board of Zoning Appeals approves this petition, then the UDO[5] 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 Standard: The Board of Zoning Appeals shall approve or deny variances from the terms of the UDO. A variance may be approved under Indiana Code § 36-7-4-918.4 only upon a determination in writing that:

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

---

DEPARTMENT COMMENTS

Approval: If the Board is inclined to approve the Variance of Standard (2007-VS-11), then the Department recommends the findings as set forth below, for the variance:

Recommended Findings for Approval:

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

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

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

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

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

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

   Finding: Strict adherence to the zoning ordinance would result in the inability to improve the property as proposed and would result in the construction of a swimming pool and deck that would not suit the needs of the Petitioner.

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.

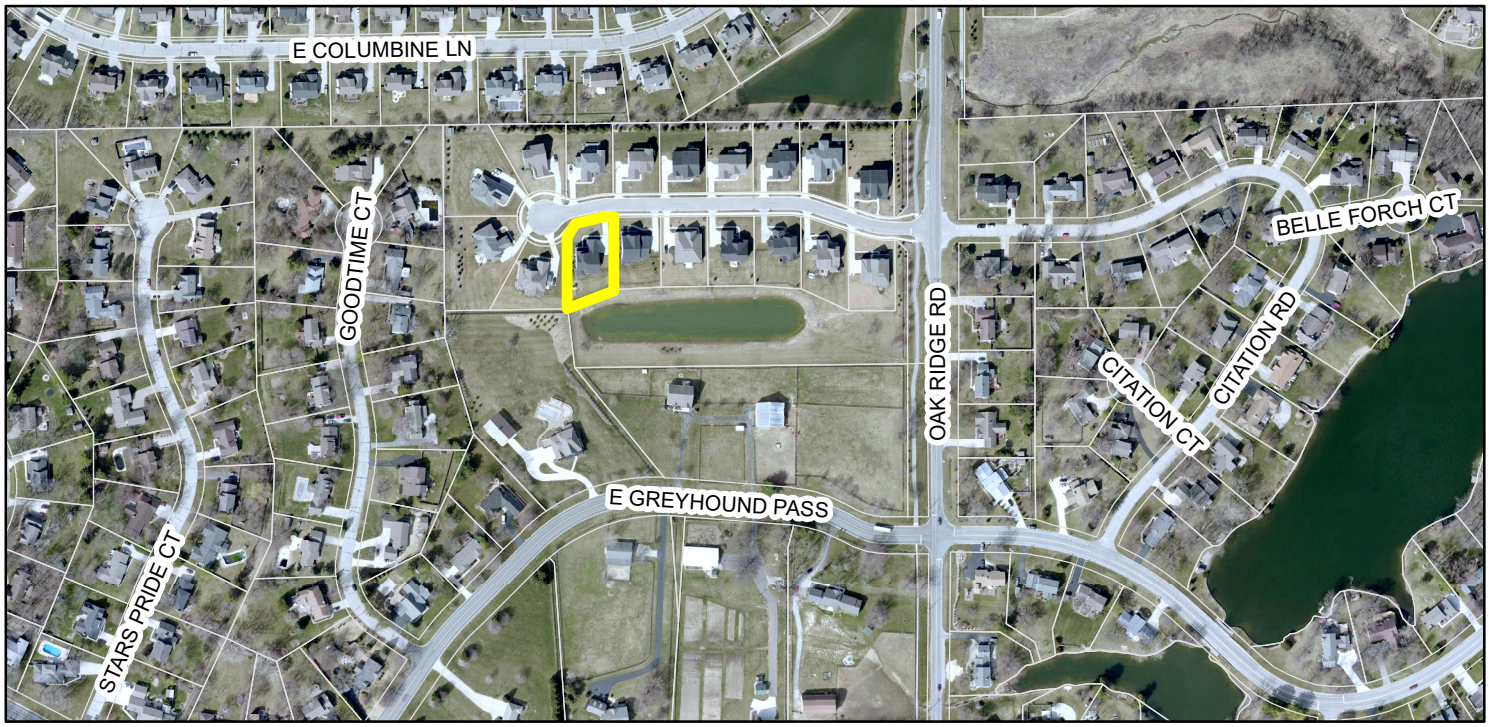
CITY OF Westfield INDIANA

Property Location Map
549 McNamara Court
Variance of Development Standard
2007-VS-11

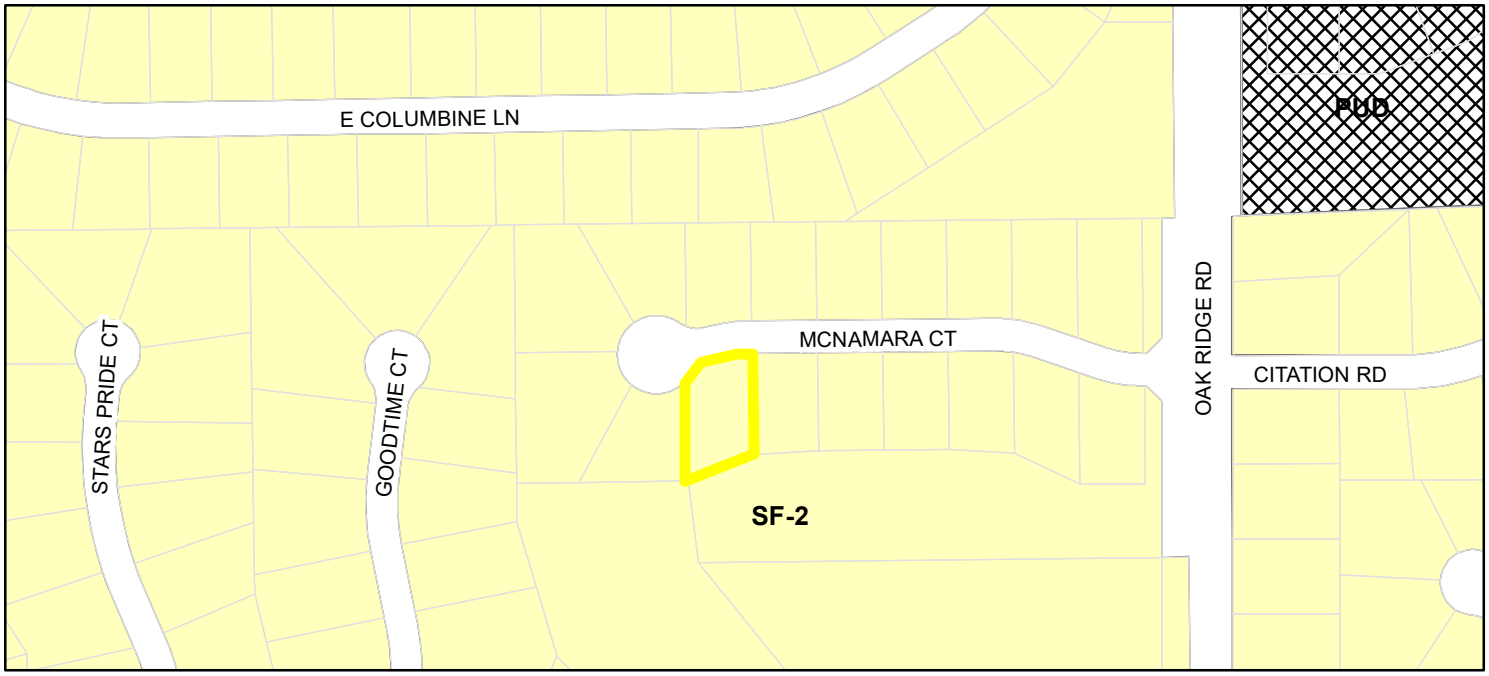
N
W E
S
Not To Scale

Aerial Location Map

Site



Zoning Map



Parcel

Zoning

Zoning - All

PUD (Planned Unit Development)

SF-2 (Single Family - 2)

Not To Scale

Fig A.
Grill Side view

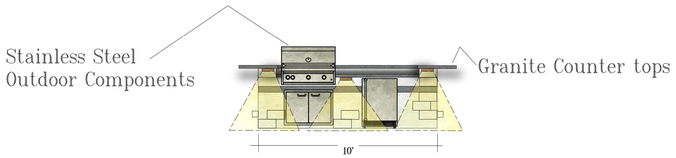


Fig A.
End view

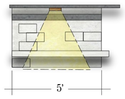
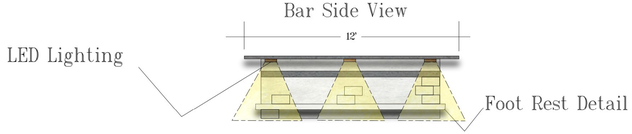


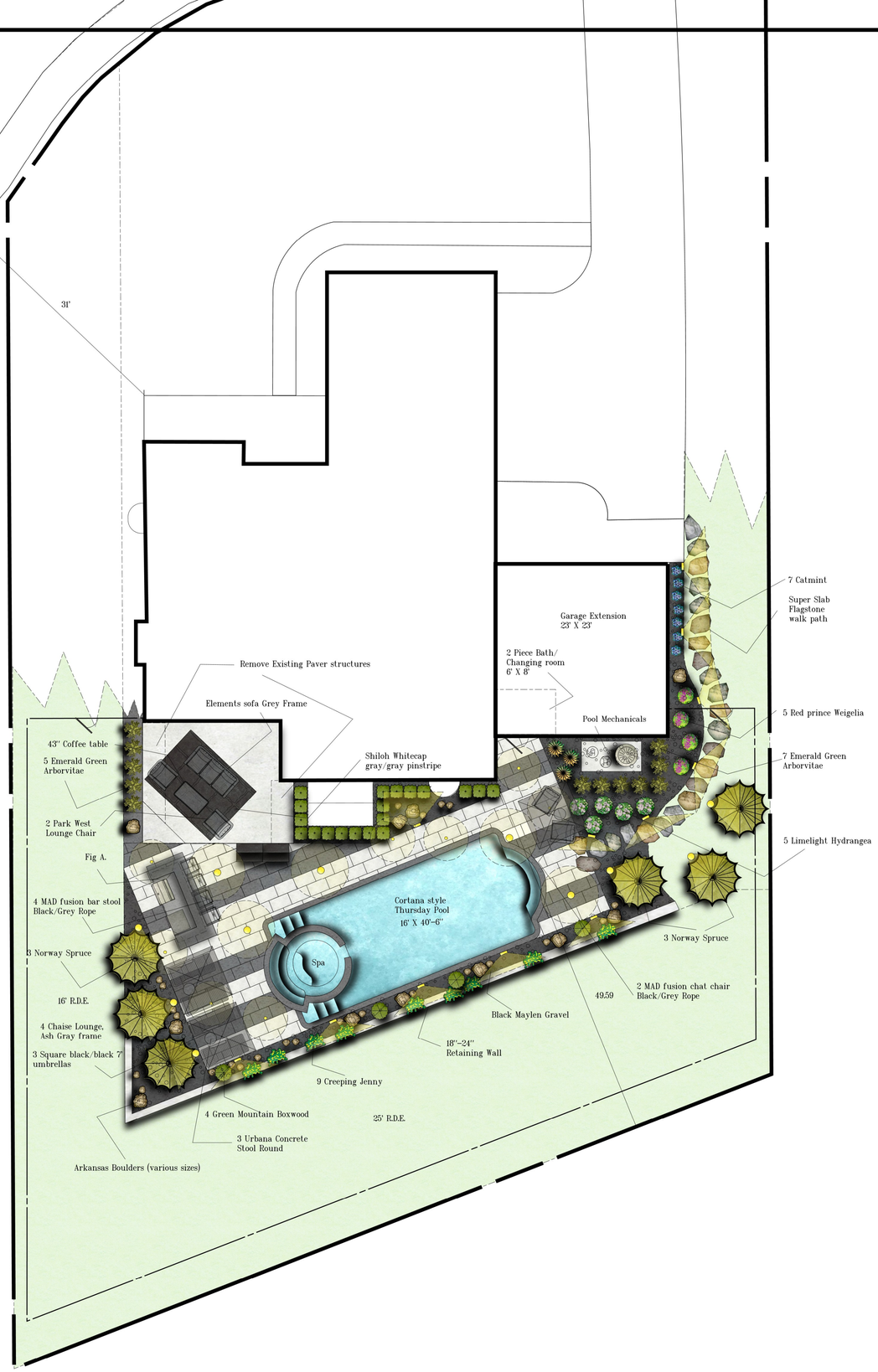
Fig A.
Bar Side View



Additional Info:
Raffinato
Greyed Nickel body
Onyx Black Accent

Grill/Prep area
counter height 36" +/-

Bar Height 42" +/-



Key:

Paver Patio Materials

Techo Block:
Blu 60 MM
Grande Slabs
In Greyed Nickel
and Onyx Black
Running Bond pattern

Kitchen and Retaining Wall Materials

Techo Block:
Raffinato 180MM
Greyed Nickel
Accents in
Raffinato 90MM
Onyx Black

Lighting Key:

=In Lite Fusion and RVS 22
lights in paver patio application

=WAC Hardscape Light in
Kitchen/Bar Island

=WAC Accent Lights
at Spruce Trees

=STERLING SL-17 Path lights
around pool deck and at walk path

Techo-PRO

ALL COPYRIGHTS RESERVED
Note: This Design Is The Property of Wasson Nursery.
It Is an Original Unpublished Drawing Submitted For
Your Approval In Connection With A Project Being
Planned For You By Wasson Nursery. It Is Not To Be
Used In Any Way, Exhibited To Your Organization, Not Is It
To Be Shown To Anyone Outside Your Organization, Nor Is It
To Be Used, Copied, Reproduced or Exhibited In Any
Fashion. Please Disregard If Design Is Purchased.
Sincerely, Daniel J. Wasson.

No	Date	Description
REVISIONS		

Wasson NURSERY
13279 E. 126th St.
Fishers, IN. 46037
317.770.3321

I Accept This Plan As Drawn

Schroeder Residence

549 McNamara Ct.
Carmel, Indiana 46032
317.445.4531

SCALE	1/8" = 1'
DRAWN BY	Rob Freet
CHECKED BY	Rob Freet
DATE	05/29/2020
DATE OF PRINT	06/17/2020
PROJECT NO	2020-F
SHEET NO	1 Of 1

Powered by DynaSCAPE®

PLOT PLAN

VILLAGE FARMS
P.C. 5, SLIDE 271
LOT #12 – SECTION 19
CITY OF WESTFIELD, INDIANA
549 MCNAMARA COURT

1" = 30'

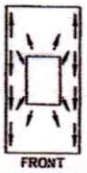
PREPARED FOR
DREES HOMES

HOUSE TYPE: SASHA – "A" – FULL BASEMENT
OPTIONS: – THREE–CAR SIDELOAD GARAGE
– OUTDOOR LIVING W/ FIREPLACE

LOT SIZE:	16,595 SQ.FT.
CONC. DRIVEWAY:	1,449± SQ.FT.
PUBLIC WALK:	495± SQ.FT.
PRIVATE WALK:	177± SQ.FT.
SEEDING:	5,822± SQ.FT.
SOD:	783± SQ.YD.

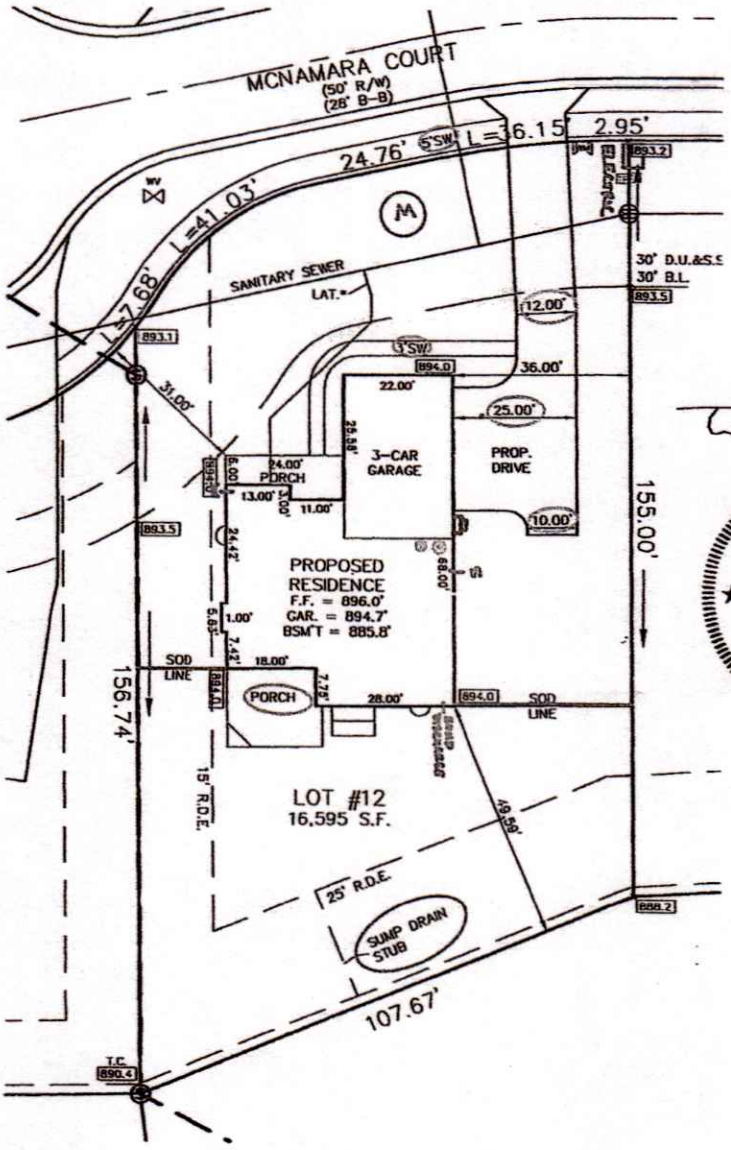
MJS
TAS

TYPICAL SWALE SECTION



DETAIL OF TYPICAL STORM WATER FLOW PATTERN FOR INDIVIDUAL LOTS

NOTE: BUILDER TO ENSURE POSITIVE DRAINAGE AWAY FROM STRUCTURE(S)



T. A. T.

NOTE:

