CITY OF WESTFIELD, IN

BoardofZoningAppeals_Meeting_Agenda_07_13_2021

Tuesday, July 13, 2021 at 07:00 PM

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

MEETING DATE: **Tuesday, July 13, 2021 at 07:00 PM**

MEETING PLACE: **Westfield City Hall- Assembly Room**

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

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

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

OPENING OF REGULAR MEETING

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

Note the presence of a quorum

Approval of Minutes
June 8, 2021
Documents: BZA Minutes - June 8, 2021

Review Rules & Procedures

ITEMS OF BUSINESS:

2107-VS-22 [PUBLIC HEARING]
16517 Brookhollow Drive
Peyman Heydarpour
The Petitioner requests a Variance of Development Standard to encroach seven and a half (7.5) feet into the thirty (30) foot minimum Rear Yard Setback to accommodate a swimming pool and deck on 0.38 acres +/- in the SF-2: Single-family Low-Density District (Article 4.5(E)(3)(a)).
(Planner: Daine Crabtree - dcrabtree@westfield.in.gov)

Documents: **Exhibit 1: Staff Report** | **Exhibit 2: Location Map** | **Exhibit 3: Site Plan** | **Exhibit 4: HOA Approval**

2107-VS-23 [PUBLIC HEARING]
1609 E. Greyhound Pass
Charles E. Duke by Church Church Hittle + Antrim
The Petitioner requests Variances of Development Standard to exempt Architectural requirements for Business Districts for building additions on 1.03 acres +/- in the GB: General Business District (Article 6.3(F)).
(Planner: Caleb Ernest - cernest@westfield.in.gov)
Documents: **Exhibit 1: Staff Report** | **Exhibit 2: Location Map** | **Exhibit 3: Site Plan** | **Exhibit 4: Building Elevations** | **Exhibit 5: Narrative Statement**

2106-VS-24 [PUBLIC HEARING]
16539 Vintage Court North
Scott Hackman
The Petitioner requests a Variance of Development Standard to encroach nineteen (19) feet into the thirty (30) foot minimum Rear Yard Setback to accommodate a swimming pool and deck on 0.50 acres +/- in the SF-2: Single-family Low-Density District (Article 4.5(E)(3)(a)).
(Planner: Daine Crabtree - dcrabtree@westfield.in.gov)
Documents: **Exhibit 1: Staff Report** | **Exhibit 2: Location Map** | **Exhibit 3: Site Plan** | **Exhibit 4: HOA Approval**

2107-VS-25 [PUBLIC HEARING]
20097 Centennial Road
Keith Burns
The Petitioner requests a Variance of Development Standard to modify the Minimum Lot Frontage from 250 feet to 150 for an existing lot in the AG-SF1: Agriculture/Single-Family Rural District so an Accessory Building may be constructed (Article 4.2(D)).
(Planner: Daine Crabtree - dcrabtree@westfield.in.gov)
Documents: **Exhibit 1: Staff Report** | **Exhibit 2: Location Map**

2107-VS-26 [PUBLIC HEARING]
1250 W 161st Street
Matthew Obras
The Petitioner requests a Variance of Development Standard to modify the Minimum Front Yard Building Setback from 100 feet to 40 feet in the AG-SF1: Single-Family Rural District (Article 4.2(E)(1)(a)).
(Planner: Daine Crabtree - dcrabtree@westfield.in.gov)
Documents: **Exhibit 1: Staff Report** | **Exhibit 2: Location Map** | **Exhibit 3: Setback Exhibit** | **Exhibit 4: Site Plan** | **Exhibit 5: Character Exhibit** | **Exhibit 6: Obras Estates Secondary Plat**

ITEMS CONTINUED TO A FUTURE MEETING:
No Continued Items

REPORTS/COMMENTS:

ADJOURNMENT

Westfield–Washington Township Board of Zoning Appeals (BZA)
Minutes of the June 8, 2021 BZA Meeting
Presented for approval: July 13, 2021

The Westfield-Washington Township Board of Zoning Appeals (BZA) met both in-person and virtually at 7:00 p.m. on Tuesday, June 8, 2021.

Active Links for this Meeting:

June 8, 2021 BZA Agenda & Exhibits **June 8, 2021 YouTube Video**

Minutes are also available to be acquired or viewed at the City of Westfield Community Development Office.

OPENING OF MEETING: 7:00 PM

ROLL CALL

Present In-Person: Jeff Boller, Jeannine Fortier, Ken Kingshill, and Victor McCarty.

Present Virtually: Dave Schmitz.

Absent: All present.

City Staff Present: Pam Howard, Senior Planner; and Daine Crabtree, Associate Planner.

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

APPROVAL OF MINUTES

Fortier motioned to approve the May 11, 2021 Minutes.
McCarty seconded. Motion passed. Vote 5-0.

REVIEW RULES AND PROCEDURES

Crabtree reviewed BZA rules and procedures.

ITEMS OF BUSINESS:

2105-SE-01 &	**17319 Joliet Road**
2105-VS-12	*The Chris Center*
YouTube Time: 4:44	The Petitioner requests a Special Exception to permit an Agritourism Use and a Variance of Development Standard to exempt the Development Plan Requirement for a proposed Agritourism Facility on 6.62 acres +/- in the AG-SF1: Agriculture/Single-family Rural District (Articles 4.2(J) and 13.2) *(Planner: Pam Howard – phoward@westfield.in.gov)*

McCarty motioned to approve 2105-SE-01 with Staff conditions.
Boller seconded. Motion passed. Vote 5-0.

Kingshill motioned to adopt Staff's Findings of Fact for 2105-SE-01.
Fortier seconded. Motion passed. Vote 5-0.

McCarty motioned to approve 2105-VS-12 with Staff conditions.
Boller seconded. Motion passed. Vote 5-0.

Kingshill motioned to adopt Staff's Findings of Fact for 2105-VS-12.
Fortier seconded. Motion passed. Vote 5-0.

2106-VS-20
[PUBLIC HEARING]
YouTube Time: 33:20

Hunt Estates
Miller Surveying
The Petitioner requests a Variance of Development Standard to modify the Minimum Lot Size from 3 acres to 2.72 acres +/- for the subject property in the AG-SF1: Agriculture/Single-Family Rural District (Article 4.2(C)).
(Planner: Daine Crabtree – dcrabtree@westfield.in.gov)

Public Hearing for 2106-VS-20 opened at 7:38 p.m.

No public comments.

Public Hearing for 2106-VS-20 closed at 7:39p.m.

Boller motioned to approve 2106-VS-20 with Staff conditions.
McCarty seconded. Motion passed. Vote 5-0.

Kingshill motioned to adopt Staff's Findings of Fact for 2106-VS-20.
Fortier seconded. Motion passed. Vote 5-0.

2106-VS-21
[PUBLIC HEARING]
YouTube Time: 40:26

3750 Birkdale Drive
Jamie Goetz Mills
The Petitioner requests a Variance of Development Standard to encroach ten (10) feet into the thirty (30) foot Minimum Rear Yard Setback on 0.32 acres +/- in the Bridgewater PUD to accommodate a swimming pool and deck.
(Planner: Daine Crabtree – dcrabtree@westfield.in.gov)

Public Hearing for 2106-VS-21opened at 7:42 p.m.

No public comments.

Public Hearing for 2106-VS-21 closed at 7:43 p.m.

Fortier motioned to approve 2106-VS-21 with Staff conditions.
Boller seconded. Motion passed. Vote 5-0

Kingshill motioned to adopt Staff's Findings of Fact for 2106-VS-21.
McCarty seconded. Motion passed. Vote 5-0.

ITEMS CONTINUED TO A FUTURE MEETING
NONE

REPORTS/COMMENTS:
- Plan Commission Liaison
- Community Development Department

ADJOURNMENT
Fortier motioned to adjourn the meeting. McCarty seconded. Motion passed. Vote 5-0.
The meeting adjourned at 7:45 p.m.

Chairperson
Dave Schmitz

Secretary
Kevin M. Todd, AICP
Director

Petition Number:	2017-VS-22
Subject Site Address:	16517 Brookhollow Drive ("the Property")
Petitioner:	Peyman Heydarpour ("the Petitioner")
Request:	The Petitioner requests a Variance of Development Standard to encroach seven and a half (7.5) feet into the thirty (30) foot Rear Yard Setback to accommodate a swimming pool and deck on 0.38 acres +/-
Current Zoning:	SF-2: Single-Family Low Density (With Commitments)
Current Land Use:	Residential
Approximate Acreage:	0.32 acres +/-
Exhibits:	1. Staff Report 2. Location Map 3. Site Plan 4. HOA Approval
Staff Reviewer:	Daine Crabtree, Associate Planner

OVERVIEW

Location: The subject property is 0.38 acres +/- in size (the "Property") and located at 16517 Brookhollow Drive in the Brookside subdivision **(**see **Exhibit 2)**.

Requested Variances: The petitioner is requesting a Variance of Development Standard to encroach seven and a half (7.5) feet into the thirty (30) foot Minimum Rear Yard Setback as further described herein.

SUMMARY OF VARIANCE

The Property is currently subject to the SF-2: Single Family Low-Density Standards as set forth in the Westfield-Washington Township Unified Development Ordinance (UDO) along with Commitments (Ord. 00-28) The zoning sets forth a minimum rear yard setback line of thirty (30) feet. The Petitioner is requesting this variance to encroach seven and a half (7.5) feet into the thirty (30) foot Minimum Rear Yard Setback to accommodate a swimming pool and deck, as illustrated on the Site Plan (see **Exhibit 3**).

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 Development Standard. This petition is scheduled to receive its public hearing at the July 13, 2021, 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

[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.

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

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

DEPARTMENT COMMENTS:

Recommended Findings for Approval: If the Board is inclined to approve the Variance of Development Standards (2107-VS-22):

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

   Finding: It is unlikely that approving the requested variance would be injurious to the public health, safety, morals, and general welfare of the community because the existing use and proposed improvements will otherwise comply with the applicable standards of the zoning of the SF-2: Single Family Low-Density District and Ordinance 00-28.

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

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

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

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

Finding: Strict adherence to the zoning ordinance would result in 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.

Recommended Conditions:

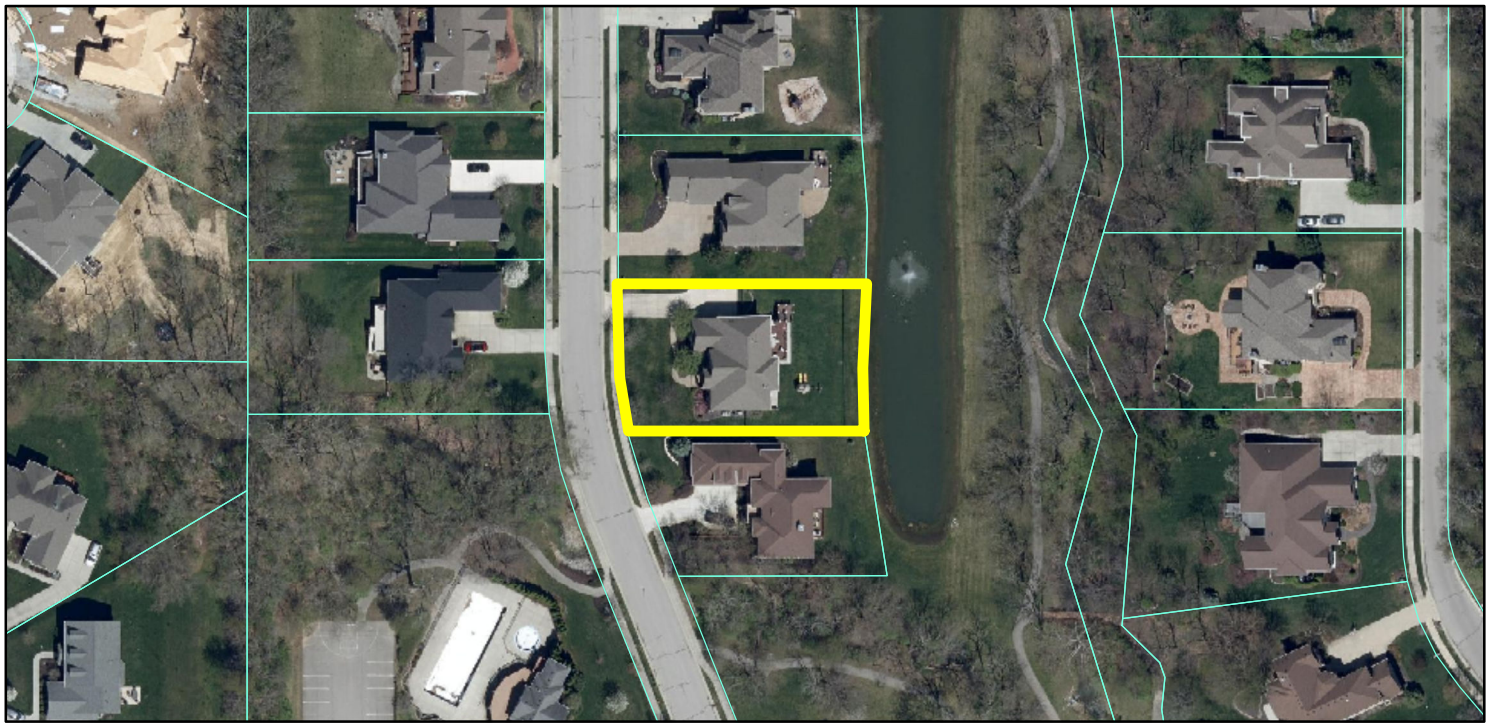
- That the Property be developed in substantial compliance with **Exhibit 3**.
- That the Petitioner shall record an acknowledgement of this approval with the County Recorder's Office and return a copy of the recorded instrument to the Economic and Community Development Department.

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

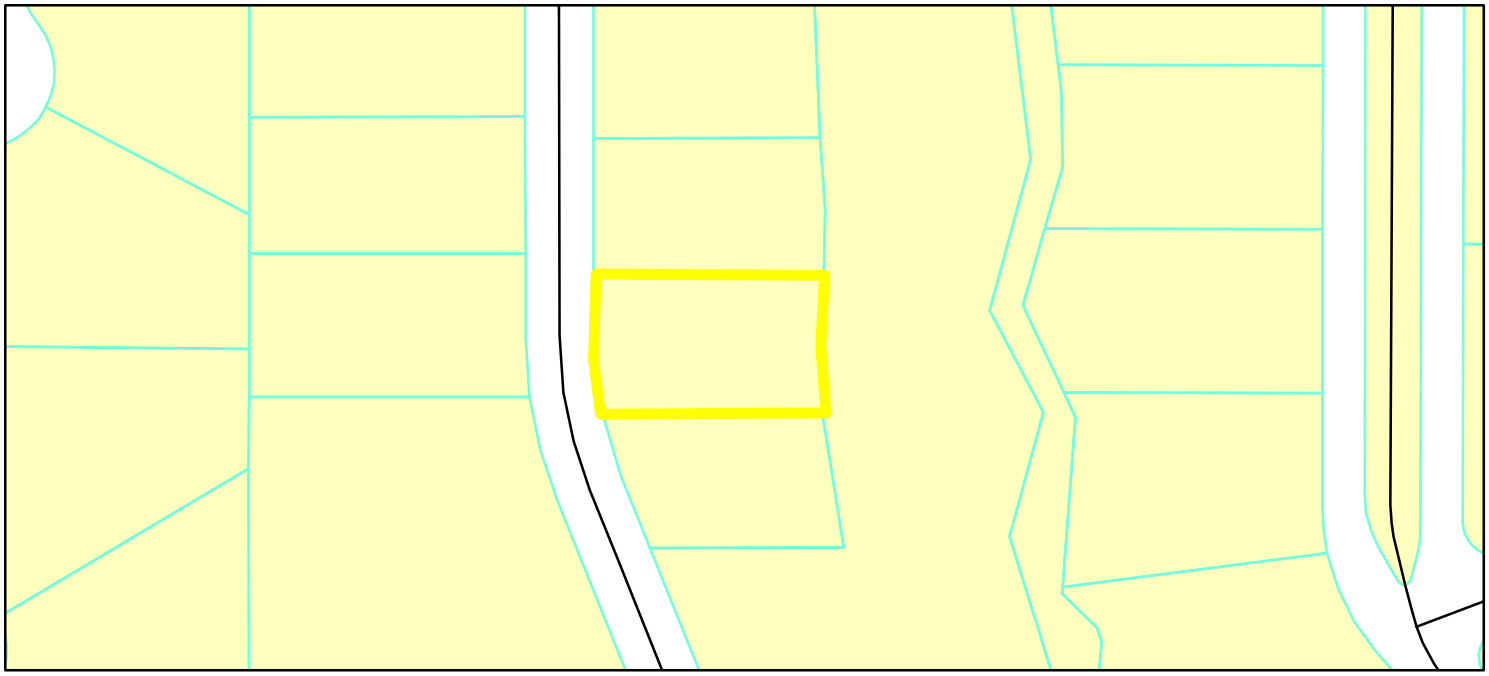
16517 Brookhollow Drive

Aerial Location Map

Site



Zoning Map



GIS.DBO.PW_Streets
Parcel
Parcel
Zoning - All

Zoning
SF-2 (Single Family - 2)

0 0.015 0.03
Miles

N
W E
S

Scale: 1"=20'

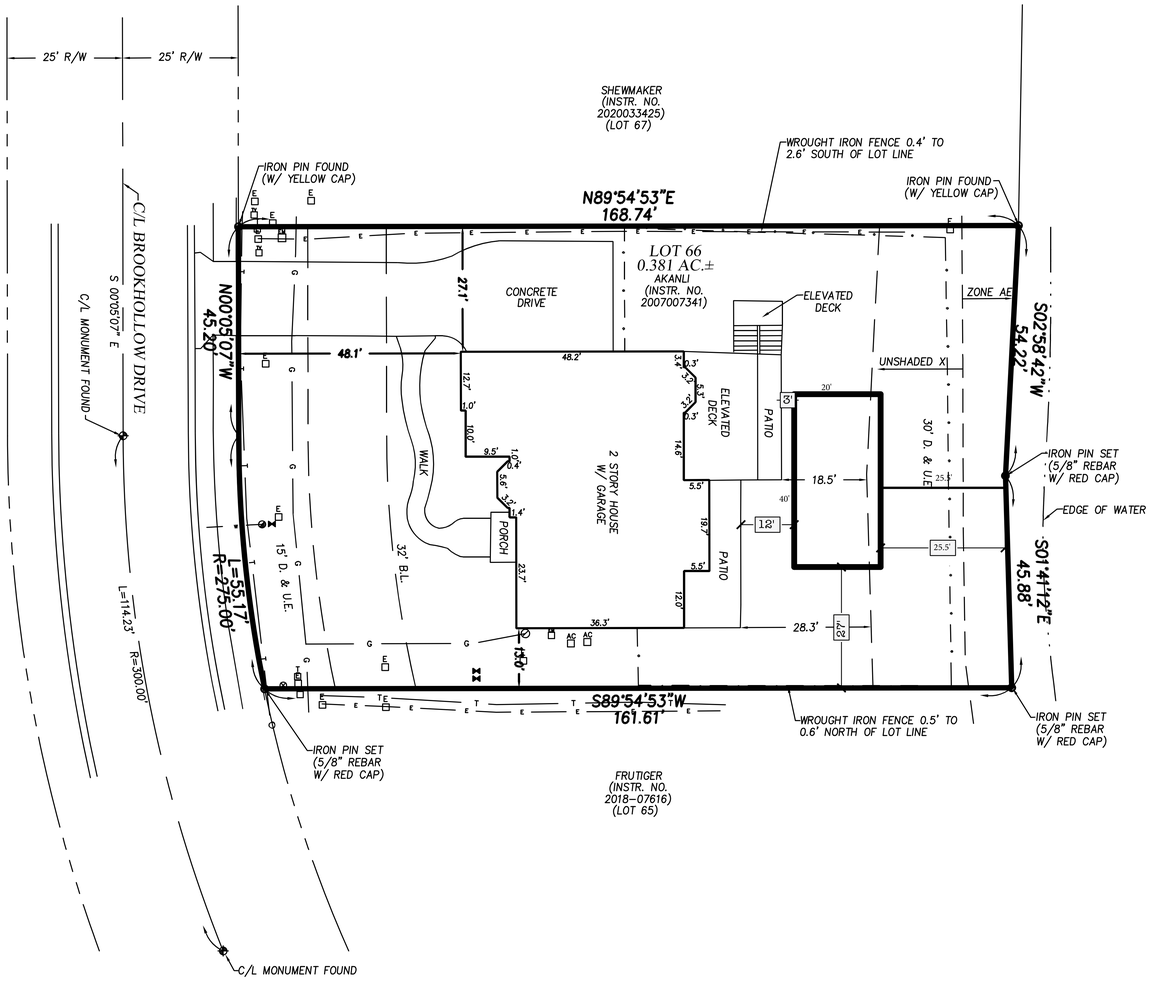
GRAPHIC SCALE

20 0 10 20 40 80

(IN FEET)
1 inch = 20 ft.

LEGEND

—O—	Wrought Iron Fence
R/W	Right of Way
B.L.	Building Line
D. & U.E.	Drainage & Utility Easement
—G—	Buried Gas Line
—W—	Buried Water Line
—T—	Buried Telephone Line
—E—	Buried Electric Line
—F—	Buried Fibre Line
	Cable Box
	Telephone Pedestal
	Electric Transformer
	Water Meter
AC	Air Conditioner
	Gas Meter
	Electric Meter
	Water Valve
	Manhole
	Fibre Lid



Certificate of Survey

I, the undersigned, a Registered Land Surveyor in the State of Indiana, certify that this survey was prepared under my supervision and, to the best of my knowledge and belief, was executed according to survey requirements in 865 IAC 1-12 for a retracement survey.

Property Address: 16517 Brookhollow Drive, Noblesville, IN 46062

Property Description (Instr. No. 2007007341):

Lot 66 in Brookside, Section Two, a Subdivision in Hamilton County, Indiana, as per plat thereof recorded as Instrument No. 2003-18692, in Plat Cabinet 3, Slide 141, in the Office of the Recorder of Hamilton County, Indiana.

Surveyor's Report for Job#21-2326

In accordance with Title 865, Article 1.1, Chapter 12 of the Indiana Administrative Code, the following observations and opinions are submitted of the cause and amount of uncertainty in the position of the lines and corners established on this survey as a result of:

(A) Availability and condition of referenced monuments.
(B) Occupation or possession lines
(C) Clarity or ambiguity of the record description used and of adjoiner's descriptions, and the relationship of the lines of the subject tract with adjoiner's lines.
(D) The Relative positional accuracy of the measurements.

(A) Reference Monuments:

Monuments which control the lines and corners of the surveyed property are those called for on the recorded subdivision plat. This survey based on street centerline monuments recovered and called for in the centerline of Brookhollow Drive.

Unless noted otherwise, monuments set this survey are 5/8" diameter x 24" long rebar with red cap stamped FIRM #0066 placed at ground level.

In this surveyor's opinion, the maximum uncertainty of the lines and corners of the surveyed parcels due to reference monuments is ±0.25 feet.

(B) Possession Lines:

1.) Wrought iron fence 0.4 to 2.6 feet South of North lot line.
2.) Wrought iron fence 0.5 to 0.6 feet North of South lot line.
3.) Unless otherwise shown, no existing possession lines were observed.

(C) Record Descriptions:

The record descriptions for the adjoining real estate were obtained from the Hamilton County Recorder's Office and mathematically retraced in an effort to disclose possible gaps and/or overlaps between the lines of the surveyed tract and those of the adjoiners. It is this surveyor's professional opinion that there are no uncertainties in the lines of the surveyed real estate and those of the adjoiners due to discrepancies in the record descriptions.

(D) Relative Positional Accuracy of Measurement:

The Relative Positional Accuracy of the corners of the subject tract established for this survey is within the specifications for a Suburban survey (+/- 0.13 feet plus 100 parts per million) as defined in 865 IAC 1-12-8, effective May 4, 2006. ("Relative Positional Accuracy" means the value expressed in feet or meters that represents the uncertainty due to random errors in measurements in the location of any point on a survey relative to any other point on the same survey at the 95 percent confidence level).

As a result of the above observations, it is this surveyor's professional opinion that the uncertainties in the locations of the lines and corners found along the perimeter of the surveyed tract established on this survey are as follows:

1) Due to Variances in reference monuments: Concerning record / title corners: See above
2) Due to Discrepancies in the record descriptions: See above
3) Due to Inconsistencies in lines of occupation: concerning physical evidence, See above
4) Due to Measurements (Relative Positional Accuracy): See above.

Theory of Location:

The perimeter of the surveyed tract was reestablished based upon dimensions and angles shown on the plat of Brookside, Section Two, a Subdivision in Hamilton County, Indiana, as per plat thereof recorded as Instrument No. 2003-18692, in Plat Cabinet, Slide 141, in the Office of the Recorders of Hamilton County, Indiana. Plat dimensions and angles were held from centerline monuments recovered in the centerline of Brookhollow Drive.

Survey Completed: April 26, 2021
Certified: April 30, 2021
To: Peyman Heydarpour

CHAD L. BROWN
REGISTERED
LS21100002
STATE OF
INDIANA
LAND SURVEYOR

Chad L. Brown, Registered Land Surveyor, Indiana #LS21100002
Job #21-2326 Client: Peyman Heydarpour

GENERAL NOTES

1.) This survey was performed without the benefit of a current land title insurance commitment which may have disclosed information that affects the surveyed tract.

2.) Based upon a scaled interpretation of the FLOOD INSURANCE RATE MAP, PANEL 18097C0109F for Hamilton County, Indiana, dated April 19, 2016 the within dwelling IS NOT located within a Special Flood Hazard Area inundated by 100-year flood as established by the Federal Emergency Management Agency for the National Flood Insurance Program. Flood plain certification is restricted to a review of the Flood Insurance Rate Maps (FIRM), and shall not be construed as a confirmation or denial of flooding potential.

3.) The surveyed premises contains a total of 0.381 acres (16,591 square feet), more or less.

4.) Surface improvements, together with their relationship to the perimeter of the surveyed tract have been shown on the plat of survey.

5.) The underground utilities depicted on the attached plat of survey have been located per utility location markings on the ground as provided by the Indiana Underground Plant Protection Service.

6.) No warranty, either express or implied, is made as to the accuracy and/or completeness of information presented on underground utilities, or as to it's fitness for any particular purpose or use. In no event will Hahn Surveying Group, Inc., it's employees, agents, and /or assigns be liable for any damages arising out of the furnishing and/or use of such information.

7.) No warranty, either express or implied, is made as to the accuracy or completeness of information provided by governmental authorities and / or third parties, or as to its fitness for any particular purpose or use, including but not limited to information presented on underground utilities, flood hazard zones, floodway zones, wetlands, recording information, zoning, and regulated drains. In no event will Hahn Surveying Group, Inc., its employees, agents, and / or assigns be liable for any damages arising out of the furnishing and / or use of such information.

All Rights Reserved under Copyright by Hahn Surveying Group, Inc.