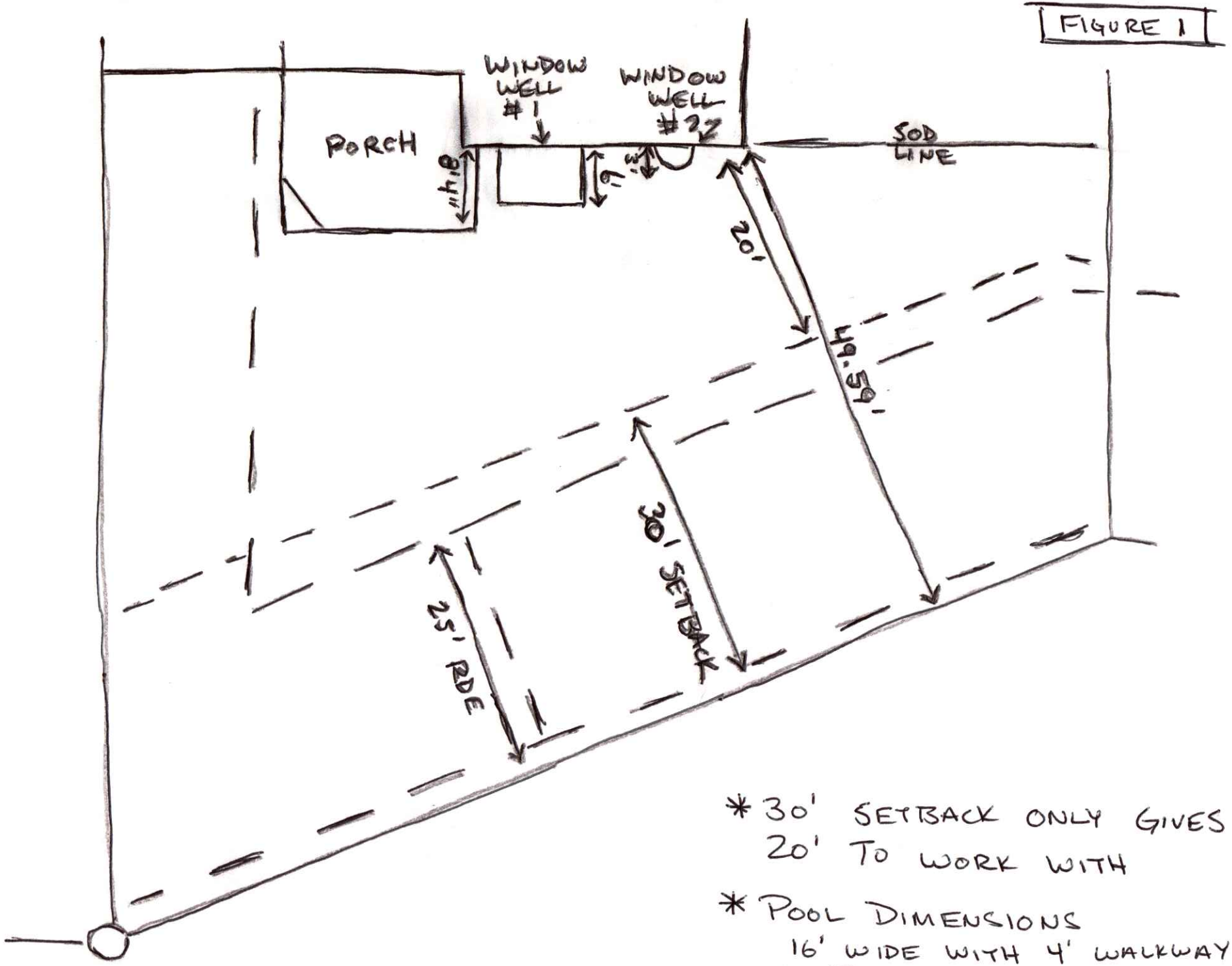
- DRIVE ENTRY TO CONFORM WITH CITY OF WESTFIELD STANDARDS
- THE LOCATIONS, DIMENSIONS, AND WIDTH ALONG THE PROPOSED PUBLIC SIDEWALK WERE SCALED OR TAKEN FROM ENGINEERING CONSTRUCTION PLANS PREPARED BY OTHERS OR AS PROVIDED.
- VERIFY SANITARY LATERAL LOCATION PRIOR TO CONSTRUCTION
- IT SHALL BE THE RESPONSIBILITY OF THE BUILDER/CONTRACTOR TO VERIFY THE BUILDING DIMENSIONS, BUILDING LOCATIONS, THE LOCATION OF OTHER PERTINENT FEATURES AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION. THE INTENDED USE OF THIS PLOT PLAN IS FOR SECURING BUILDING PERMITS ONLY AND SHALL NOT BE USED FOR ANY OTHER PURPOSE.

000.0 — PROPOSED GRADE
000.0 — EXISTING GRADE

TRUE NORTH
"POINTING YOU IN THE RIGHT DIRECTION"
LAND DEVELOPMENT CONSULTING & LAND SURVEYING SERVICES
11650 Olio Road, Suite#1000-289
Fishers, Indiana 46037
Phone: (317)-841-8754
Fax: (317)-841-8762
E-mail: Troy@Truenorthindy.com

DRWN: TAT JOB#: 15-274	DATE: 05/20/15 REV.: 06/12/15	SCALE: 1" = 30'	
ZONED: SF-2			F.F.E. HSE: 896.0'
SETBACKS:	12' SIDE 30' REAR		F.F.E. GAR: 894.7' F.F.E. BSM'T: 885.8'

FIGURE 1



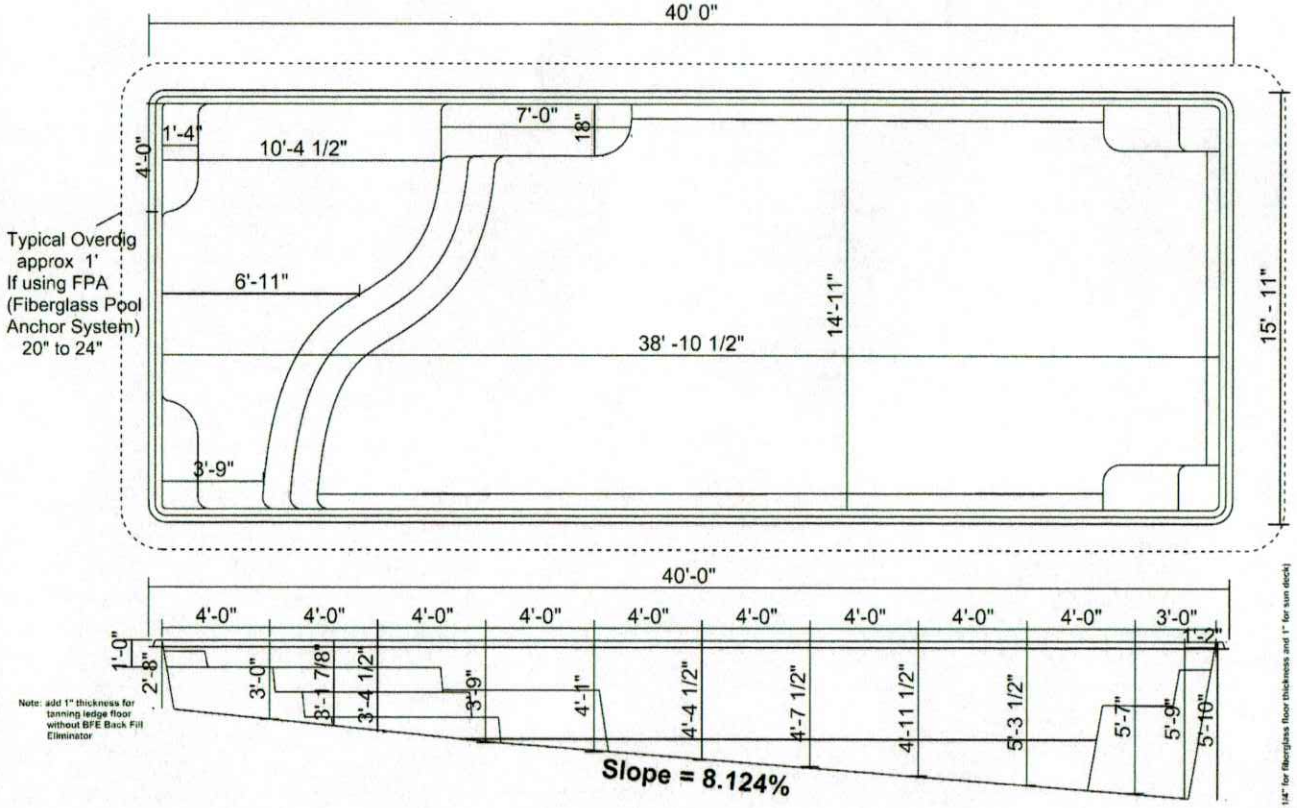
* 30' SETBACK ONLY GIVES 20' TO WORK WITH

* POOL DIMENSIONS
  16' WIDE WITH 4' WALKWAY ON BOTH SIDES
  16' + 4' + 4' = 24' NEEDED
  → SEE FIGURE 2 AND FIGURE 3

FIGURE 2

THURSDAY POOLS®

Aspen 1640 Depth: 3'-4" to 5'-10



PLEASE SEE GENERAL CONSTRUCTION AND RECOMMENDED INSTALLATION NOTES

General Tolerance +/- 1/2"

NON DIVING POOL

SPECIFICATIONS:
Volume:: 13,090 gal (est)
Weight: 2,800 lbs (est)
Area: 580 sq. ft (est)
Perimeter: 108' (est)
SCALE:

CONTROL

THURSDAY POOLS, LLC
your weekend starts early with us . . .®
840 Commerce Parkway
Frankfort, Indiana 46041
Note: for technical help please call Thursday Pools LLC at:
Toll Free (877) 929-POOL (7665)
Local (317) 873-0209

MODEL: Aspen 1640
OWNER:
ADDRESS:
POOL DEALER:

Sheet No. D8

FIGURE 3

www.HendrickPool.com

HENDRICK Pool and Lawn Service

317-335-2660

Gary@HendrickPool.com
Jonathan@HendrickPool.com
Justin@HendrickPool.com

Fiberglass Pool Estimate

Date: 5-26-2020

Name: Mike Schroeder Referral: _____

Address: 549 McNamara Ct, Carmel IN 46032

Phone: 317-445-4531

Email: drschroeddds6yahoo.com

Estimated By: Gary (Estimate valid for 30 days)

Fiberglass Basic Pool Package

Model: Aspen Size: 16x40 Depth: _____

The Fiberglass Basic Pool Package includes all of the following materials: Fiberglass Pool Shell, Stone Backfill, PVC Plumbing, Equipment Pad, Variable Speed Pump, Sand Filter, Automatic Chlorinator, Light, Handrail, Skimmer, (3) Returns, In-Wall Suction as Main Drain, Solar Blanket, Winter Tarp Cover, Safety Equipment, (4) ft. of Regular Concrete on each side of pool, Sump Pump Pit with Slotted Pipe around pool, Water, Pool Start Up, Start Up Chemicals, First Winter Closing, Rough Grade, Electric Wiring with GFI Protection*, Building Permits**

Basic Package: $ 57,400.00 **Sales Tax: $** 2,225.00 **Total: $** 59,625.00

Extra Items

_____ Additional Regular Concrete
_____ Sq. Ft. @ $_____ Sq. Ft.

_____ Exposed Agg.
_____ Sq. Ft. @ $_____ Sq. Ft.

_____ Stamped Concrete (2) Color
_____ Sq. Ft. @ $_____ Sq. Ft.

_____ 16" Limestone Bullnosed Coping

_____ Tile Coping

_____ Pavers

2895.00 Heater: H-200

BTU: 200,000 Type of Gas: _____

_____ Heater Gas Line ($500 min.)

_____ Heat Pump

_____ Electric Charge for Heat Pump

1895.00 Salt Generator: _____

5895.00 Sense & Dispense- Salt & Automation

1250.00 UV Unit

1295.00 Color Lighting: 3 Color led

_____ Water Fall: _____

495.00 each Deck Jets: _____
Number: _____

1695.00 each Bubblers: _____
Number: _____

_____ Safety Cover with Anchors

7800.00 Top Track Automatic Pool Cover

9800.00 Inside Track Automatic Pool Cover

_____ Diving Board

995.00 Basketball

895.00 Volleyball

_____ Slide With Water: _____

995.00 Robotic Pool Cleaner: _____

_____ Other: _____

Extras: $ _____ **Sales Tax: $** _____ **Total: $** _____

Notes:

_____

_____

* Electric Allowance Included Estimate of $1,850.00

**Building Permit Allowance Included Estimate of $250.00

Grand Total Estimate $ _____

Dear City of Westfield,

Enclosed you will find my proposal for a variance of the 30' rear setback. I am proposing the setback to be reduced to 20'. A variance is needed in order to construct a pool. Without this variance, a pool will be unable to be constructed. I have enclosed a plot plan and design proposal from Wasson Nursery. Figure 1 shows a 30' setback and only allows for 20' of usable space in order to construct a pool. Figures 2 and 3 show a 16' wide pool with 4' of surround decking/concrete totaling 24' needed for this project, thus requiring a variance. 10' is requested since 24' would butt the pool decking against the house with limited walkway. Additionally the offset of the porch (8'4") and widow wells #1 (6') and #2 (3') also cut into the usable space as can be seen in Figure 1 requiring a space of 30' to construct a pool.
As you can see from the plot plan, I have a 25' RDE which I have submitted for and have been granted a non-enforcement of 5'. The variance of 10' reducing the setback to 20' would match the new 20' RDE. I have enclosed the email from Hamilton county in this regard, which will be approved by the drainage board on 7/13/2020. I will forward this signed approval if I have it back prior to our meeting on 7/14/2020. I have also enclosed a handful of letters in regard to the approval of the variance and pool construction.

Cordially,
Michael J. Schroeder

From: Samuel Clark Samuel.Clark@hamiltoncounty.in.gov
Subject: RE: Pool/Deck Nonenforcement
Date: Jul 6, 2020 at 12:18:53 PM
To: Mike Schroeder drschroederdds@yahoo.com

Hi Mike. I just spoke with the county surveyor about your nonenforcement and he has allowed for your desired pool orientation with the maximum encroachment we will allow being 5 feet into your 25 foot easement on your rear property line. The nonenforcement will be approved at the coming drainage board meeting a week from today and I will send you an approved copy once it has been signed by the drainage board president.

From: Mike Schroeder <drschroederdds@yahoo.com>
Sent: Monday, July 6, 2020 12:12 PM
To: Samuel Clark <Samuel.Clark@hamiltoncounty.in.gov>
Subject: Re: Pool/Deck Nonenforcement

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hey Sam-

Do you know if the surveyor has reviewed my encroachment yet and what he is recommending to the board for next Monday.
I wanted to see if I will have an answer then. The only reason I am asking is that my contractor has been waiting to confirm a date and there now are very few dates left to start the project this year.
Thanks
Mike Schroeder

Sent from my iPhone

On Jun 19, 2020, at 2:11 PM, Samuel Clark <Samuel.Clark@hamiltoncounty.in.gov> wrote:

Hi Mike. While we did receive your application and all necessary information back on June 4th, I (stupidly) shuffled it under some other documents and failed to talk to the County Surveyor about it in time for the June 22nd Drainage board meeting. I would try and get it in late but the Surveyor is out for the day. I'm horribly sorry. This nonenforcement will be seen at the drainage board meeting on July 13th and I will give it TOP PRIORITY. Again I apologize for the further delay. It used to be someone's explicit job to handle these but thanks to budget cuts over the years, the responsibility was foisted on to me who has already has numerous other responsibilities.

From: Mike Schroeder <drschroederdds@yahoo.com>

Petition Number:	2007-VS-14
Subject Site Address:	2150 E Greyhound Pass (The "Property")
Petitioner:	Tyler Edwards, Real Estate Rep. - Menard, Inc. (The "Petitioner(s)")
Request:	The Petitioner requests Variances of Development Standard to encroach three (3) feet into the fifteen (15) foot Minimum Side Yard Setback, encroach fourteen (14) feet into the twenty (20) foot Minimum Rear Yard Setback, and to increase maximum fence height from ten (10) to fourteen (14) feet on 13.05 acres +/- in the SB-PD: Special Business / Planned Development District.
Current Zoning:	SB-PD
Current Land Use:	Commercial
Approximate Acreage:	13.05 acres+/-
Exhibits:	1. Staff Report 2. Location Map 3. Site Plan 4. Elevations
Staff Reviewer:	Jonathan Dorsey, Associate Planner

OVERVIEW

Location: The subject Property is 13.05 acres +/- in size and is located at 2150 E Greyhound Pass (see **Exhibit 2**). The Property is currently zoned SB-PD: Special Business / Planned Development. The properties to the South are zoned Village Park Plaza I PUD, to the West are zoned Village Park Plaza II PUD, and to the North and East are zoned SB-PD: Special Business / Planned Development.

Property History: The Property has received several Variances of Standard in the past. 0206-VS-058, granted on June 17 2002, which permitted an increase of the maximum fence height from ten (10) feet to fourteen (14) feet. 0206-VS-058 was voted unanimously to approve with the condition that the wooden fence be constructed with the finished side of the fence facing outward and in the same manner as the existing fence.

Variance Request: The Petitioner is requesting Variances of Standard to encroach three (3) feet into the fifteen (15) foot Minimum Side Yard Setback, fourteen (14) feet into the twenty (20) foot Minimum Rear Yard Setback, and to increase the maximum fence height from ten (10) feet to fourteen (14) feet as further described herein.

SUMMARY OF VARIANCE

The Property is currently subject to Zoning Standards for SB-PD: Special Business / Planned Development District as set forth in the UDO. The zoning sets forth a Minimum Side Yard Setback line of fifteen (15) feet and a Minimum Rear Rard Setback line of twenty (20) feet. The Petitioner is requesting this variance to encroach three (3) feet into the fifteen (15) foot Minimum Side Yard Setback and fourteen (14) feet into the twenty (20) foot Minimum Rear Yard Setback to accommodate a Warehouse, as illustrated on the Site Plan (see **Exhibit 3**) and the Elevation (see **Exhibit 4**). The Property is subject to Development Standards for Commercial as set forth in the UDO. The Development Standards sets forth a Maximum Fence Height of ten (10) feet. The Petitioner is requesting to increase the Maximum Fence Height from ten (10) feet to fourteen (14) feet.

COMPREHENISVE PLAN

The Westfield-Washington Township Comprehensive Plan (The "Plan") identifies the property within the "Regional Commercial" land use classification[1]. The vision for the Regional Commercial classification is contemplated for a broad range of goods and services available to residents in a large geographic area, generally including big-box-type retail, with one or more large anchor stores.[2]

The Regional Commercial classification is designed to accommodate regional retail, office, and attached residential dwellings[3]. The Plan also contemplates Regional Commercial to:

- Reserve these areas exclusively for regional commercial development. These areas are intended to benefit the economic health of the community and uses that do not contribute to that economic health should not be allow:
- Permit regional commercial only on arterial streets that are designed to carry large traffic volumes, or on frontage roads accessible from arterials:
- Permit regional commercial uses only in planned center with consistent design and architectural style for each center. In areas not already commercial, adjacent commercial areas should have consistent style and building materials, and:
- Permit attached residential within a regional commercial development only when it is clearly subordinate to the commercial component.

---

[1] Page 24 of the Westfield and Washington Township Comprehensive Plan; Chapter 2; Land Use Plan: Land Use Classifications and Development Policies.
[2] Page 50 of the Westfield and Washington Township Comprehensive Plan; Chapter 2; Land Use Plan: Background.
[3] Pages 50-52 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 a Variance of Standard. This petition is scheduled to receive its public hearing at the July 14, 2020, 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[4] 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[5] 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 Standard: The Board of Zoning Appeals shall approve or deny variances from the terms of the UDO. A variance may be approved under Indiana Code § 36-7-4-918.4 only upon a determination in writing that:

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

---

DEPARTMENT COMMENTS

Approval: If the Board is inclined to approve the Variance of Standard (2007-VS-14), then the Department recommends the findings as set forth below, for the variance:

[4] Article 10.14(I) Processes and Permits; Variances; Conditions of the UDO.
[6] Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.

Recommended Findings for Approval:

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

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

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: Strict adherence to the zoning ordinance would result in the inability to improve the property as proposed and would result in an increase of noise and light affecting surrounding properties. The Variance would allow for an expansion that would help the Property operate as desired and meet Parking Standards.

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.