Retracement Survey-16517 Brookhollow Drive
Indianapolis, Indiana 46062

HAHN SURVEYING GROUP, INC.
LAND SURVEYORS - Established in 1975
8925 N. Meridian Street, Suite 120
Indianapolis, IN 46260
www.hahnsurveying.com - Phone: (317) 846-0840

DRAWING BY: JG CHECKED BY: CLB

SHEET 1 OF 1

21-2326

A • R • M • O • U • R

PROPERTY MANAGEMENT, LLC

"We Manage Neighborhoods, like they're Our Own"

May 27, 2021

Peyman Heydarpour
16517 Brookhollow Dr.
Westfield, IN 46062

I am pleased to inform you the Architectural Review Committee has approved your request for the following item(s):

Installation of 20' x 40' inground vinyl pool with encroachment of 7'6" into the utility/drainage easement area. 4' 6" encroachment will be for the pool and 3' for concrete, per request submitted.

Please be aware of the following conditions:

- You ensure that the pool plan meets local zoning requirements.
- You are responsible for maintaining proper drainage in the area affected by the work.

It is your responsibility to obtain any necessary permits and follow the guidelines mandated by the county, city, or state and to ensure all improvements are within your property lines and setbacks. Also, be aware that you are responsible at your expense to move anything in the easement if a utility company needs to have access to that area.

If you have any questions, please feel free to contact our office. Thank you for submitting your request.

Regards,

Nancy Bates
Managing Agent
Armour Property Management, LLC

Petition Number:	2017-VS-24
Subject Site Address:	16539 Vintage Court North ("the Property")
Petitioner:	Scott Hackman ("the Petitioner")
Request:	The Petitioner requests a Variance of Development Standard to encroach nineteen (19) feet into the thirty (30) foot Rear Yard Setback to accommodate a swimming pool and deck on 0.50 acres +/-
Current Zoning:	SF-2: Single-Family Low Density (With Commitments)
Current Land Use:	Residential
Approximate Acreage:	0.32 acres +/-
Exhibits:	1. Staff Report 2. Location Map 3. Site Plan 4. HOA Approval
Staff Reviewer:	Daine Crabtree, Associate Planner

OVERVIEW

Location: The subject property is 0.50 acres +/- in size (the "Property") and located at 16539 Vintage Court North in the Brookside subdivision **(**see **Exhibit 2)**.

Requested Variances: The petitioner is requesting a Variance of Development Standard to encroach nineteen (19) feet into the thirty (30) foot Minimum Rear Yard Setback as further described herein.

SUMMARY OF VARIANCE

The Property is currently subject to the SF-2: Single Family Low-Density Standards as set forth in the Westfield-Washington Township Unified Development Ordinance (UDO) along with Commitments (Ord. 00-28) The zoning sets forth a minimum rear yard setback line of thirty (30) feet. The Petitioner is requesting this variance to encroach nineteen (19) feet into the thirty (30) foot Minimum Rear Yard Setback to accommodate a swimming pool and deck, as illustrated on the Site Plan (see **Exhibit 3**).

The Westfield Public Works Department has approved the Petitioner's plans showing the decking encroaching into the Drainage and Utility Easement so long as the actual swimming pool does not.

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 Development Standard. This petition is scheduled to receive its public hearing at the July 13, 2021, 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,

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[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.

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

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

DEPARTMENT COMMENTS:

Recommended Findings for Approval: If the Board is inclined to approve the Variance of Development Standards (2107-VS-24):

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

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

use and proposed improvements will otherwise comply with the applicable standards of the zoning of the SF-2: Single Family Low-Density District and Ordinance 00-28.

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 the construction of a swimming pool and deck that would not suit the needs of the Petitioner.

Recommended Conditions:

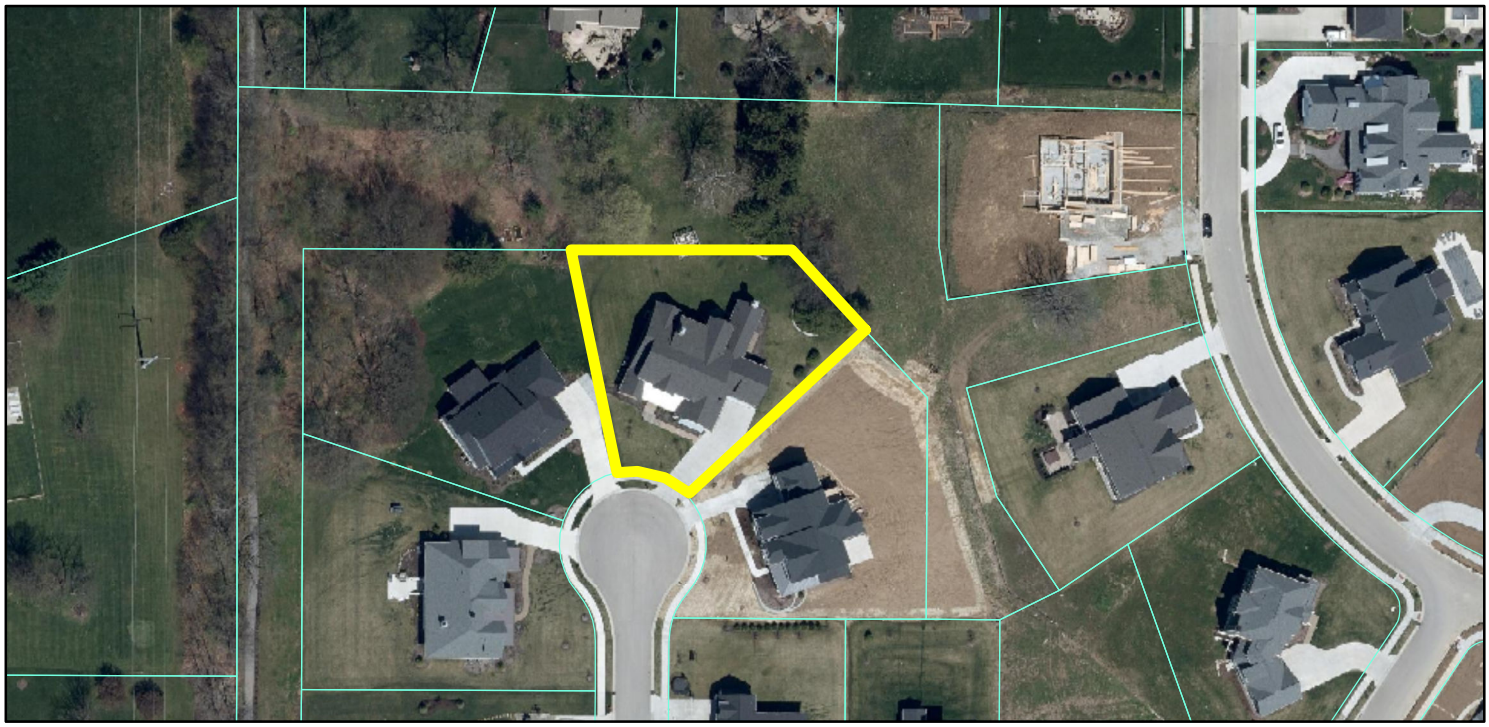
- That the Property be developed in substantial compliance with **Exhibit 3**.
- That the Petitioner shall record an acknowledgement of this approval with the County Recorder's Office and return a copy of the recorded instrument to the Economic and Community Development Department.

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

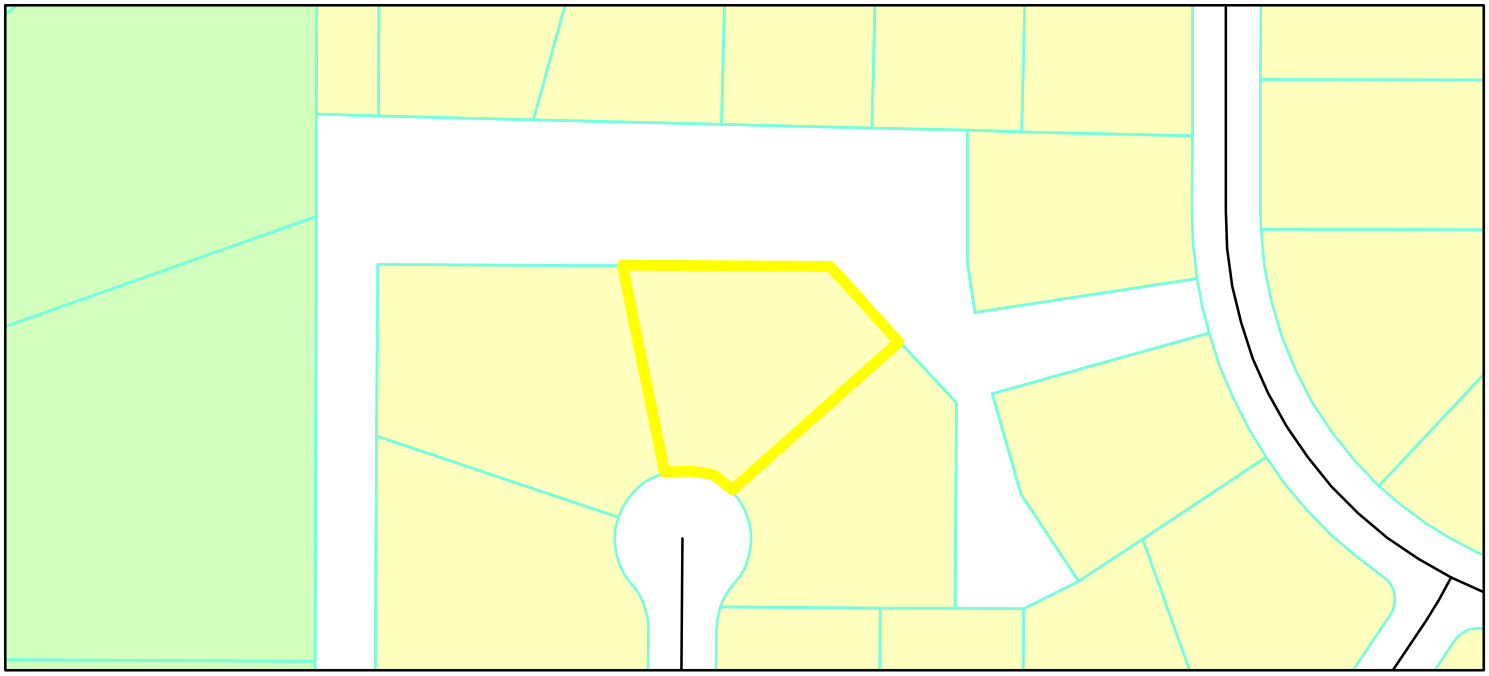
16549 Vintage Court North

Aerial Location Map

Site



Zoning Map



GIS.DBO.PW_Streets
Parcel
Parcel
Zoning - All

Zoning
AG-SF1 (Agriculture - Single Family - 1)
SF-2 (Single Family - 2)

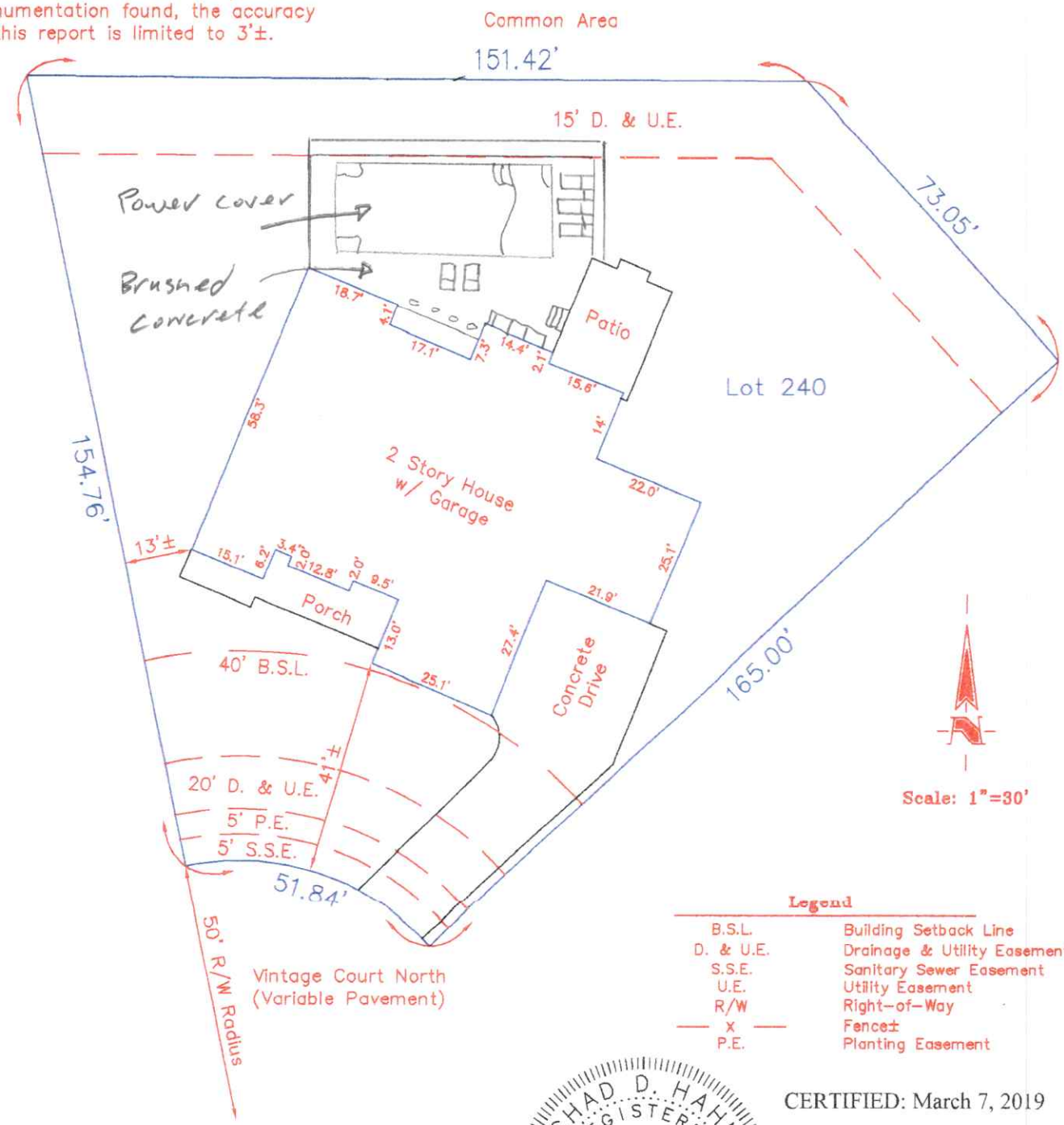
0 0.0125 0.025
Miles

N
W E
S

SURVEYOR LOCATION REPORT

I hereby certify to the parties named above that the real estate described herein was inspected under my supervision on the date indicated and that to the best of my knowledge, this report conforms with the requirements contained in Sections 27 through 29 of 865 IAC 1-1-12 for a SURVEYOR LOCATION REPORT. Unless otherwise noted there is no visible evidence of possession lines found.