CITY OF Westfield INDIANA

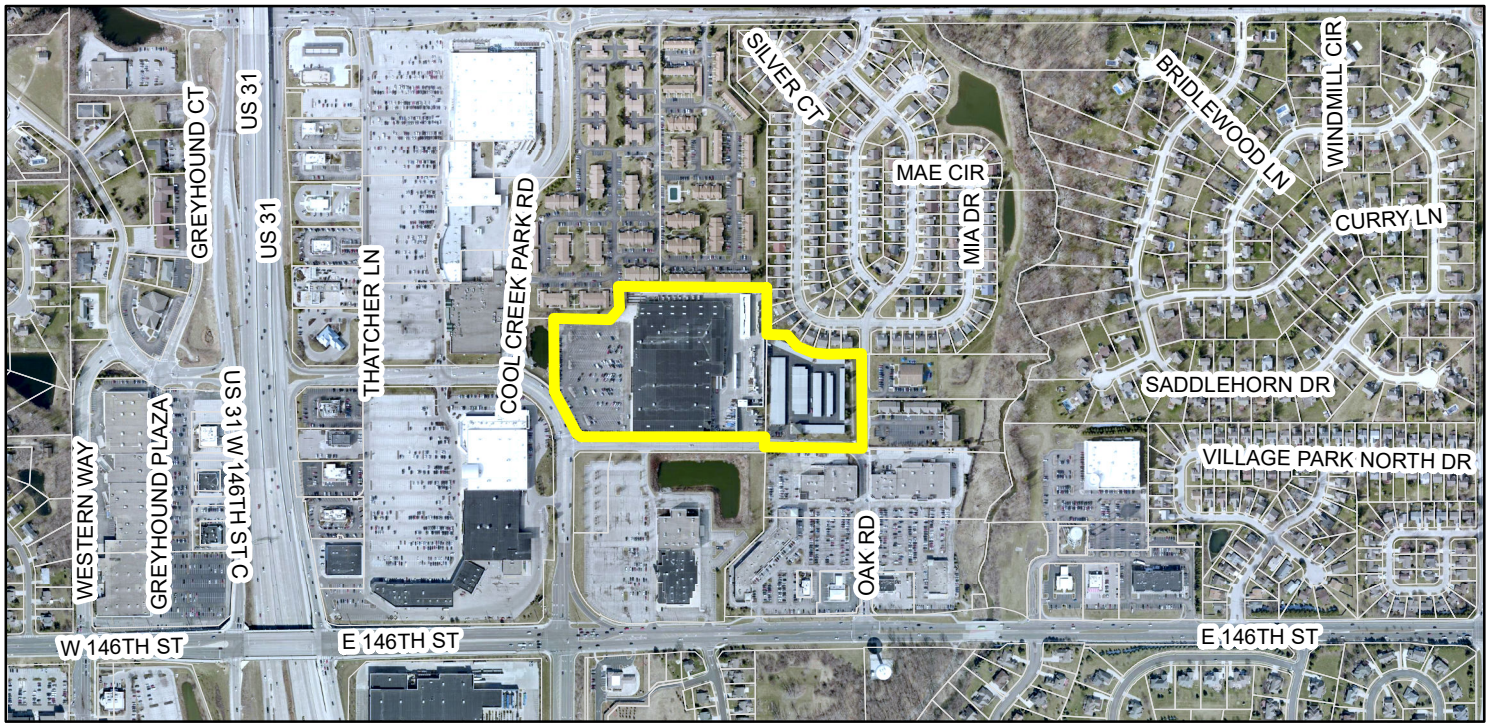
Property Location Map
Menards Expansion
Variance of Development Standard
2007-VS-14

N W E S

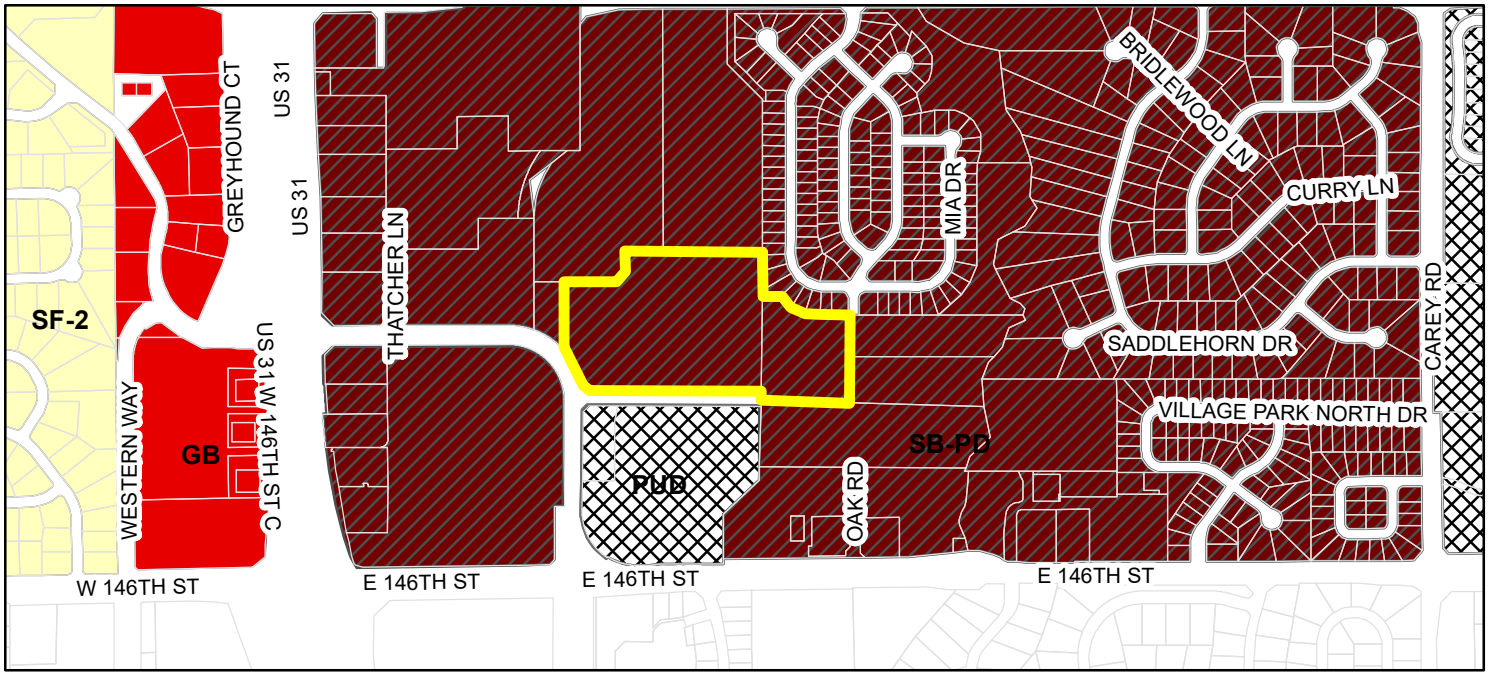
Not To Scale

Aerial Location Map

Site



Zoning Map



Parcel

Zoning - All

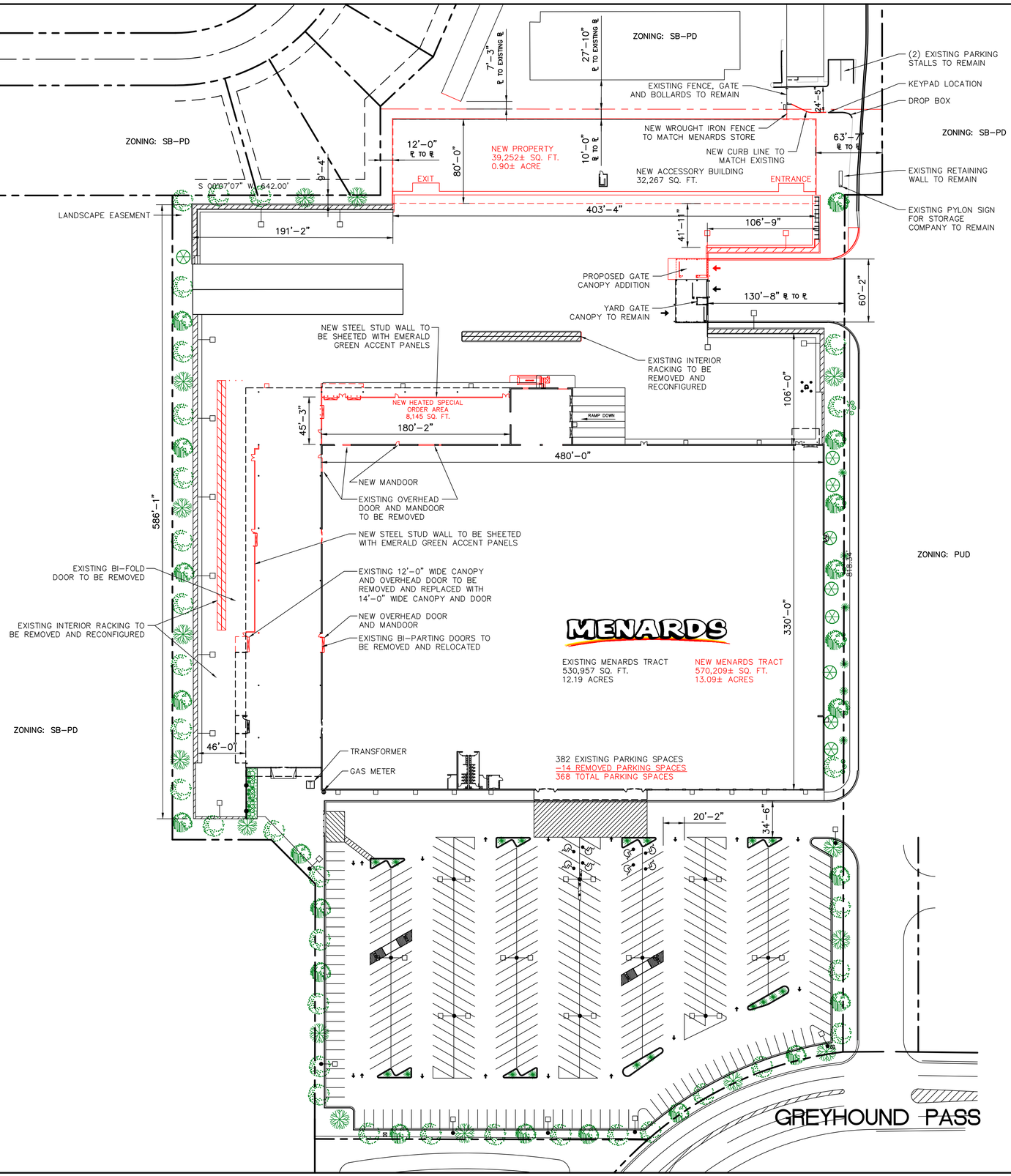
Zoning

GB (General Business)

PUD (Planned Unit Development)

SB-PD (Special Business - Planned Development)

SF-2 (Single Family - 2)



ELECTRICAL LEGEND

	17	400W H.P.S. PARKING LOT LIGHTING ON 30'–0" TALL POLES
	17	250W H.P.S. WAL–PAC LIGHTING
	1	EXISTING 250W H.P.S. WAL–PAC LIGHTING TO BE REMOVED AND RELOCATED
	1	RELOCATED 250W H.P.S. WAL–PAC LIGHTING TO MATCH EXISTING
	17	EXISTING 250W H.P.S. COBRA HEAD YARD LIGHTS TO REMAIN
	7	EXISTING 250W H.P.S. COBRA HEAD YARD LIGHTS TO BE REMOVED AND RELOCATED OR SALVAGED
	2	RELOCATED 250W H.P.S. COBRA HEAD YARD LIGHTS TO MATCH EXISTING
	2	277V M.H. DECORATIVE LAMP

LANDSCAPE LEGEND

SYMBOL	SCIENTIFIC, COMMON NAME	QUANTITY
	GLEDITSIA TRIACANTHOS VAR. INERMIS 'IMPCOLE', 'IMPERIAL' HONEYLOCUST	16
	EXISTING GLEDITSIA TRIACANTHOS VAR. INERMIS 'IMPCOLE', 'IMPERIAL' HONEYLOCUST TO BE REMOVED	3
	MALUS X HYBRID, 'CENTURION' FLOWERING CRABAPPLE	24
	TILIA CORDATA 'GREENSPIRE', 'GREENSPIRE' LITTLELEAF LINDEN	21
	EXISTING TILIA CORDATA 'GREENSPIRE', 'GREENSPIRE' LITTLELEAF LINDEN TO BE REMOVED	3
	ACER PLATANOIDES 'CLEVELAND', 'CLEVELAND' NORWAY MAPLE	33
	EXISTING ACER PLATANOIDES 'CLEVELAND', 'CLEVELAND' NORWAY MAPLE TO BE REMOVED	3
	MALUS 'MAZAM', 'MADONNA' FLOWERING CRABAPPLE	11
	EXISTING MALUS 'MAZAM', 'MADONNA' FLOWERING CRABAPPLE TO BE REMOVED	1
	POTENTILLA FRUTICOSA 'GOLDFINGER', 'GOLDFINGER' POTENTILLA	50
	BERBERIS THUNBERGII, JAPANESE BARBERRY	9
	JUNIPERUS HORIZONTALIS 'BAR HARBOR', 'BAR HARBOR' JUNIPER	20

GREENSPACE DATA

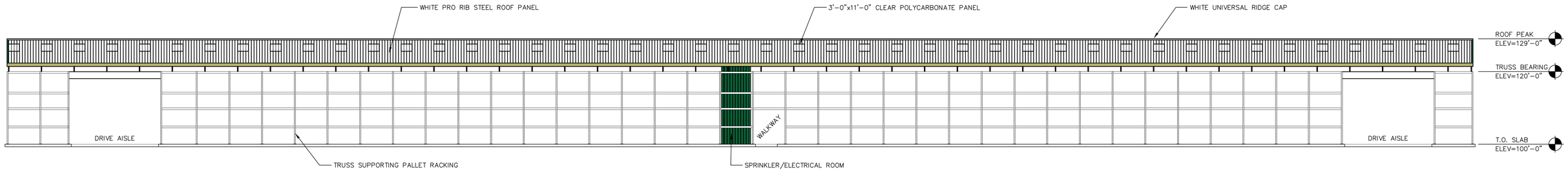
EXISTING MENARDS TRACT	530,957 sq. ft.	100.0 %
EXISTING GREENSPACE	43,637 sq. ft.	8.2 %
PROPOSED MENARDS TRACT	570,209 sq. ft.	100.0 %
PROPOSED GREENSPACE	45,102 sq. ft.	7.9 %

Tyler Edwards
Real Estate Representative
Menard, Inc.
5101 Menard Drive
Eau Claire, Wisconsin 54703

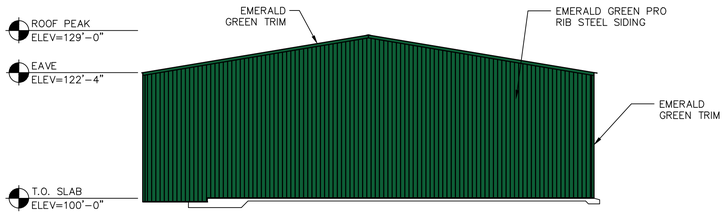
MENARDS

Carmel, Indiana
Menards Site Plan
June 30, 2020
Scale: 1" = 50'–0"

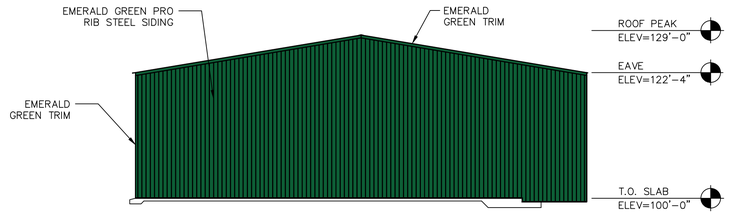
CT1



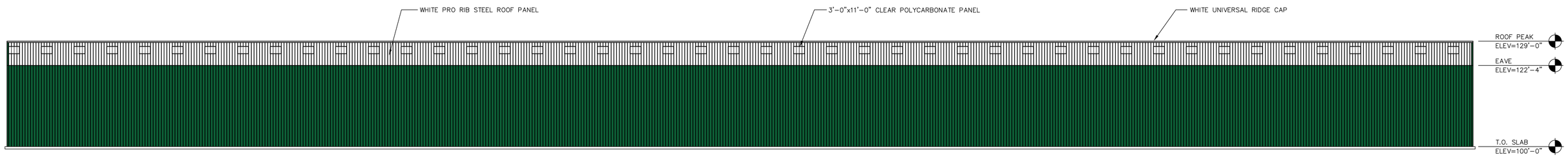
PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION



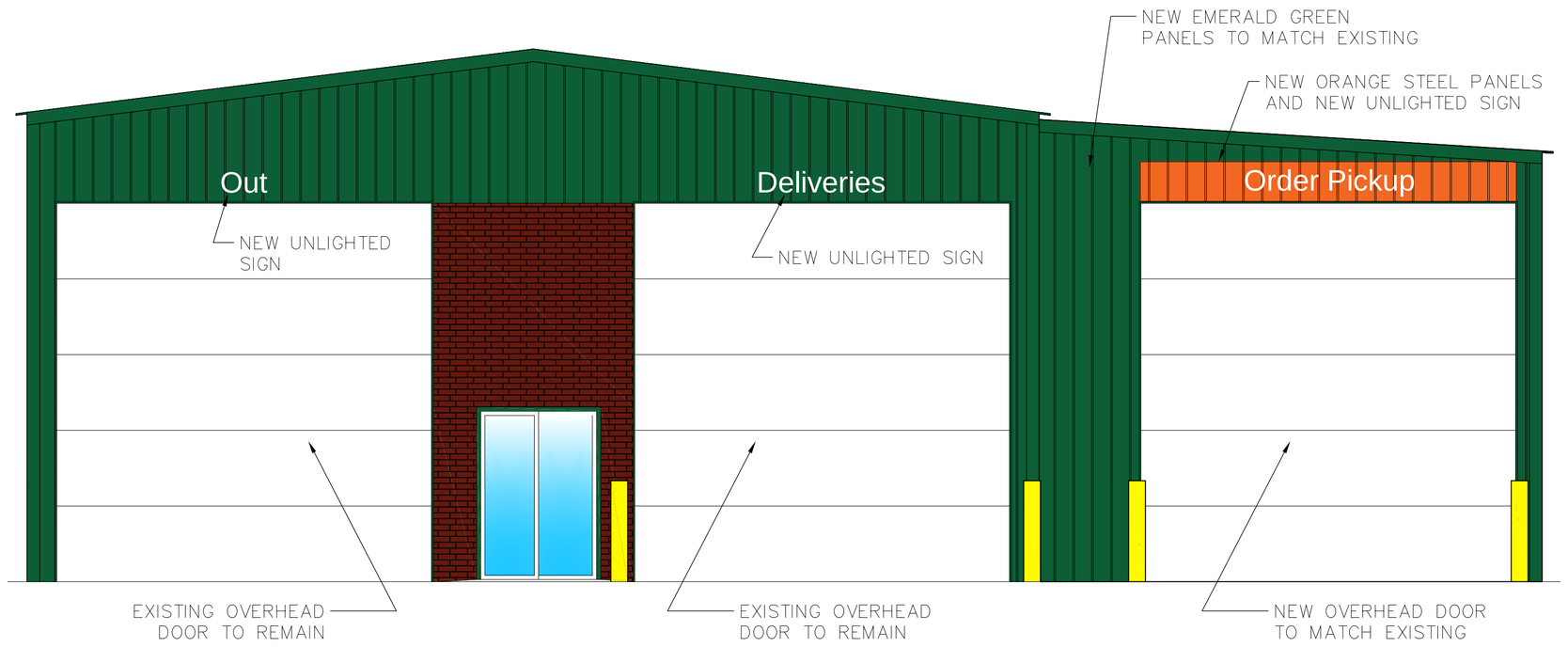
PROPOSED SIDE ELEVATION



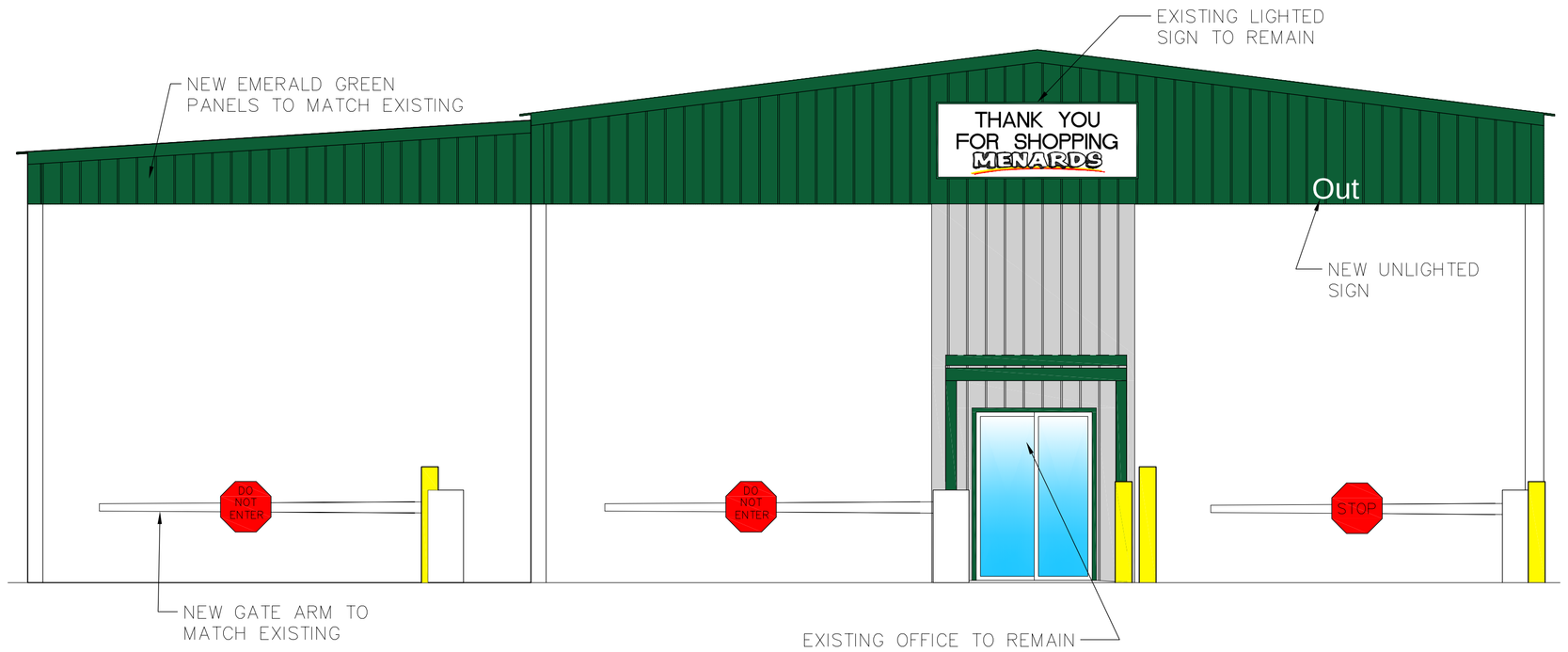
PROPOSED REAR ELEVATION

Tyler Edwards
Real Estate Representative
Menard, Inc.
5101 Menard Drive
Eau Claire, Wisconsin 54703

Carmel, Indiana
Accessory Building Elevations
May 27, 2020
Scale: No Scale *CT3*

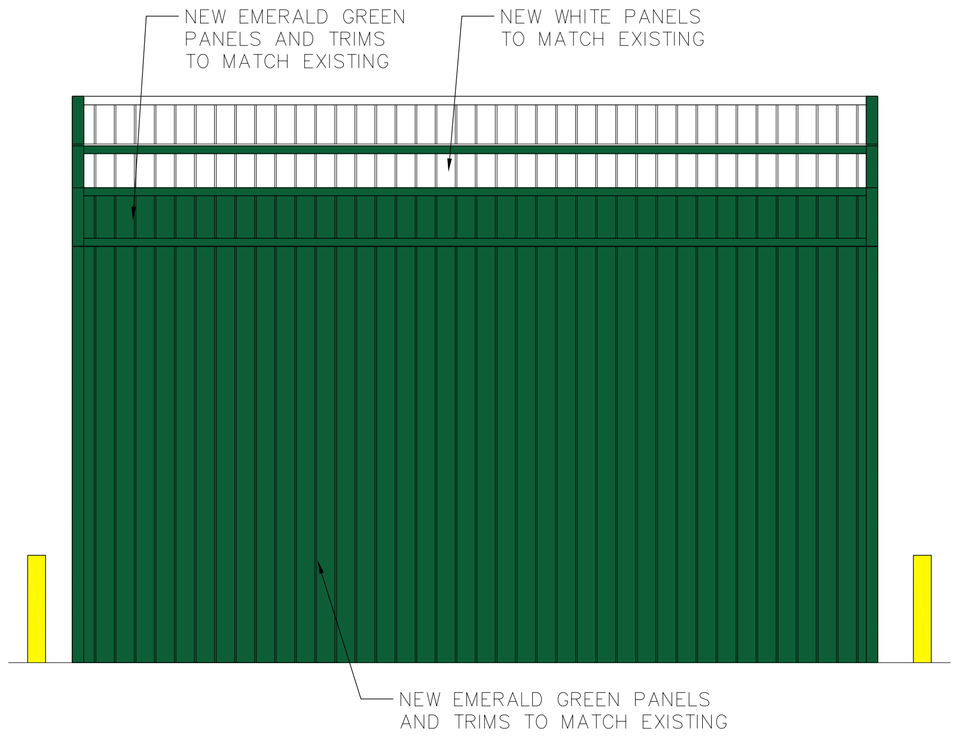


PROPOSED FRONT ELEVATION



PROPOSED REAR ELEVATION

PROPOSED SIDE ELEVATION

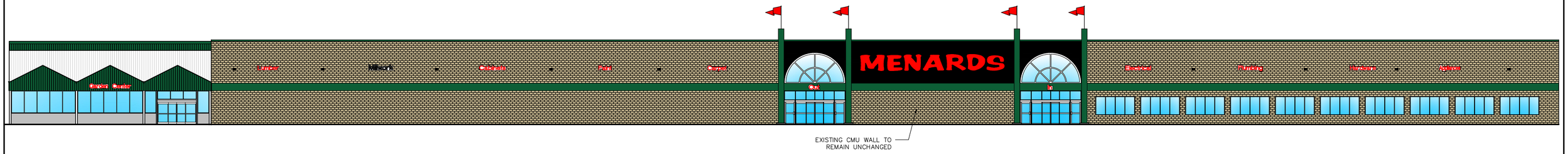


PROPOSED SIDE ELEVATION

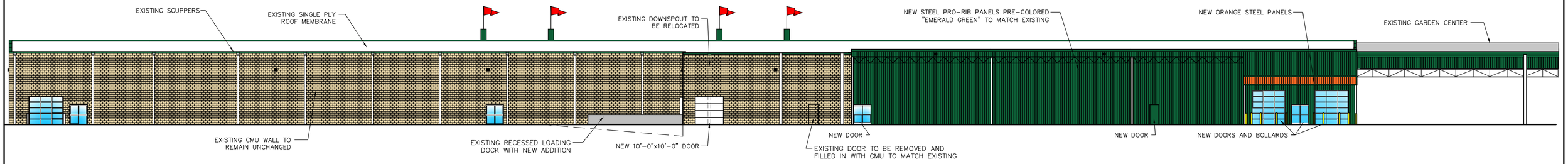
Tyler Edwards
Real Estate Representative
Menard, Inc.
5101 Menard Drive
Eau Claire, Wisconsin 54703

Carmel, Indiana
Gate Canopy Elevations
May 22, 2020
Scale: 1/4" = 1'-0"

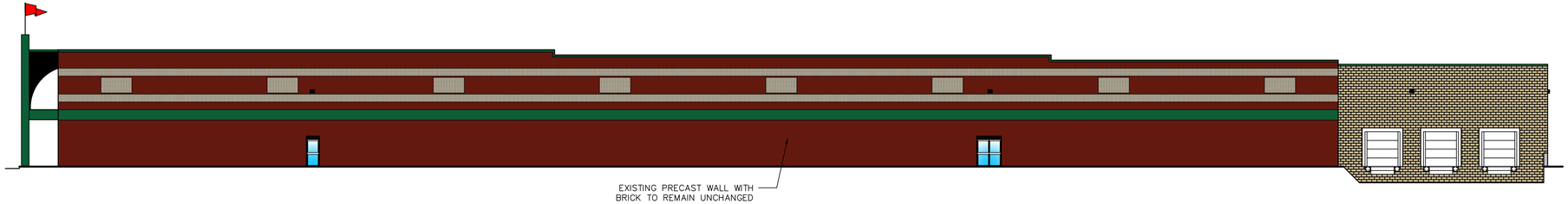
CT1



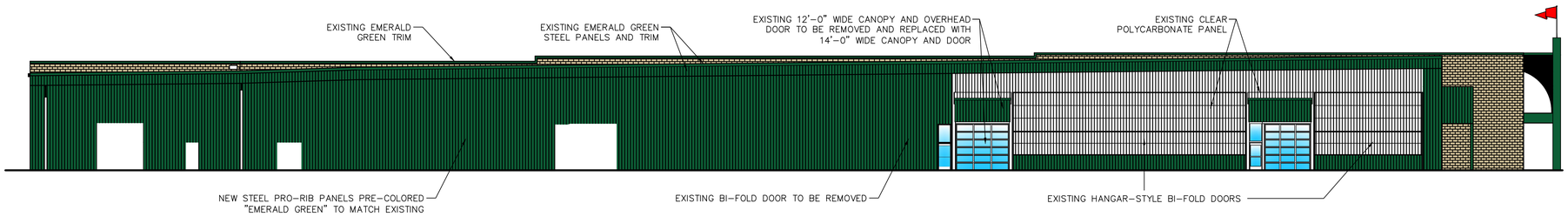
EXISTING UNCHANGED FRONT ELEVATION



PROPOSED REAR ELEVATION



EXISTING UNCHANGED SIDE ELEVATION



PROPOSED SIDE ELEVATION

Tyler Edwards
Real Estate Representative
Menard, Inc.
5101 Menard Drive
Eau Claire, Wisconsin 54703

MENARDS

Carmel, Indiana
Building Elevations
May 27, 2020
Scale: 1/16" = 1'-0"

CT2

Path and File Name: F:\Designdiv\Proto 2\Carmel, IN-P2-P4\2020 REMODEL\City Approval Plans_Carmel_Sites_Remodel.dwg Date Plotted: May 27, 2020

Petition Number:	2007-VU-02 & 2007-VS-12
Subject Site Address:	203 Jersey Street (the "Property")
Petitioner:	Grand Junction Properties, LLC (the "Petitioner")
Request:	The Petitioner is requesting a Variance of Use to permit a Low-Intensity Retail (Plant Boutique) use as well as a Variance of Development Standard to modify applicable sign standards on 0.30 acres +/-in the MF1: Multi-Family Low Density District.
Current Zoning:	MF1: Multi-Family Low Density
Current Land Use:	Residential
Approximate Acreage:	0.30 acres+/-
Exhibits:	1. Staff Report 2. Location Map 3. Existing Property 4. Illustrative Sign Exhibit 5. Grand Junction Task Group Letter
Staff Reviewer:	Daine Crabtree, Associate Planner

PROPERTY INFORMATION

The subject property is 0.30 acres +/- in size and is located at 203 Jersey Street (the "Property") (see **Exhibit 2**). The Property is zoned MF1: Multi-Family Low Density.

VARIANCE REQUESTS

The Petitioner is requesting a variance of use to allow a Low-Intensity Retail Use (Plant Boutique), at 203 Jersey Street, currently zoned MF-1: Multi-Family Low Density. More specifically, an existing business, Root 31, located adjacent to the property to the south at 226 Park Street, is requesting this variance to expand their existing business to this Property in addition to the aforementioned Park Street location.

The use classification "Retail, Low Intensity"[1] is not a permitted use within the MF-1 District.

[1] Chapter 12 of the UDO defines "Retail, Low Intensity" as "retail businesses that have a low impact on neighboring properties, traffic generation, and public safety. Example businesses include but are not limited to: art gallery, banks and savings and loans, bakery with limited seating, barber and beauty shop, book store (small), camera store, convenience store (small), craft gallery (small), drug store (small), flower shop, gift shop…..Generally, a business under eight thousand (8,000) square feet qualifies as small for purposes of this definition."

Additionally, the Petitioner is requesting a Variance of Development Standard so that the Sign Standards set forth by the UDO do not apply to the Property. Instead, any sign erected on the Property shall be in substantial compliance with the signage examples shown in **Exhibit 4**, which is the same exhibit already used within the existing Park Street in the Junction (Chiba) and Park Street in the Junction II (Greek's Pizzeria) PUD Ordinance documents.

ANALYSIS

The Property is located within an area that is identified in the Grand Junction Addendum (the "Addendum"), an addition to the Westfield-Washington Township Comprehensive Plan, as the Grand Junction Plaza Block (the "Sub-Area") of the Grand Junction Sub-District.

The Addendum states that the Sub-Area should, "have a more urban form than the village or old town form of other sub-areas". The Addendum also states that land uses within the Sub-Area, "are encouraged to be a mix of uses typically associated with central business and entertainment districts and that residential uses should be restricted from the first floor within the sub-area."

Nearby properties (227 Jersey Street and 201 Mill Street) were granted variances at previous Board of Zoning Appeals (BZA) meetings, allowing an arts center with commercial component in a former residence and a health and wellness business in a former residence. This particular Property was granted a Variance of Use at a previous BZA meeting for a Beauty Salon use in a former residence, which is no longer active on the Property.

This proposal has been reviewed by the Grand Junction Task Group and has received their support (see **Exhibit 5**).

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Use and Variance of Development Standard. This petition is scheduled to receive its public hearing at the July 14, 2020, 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[2] 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

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

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[3] 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 Use: The Board of Zoning Appeals shall approve or deny variances from the terms of the UDO. A variance may be approved under Indiana Code § 36-7-4-918.4 only upon a determination in writing that:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
3. The need for the variance arises from some condition peculiar to the property involved;
4. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property; and
5. The approval does not interfere substantially with the Comprehensive Plan.

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.

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

DEPARTMENT COMMENTS:

The area immediately surrounding the Property is either being redeveloped or contemplated for redevelopment in the future in accordance with the Comprehensive Plan and its subsequent amendments for Downtown Westfield such as the Grand Junction Plaza. As a result of these economic development opportunities, there is an emerging desire for transitional businesses in the downtown area that contribute to further activity and liveliness. For these reasons, the Department supports the proposed variance of use to permit a Low-Intensity Retail use, specifically a Plant Boutique, on the Property.

Recommended Conditions for Approval:

1. That the Low-Intensity Retail use permitted to exist on the Property shall be limited only to a Plant Boutique;
2. That any substantial alteration to the exterior of the existing Principal Building on the Property (shown as **Exhibit 3**) shall require a Detailed Development Plan (DDP) review and approval by the Westfield-Washington Township Advisory Plan Commission (APC). The determination of whether an alteration is "substantial" shall be relegated to the Director of the Community Development Department;
3. That any sign erected on the property shall be in substantial compliance with the Illustrative Sign Exhibit provided as **Exhibit 4**;
4. That the approval of these variances shall expire on December 31, 2024 or when the Property is rezoned as commercial, whichever occurs first;
5. That any request to extend the time limit for these variances shall be reviewed and approved by the Board of Zoning Appeals prior to December 31, 2024;
6. That a new application shall be submitted by June 30, 2024 to the Economic and Community Development Department if an extension to the time limit for the variances is requested; and
7. That the Petitioner records an Acknowledgement of Variance with the Hamilton County Recorder's Office and returns a copy of the recorded instrument to the Economic and Community Development Department.

Recommended Findings for Variance of Use (2007-VU-02):

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

Finding: It is unlikely that allowing a business defined as 'Retail, Low Intensity' to locate on the Property will be injurious to the public health, safety, morals, and general welfare of the community because the request is consistent with the uses contemplated in the City's Comprehensive Plan and the request is to expand an already existing, permitted use. The Grand Junction Task Group has stated this proposal is a good use within the Grand Junction Plaza area.

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

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

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

Finding: The use of Retail, Low Intensity is not permitted within the MF-1: Multi-Family Low Density District. The Comprehensive Plan and subsequent Comprehensive Plan Addendums have identified an emerging economic development opportunity in downtown. As this redevelopment will occur overtime, the transitional period warrants the adaptive reuse of existing structures to promote downtown as a destination and lively center to the community.

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

Finding: The use of Retail, Low Intensity is not permitted within the MF-1: Multi-Family Low Density District. Strict adherence to the Zoning Ordinance would allow for arguably more intense and related uses (nursing home, assisted living facilities); however, would not permit the less intense, but albeit, commercial operation of a Plant Boutique.

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

Finding: The Westfield-Washington Comprehensive Plan (the "Comprehensive Plan") includes this property in the area designated as "Downtown". The Comprehensive Plan recommends that land uses in the Downtown area include commercial, offices, and retail as well as residential. The use of the Property as Retail, Low Intensity, specifically a Plant Boutique would not interfere substantially with the Comprehensive Plan.

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

Recommended Findings for Variance of Development Standard (2007-VS-12):

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

Finding: The Variance of Development Standard request to amend the signage requirements on the property will not be injurious to the public health, safety, morals, and general welfare of the community because the proposed sign standards will result in signage similar to those already seen on nearby properties.

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: The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the proposed sign standards will result in signage similar to those already seen on nearby properties.