Note: Due to the lack of qualified monumentation found, the accuracy of this report is limited to 3'±.



Legend

B.S.L.	Building Setback Line
D. & U.E.	Drainage & Utility Easement
S.S.E.	Sanitary Sewer Easement
U.E.	Utility Easement
R/W	Right-of-Way
— x —	Fence±
P.E.	Planting Easement

CERTIFIED: March 7, 2019

HAHN SURVEYING GROUP, INC.
Land Surveyors
2850 E. 96th Street, Indianapolis, IN 46240
PHONE: (317) 846-0840 / (317) 846-4119
FAX: (317) 846-4298 / (317) 582-0662
EMAIL: orders@hahnsurveying.com
www.hahnsurveying.com

CHAD D. HAHN REGISTERED No. 20300031 STATE OF INDIANA LAND SURVEYOR

Chad D Hahn

Chad D. Hahn
Registered Land Surveyor,
Indiana #20300031
Job No.: 2019031097
Drawn By: WRW
Sheet 2 of 2

Scott Hackman

From: Aol <rragsdale@aol.com>
Sent: Wednesday, May 26, 2021 2:50 PM
To: Scott Hackman
Cc: Holly Mcgeehan
Subject: Re: Submission: ARC Brookside - Lot 240 16539 Vintage Court N, Westfield IN - Hackman - Inground Pool

The Hackman ARC is approved as submitted. But, the homeowner is solely responsible for any part of the pool encroaching in the drainage easement that could become an issue now or in the future.

Randy

Sent from my iPhone

On May 26, 2021, at 1:24 PM, Scott Hackman <shackman@c21scheetz.com> wrote:

Holly,

Please process the attached Brookside ARC.

Please reply back to confirm you received this email.

- ARC Purpose: Install in-ground pool
- Attached: Brookside ARC & Property Survey with Pool drawn on the lot (rear).
- Property: 16539 Vintage Court N, Westfield IN – Lot 240
- Owner: Scott Hackman
- Email: shackman@c21scheetz.com

We are very excited and hopeful to enjoy a pool this summer!

Thx,
Scott

<image001.jpg>

From: Holly Mcgeehan
Sent: Wednesday, May 26, 2021 10:14 AM
To: shackman@c21sheetz.com
Subject: ARC Brookside

Brookside Architectural Control Committee – Compliance Review Form

To be completed and forwarded to:

Brookside Homeowners Association c/
o Armour Property Management, LLC
31 E Main Street #300
Carmel, IN 46032
or e-mail arc@armourproperty.com

INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

Decks/Extensions	Fences	In-ground pools
Landscaping	Patios	Screened porches
Sun rooms	Room additions	Fences
Exterior paint	Roof shingle replacement	Driveway/walkway

Homeowner Name Scott A Hackman Date 5/26/2021

Email Address shackman@c21scheetz.com Lot # 240

Address 16539 Vntage Court N, Westfield IN 46062 Phone 317.407.1365

Proposed work install ingound pool 40 x16 with concrete decking

Start date 6/1/2021 Finish date 7/10/2021

Work to be performed by (check one): Homeowner Contractor X

Contractor's Name Mert Shipman

The following MUST be ATTACHED to this request form for proper and timely consideration.
Additional information may be requested:

- Blueprints or detailed diagram with dimensions
- Elevations (if applicable)
- Materials list (including type and colors)
- Sample of material (if applicable, i.e., paint chips, shingle sample)
- Plot plan of lot (to ensure compliance to city codes, boundaries)

The committee will respond within 30 days of the day we receive your completed request.

Date received by APM: _____ Date sent to BACC: _____ Date approved: _____

Petition Number:	2107-VS-25
Subject Site Address:	20097 Centennial Road ("the Property")
Petitioner:	Keith Burns ("the Petitioner")
Request:	The Petitioner requests a Variance of Development Standard to modify the Minimum Lot Frontage from 250 feet to 150 feet for an existing lot in the AG-SF1: Agriculture/Single-Family Rural District so an Accessory Building may be constructed (Article 4.2(D)).
Current Zoning:	AG-SF1: Agriculture/Single-Family Rural
Current Land Use:	Residential
Approximate Acreage:	0.32 acres +/-
Exhibits:	1. Staff Report 2. Location Map
Staff Reviewer:	Daine Crabtree, Associate Planner

OVERVIEW

Location: The subject property is 3.0 acres +/- in size (the "Property") and located at 20097 Centennial Road **(**see **Exhibit 2)**.

Requested Variances: The petitioner is requesting a Variance of Development Standard to modify the Minimum Lot Frontage from 250 feet to 150 feet for an existing lot so an Accessory Building may be constructed.

SUMMARY OF VARIANCE

The Property is currently subject to Zoning Standards for the AG-SF1: Agriculture/Single-Family Rural District as set forth by the UDO. AG-SF1 zoned parcels require a Lot's Road Frontage to be, at minimum, 250 feet.

20097 Centennial Road has approximately 158 feet of Road Frontage.

Based on historic records, the Property was part of a legal, conforming Lot (the "Conforming Lot") until sometime between 1994 and 2000 when the Conforming Lot was subdivided resulting in the Property and an adjacent parcel. AG-SF1 parcels were not, at that time, required to plat when subdividing property.

Based on parcel transfer history, the Petitioner did not own the parcel until 2014.

As such, the lot is currently considered "legal, but nonconforming" and no structure may be built until the Road Frontage noncompliance is rectified.

COMPREHENISVE PLAN

The Westfield-Washington Township Comprehensive Plan identifies this property within the "Rural Northwest" 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 July 13, 2021, 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[1] 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[2] 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] Article 10.14(I) Processes and Permits; Variances; Conditions of the UDO.
[2] Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.

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

DEPARTMENT COMMENTS:

Recommended Findings for Approval: If the Board is inclined to approve the Variance of Development Standards (2107-VS-25), then the Department recommends the following written findings of fact and condition:

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 AG-SF1 zoning district.

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

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

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

   Finding: Strict adherence to the zoning ordinance would result in the inability to improve the property in any way that requires an Improvement Location Permit from the City of Westfield.

Recommended Condition:

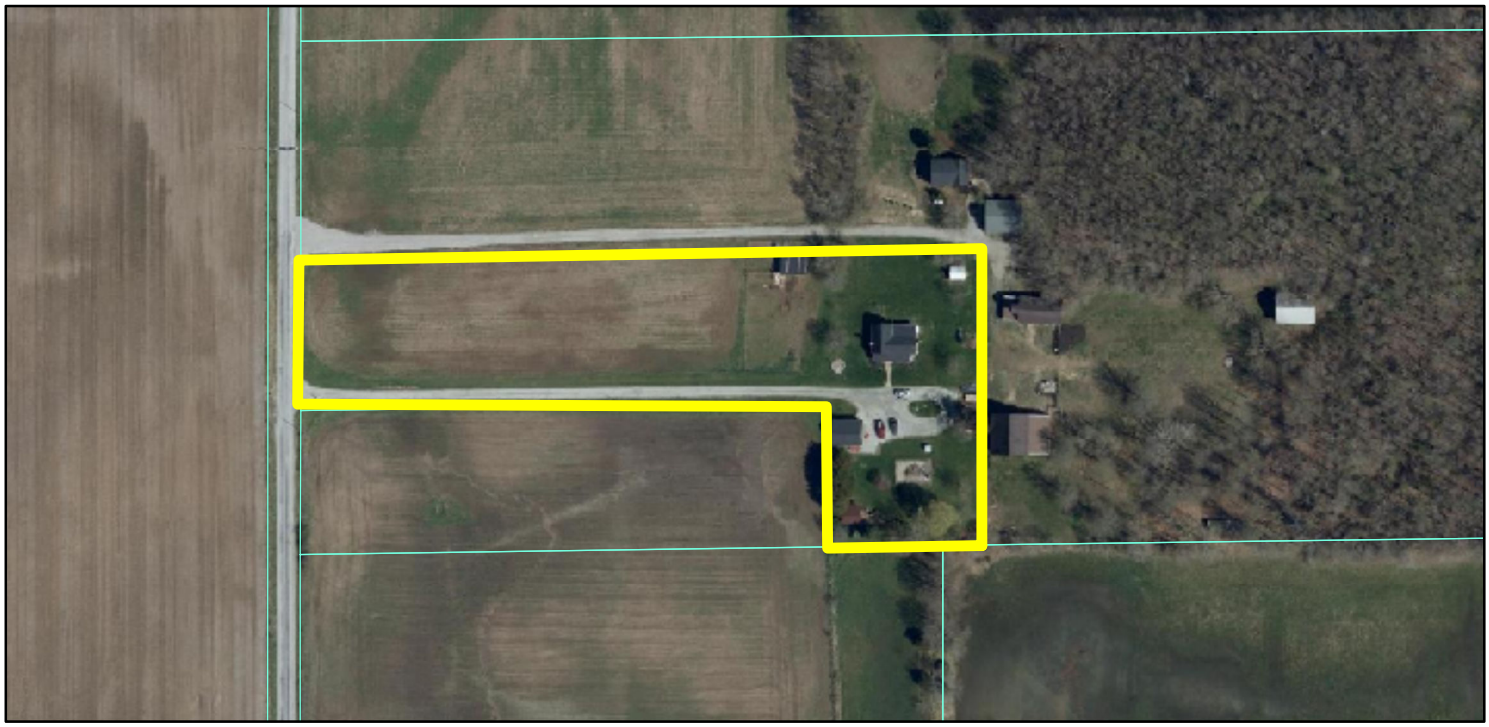
- That the Petitioner shall record an acknowledgement of this approval with the County Recorder's Office and return a copy of the recorded instrument to the Economic and Community Development Department.

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

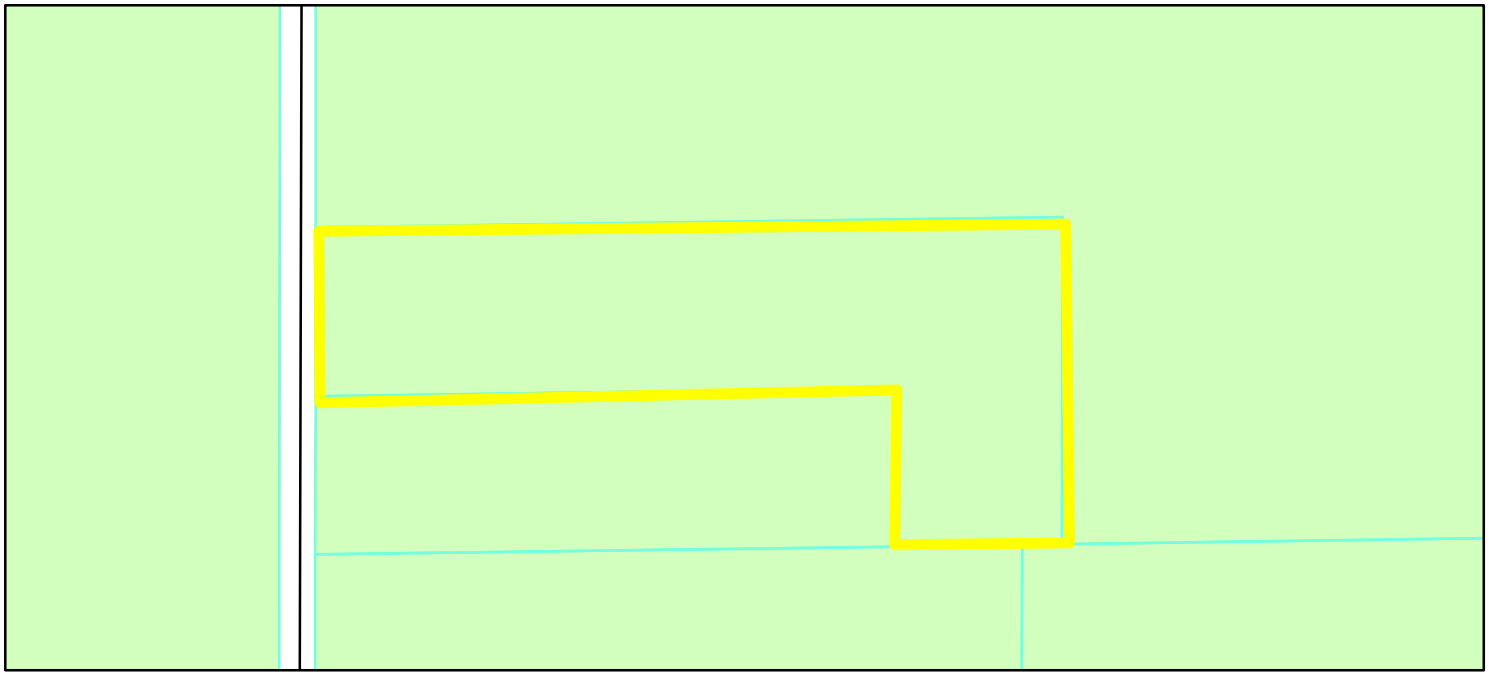
20097 Centennial Road

Aerial Location Map

Site



Zoning Map



GIS.DBO.PW_Streets
Parcel
Parcel
Zoning - All

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

0 0.0175 0.035
Miles

N
W E
S

Petition Number:	2107-VS-26
Subject Site Address:	1250 West 161st Street (the "Property")
Petitioner:	Matthew Obras (the "Petitioner")
Request:	The Petitioner requests a Variance of Development Standard to modify the Minimum Front Yard Building Setback from 100 feet to 40 feet for a single lot in the AG-SF1: Single-Family Rural District (Article 4.2(E)(1)(a)).
Current Zoning:	AG-SF1: Agriculture/Single-Family Rural
Current Land Use:	Residential
Approximate Acreage:	1.01 acres +/-
Exhibits:	1. Staff Report 2. Location Map 3. Setback Exhibit 4. Site Plan 5. Character Exhibit 6. Obras Estates Secondary Plat
Staff Reviewer:	Daine Crabtree, Associate Planner

OVERVIEW

Location: The subject property is a 1.01 +/- acre parcel ("Lot 5" of Obras Estates – see **Exhibit 5**) located at 1250 West 161st Street (see **Exhibit 2**).

Requested Variances: The Petitioner is requesting a Variance of Development Standard to modify the Minimum Front Yard Building Setback from 100 feet to 40 feet for a single lot.

SUMMARY OF VARIANCE

The Petitioner received Variances of Development Standard at the September 15, 2020, BZA meeting to reduce the Minimum Lot Frontage and Minimum Lot Size for three (3) parcels in Obras Estates.

The required Right-of-way dedication during the platting of Obras Estates (see **Exhibit 5**) resulted in the loss of approximately sixty (60) feet of depth for the parcel immediately adjacent to 161st Street. Despite the loss of the 60 feet lot depth, the 100-foot Minimum Front Yard Setback

standard for AG-SF1 zoned lots adjacent to an Arterial per the Westfield Thoroughfare Plan, is still required.

As such, this required Right-of-way dedication not only resulted in the existing residence on the parcel immediately adjacent to 161st Street becoming legal, nonconforming, it also poses a challenge to properly locate any new, future residence on Lot 5.

Note that the two, similarly sized lots to the north (Lots 3 and 4 per **Exhibit 6**) do not contain Road Frontage. Therefore, those lots have only side yards, requiring thirty (30) foot setbacks in all instances.

The Petitioner is requesting to modify the Front Yard Setback standard for Lot 5 of Obras Estates from 100 feet to 40 feet, which is the approximate setback of the existing home post-Right-of-way dedication. Existing homes to the east appear to have a similar setback.

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 July 13, 2021, 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[1] 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[2] 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

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

Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

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

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

DEPARTMENT COMMENTS:

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

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

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

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

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

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

   Finding: The existing Minimum Setback Line standard restricts the location where a residence on the Property may be placed in such a way that is inconsistent with the surrounding development and would result in said residence existing in closer proximity to the parcel immediately to the north than desired.

Recommended Conditions:

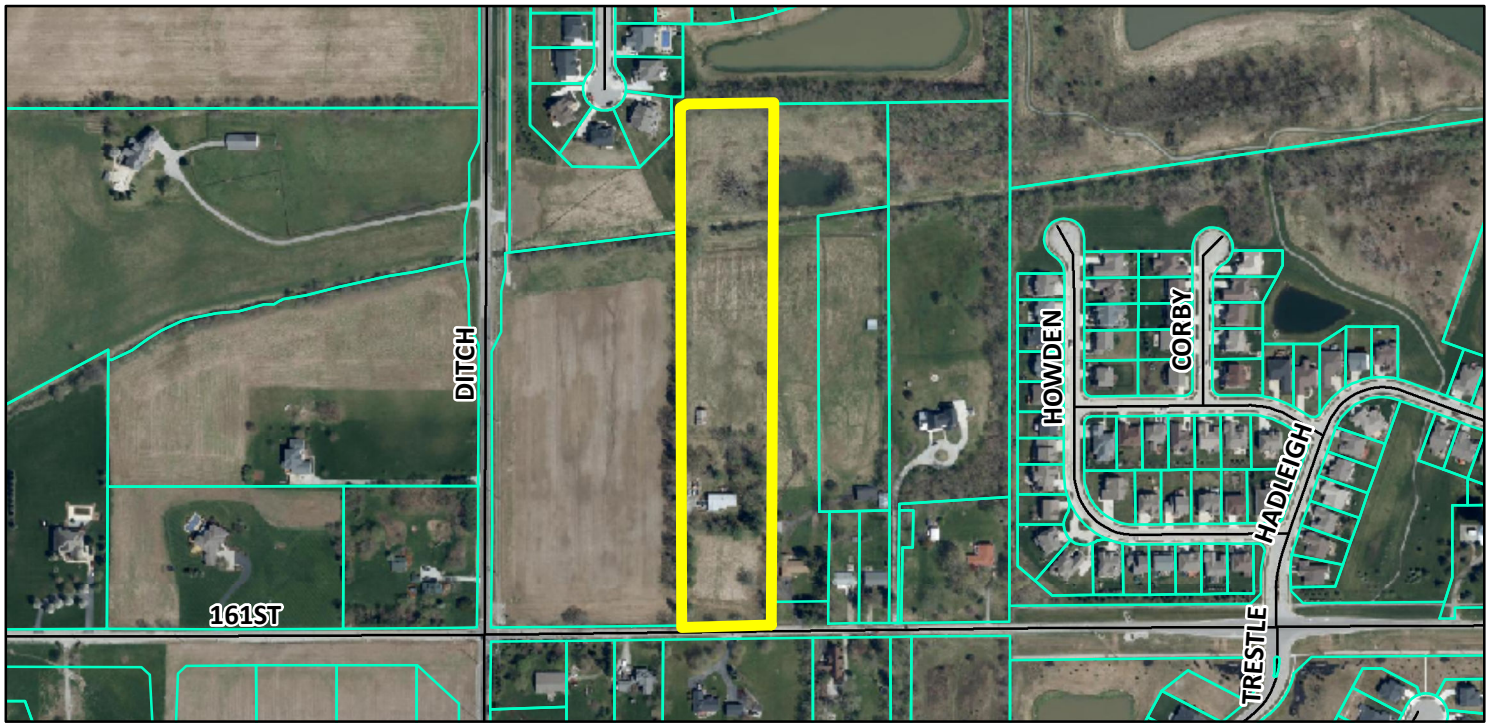
- The approval of the variance shall be limited to Lot 5 as shown on the Obras Estates Secondary Plat (**Exhibit 6**)
- The Petitioner shall record an acknowledgement of this approval with the Hamilton County Recorder's Office and return a copy of the recorded instrument to the Economic and Community Development Department.

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

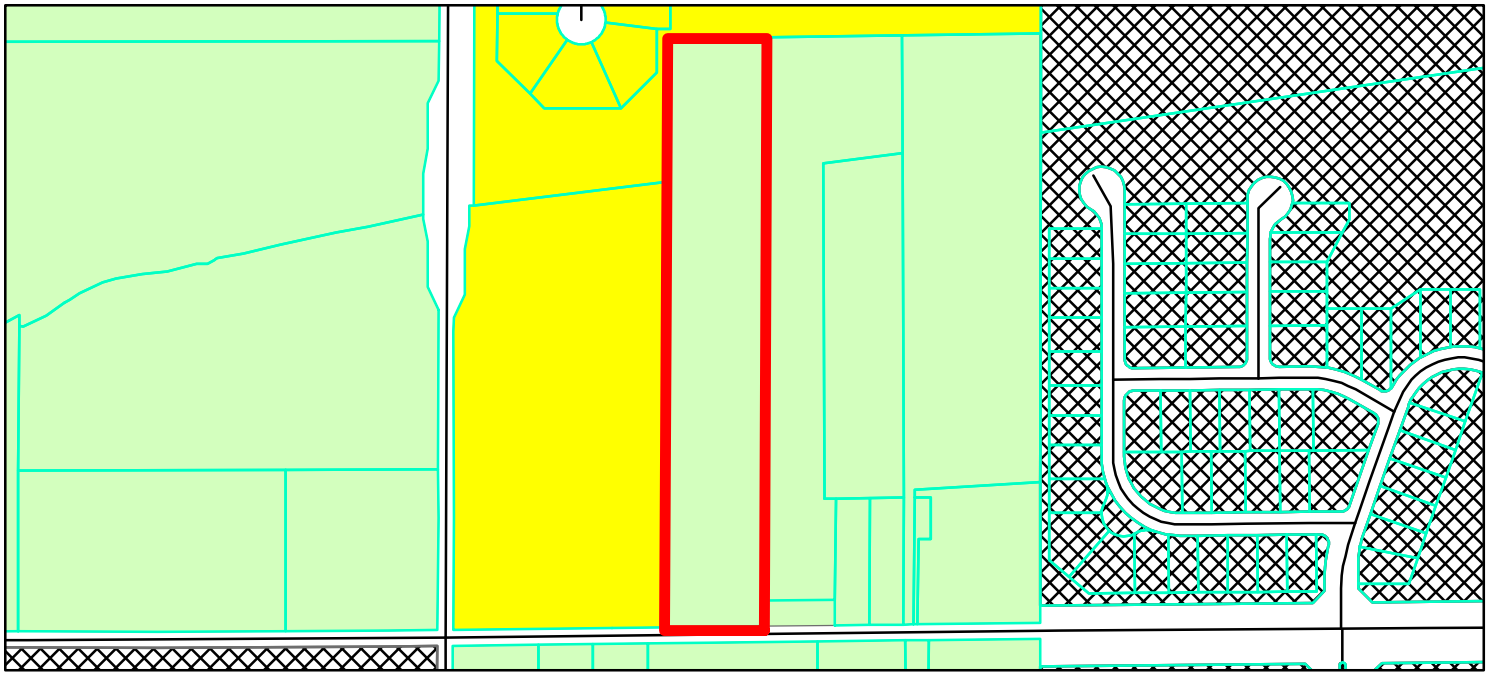
1250 W. 161st Street

Aerial Location Map

Site



Zoning Map

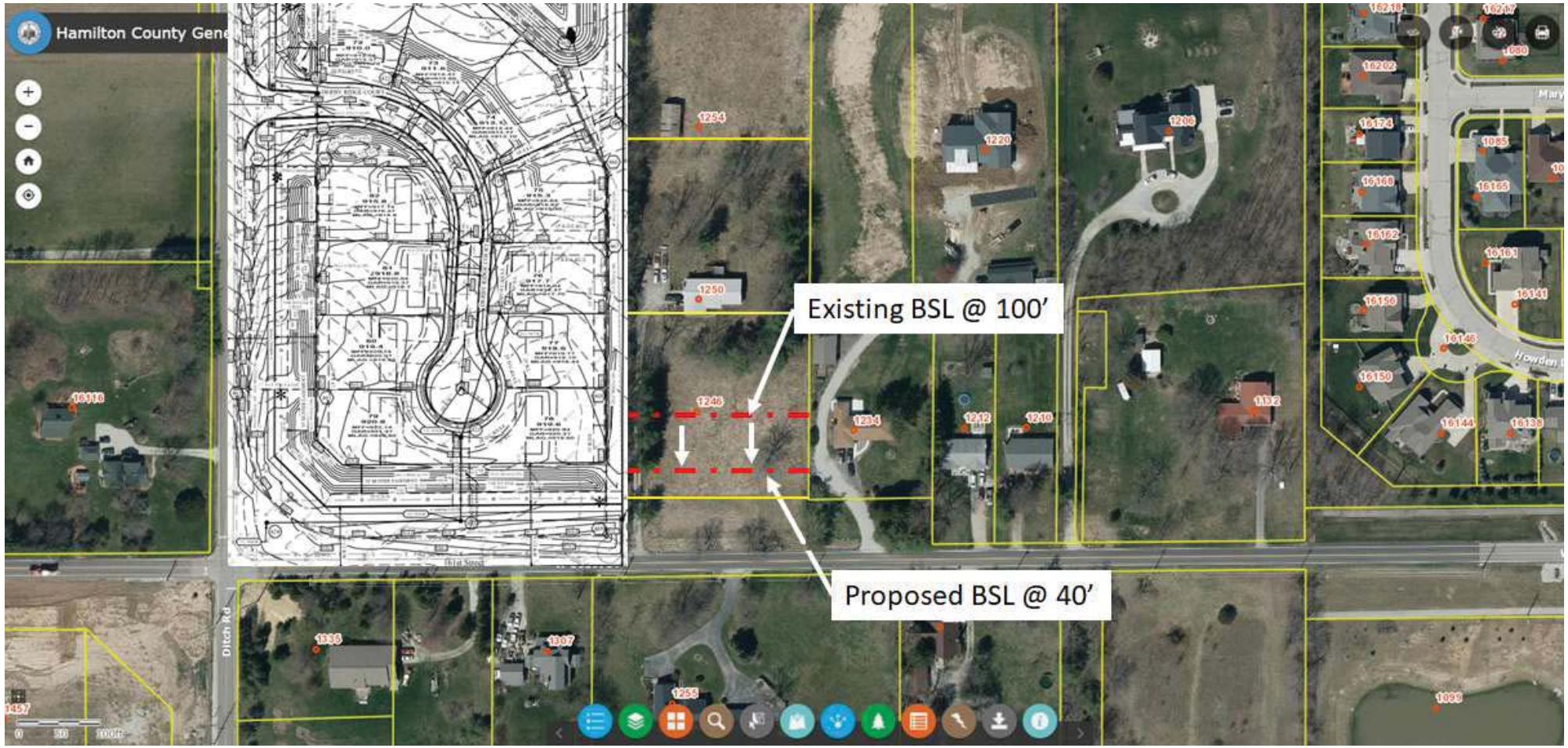


Parcel
GIS.DBO.PW_Streets
Zoning - All

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

0 0.05 0.1 Miles

N W E S


Hamilton County Gene
Existing BSL @ 100'
Proposed BSL @ 40'
Ditch Rd
Howden
1254
1220
1206
1250
1246
1234
1212
1210
1132
1335
1307
1255
1099
1457
16218
16217
1080
16202
16174
1055
16168
16165
16162
16161
16156
16141
16146
16150
16144
16138
16118