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

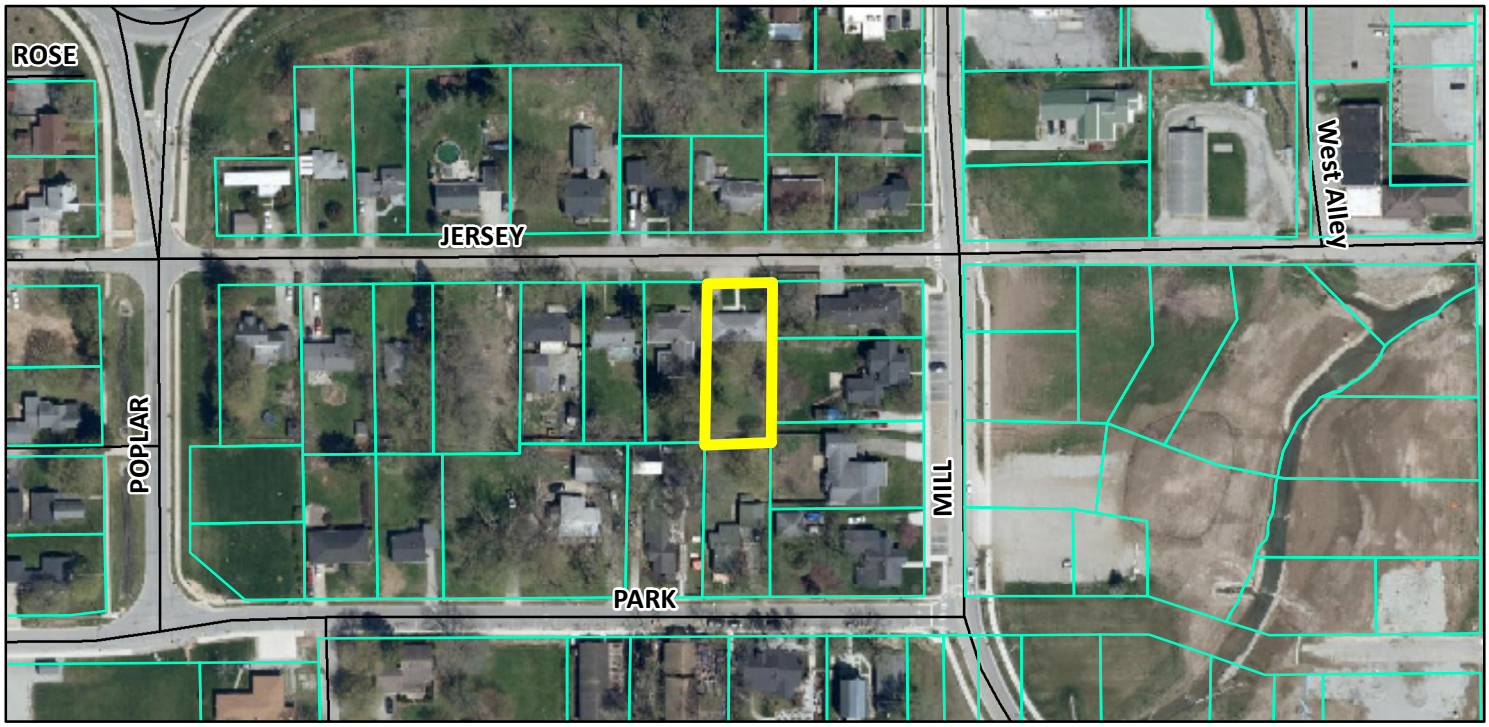
Finding: The strict application of the zoning ordinance will result in practical difficulties in the use of the subject property because the proposed use would otherwise be required to adhere to signage standards not applicable to other nearby businesses within the Grand Junction sub-area of the Comprehensive Plan.

Denial: If the Board is inclined to reject or deny the Variance of Development Standard, then the Department recommends denying the Variance 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.

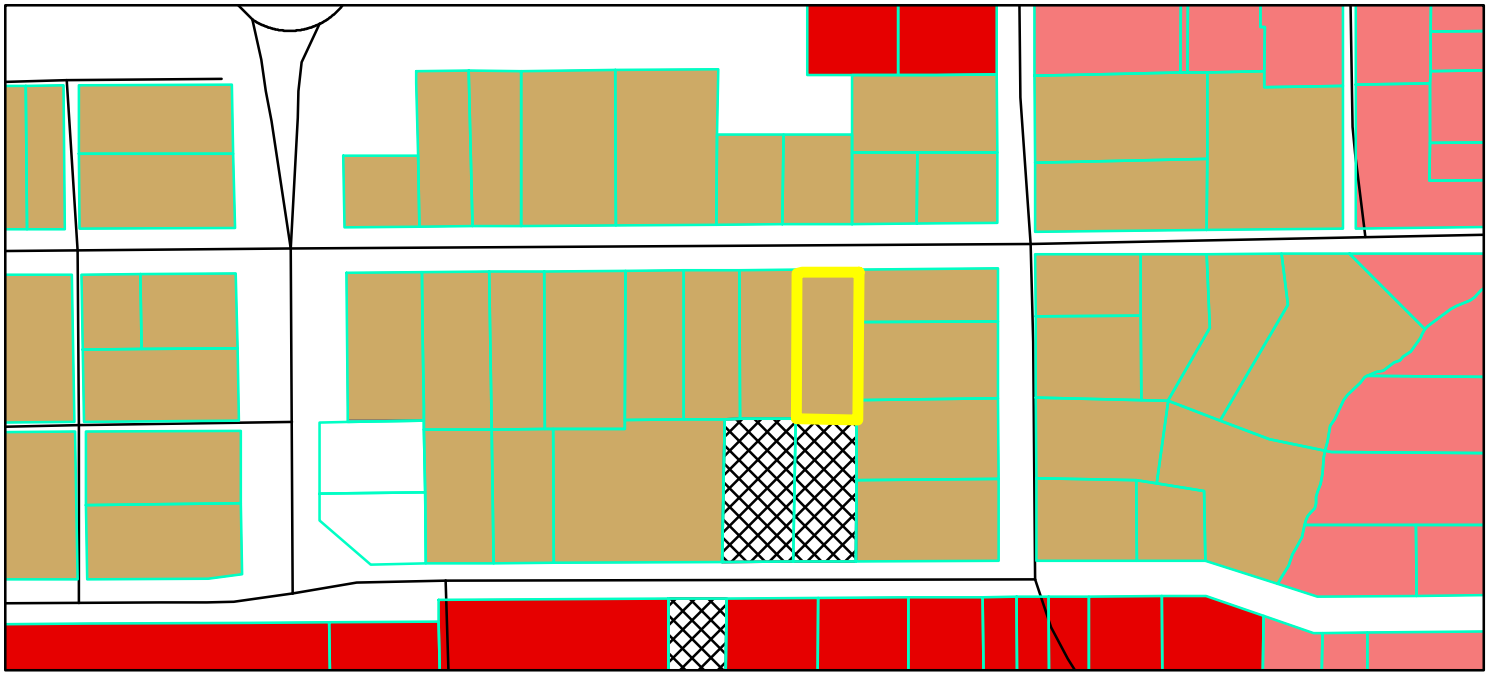
CITY OF Westfield INDIANA

203 Jersey Street

Aerial Location Map



Zoning Map



Parcel
GIS.DBO.PW_Streets
Zoning - All

Zoning
GB (General Business)
LB-H (Local Business - Historical)
MF-1 (Multiple Family - 1)
PUD (Planned Unit Development)

0 0.03 0.06 Miles

N W E S

203 Jersey Street

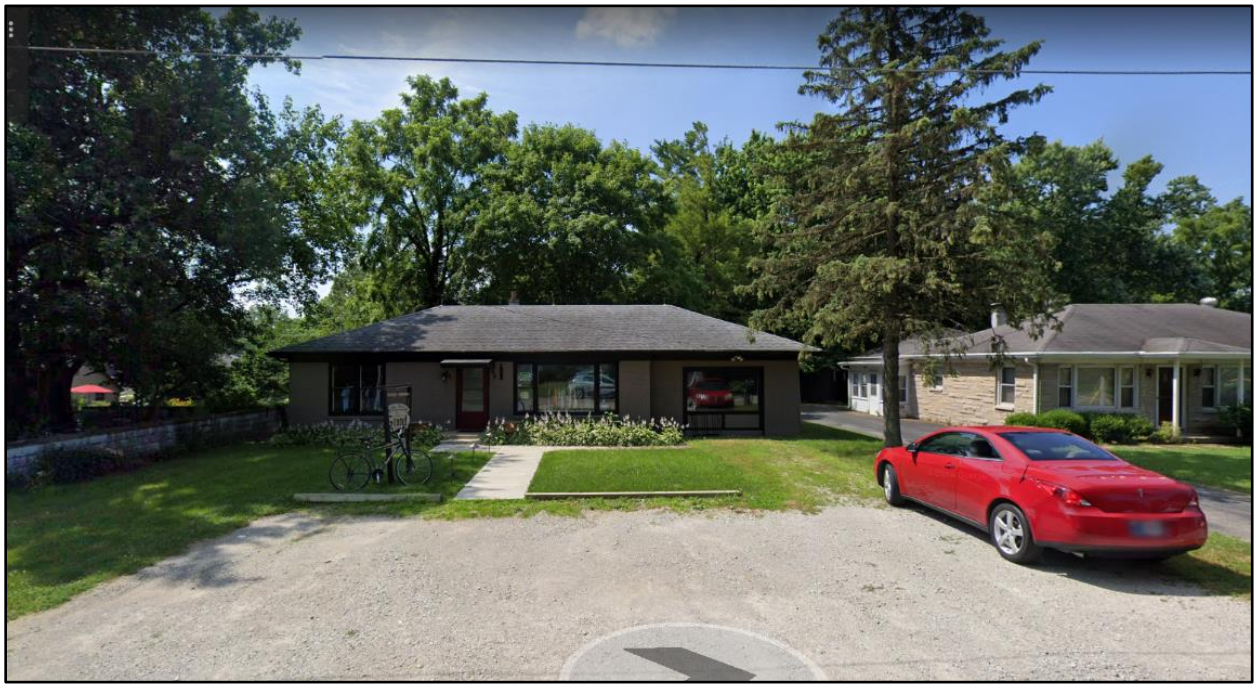
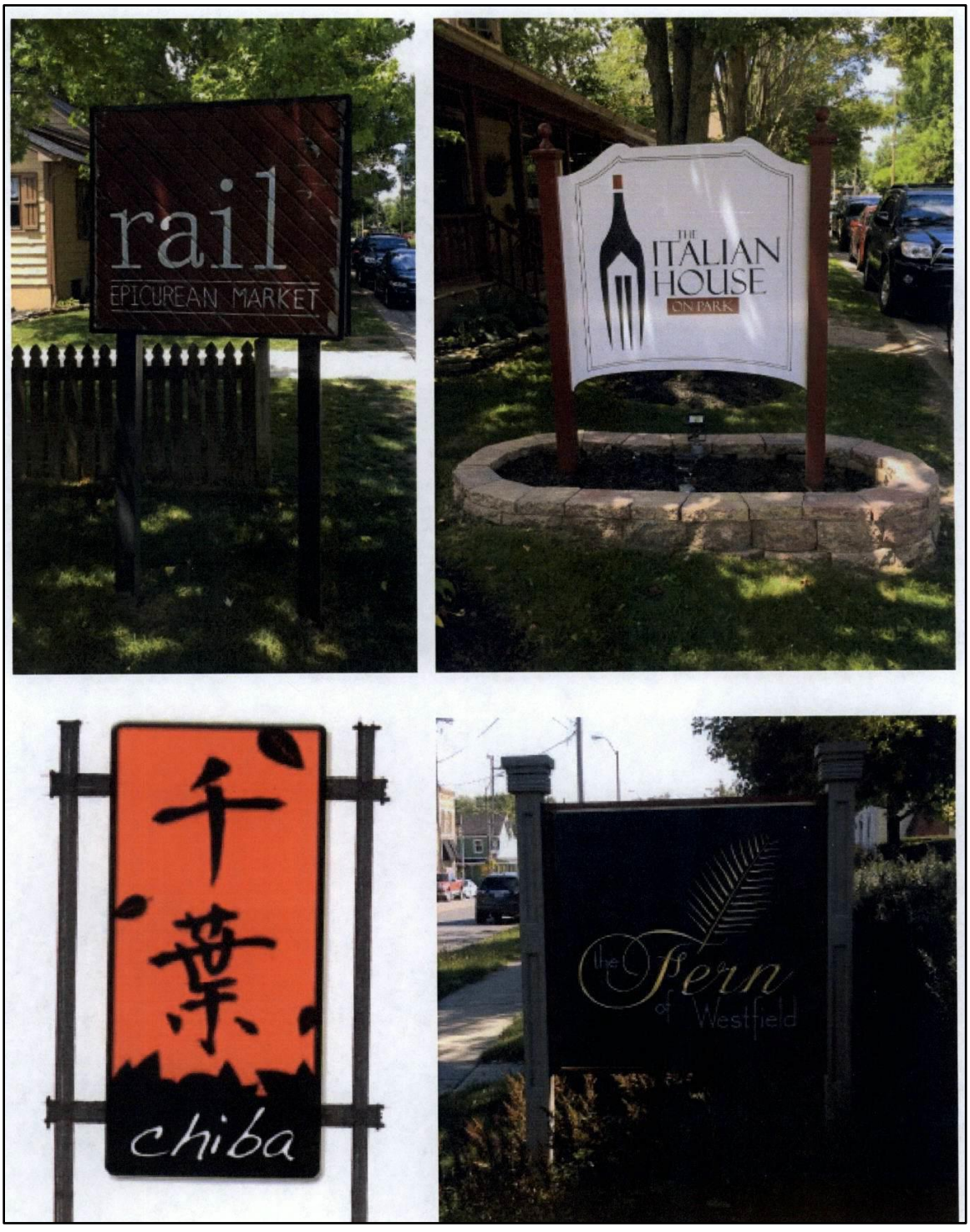


EXHIBIT A

ILLUSTRATIVE SIGN EXHIBIT



From: Teresa Skelton <teresa.otis.skelton@gmail.com>
Date: May 5, 2020 at 11:24:57 AM EDT
To: Kevin AICP <ktodd@westfield.in.gov>, Pam Howard <phoward@westfield.in.gov>
Cc: Bob Beauchamp <beauchampantique@aol.com>, Teresa Skelton <teresa.otis.skelton@gmail.com>
Subject: 337 Jersey Street variance and Root 31 expansion

The Grand Junction Task Group (GJTG) met April 28, 2020 via email in respect to social distancing. There were 12 members In attendance.

There were two addresses to consider of property that Bob and Michelle Beauchamp own.

The first presented is 337 Jersey Street. Rivet Coffee is Interested in turning this in to a coffee roasting and retail shop.

The group (GJTG) unanimously was supportive of this variance being granted as per Grand Junction District plan.

The second request from the Beauchamp's is 226 Park Street expansion including 203 Jersey Street. Angela Gapinski, owner of Root 31, (226 Park Street) is needing more space and the property abutting the already existing business (203 Jersey) is available.

The group was in full support of this expansion as this too is consistent with the Grand Junction District plan.

Thank you!

Teresa Otis Skelton, DWA, GJTG
317 508 3392

Petition Number:	2007-VU-03 & 2007-VS-13
Subject Site Address:	337 Jersey Street (the "Property")
Petitioner:	Grand Junction Properties, LLC (the "Petitioner")
Request:	The Petitioner is requesting a Variance of Use to permit a Low-Intensity Retail (Coffee Shop Without Drive-Thru) use as well as a Variance of Development Standard to modify applicable sign standards on 0.30 acres +/-in the MF1: Multi-Family Low Density District.
Current Zoning:	MF1: Multi-Family Low Density
Current Land Use:	Residential
Approximate Acreage:	0.30 acres+/-
Exhibits:	1. Staff Report 2. Location Map 3. Existing Property 4. Illustrative Sign Exhibit 5. Grand Junction Task Group Letter 6. Rendering & Floor Plan
Staff Reviewer:	Daine Crabtree, Associate Planner

PROPERTY INFORMATION

The subject property is 0.30 acres +/- in size and is located at 337 Jersey Street (the "Property") (see **Exhibit 2**). The Property is zoned MF1: Multi-Family Low Density.

VARIANCE REQUESTS

The Petitioner is requesting a variance of use to allow a Low-Intensity Retail Use (Coffee Shop Without Drive-Thru), at 337 Jersey Street, currently zoned MF-1: Multi-Family Low Density. The use classification "Retail, Low Intensity"[1] is not a permitted use within the MF-1 District.

[1] Chapter 12 of the UDO defines "Retail, Low Intensity" as "retail businesses that have a low impact on neighboring properties, traffic generation, and public safety. Example businesses include but are not limited to: art gallery, banks and savings and loans, bakery with limited seating, barber and beauty shop, book store (small), camera store, convenience store (small), craft gallery (small), drug store (small), flower shop, gift shop…..Generally, a business under eight thousand (8,000) square feet qualifies as small for purposes of this definition."

Additionally, the Petitioner is requesting a Variance of Development Standard so that the Sign Standards set forth by the UDO do not apply to the Property. Instead, any sign erected on the Property shall be in substantial compliance with the signage examples shown in **Exhibit 4**, which is the same exhibit already used within the existing Park Street in the Junction (Chiba) and Park Street in the Junction II (Greek's Pizzeria) PUD Ordinance documents.

ANALYSIS

The Property is located within an area that is identified in the Grand Junction Addendum (the "Addendum"), an addition to the Westfield-Washington Township Comprehensive Plan, as the Grand Junction Plaza Block (the "Sub-Area") of the Grand Junction Sub-District.

The Addendum states that the Sub-Area should, "have a more urban form than the village or old town form of other sub-areas". The Addendum also states that land uses within the Sub-Area, "are encouraged to be a mix of uses typically associated with central business and entertainment districts and that residential uses should be restricted from the first floor within the sub-area."

Nearby properties (203 Jersey Street, 227 Jersey Street and 201 Mill Street) were granted variances at previous Board of Zoning Appeals (BZA) meetings, allowing a beauty and barbershop in a former residence, arts center with commercial component in a former residence and a health and wellness business in a former residence.

This proposal has been reviewed by the Grand Junction Task Group and has received their support (see **Exhibit 5**).

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Use and Variance of Development Standard. This petition is scheduled to receive its public hearing at the July 14, 2020, 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[2] 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

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

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[3] 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 Use: The Board of Zoning Appeals shall approve or deny variances from the terms of the UDO. A variance may be approved under Indiana Code § 36-7-4-918.4 only upon a determination in writing that:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
3. The need for the variance arises from some condition peculiar to the property involved;
4. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property; and
5. The approval does not interfere substantially with the Comprehensive Plan.

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.

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

DEPARTMENT COMMENTS:

The area immediately surrounding the Property is either being redeveloped or contemplated for redevelopment in the future in accordance with the Comprehensive Plan and its subsequent amendments for Downtown Westfield such as the Grand Junction Plaza. As a result of these economic development opportunities, there is an emerging desire for transitional businesses in the downtown area that contribute to further activity and liveliness. For these reasons, the Department supports the proposed variance of use to permit a Low-Intensity Retail use, specifically a Coffee Shop Without Drive-Thru, on the Property.

Recommended Conditions for Approval:

1. That the Low-Intensity Retail use permitted to exist on the Property shall be limited only to a Coffee Shop without Drive-Thru;
2. That any substantial alteration to the exterior of the existing Principal Building on the Property (shown as **Exhibit 3**) shall require a Detailed Development Plan (DDP) review and approval by the Westfield-Washington Township Advisory Plan Commission (APC). The determination of whether an alteration is "substantial" shall be relegated to the Director of the Community Development Department;
3. That any sign erected on the property shall be in substantial compliance with the Illustrative Sign Exhibit provided as **Exhibit 4**;
4. That the approval of these variances shall expire on December 31, 2024 or when the Property is rezoned as commercial, whichever occurs first;
5. That any request to extend the time limit for these variances shall be reviewed and approved by the Board of Zoning Appeals prior to December 31, 2024;
6. That a new application shall be submitted by June 30, 2024 to the Economic and Community Development Department if an extension to the time limit for the variances is requested; and
7. That the Petitioner records an Acknowledgement of Variance with the Hamilton County Recorder's Office and returns a copy of the recorded instrument to the Economic and Community Development Department.

Recommended Findings for Variance of Use (2007-VU-03):

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

Finding: It is unlikely that allowing a business defined as 'Retail, Low Intensity' to locate on the Property will be injurious to the public health, safety, morals, and general welfare of the community because the request is consistent with the uses contemplated in the City's Comprehensive Plan. The Grand Junction Task Group has stated this proposal is a good use within the Grand Junction Plaza area.

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

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

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

Finding: The use of Retail, Low Intensity is not permitted within the MF-1: Multi-Family Low Density District. The Comprehensive Plan and subsequent Comprehensive Plan Addendums have identified an emerging economic development opportunity in downtown. As this redevelopment will occur overtime, the transitional period warrants the adaptive reuse of existing structures to promote downtown as a destination and lively center to the community.

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

Finding: The use of Retail, Low Intensity is not permitted within the MF-1: Multi-Family Low Density District. Strict adherence to the Zoning Ordinance would allow for arguably more intense and related uses (nursing home, assisted living facilities); however, would not permit the less intense, but albeit, commercial operation of a low-intensity coffee shop without drive-thru.

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

Finding: The Westfield-Washington Comprehensive Plan (the "Comprehensive Plan") includes this property in the area designated as "Downtown". The Comprehensive Plan recommends that land uses in the Downtown area include commercial, offices, and retail as well as residential. The use of the Property as Retail, Low Intensity, specifically a Coffee Shop Without Drive-Thru would not interfere substantially with the Comprehensive Plan.

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

Recommended Findings for Variance of Development Standard (2007-VS-13):

1) *The approval will not be injurious to the public health, safety, morals, and general welfare of the community.*
Finding: The Variance of Development Standard request to amend the signage requirements on the property will not be injurious to the public health, safety, morals, and general welfare of the community because the proposed sign standards will result in signage similar to those already seen on nearby properties.

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: The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the proposed sign standards will result in signage similar to those already seen on nearby properties.

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

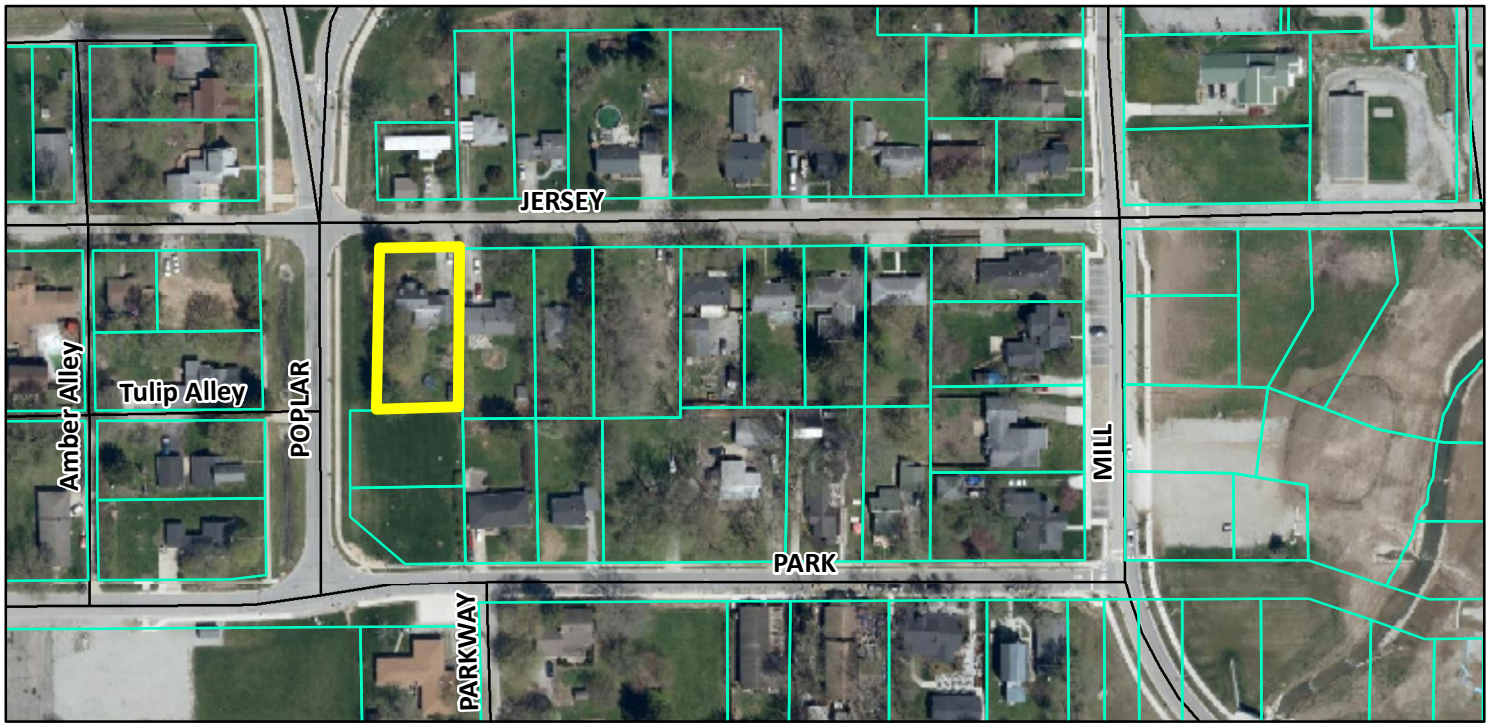
Finding: The strict application of the zoning ordinance will result in practical difficulties in the use of the subject property because the proposed use would otherwise be required to adhere to signage standards not applicable to other nearby businesses within the Grand Junction sub-area of the Comprehensive Plan.

Denial: If the Board is inclined to reject or deny the Variance of Development Standard, then the Department recommends denying the Variance 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.

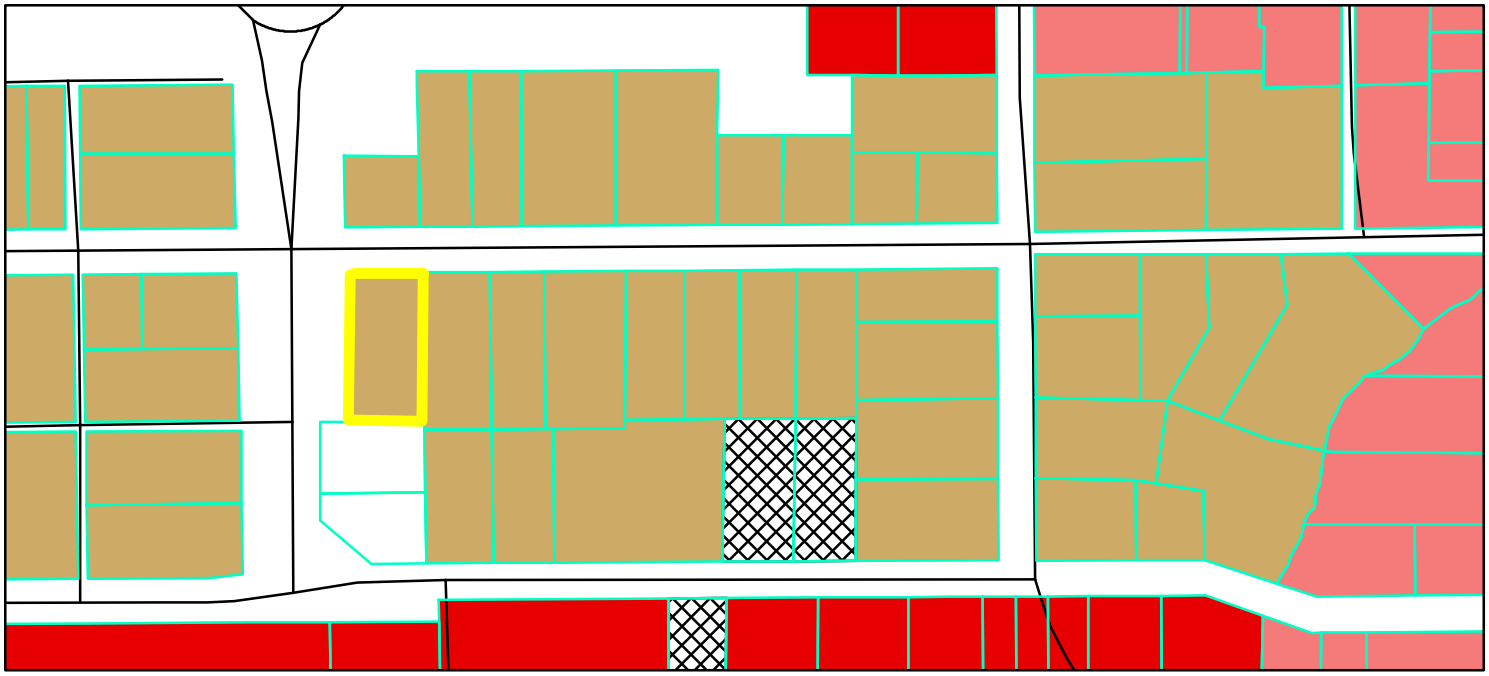
CITY OF Westfield INDIANA

337 Jersey Street

Aerial Location Map



Zoning Map



337 Jersey Street

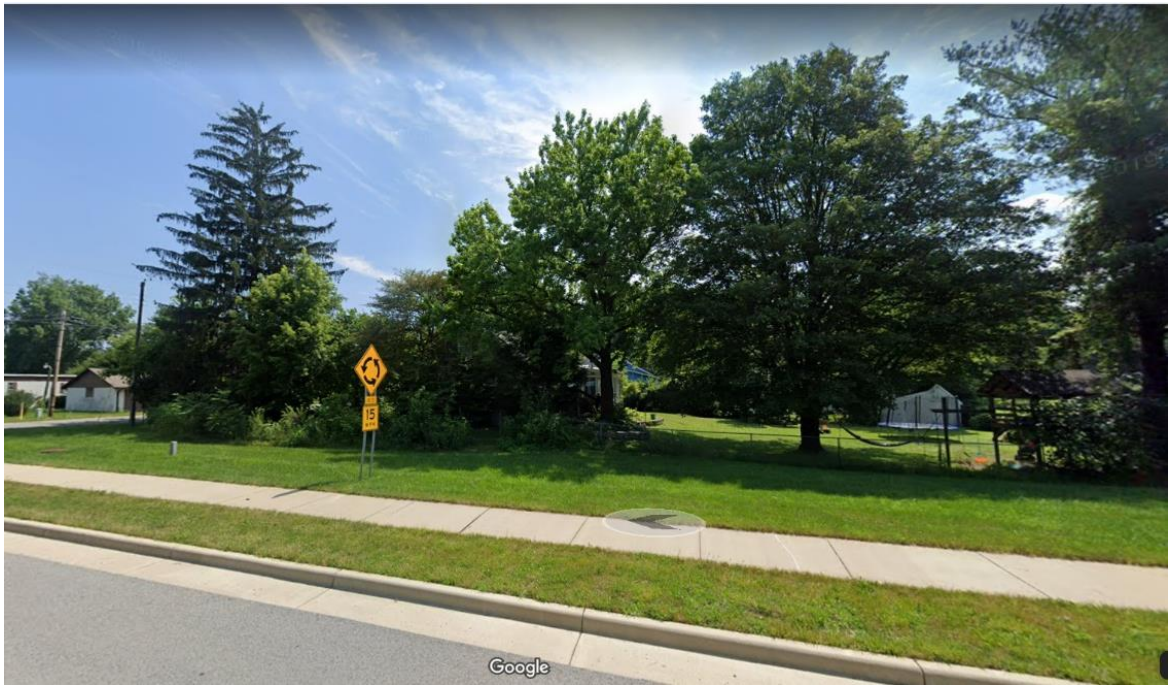
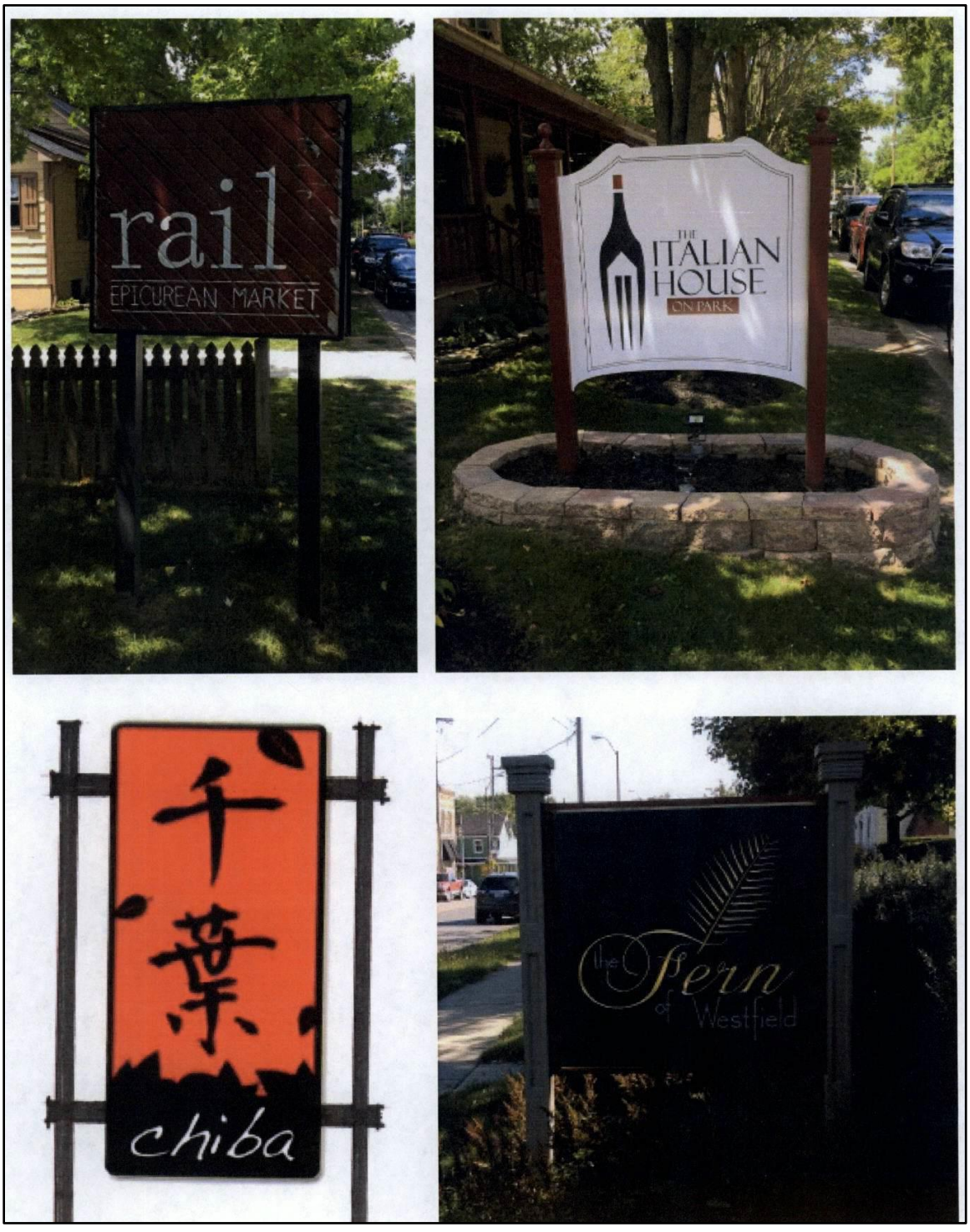


EXHIBIT A

ILLUSTRATIVE SIGN EXHIBIT



From: Teresa Skelton <teresa.otis.skelton@gmail.com>
Date: May 5, 2020 at 11:24:57 AM EDT
To: Kevin AICP <ktodd@westfield.in.gov>, Pam Howard <phoward@westfield.in.gov>
Cc: Bob Beauchamp <beauchampantique@aol.com>, Teresa Skelton <teresa.otis.skelton@gmail.com>
Subject: 337 Jersey Street variance and Root 31 expansion

The Grand Junction Task Group (GJTG) met April 28, 2020 via email in respect to social distancing. There were 12 members In attendance.

There were two addresses to consider of property that Bob and Michelle Beauchamp own.

The first presented is 337 Jersey Street. Rivet Coffee is Interested in turning this in to a coffee roasting and retail shop.

The group (GJTG) unanimously was supportive of this variance being granted as per Grand Junction District plan.

The second request from the Beauchamp's is 226 Park Street expansion including 203 Jersey Street. Angela Gapinski, owner of Root 31, (226 Park Street) is needing more space and the property abutting the already existing business (203 Jersey) is available.

The group was in full support of this expansion as this too is consistent with the Grand Junction District plan.

Thank you!

Teresa Otis Skelton, DWA, GJTG
317 508 3392

13' 1"
9' 9"
7' 10 1/8"
10' 11 5/8"
5' 2 3/8"
23' 5"
Patio
Roastery
Bathroom
Kitchen
Stairs
Cafe
Wardrobe
10' 1/8"
11' 6 1/4"
44' 1 3/4"
13' 1"
6' 7"
10' 7 1/8"
58' 4"

Petition Number:	2006-VS-07
Subject Site Address:	4321 W 166th Street (the "Property")
Petitioner:	Scott Higgs (the "Petitioner")
Request:	The Petitioner requests Variances of Development Standard to allow detached garage to encroach in the Established Front Yard and have a Building Height greater than the Maximum Accessory Building Height (Article 6.1(F)) on 10 acres +/- in the AG-SF1: Agriculture / Single-family Rural District (Article 6.1(D)(2)(a)).
Current Zoning:	AG-SF1: Agriculture / Single-family Rural District
Current Land Use:	Residential
Approximate Acreage:	10 acres +/-
Exhibits:	1. Staff Report 2. Location Map 3. Site Plan 4. Elevations 5. Application
Staff Reviewer:	Corey Harris, Associate Planner

OVERVIEW

Location: The subject property is 10.0 acres +/- in size and located at 4321 W. 166th Street (see **Exhibit 2**). The Property is zoned the AG-SF1: Agriculture / Single-family Rural District. The Property currently contains a single-family residence and Agriculture Barn. All surrounding properties are also zoned AG-SF1.

Variance Request: The Petitioner is requesting Variance of Development Standard to build a detached garage[1] in the Established Front Yard[2] with a Building Height [3]greater than the Maximum Accessory Building Height[4].

SUMMARY OF VARIANCES

The Petitioner is requesting a variance from Article 6.1(D)(2)(a) "Front Setback"[5] as depicted in the Site Plan (See **Exhibit 3**) and a variance from Article 6.1(F) "Maximum Accessory Building Height" as depicted in the Elevations (See **Exhibit 4**).

COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan identifies this property within the "Existing Rural Southwest" land use classification.

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 June 9, 2020, 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[6] 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] The UDO defines an "Accessory Building" as "[a] subordinate building or structure, the use of which is incidental to and customary in connection with the Principal Building or use and which is located on the same Lot with such Principal Building or use and is under the same ownership."
[2] The UDO defines an "Established Front Yard" as [a] Yard extending across the full width of the Lot between the Principal Building, as built, and the Front Lot Line, the depth of which is the least distance between the Front Lot Line and the Principal Building."
[3] The UDO defines "Building Height" as [t]he vertical distance measured from the Lot ground level to the highest point of the roof for a flat roof (or the top of the parapet wall, if provided; to the deck line of a mansard roof; and to the mean height between eaves and ridges for gable, hip and gambrel roofs.
[4] Article 6.1(F): the Maximum Accessory Building Height is eighteen (18) feet.
[5] Article 6.1(D)(2)(a): "No Accessory Building may be erected in the Established Front Yard of a Principal Building."
[6] Article 10.14(I) Processes and Permits; Variances; Conditions of the UDO.

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[7] 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 is inclined to approve the variance, then the Department recommends the following conditions and findings:

Recommended Conditions:

1. Approval shall only be valid for the building noted on the Site Plan (**Exhibit 3**).
2. Construction shall be substantially compliant with the Site Plan (**Exhibit 3**) and Elevations (**Exhibit 4**).

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(s) would be injurious to the public health, safety, morals, and general welfare of the community. The use of the property will remain residential and the proposed improvements will be consistent in design with the existing structures.