1250
124'
1246
62'x44'
78'
60'
1234
50'
DW
W 161st St

FIRST **FLOOR**

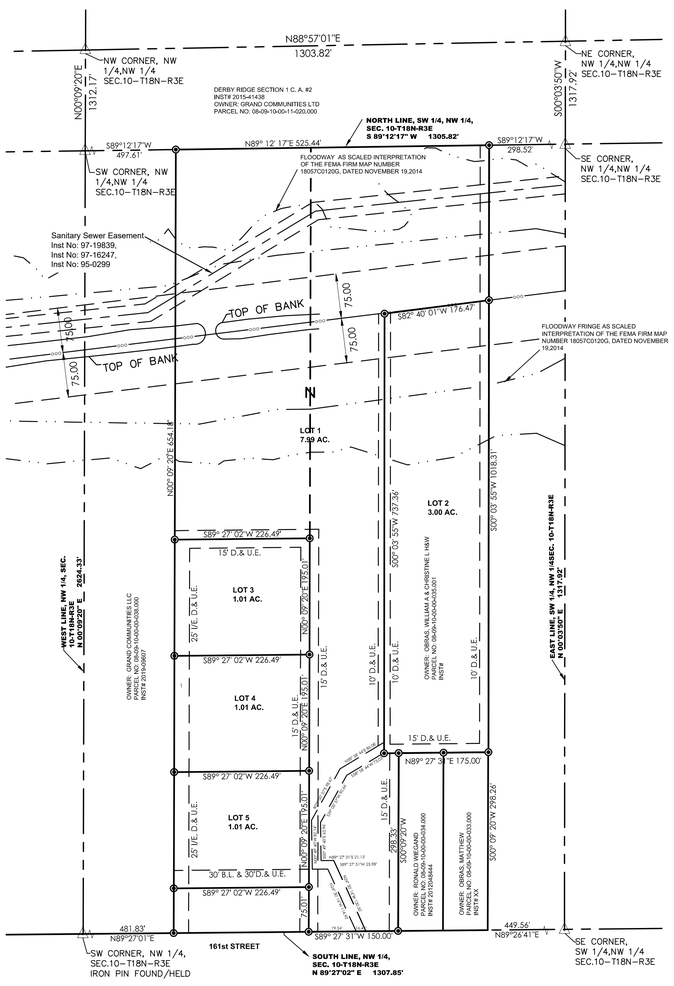
SECOND **FLOOR**

MINOR PLAT FOR

OBRAS ESTATES, PHASE 2

A re-plat of Obras Estates Lot 1 and subdivision of
Obras property described in Instrument No. 2020040479

A part of the Northwest Quarter of Section 10, Township 18 North, Range 3 East
in Hamilton County, Westfiled, Indiana



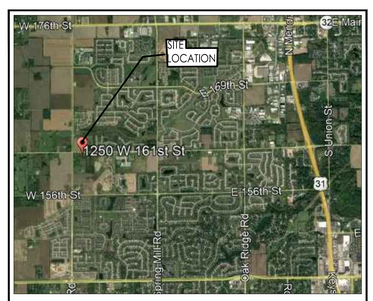
GRAPHIC SCALE

0 60 120 240

SCALE : 1" = 120'
SUBMISSION: 10/30/2020

LEGEND

BSL	= BUILDING SETBACK LINE
I/E	= INGRESS/EGRESS (EASEMENT)
E	= EASEMENT
D & UE	= DRAINAGE, UTILITY EASEMENT
ROW	= RIGHT-OF-WAY
EX.	= EXISTING
V.W.	= VARIABLE WIDTH
NO.	= NUMBER
INSTR.	= INSTRUMENT
△	SECTION CORNER
●	PLAT BOUNDARY & LOT MONUMENTS
◉	PLAT CENTERLINE MONUMENTS



SITE VICINITY MAP

TERRA SITE DEVELOPMENT
1307 W. 161st Street Westfield, Indiana 46074
P: 317.399.1216 F: 317.663.3049
www.TERRAsitedev.com

CIVIL ENGINEERS
LAND SURVEYORS
DEVELOPMENT CONSULTANTS
GEOTECHNICAL
ENVIRONMENTAL
CONSTRUCTION STAKING
CONSTRUCTION MAT. TESTING

PROJECT NUMBER: 2009001	SUBDIVISION NAME: OBRAS ESTATES
PLAN DATE: 10/29/2020	
PLAT PRODUCITON BY: JDH	
CHECK BY:	
PLAN / SURVEY STATUS: PRELIMINARY	
PREPARED BY: JAMES HALL TERRA SITE DEVELOPMENT	SHEET #: 1 OF 2

MINOR PLAT FOR

OBRAS ESTATES, PHASE 2

A re-plat of Obras Estates Lot 1 and subdivision of
Obras property described in Instrument No. 2020040479

A part of the Northwest Quarter of Section 10, Township 18 North, Range 3 East
in Hamilton County, Westfiled, Indiana

DEED DEDICATION

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

THE WITHIN PLAT SHALL BE KNOWN AS: OBRAS ESTATES

IN TESTIMONY WHEREOF, WITNESS THE SIGNATURES OF OWNER AND DECLARATION THIS _____ DAY OF _____, 20____.

OWNERS:

_____

MATT OBRAS

STATE OF INDIANA)
) SS:
COUNTY OF _____)

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

WITNESS MY SIGNATURE AND SEAL THIS _____ DAY OF _____, 20____.

COUNTY OF RESIDENCE: _____ _____
NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

COMMISSION CERTIFICATE

UNDER AUTHORITY PROVIDED BY IC 36-7 ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA AND ALL ACTS AMENDATORY THERETO AND AN ORDINANCE ADOPTED BY THE COMMON COUNCIL OF THE CITY OF WESTFIELD AS FOLLOWS:
APPROVAL DELEGATED TO THE ECONOMIC AND COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF WESTFIELD, INDIANAORDINANCE 11-06, ENACTED BY THE WESTFIELD CITY COUNCIL ON MARCH 14,2011.

APPROVED BY THE WESTFIELD ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT ON THE ____ DAY OF _____ 2020.

WESTFIELD- WASHINGTON TOWNSHIP PLAN COMMISSION

_____

_____, DIRECTOR
ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT

BOARD OF PUBLIC WORKS AND SAFETY CERTIFICATE

THIS PLAT AND THE ACCEPTANCE OF ANY PUBLIC RIGTHS-OF-WAY DEDICATED HEREIN IS HEREBY APPROVED ON THE _____DAY OF _____, 2020, BY THE DIRECTOR OF THE PUBLIC WORKS DEPARTMENT OF THE CITY OF WESTFIELD, INDIANA, ON BEHALF OF THE BOARD OF THE PUBLIC WORKS AND SAFETY ON AUGUST 26, 2015, AND ARTICLE 7.4(B) OF THE UNIFIED DEVELOPMENT ORDINANCE.

_____

JEREMY LOLLAR, DIRECTOR
PUBLIC WORKS DEPARTMENT

SOURCE OF TITLE

iNST# 2020040479
INST# 2019048530

LAND DESCRIPTION

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

Beginning at a point on the South line of said Northwest Quarter Section 598.80 feet South 89 degrees 10 minutes West of the Southwest corner of the West Half of said Northwest Quarter Section ; thence South 89 degrees 10 minutes West on and along said South line 226.50 feet to a point that is 481.83 feet North 89 degrees 10 minutes East on the Southwest corner of said Northwest Quarter section; thence North 00 degrees 00 minutes and parallel with the West line of said Northwest Quarter Section 1313.84 feet to the North line of the Southwest Quarter of said Northwest Quarter Section; thence North 89 degrees 00 minutes East on and along said North line 226.50 feet; thence South 00 degrees 00 minutes and parallel with said West line 1314.47 feet to the point of beginning containing 6.83 acres, more or less.

Also:

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

Beginning at a point on the South line of said Northwest Quarter 449.50 feet South 89 degrees 10 minutes 00 seconds West of the Southeast corner of the West Half of said Quarter Section Section thence South 89 degrees 10 minutes 00 seconds West on and along said South line 150.00 feet to a point that is 708.33 North 89 degrees 10 minutes 00 seconds East of the Southwest corner of said Northwest Quarter Section, thence North 00 degrees 08 minutes 11 seconds West and parallel with the West line of said Quarter Section 1315.11 feet to the North line of the Southwest Quarter of said Northwest Quarter Section, thence North 88 degrees 54 minutes 46 seconds East 298.94 feet; thence South 00 degrees 13 minutes 36 seconds East and parallel with the East line of said Quarter Section 1018.31 feet; thence South 89 degrees 10 minutes 00 seconds West and parallel with the South line of said Quarter Section 150.00 feet; thence South 00 degrees 08 minutes 11 seconds East and parallel with said West line 298.33 feet to the point of beginning.

LAND SURVEYOR CERTIFICATE

The undersigned, a Registered Land Surveyor of the State of Indiana does hereby certify that the attached plat and above legal description were prepared under his direct supervision, and to the best of his knowledge and belief was executed in accordance with the requirements of the Indiana Survey Standards as defined in Title 865, Article 1, Rule 12 of the Indiana Administrative Code.

CERTIFIED BY: _____ DATE: 10/29/2020
JAMES D. HALL, PLS 20500017

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. **JAMES D. HALL**

Prepared by:**JAMES D. HALL**

JAMES D. HALL
REGISTERED
No.
LS20500017
STATE OF
INDIANA
LAND SURVEYOR

TERRA SITE DEVELOPMENT
1307 W. 161st Street Westfield, Indiana 46074
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CIVIL ENGINEERS
LAND SURVEYORS
DEVELOPMENT CONSULTANTS
GEOTECHNICAL
ENVIRONMENTAL
CONSTRUCTION STAKING
CONSTRUCTION MAT. TESTING

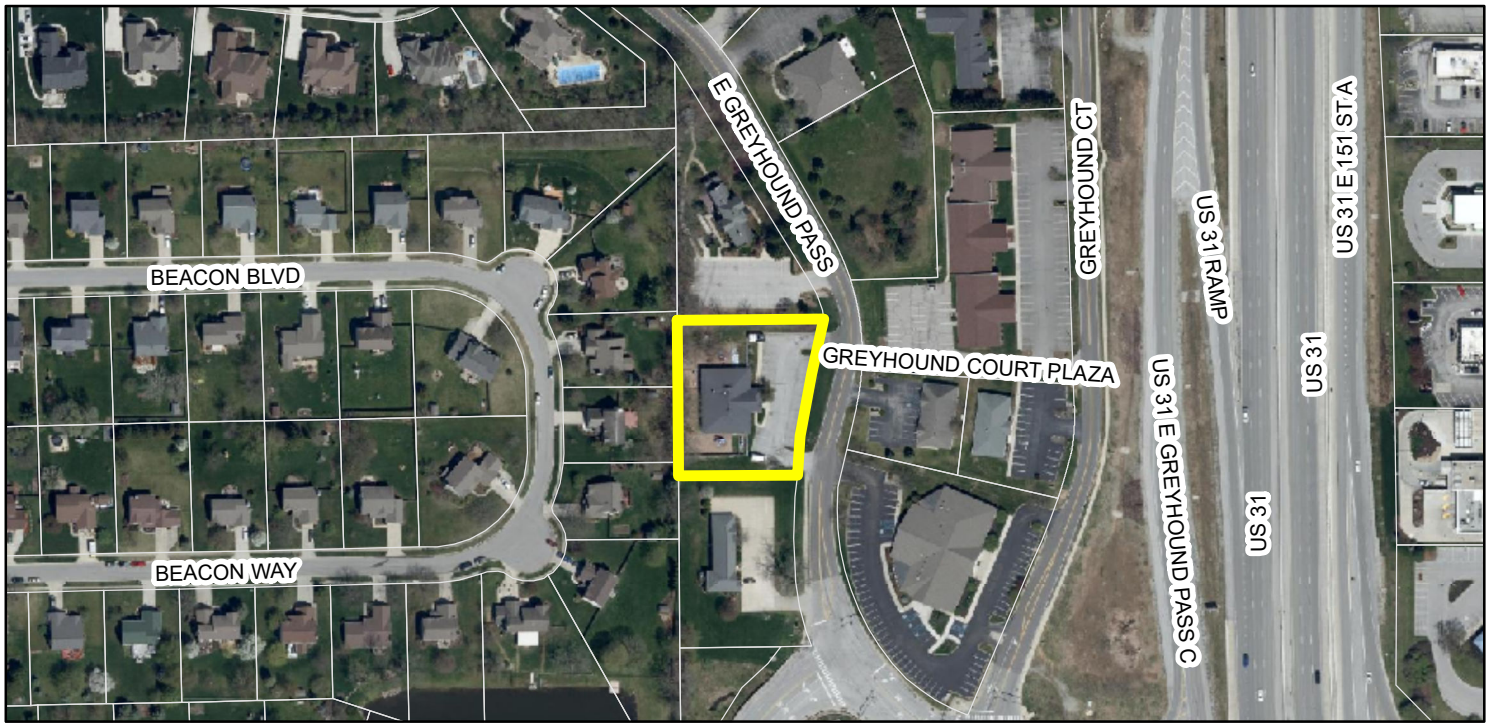
PROJECT NUMBER: 2009001	SUBDIVISION NAME: OBRAS ESTATES
PLAN DATE: 10/29/2020	
PLAT PRODUCITON BY: JDH	
CHECK BY:	
PLAN / SURVEY STATUS: PRELIMINARY	
PREPARED BY: JAMES HALL TERRA SITE DEVELOPMENT	SHEET #: 2 OF 2