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

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

   Finding: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The proposed variance should not have a negative impact on surrounding properties because: (i) the proposed improvement will enhance the value of the subject property; (ii) the improvements will otherwise comply with or exceed the applicable standards; and (iii) the proposed improvements will be consistent in design with other structures in the 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 result in the inability to improve the property, as proposed, and the Property will continue to be a Legal Nonconforming Lot of Record in accordance with the Unified Development Ordinance. The residential use of the property is otherwise permitted by the applicable ordinances and the proposed improvements would otherwise comply with the applicable ordinances.

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.

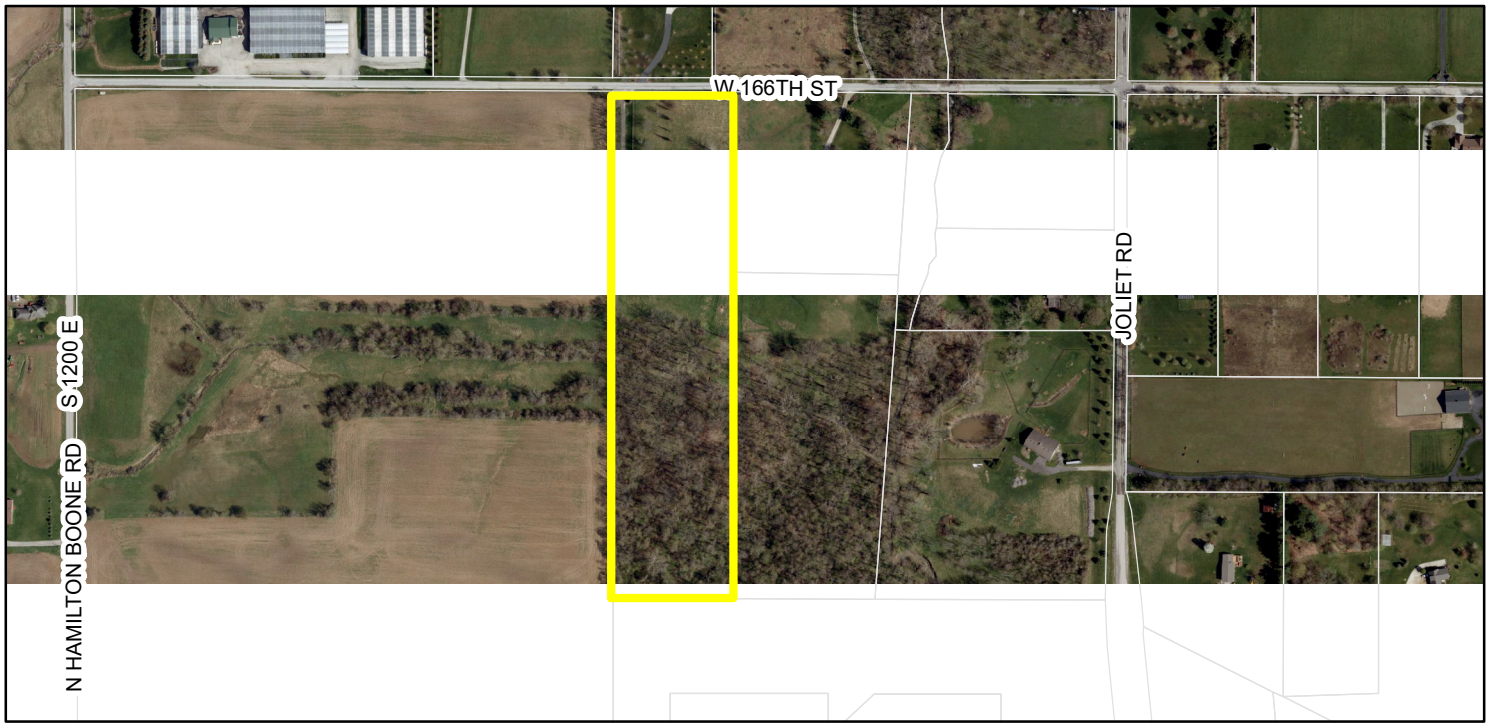
CITY OF Westfield INDIANA

Property Location Map
4321 W 166th Street
2006-VS-07

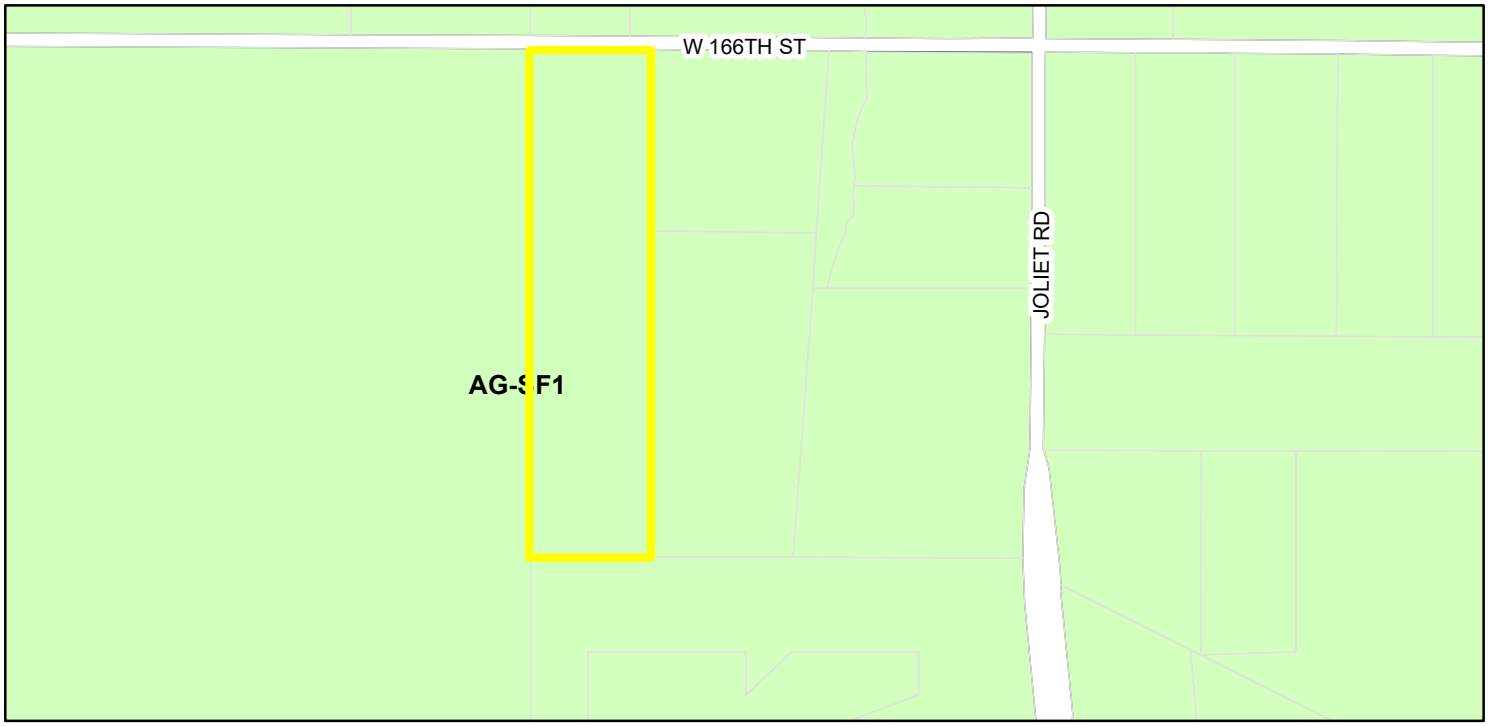
N
W E
S
Not To Scale

Aerial Location Map

Site



Zoning Map



Zoning AG-SF1 (Agriculture - Single Family - 1)

EXHIBIT 3 – SITE PLAN

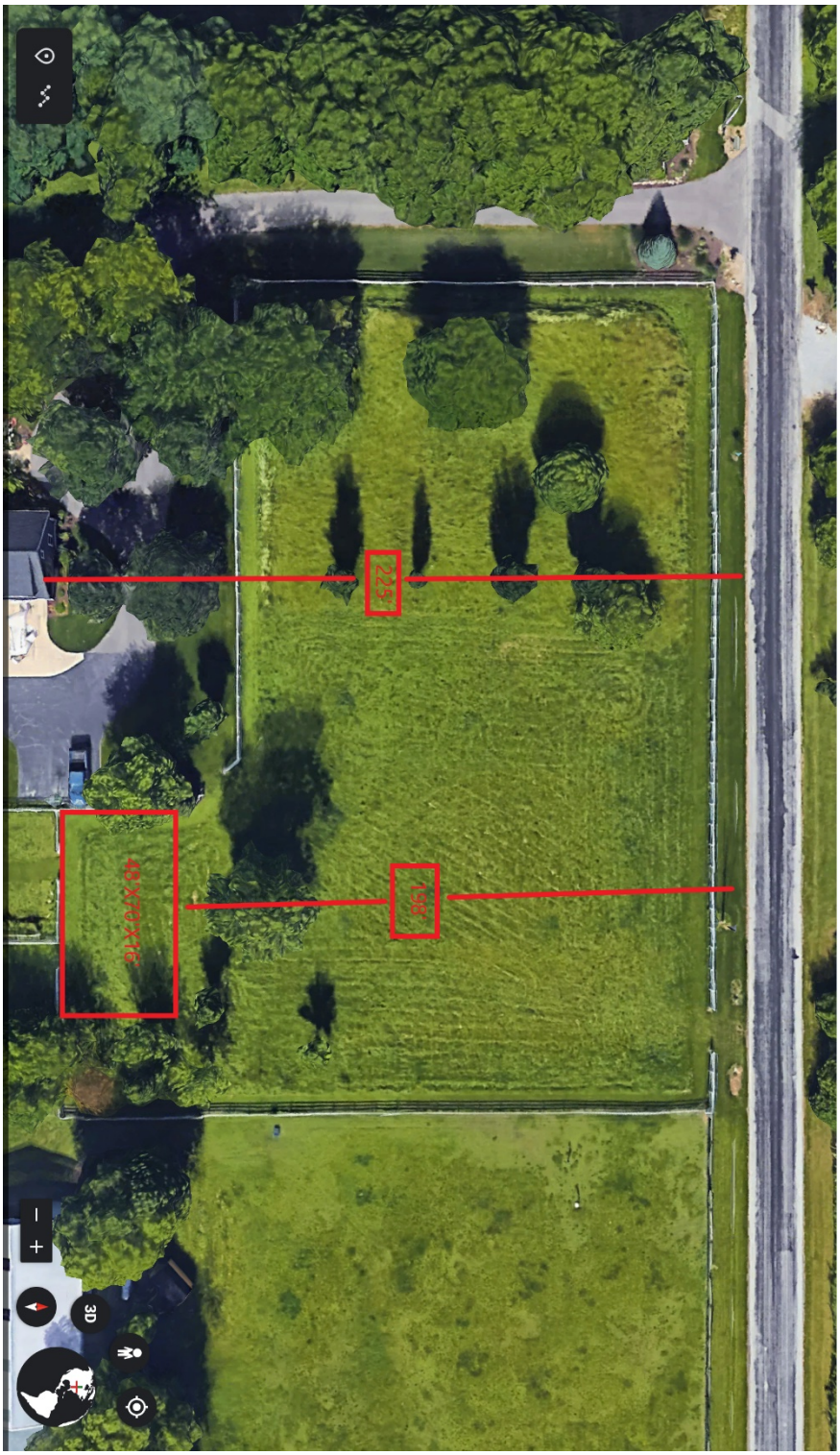


EXHIBIT 4 – ELEVATIONS

CITY OF Westfield INDIANA

Westfield Community Development
2728 E. 171st Street | Westfield, IN 46074
317.804.3170 | nwoerner@westfield.in.gov

VARIANCE APPLICATION

OFFICE USE ONLY

DOCKET #: _____ FILING DATE: _____

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

PRE-FILING CONFERENCE

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

PRIOR OR RELATED DOCKET NUMBERS

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

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

APPLICANT INFORMATION

APPLICANT'S NAME: _____ TELEPHONE: _____
ADDRESS: _____ EMAIL: _____

PROPERTY OWNER'S NAME: _____ TELEPHONE: _____
ADDRESS: _____ EMAIL: _____

REPRESENTATIVE'S NAME: _____ TELEPHONE: _____
COMPANY: _____ EMAIL: _____
ADDRESS: _____

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: _____

COUNTY PARCEL ID #(S): _____

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

PROPERTY AND PROJECT INFORMATION

☐ VARIANCE OF LAND USE CODE CITATION: _____

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

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

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

CITY OF Westfield INDIANA

Westfield Community Development
2728 E. 171st Street | Westfield, IN 46074
317.804.3170 | nwoerner@westfield.in.gov

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)

Scott D. Higgs
Applicant/Representative (printed)

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

Witness my hand and Notarial Seal this 28 *day of* April, *20*20.
State of Indiana *County of* Hamilton, *SS:* Carmel

Notary Public (signature)

Julie Anne Michael
Notary Public (printed)

JULIE ANNE MICHAEL
Notary Public, State of Indiana
Hamilton County
Commission # 674793
My Commission Expires
October 27, 2023

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)*

Scott D. Higgs
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 28 *day of* April, *20*20.
State of Indiana *County of* Hamilton, *SS:* Carmel

Notary Public (signature)

Julie Anne Michael
Notary Public (printed)

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

JULIE ANNE MICHAEL
Notary Public, State of Indiana
Hamilton County
Commission # 674793
My Commission Expires
October 27, 2023

CITY OF Westfield INDIANA

Westfield Community Development
2728 E. 171st Street | Westfield, IN 46074
317.804.3170 | nwoerner@westfield.in.gov

FINDINGS OF FACT (VARIANCE OF DEVELOPMENT STANDARD)

APPLICANT: _____ **DOCKET #:** _____

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

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

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

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

CITY OF Westfield INDIANA

Westfield Community Development
2728 E. 171st Street | Westfield, IN 46074
317.804.3170 | nwoerner@westfield.in.gov

GENERAL INSTRUCTIONS

A. **Pre-Filing Conference**: A pre-filing conference is required for all petitions. An appointment must be made with the Community Development Department (the "Department") to discuss a petition prior to filing. An application will not be considered filed until a pre-filing conference has occurred. Applicants are encouraged to incorporate the Department's comments into the application prior to filing.

B. **Filing Petition**: A petition shall be filed with the Department by the filing deadline in accordance with the Schedule of Meeting and Filing Dates. In order to be deemed a complete petition, a petition shall include the following:

- ☐ Completed Application
- ☐ Draft Public Notice
- ☐ Property Owner Consent
- ☐ Site Plan (to scale)
- ☐ Statement of Intent
- ☐ Legal Description
- ☐ List of Adjoining Property Owners (as provided by County)
- ☐ TAC Delivery Affidavit (if TAC is determined to be necessary)
- ☐ Copy of Property Deed

Elevations, photographs or other supporting information necessary to explain the nature of the requested variance(s)

C. **Filing Fee Check**: After the filing of an application, the Department will advise the applicant of the applicable filing fee amount, which is due and payable (checks made out to "City of Westfield") within two (2) weeks of filing.

D. **Technical Advisory Committee (TAC)**: The applicant is responsible for submitting a copy of the application and related information to Technical Advisory Committee members prior to filing, if determined by the Department to be necessary. An affidavit confirming delivery of information is required to be completed and signed by the applicant and submitted with the petition. Technical Advisory Committee meetings are held in the City Services Building (2728 East 171st Street, Westfield, IN 46074) in accordance with the Schedule of Meeting and Filing Dates. A representative must be present at this meeting.

E. **Public Hearing and Notice**: All variance petitions require a public hearing by the Board of Zoning Appeals. The public hearing is held at City Hall, 130 Penn Street, Westfield, Indiana, in accordance with the Schedule of Meeting and Filing Dates. Notice of the hearing is required in accordance with the Board's Rules of Procedure:

1. **Newspaper Publication**: Notice of the hearing will be published in the Hamilton County Reporter and The Times. The Department will handle the newspaper publication requirement.
2. **Mailed Public Notice**: The applicant is responsible to send public notice by certified mail with proof of mailing (certificate of mailing) to all interested parties, postmarked at least ten (10) days prior to the hearing. A list of adjacent property owners may be obtained from the **Hamilton County Auditor, Office of Transfers and Mapping** (33 North 9th Street, Noblesville, IN 46060, (317) 776-9624), and shall include all owners of property to a depth of two (2) ownerships of no direct or indirect financial or other interest to the applicant or property owner or one eighth of a mile (1/8), whichever is less.
3. **Public Notice Sign**: The applicant is responsible to post a public notice sign(s) on the property at least ten (10) days prior to the public hearing. The Department will determine sign locations and will make signs available for the applicant to obtain in the office of the Department.
4. **Affidavit of Notice of Public Hearing**: The applicant shall deliver a copy of the mailed notice and a signed affidavit, verifying that the notices were mailed and the public notice sign(s) was posted on the subject property, to the Department at least four (4) calendar days prior to the public hearing.

F. **Ex-parte Communication**: In no event shall applicants or other interested parties contact or attempt to communicate with members of the Board in regard to a filed variance petition prior to the public hearing.

G. **Revised Materials**: If the applicant wishes to submit additional or revised information than what is filed, then the applicant shall submit those to the Department no later than ten (10) days prior to the public hearing.

H. **Board's Consideration**: Following the public hearing, the Board may either approve, approve with conditions, deny or continue the petition.

I. **Resource**: Please see the Board's Rules of Procedure for more detailed procedural information.

Petition Number:	2007-VS-16
Subject Site Address:	Southeast corner of 161st Street and US 31 (the "Property")
Petitioner:	Pure Development (the "Petitioner")
Request:	The Petitioner is requesting four (4) Variances of Development Standard modifying the Maximum Building Size, Building Materials, Building offsets and Flat Roof design in order to construct a new office Building in the LB: Local Neighborhood and Business District (Articles 4.14(H)(2), 6.3(F)(2), 6.3(F)(5)(b) and 6.3(F)(7)(b)).
Current Zoning:	LB District
Current Land Use:	Vacant
Approximate Acreage:	21.85 acres +/-
Exhibits:	1. Staff Report 2. Location Map 3. Proposed Site Plan 4. Exhibit A 5. Application
Staff Reviewer:	Caleb Ernest, Associate Planner

OVERVIEW

Location: The subject property is 21.85 acres +/- in size and located approximately at the southeast corner of 161st Street and US 31 (see **Exhibit 2**). The Property is zoned the LB: Local Neighborhood and Business District. The adjacent property to the north is zoned the GB-PD: General Business / Planned Development District and the Lantern Commons Zoning Commitments. The adjacent properties to the east and west are zoned the AG-SF1: Agriculture / Single-family Rural District. The adjacent property to the south is zoned the LB District.

Variance Request: The Petitioner is requesting four (4) Variances of Development Standard modifying the Maximum Building Size, Building Materials, Building offsets and Flat Roof design in order to construct a new office Building in the LB: Local Neighborhood and Business District (Articles 4.14(H)(2), 6.3(F)(2), 6.3(F)(5)(b) and 6.3(F)(7)(b)).

SUMMARY OF VARIANCE

The Petitioner is requesting four (4) Variances of Development Standard to construct a new office Building as further described below:

1) Article 4.14(H)(2): increase the Maximum Building Size from 30,000 SF to no greater than 75,000 SF;
2) Article 6.3(F)(2)(a)(ii): reduce a minimum of sixty percent (60%) Masonry Materials to a range of ten to twenty percent (10-20%) Masonry Materials of the Building Facade;
3) Article 6.3(F)(5)(b): provide horizontal offsets required by Unified Development Ordinance (UDO) Chapter 6.3(F)(5)(b) to horizontal offsets in substantial compliance with Exhibit A (see **Exhibit 4**);
4) Article 6.3(F)(7)(b): provide Flat Roofs required by UDO Chapter 6.3(F)(7)(b) to a Flat Roof design in substantial compliance with Exhibit A (see **Exhibit 4**).

COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan identifies this Property within the "Employment Corridor"[1] land use classification.

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 July 14, 2020, 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[2] and Indiana law provide that the Board of Zoning Appeals may impose reasonable conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of the UDO upon any Lot benefited by the variances 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 variances.

Acknowledgement of Variances: If the Board of Zoning Appeals approves this petition, then the UDO[3] requires that the approval of the variances shall be memorialized in an acknowledgement of variances instrument prepared by the Department. The acknowledgement shall: (i) specify the granted variances and any commitments made or conditions imposed in granting of the variances; (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

[1] Westfield-Washington Township Comprehensive Plan, Land Use Concept Map (p. 24).
[2] Article 10.14(I) Processes and Permits; Variances; Conditions of the UDO.
[3] Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.

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 variances.

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

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

DEPARTMENT COMMENTS

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

Recommended Findings for Approval of the Variances of Development Standard:

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

   Finding: It is unlikely that approving the requested variances would be injurious to the public health, safety, morals, and general welfare of the community as the proposed use of the Property is a permitted use in the zoning district and will comply with all other standards of the Unified Development Ordinance (UDO) as verified during the Primary Plat (SPP), Overall Development Plan (ODP) and Detailed Development Plan (DDP) reviews.

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 construction of a new office building will increase the value of both the subject property and surrounding properties. The proposed new office building is adjacent and compatible to the existing business zoning districts to the north and south of the Property and is aligned with the adjacent property's envisioned land uses.

Continued on next page.

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

   Finding: Strict adherence to the zoning ordinance would result in the inability to improve the property, as proposed, in accordance with the Unified Development Ordinance.

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

CITY OF Westfield INDIANA

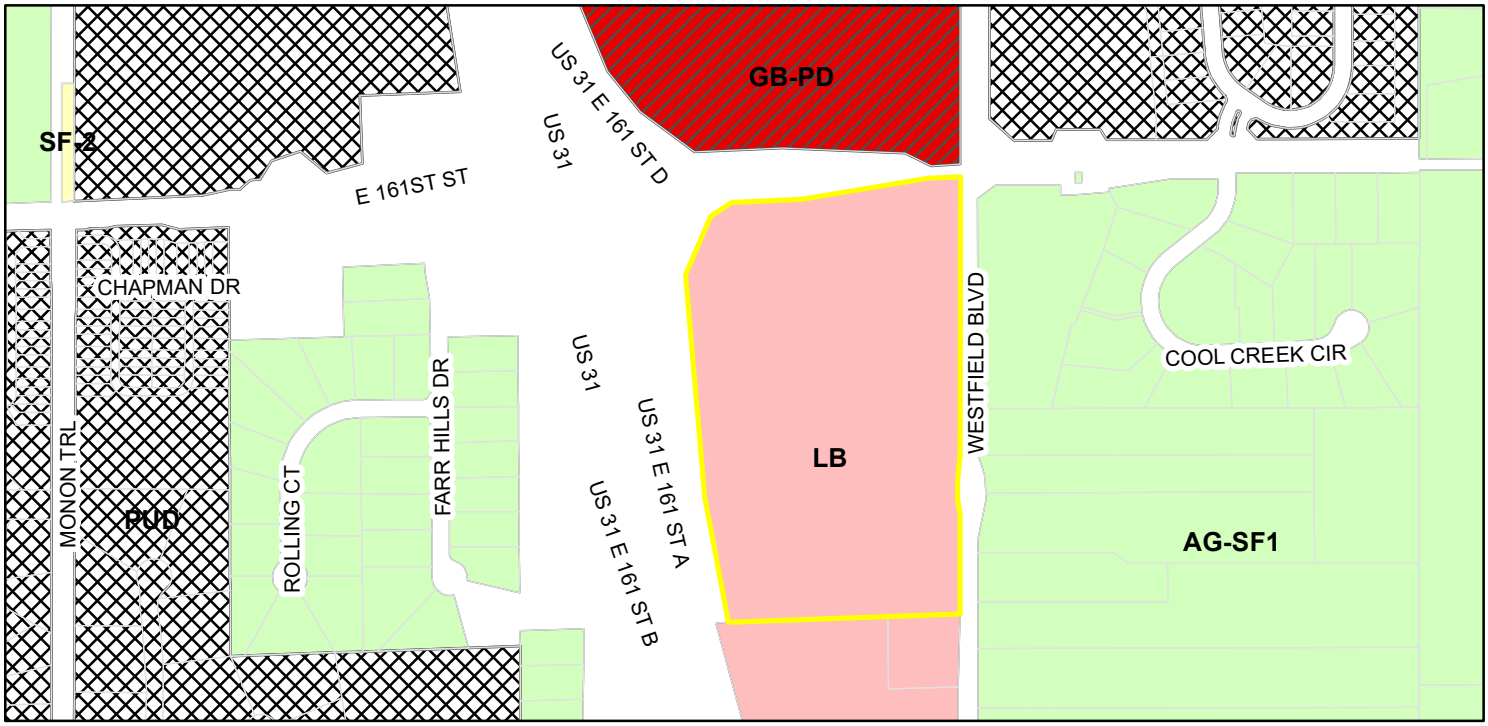
Property Location Map
SEP
2007-VS-16

N W E S
Not To Scale

Aerial Location Map

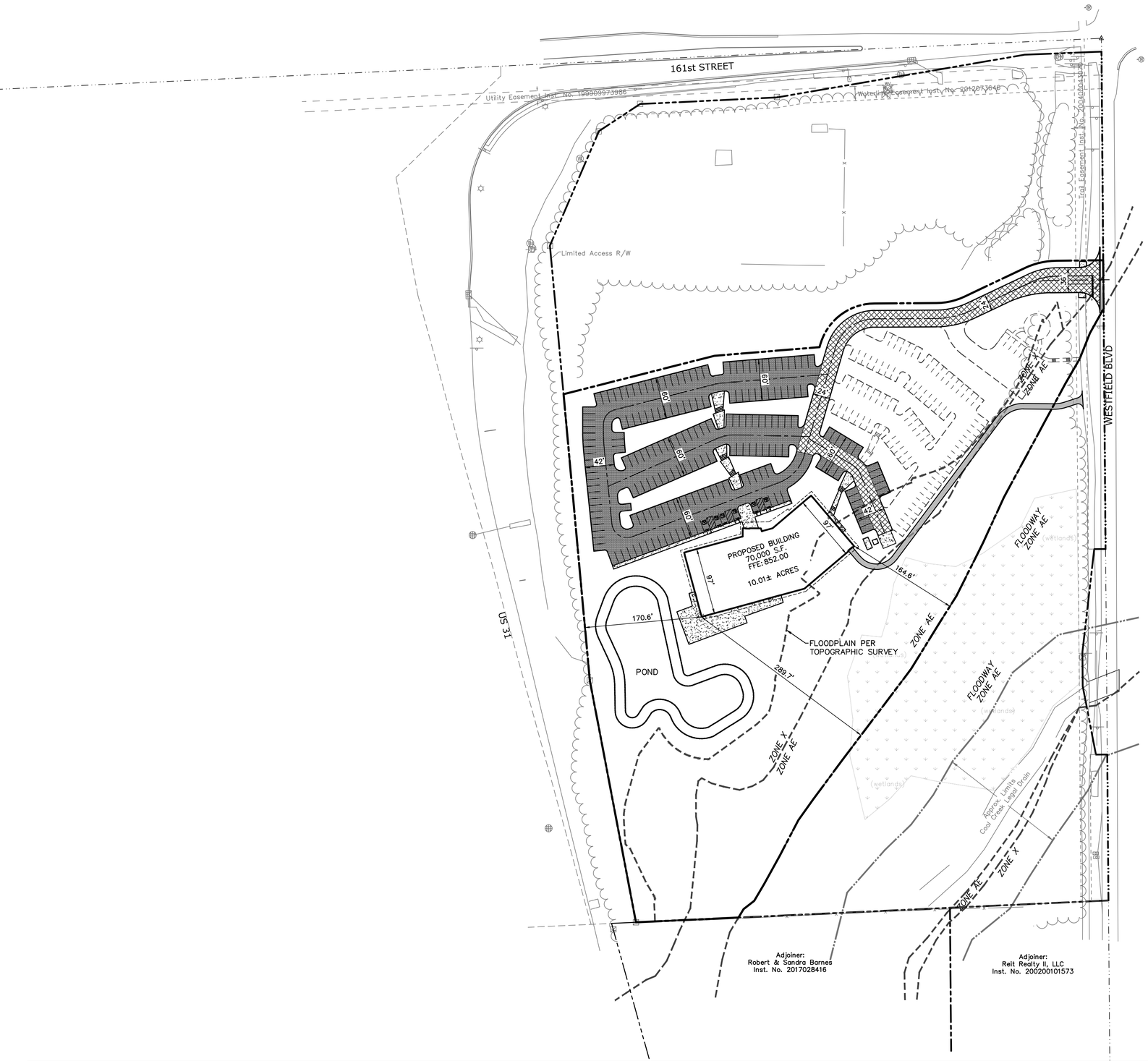
Site

Zoning Map



Zoning

- AG-SF1 (Agriculture - Single Family - 1)
- GB-PD (General Business - Planned Development)
- LB (Local Business)
- PUD (Planned Unit Development)
- SF-2 (Single Family - 2)



0' 100' 200'

SCALE: 1"=100'

EXISTING LEGEND

- Curb Inlet
- Fire Hydrant
- Inlet
- Light Pole
- Mailbox
- Right Of Way Monument
- Sign
- Sanitary Manhole
- Temporary Bench Mark
- Test Hole
- Telephone Handhole
- Telephone Pedestal
- Traffic Pole
- Water Manhole
- Water Valve
- otr — Overhead Traffic Line
- w — Buried Water Line

SITE LEGEND

- LIGHT DUTY ASPHALT PAVEMENT
- HEAVY DUTY ASPHALT PAVEMENT
- CONCRETE PAVEMENT

SITE DATA TABLE

SITE ZONING:	LB
PROJECT AREA:	9.83± ACRES
BUILDING AREA:	70,000 SF
SITE IMPERVIOUS AREA:	3.41± ACRES
STANDARD PARKING (9.5'x18'):	196
ADA PARKING PROVIDED:	6
(INCLUDES 6 VAN ACCESSIBLE)	
TOTAL PROPOSED PARKING:	200

CSO · pure development · SEP · AMERICAN STRUCTUREPOINT INC.

Corporate HQ

Westfield, IN | 05 June 2020

2020015

Exhibit A

North Elevation

East Elevation

MATERIALS KEY

1 Fiber Cement Panels
2 Curtain Wall System, Painted Finish
3 Storefront System, Painted Finish
4 Modular-Size Concrete Brick
5 Aluminum Composite Metal Panel System
6 4"x9" Aluminum Tube
7 Low-E Insulated Glass
8 Aluminum Storefront Door
9 6"x9" Aluminum Tube

MATERIALS PERCENTAGES

Brick: 10 - 20%
Fiber Cement Siding: 20 - 30%
Metal Panel: 10 - 20%
Glass: 40 - 50%

Exterior Elevations

0' 16' 32' 64'

CSO pure development SEP AMERICAN STRUCTUREPOINT INC

Corporate HQ
Westfield, IN | 01 July 2020

A301
2020015

Exhibit A

South Elevation

West Elevation

MATERIALS KEY

1 Fiber Cement Panels
2 Curtain Wall System, Painted Finish
3 Storefront System, Painted Finish
4 Modular-Size Concrete Brick
5 Aluminum Composite Metal Panel System
6 4"x9" Aluminum Tube
7 Low-E Insulated Glass
8 Aluminum Storefront Door
9 6"x9" Aluminum Tube

MATERIALS PERCENTAGES

Brick: 10 - 20%
Fiber Cement Siding: 20 - 30%
Metal Panel: 10 - 20%
Glass: 40 - 50%

Exterior Elevations

0' 16' 32' 64'

CSO pure development SEP AMERICAN STRUCTUREPOINT INC

Corporate HQ
Westfield, IN | 01 July 2020

A302
2020015

CITY OF Westfield INDIANA

Westfield Community Development
2728 E. 171st Street | Westfield, IN 46074
317.804.3170 | nwoerner@westfield.in.gov

VARIANCE APPLICATION

OFFICE USE ONLY

DOCKET #: 2007-VS-16 FILING DATE: 6/18/20

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

PRE-FILING CONFERENCE

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

PRIOR OR RELATED DOCKET NUMBERS

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

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

APPLICANT INFORMATION

APPLICANT'S NAME: Pure Development TELEPHONE: 317-902-3195
ADDRESS: 815 E 65th St #200, Indianapolis, IN 46220 EMAIL: ebrier@puredevelopment.com

PROPERTY OWNER'S NAME: 161st & 31 Associates LLP TELEPHONE: _____
ADDRESS: 1100 Chatham Hills Blvd, Westfield, IN 46074 EMAIL: _____

REPRESENTATIVE'S NAME: Brian J. Tuohy, Attorney TELEPHONE: 317-638-2400
COMPANY: Tuohy Bailey & Moore LLP EMAIL: btuohy@tbmattorneys.com
ADDRESS: 50 S. Meridian Street, Suite 700, Indianapolis, IN 46204

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: Southeast corner of 161st Street and US 31

COUNTY PARCEL ID #(S): 09-09-12-00-00-014.000

EXISTING ZONING DISTRICT(S): LB: Local and Neighborhood Business District EXISTING LAND USE(S): Unimproved

PROPERTY AND PROJECT INFORMATION

☐ VARIANCE OF LAND USE CODE CITATION: _____

☒ VARIANCE OF DEVELOPMENT STANDARD(S) CODE CITATION: See attached Statement of Intent

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

STATEMENT OF INTENT (EXPLANATION OF REQUEST - ATTACH SEPARATE SHEET IF NECESSARY): _____
See attached Statement of Intent

CITY OF Westfield INDIANA

Westfield Community Development
2728 E. 171st Street | Westfield, IN 46074
317.804.3170 | nwoerner@westfield.in.gov

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)

Brian J. Tuohy, Attorney for Applicant
Applicant/Representative (printed)

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

Witness my hand and Notarial Seal this 17th *day of* June, 2020
State of Indiana, *County of* Marion, *SS:*

Notary Public (signature)

Michelle Hefner
Notary Public (printed)

MICHELLE L. HEFNER
NOTARY PUBLIC
Hendricks County
Comm. # 648849
NOTARY SEAL
My Commission Expires 11-04-2021
STATE OF INDIANA

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)*

Steven H. Henke
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 16th *day of* June, 2020
State of Indiana, *County of* Hamilton, *SS:*

Notary Public (signature)

Doug Fleenor
Notary Public (printed)

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

CITY OF Westfield INDIANA

Westfield Community Development
2728 E. 171st Street | Westfield, IN 46074
317.804.3170 | nwoerner@westfield.in.gov

FINDINGS OF FACT (VARIANCE OF DEVELOPMENT STANDARD)

Article 6.3 (F)(5)(6) - Building elevations: wall planes

APPLICANT: _____ **DOCKET #:** _____

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

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

The proposed corporate headquarter building's modern architecture design includes the use and consideration of several materials and various color to create a unique building facade. The use of such materials and color along with appropriate landscaping will allow for construction of a new building that will meet the needs of a relocating corporate headquarters and will not be injurious to the public health, safety, morals and general welfare of the community.

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

The proposed new corporate headquarters building will represent a capital investment of approximately several million dollars. Such investment and construction of a new building will have a positive impact on surrounding uses and values of property in the area adjacent to the site.

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

The proposed corporate headquarters building has been designed to meet the needs of the corporate occupant of the building. Without the requested variance, the property could not be developed as corporate headquarters for the primary tenant of the proposed building.

CITY OF Westfield INDIANA

Westfield Community Development
2728 E. 171st Street | Westfield, IN 46074
317.804.3170 | nwoerner@westfield.in.gov

FINDINGS OF FACT (VARIANCE OF DEVELOPMENT STANDARD)

Article 6.3(F)(2) - Building Materials

APPLICANT: Pure Development by Brian J. Tuohy, Attorney **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 office use is a permitted use within the site's LB zoning classification. The proposed building is of modern design, and contains high end materials, which are consistent with the modern architecture of the proposed building. Such materials include glass, brick, fiber cement panels and aluminum composite metal.

B. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:
The proposed improvements will add significant assessed value to the site. The proposed office use is adjacent to US 31 and compatible with the GB zoning district to the north of the site. The variance will not adversely affect the use and value of the area adjacent to the site.

C. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property because:
There is a practical difficulty in developing the site with a building of modern architecture design and meet the terms of the zoning ordinance requiring 60% brick. exterior. While the proposed corporate headquarters building includes brick, it also includes other high end materials including glass, fiber cement panels and aluminum composite metal. Such materials are consistent with the proposed building's modern design.

CITY OF Westfield INDIANA

Westfield Community Development
2728 E. 171st Street | Westfield, IN 46074
317.804.3170 | nwoerner@westfield.in.gov

FINDINGS OF FACT (VARIANCE OF DEVELOPMENT STANDARD)

Article 4.14(H)(2): Maximum Business Size

APPLICANT: _____ **DOCKET #:** _____

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

A. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because:
The proposed office building will serve as the corporate headquarters for one business, which will occupy the entire approximately 70,000 sf proposed building. The proposed building is smaller than the maximum aggregate square footage permitted for all buildings within one development. Additionally, the proposed use is permitted within the site's LB zoning classification. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

B. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:
The size of the proposed business / building is smaller than the maximum aggregate square footage permitted for all buildings within one development. Additionally, the proposed improvements will add significant assessed value to the unimproved site. The proposed office use is adjacent to US 31 and compatible with the GB zoning district to the north of site.

C. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property because:
The proposed building is for a single tenant's use. There is a practical difficulty in developing the site with a single tenant's use without the requested variance. The proposed building is smaller is size than the aggregate square footage allowed for buildings in one development.

CITY OF Westfield INDIANA

Westfield Community Development
2728 E. 171st Street | Westfield, IN 46074
317.804.3170 | nwoerner@westfield.in.gov

FINDINGS OF FACT (VARIANCE OF DEVELOPMENT STANDARD)

Article 6.3 (F)(7)(b) - Flat roofs

APPLICANT: _____ **DOCKET #:** _____

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

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

The proposed parapet material and design are consistent with the corporate headquarter's modern design. The proposed building includes a parapet wall that is consistent with the overall architecture of the proposed building. A variance permitting a flat parapet wall will not cause any injury to the public health, safety, morals and general welfare of the community.

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

The proposed new corporate headquarters building will represent a capital investment of approximately several million dollars. Such investment and construction of a new building will have a positive impact on surrounding uses and values of property in the area adjacent to the site.

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

Without the variance the modern design and use of certain modern architectural materials and elevations would not be permitted. The variance will allow construction of a new corporate headquarters building that has been designed by the corporate occupant of the building. The strict application of the Ordinance will prevent the corporate user from improving the property with a new building that meets the user's needs.