Property Location Map
1609 East Greyhound Pass
Variance of Development Standard
2107-VS-23

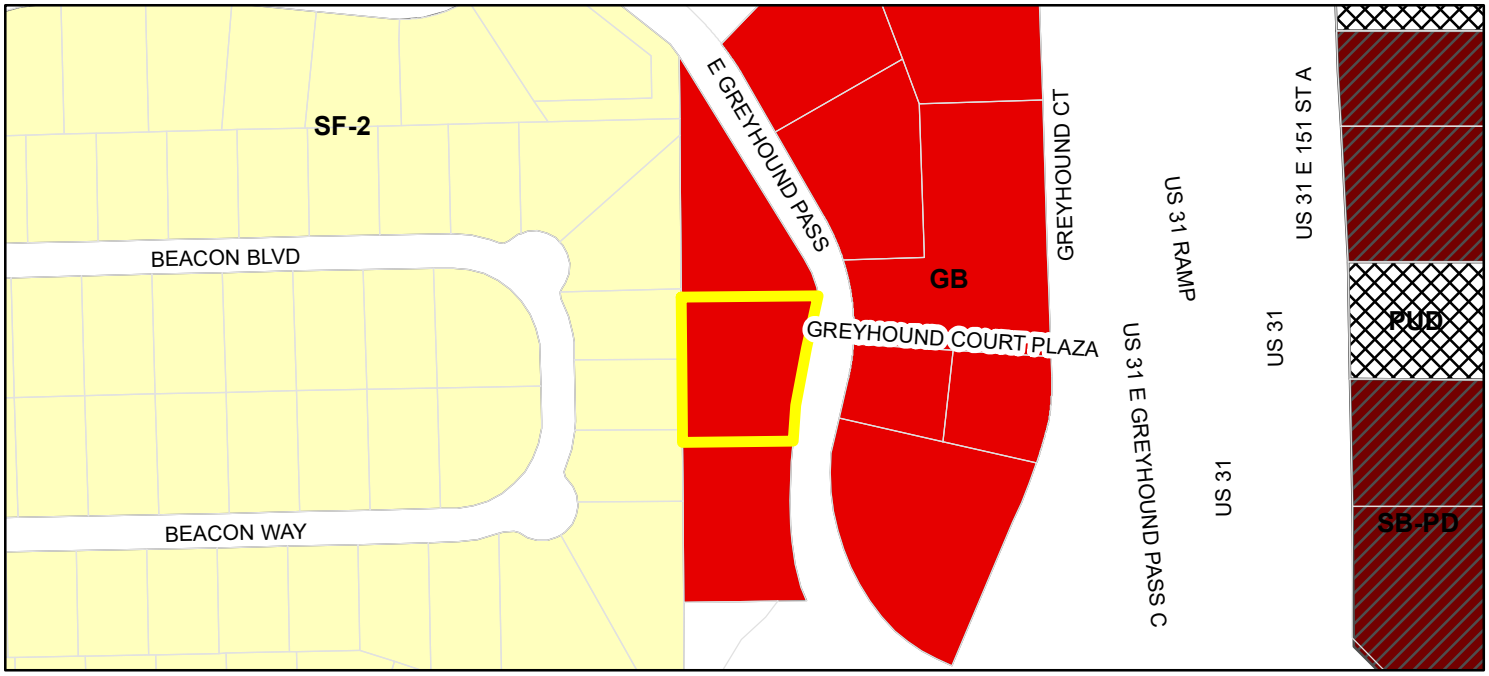
N
W E
S
Not To Scale

Aerial Location Map

Site

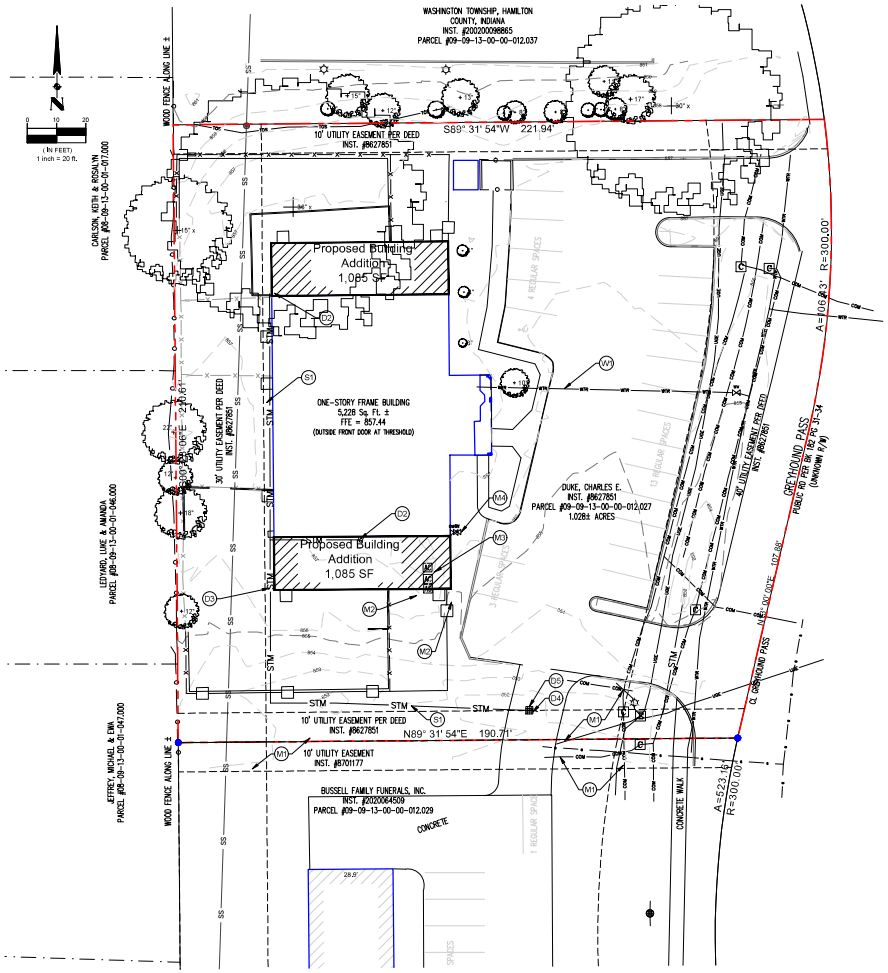


Zoning Map



Parcel
1609 Greyhound Pass

Zoning
- GB (General Business)
- PUD (Planned Unit Development)
- SB-PD (Special Business - Planned Development)
- SF-2 (Single Family - 2)



UTILITY PLAN

Scale: 1" = 20'

UTILITY NOTES:

1. IT SHALL BE THE RESPONSIBILITY OF EACH CONTRACTOR TO VERIFY ALL EXISTING UTILITIES AND CONDITIONS PERTAINING TO THEIR PHASE OF WORK. IT SHALL ALSO BE THE CONTRACTOR'S RESPONSIBILITY TO CONTACT THE OWNERS OF THE VARIOUS UTILITIES FOR PROPER STAKE LOCATIONS FOR EACH UTILITY BEFORE WORK IS STARTED. THE CONTRACTOR SHALL NOTIFY IN WRITING THE OWNER OR THE ENGINEER OF ANY CHANGES, OMISSIONS, OR ERRORS FOUND ON THESE PLANS OR IN THE FIELD BEFORE WORK IS STARTED OR RESUMED.
2. STANDARD SPECIFICATIONS FOR THE CITY OF WESTFIELD AND THE CITIZENS ENERGY GROUP SHALL APPLY FOR ALL SANITARY SEWERS, STORM SEWERS, AND WATER MAINS.
3. ANY PART OF THE SANITARY OR STORM SEWER TRENCHES RUNNING UNDER PAVED AREAS TO BE BACKFILLED TO TOP OF PIPE.
4. ALL WATER MAINS TO HAVE A 54" MINIMUM COVER OVER GRANULAR MATERIAL.
5. STERILIZATION OF WATER MAIN SHALL BE IN ACCORDANCE WITH STATE BOARD OF HEALTH AND CITIZENS ENERGY GROUP REQUIREMENTS.
6. CONTRACTOR RESPONSIBLE TO INSTALL ALL UNDERGROUND CONDUIT PER UTILITY COMPANY'S SPECIFICATIONS.
7. CONTRACTOR RESPONSIBLE FOR RESTORATION TO ALL AREAS AFFECTED DURING CONSTRUCTION. REFER TO THE CITY OF WESTFIELD - CODE OF ORDINANCES AND THE DEPARTMENT OF PUBLIC WORKS STREET STANDARDS.
8. CONTRACTOR TO LOCATE ALL EXISTING UTILITIES AT ANY PROPOSED CROSSING AND PROVIDE EXISTING TOP OF PIPE ELEVATIONS WITHIN 10 DAYS OF NOTICE TO PROCEED. PROVIDE CONCRETE CRADLE AS REQUIRED FOR ANY VERTICAL SEPARATION LESS THAN 18 INCHES.
9. ALL WATER AND SANITARY SEWER CONSTRUCTION SHALL BE PERFORMED IN ACCORDANCE WITH CITIZENS ENERGY GROUP STANDARDS MANUAL, LATEST EDITION. DISCREPANCIES BETWEEN THE PLANS AND THE MANUAL SHALL NOT ALLEVIATE THE CONTRACTOR FROM ADHERING TO THE REQUIREMENTS AS SET FORTH IN THE MANUAL.
10. THESE DRAWINGS WERE PREPARED WITHOUT THE BENEFIT OF FINAL MEP PLANS. THE CONTRACTOR SHALL REFER TO MEP DRAWINGS FOR SPECIFIC LOCATIONS OF EACH UTILITY. THE CONTRACTOR SHALL NOTIFY THE ENGINEER OF ANY DISCREPANCIES PRIOR TO THE START OF CONSTRUCTION.

LEGEND

	PROPERTY BOUNDARY
	EASEMENT / SETBACK
WTR	WATER LINE
UGE	UNDERGROUND ELECTRIC
UGT	UNDERGROUND TELEPHONE
SAN	PROPOSED SANITARY LATERAL
GAS	GAS LINE
STM	STORM SEWER LINE

PLAN NOTES:

SANITARY SEWER

(S1) EXISTING SANITARY SEWER LATERAL TO REMAIN. ALL NEW BUILDING CONNECTIONS SHALL BE DONE INTERNALLY PER THE MEP DRAWINGS AND SHALL UTILIZE THIS EXISTING LATERAL.

WATER SERVICE

(W1) APPROXIMATE LOCATION OF EXISTING WATER SERVICE (2" PER ORIGINAL DESIGN). ALL NEW BUILDING CONNECTIONS SHALL BE DONE INTERNALLY PER THE MEP DRAWINGS.

STORMWATER DRAINAGE

(D1) APPROXIMATE LOCATION OF EXISTING 6" PERFORATED DRAINAGE TILE. TILE TO REMAIN IN PLACE.

(D2) EXISTING STORM SEWER DOWNSPOUT CONNECTION TO BE REMOVED AS NECESSARY TO FACILITATE PROPOSED BUILDING ADDITION.

(D3) PROVIDE AND INSTALL STORM SEWER DOWNSPOUT CONNECTION PER DETAIL THIS SHEET.

(D4) EXISTING INLET CASTING TO BE RAISED. CONTRACTOR TO PROVIDE AND INSTALL CONCRETE RISER IN ACCORDANCE WITH CITY OF WESTFIELD CONSTRUCTION STANDARDS. PROPOSED RIM ELEVATION = 852.05.

(D5) PROVIDE AND INSTALL CONCRETE COLLAR PER DETAIL THIS SHEET.

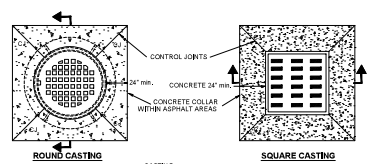
MISCELLANEOUS UTILITIES

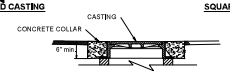
(M1) CONTRACTOR TO PROTECT EXISTING UTILITIES. COORDINATE WITH UTILITY COMPANIES PRIOR TO CONSTRUCTION TO DETERMINE EXACT LOCATIONS, ELEVATIONS, AND PROTECTION REQUIRED TO ENSURE SERVICE IS NOT INTERRUPTED.

(M2) PROPOSED UNDERGROUND ELECTRIC SERVICE CONNECTION LOCATION. SERVICE TO BE INSTALLED IN 4" SCHEDULE 40 PVC CONDUITS (TYPICAL). CONTRACTOR TO COORDINATE CONNECTION AND SERVICE WITH DUKE ENERGY AND SITE ELECTRICAL PLAN PRIOR TO BEGINNING CONSTRUCTION.

(M3) EXISTING CONDENSING UNITS TO BE RELOCATED. PLEASE REFER TO THE MEP DRAWINGS FOR SPECIFIC INFORMATION.

(M4) EXISTING GAS SERVICE CONNECTION. CONTRACTOR TO COORDINATE CONNECTION, SERVICE, AND METER LOCATION WITH CITIZENS ENERGY GROUP AND MEP PLAN PRIOR TO BEGINNING CONSTRUCTION.

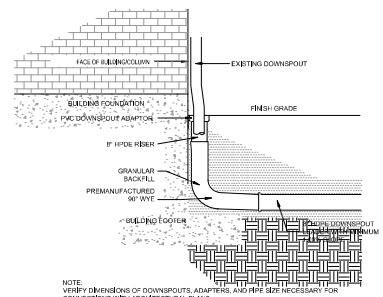




SECTION A-A

NOTES:
1. ALL INLET CASTINGS SHALL HAVE "NO DUMPING DRAINS TO STREAM" AND A FISH SYMBOL CAST INTO TOP OF CASTING.

Concrete Collar for Castings
Not To Scale



NOTE:
VERIFY DIMENSIONS OF DOWNSPOUTS, ADAPTERS, AND PIPE SIZE NECESSARY FOR CONNECTIONS WITH ARCHITECTURAL PLANS

Downspout Connection Detail
Not To Scale

RED BARN ENGINEERING COMPANY, LLC
CIVIL ENGINEERING CONSULTING SERVICES
317.677.6797
WWW.REDBARNENGINEERINGCO.COM
CHRIS@REDBARNENGINEERINGCO.COM

Prepared For:
The Little Lamb Christian School
1609 E. Greyhound Pass
Carmel, Indiana 46032
Mr. Chuck Duke - 317.506.8953

UTILITY PLAN

THE LITTLE LAMB CHRISTIAN SCHOOL
PROPOSED BUILDING ADDITION
1609 E. Greyhound Pass
Carmel, Indiana 46032

Certified By

CHRISTOPHER L. HALE REGISTERED No. 10011200 STATE OF INDIANA PROFESSIONAL ENGINEER

Date: 04/27/2021

811 Know what's below. Call before you dig. 1-800-382-5544

Project Number
21-27-01

Sheet Number
C4

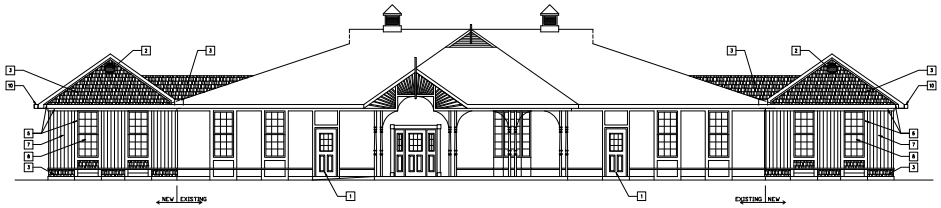
EXISTING FRONT ELEVATION
SCALE: 1/4" = 1'-0"

NOTE:
NEW BUILDING ADDITION COLORS, TRIM, SHINGLES AND DETAILS TO MATCH EXISTING STRUCTURE

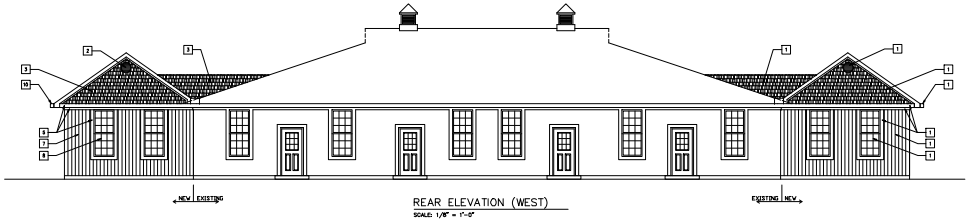
KEYNOTES

1

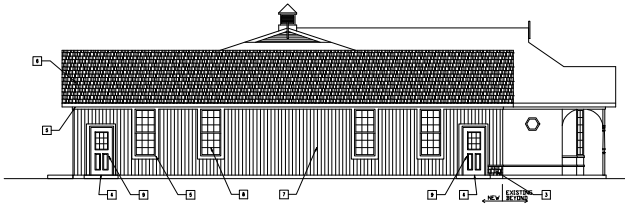
1	NEW INSULATED STEEL ENTRY DOOR (TO MATCH EXISTING) IN EXISTING WINDOW LOCATION.
2	DECORATIVE VENT
3	NEW CEDAR FISHSCALE SHINGLES TO MATCH EXISTING
4	NEW CONCRETE STOOP
5	NEW CEDAR TRIM TO MATCH EXISTING
6	NEW FIBERGLASS ROOFING TO MATCH EXISTING
7	NEW VERTICAL VINYL SIDING TO MATCH EXISTING
8	NEW DOUBLE HUNG WINDOWS TO MATCH EXISTING
9	NEW INSULATED STEEL ENTRY DOOR TO MATCH EXISTING
10	NEW ALUMINUM GUTTERS AND DOWNSPOUTS TO MATCH EXISTING



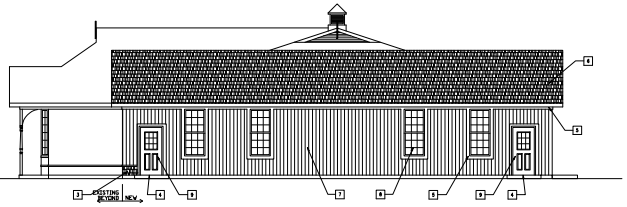
FRONT ELEVATION (EAST)
SCALE: 1/8" = 1'-0"



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

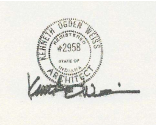


SIDE ELEVATION (SOUTH)
SCALE: 1/8" = 1'-0"



SIDE ELEVATION (NORTH)
SCALE: 1/8" = 1'-0"

Kenneth Ogden Wolen Architect
1649 Norfolk Street
Speedway, Indiana 46224
Phone • 317-483-9262
Fax • 317-243-3000
ogdenw@aol.com



AR-02000000

NEW PROPOSED ADDITION TO:
LITTLE LAMB DAYCARE
1609 GREYHOUND PASS
CARMEL, INDIANA

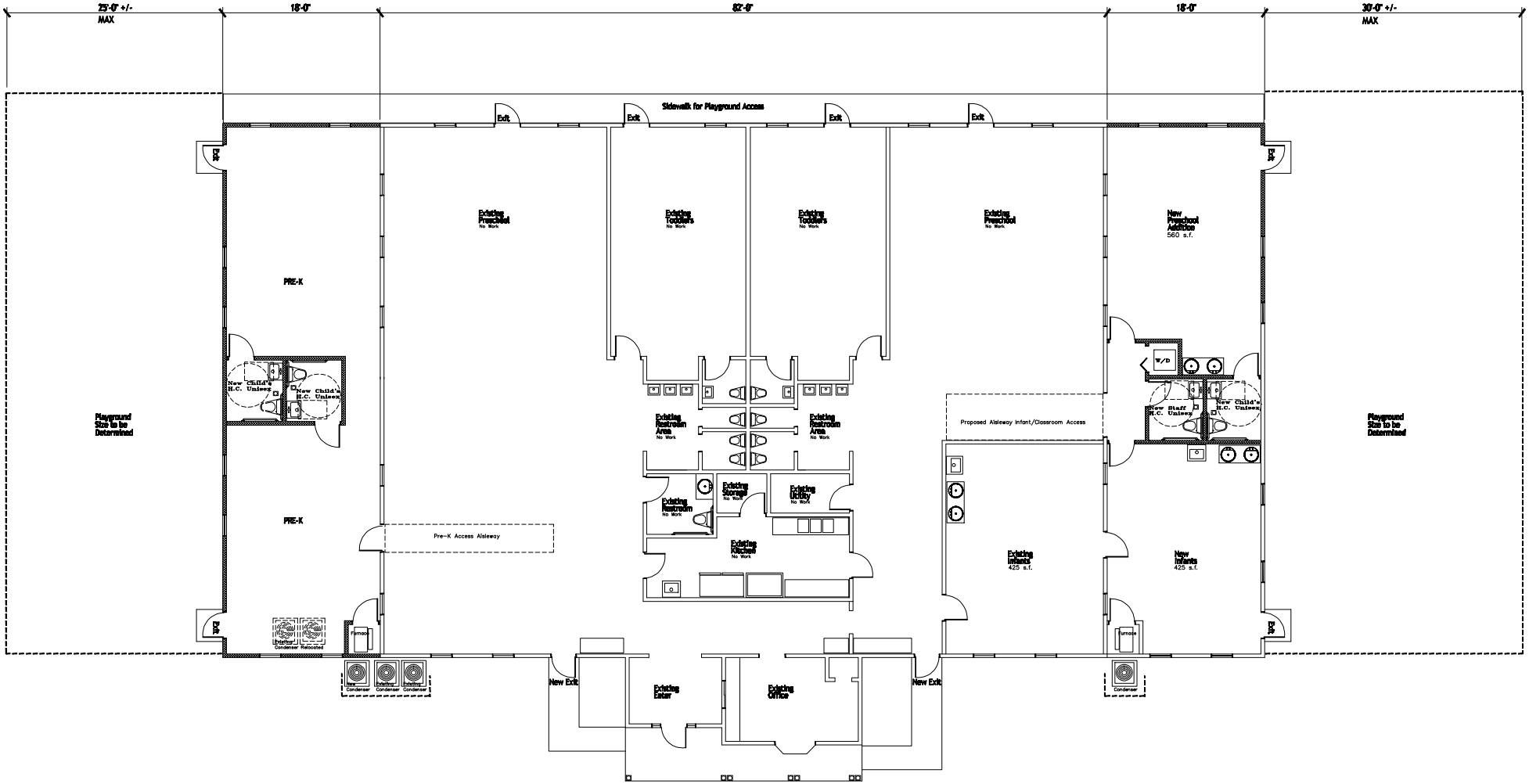
revisions:

date: 4/7/21

project:

sheet:

A2



PRELIMINARY FLOOR PLAN

1/8"=1'-0"

Narrative Statement

Little Lamb Christian School variance petitions

Debbie and Chuck Duke established Little Lamb Christian School in 1987. Located at 1609 East Greyhound Pass, the facility offers top-quality academic and spiritual education. Expanding enrollment has led us to the proposal to build two 1085 square foot additions to the north and south sides of the building. The "little blue house" has become part of our branding. We would like to keep the existing vertical vinyl siding and match the addition exterior to the existing.

We are proud of our 33 plus years of service to the Westfield and Carmel communities. We respectfully seek approval of our variance petitions from the Westfield Board of Zoning Appeals.

Petition Number:	2107-VS-23
Subject Site Address:	1609 East Greyhound Pass (the "Property")
Petitioner:	Charles E. Duke (the "Petitioner")
Request:	The petitioner requests a Variance of Development Standard to exempt the Architectural requirements for Business Districts for building additions on 1.03 acres +/- in the GB: General Business District (UDO 6.3(F)).
Current Zoning:	GB: General Business District
Current Land Use:	Commercial
Approximate Acreage:	1.03 acres +/-
Exhibits:	1. Staff Report 2. Location Map 3. Site Plan 4. Elevations 5. Narrative Statement 6. Application
Staff Reviewer:	Rachel Riemenschneider, Associate Planner

OVERVIEW

Location: The subject property is 1.03 acres +/- in size and located at 1609 East Greyhound Pass (see **Exhibit 2**). The Property is zoned GB District. Adjacent properties north, south, and east are zoned GB District. Properties to the west are zoned SF2 District.

Variance Request: The Petitioner is requesting a Variance of Development Standard to exempt the Architectural requirements for Business Districts for building additions.

SUMMARY OF VARIANCE

The Petitioner is constructing two building additions. They are requesting to exempt the business district architectural standards for the additions to match the existing building (**Exhibit 3**).

COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan identifies the majority of this Property as being within the "Regional Commercial"[1] land use classification. Desired land uses in Regional Commercial include regional retail, office, attached residential dwellings. The remainder of the Property is within the "Existing Suburban" land use classification. Desired land uses in Existing Suburban include detached dwellings, attached dwellings, institutional uses, and recreational uses.

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of the Variance of Development Standard. This petition is scheduled to receive its public hearing at the July 13, 2021, 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 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[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.

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

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[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.

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 for Approval:

1. That the Variance only applies to the building additions being reviewed under the Detailed Development Plan (2105-DDP-16);
2. That the building additions shall be constructed in substantial compliance with the building elevations **(Exhibit 4)**;
3. That the Petitioner shall record an acknowledgement of this approval with the Hamilton County Recorder's Office and return a copy of the recorded instrument to the Community Development Department.

Recommended Findings for Approval of the Variance 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 variance would be injurious to the public health, safety, morals, and general welfare of the community because the Property currently operates and complies with all other standards of the Unified Development Ordinance (UDO). Additionally, constructing the building additions with materials that match the current building's materials would be more consistent with the construction methods of neighboring and nearby commercial buildings. That is, using a consistent material for the whole building is common in this area 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:*

   Finding: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The building additions will improve the quality of the lot by adding square footage that otherwise fully complies with the UDO standards. Additionally, constructing the building additions with materials that match the current building's materials would follow the existing construction pattern of nearby commercial buildings.

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 continue the existing architectural style onto the building additions. The UDO's architectural standards otherwise would require masonry and off-sets that do not match the architecture of the existing building.

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.