



CITY OF WESTFIELD, IN
BoardofZoningAppeals_Meeting_Agenda_07_12_2022

Tuesday, July 12, 2022 at 07:00 PM

BOARD OR COMMISSION: Board of Zoning Appeals (BZA)

MEETING DATE: Tuesday, July 12, 2022 at 07:00 PM

MEETING PLACE: Westfield City Hall, 130 Penn Street, Westfield, IN 46074

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

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

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

OPENING OF REGULAR MEETING

Documents: [Viewable online at https://www.youtube.com/user/CityofWestfieldIN](https://www.youtube.com/user/CityofWestfieldIN)

Note the presence of a quorum

Approval of Minutes

June 14, 2022

Documents: [June 14, 2022 BZA Minutes](#)

Review Rules & Procedures

ITEMS OF BUSINESS:

2207-VS-24 [PUBLIC HEARING]

16132 Oak Road

Kelly Thompson

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

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

2207-VU-10 [PUBLIC HEARING]

Gonzalez Construction

Mauricio Gonzalez by Pleasant Cities, LLC

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

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

Documents: [Exhibit 1 - Staff Report](#) | [Exhibit 2: Location Map](#)

2207-VU-11 [PUBLIC HEARING]

4027 W State Road 32

Courtney Clark

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

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

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Site Survey](#) | [Exhibit 4: Existing Conditions Exhibit](#) | [Exhibit 5: Application](#)

2206-VS-21 [PUBLIC HEARING]

10 E. 191st Street

West Fork Whiskey Co.

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

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

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

ITEMS CONTINUED TO A FUTURE MEETING:

2202-VU-02 [TABLED]

2907 W SR 32

Alan Hodgeson

The Petitioner requests a Variance of Use to permit a temporary Very High Intensity Retail (used vehicle sales) use on 1.50 acres +/- in the AG-SF1: Agriculture/Single-Family Rural District.

(Planner: Caleb Ernest - cerenst@westfield.in.gov)

WITHDRAWN ITEMS

2205-VU-08 [WITHDRAWN]

17821 Joliet Road

Matthew Schiller

The Petitioner requests a Variance of Use to permit a private athletic training facility on

6.62 acres +/- in the AG-SF1: Agriculture/Single-Family Rural District (Article 13.2)
(Planner: Ryan Collingwood - rcollingwood@westfield.in.gov)

REPORTS/COMMENTS:

Plan Commission Liaison

Community Development Department

ADJOURNMENT



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

July 12, 2022

2206-VS-21

Exhibit 1

Petition Number: 2206-VS-21

Subject Site Address: 10 E. 191st Street (The "Property")

Petitioner: West Fork Whiskey Co. (The "Petitioner")

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

Current Zoning: [Osborne Trails PUD District](#) (Ord. 16-44, as amended by Ord.17-21, Ord. 18-14, Ord. 20-29, & Ord. 21-60)

Current Land Use: Commercial

Approximate Acreage: 12.85 acres+/-

Exhibits:

1. Staff Report
2. Location Map
3. Proposed Site Plan
4. Application

Staff Reviewer: Pam Howard, Assistant Director

OVERVIEW

Location: The subject property is 12.85 acres +/- in size and is located at 10 E. 191st Street (see **Exhibit 2**). The Property is currently zoned the Osborne Trails PUD District. The adjoining properties to the east and west are also zoned the Osborne Trails PUD, the property to the north is zoned the Chatham Hills PUD, and the property to the south is zoned the Grand Park PUD.

Property History: The Property was incorporated into the Osborne Trails PUD with an amendment approved on August 14, 2017. A subsequent amendment, approved on October 12, 2020, addressed the currently proposed use and development standards for the proposal. The Overall Development Plan and Detailed Development Plan were approved at the May 17, 2021, APC meeting. An Improvement Location Permit was issued on July 23, 2021, and the building is currently under construction. A PUD amendment relating to signage was approved on January 24, 2022.

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



SUMMARY OF VARIANCES

The Petitioner is requesting this variance to allow a temporary gravel parking lot, as generally described in the statement of intent (see [Exhibit 4](#)) and illustrated on the Proposed Site Plan Options (see [Exhibit 3](#)).

Parking Areas are regulated by Article 6.14 of the UDO. Due to the temporary nature of the proposed Parking Area, the Petitioner is requesting variances from the following standards:

Article 6.14(G)(7) Parking and Loading Standards; Off-street Parking; Surfacing and Curbing:

- a. Public Parking Areas¹ and loading and unloading berths shall be paved with a dust proof or hard surface. All open off-street Parking Areas shall be improved with a compacted gravel or stone base and surfaced with all-weather, dustless material, in accordance with the City's Construction Standards.
- b. The perimeter of all Parking Areas, and any islands located therein, shall be curbed and guttered, in accordance with the City's Construction Standards.

Article 6.14(G)(10) Accessory Use and Building Standards; Building Location; Lots in Subdivisions; Front Setback: A system of lights shall be installed to provide an adequate standard of illumination over the entire Parking Area of business Uses during business hours and minimum security illumination during nonbusiness hours. All lights shall be shielded so that minimum glare will extend to the adjacent property and meet the requirements of Article 6.9 Lighting Standards.

Additionally, Parking Areas are required to be landscaped in accordance with [Article 6.8\(O\): Landscaping Standards; Parking Area Landscaping](#). This includes Perimeter Parking Area Landscaping and Interior Landscaping in the form of landscaped islands. Due to the temporary nature of the proposed parking area, the petitioner is asking for these standards to be waived.

COMPREHENSIVE PLAN

The [Westfield-Washington Township Comprehensive Plan](#) (the "Comprehensive Plan") identifies this area as part of the [Family Sports Capital Addendum II](#) of the Westfield-Washington Township Comprehensive Plan. The Comprehensive Plan is not law; rather, it is intended to serve as a guide in making land use decisions.

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 12, 2022, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

¹ Chapter 12 of the UDO defines "Parking Area" as "[a]ny public or private land area designed and used for parking more than four (4) motor vehicles, and shall include garages, Driveways, Parking Spaces, drive aisles and areas of Streets legally designated for parking."



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

July 12, 2022

2206-VS-21

Exhibit 1

Conditions: The UDO² 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 UDO³ 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: The Department recommends approval of the Variances of Standard (2205-VS-21), then the Department recommends the conditions and findings as set forth below:

Recommended Conditions of Approval:

- 1) That the Gravel Parking Area be constructed at the location shown and in substantial compliance with the one of the Proposed Site Plan Options (**Exhibit 3**).
- 2) That the gravel parking lot shall be constructed of compacted #53 stone at 6" of depth.
- 3) That approval of this variance shall expire on December 31, 2025. Any request to extend the time limit of this variance shall be reviewed and approved by the Board of Zoning Appeals prior to December 31, 2025.
- 4) 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.

² 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 Use of the Property is not changing, and all other improvements to the Property with the applicable zoning and construction standards.

- 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 properties 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 is not changing, and all other improvements to the Property with the applicable zoning and construction standards.

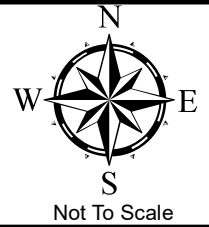
- 3) *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:*

Finding: Strict adherence to the zoning ordinance would result in the inability to improve the property as proposed.

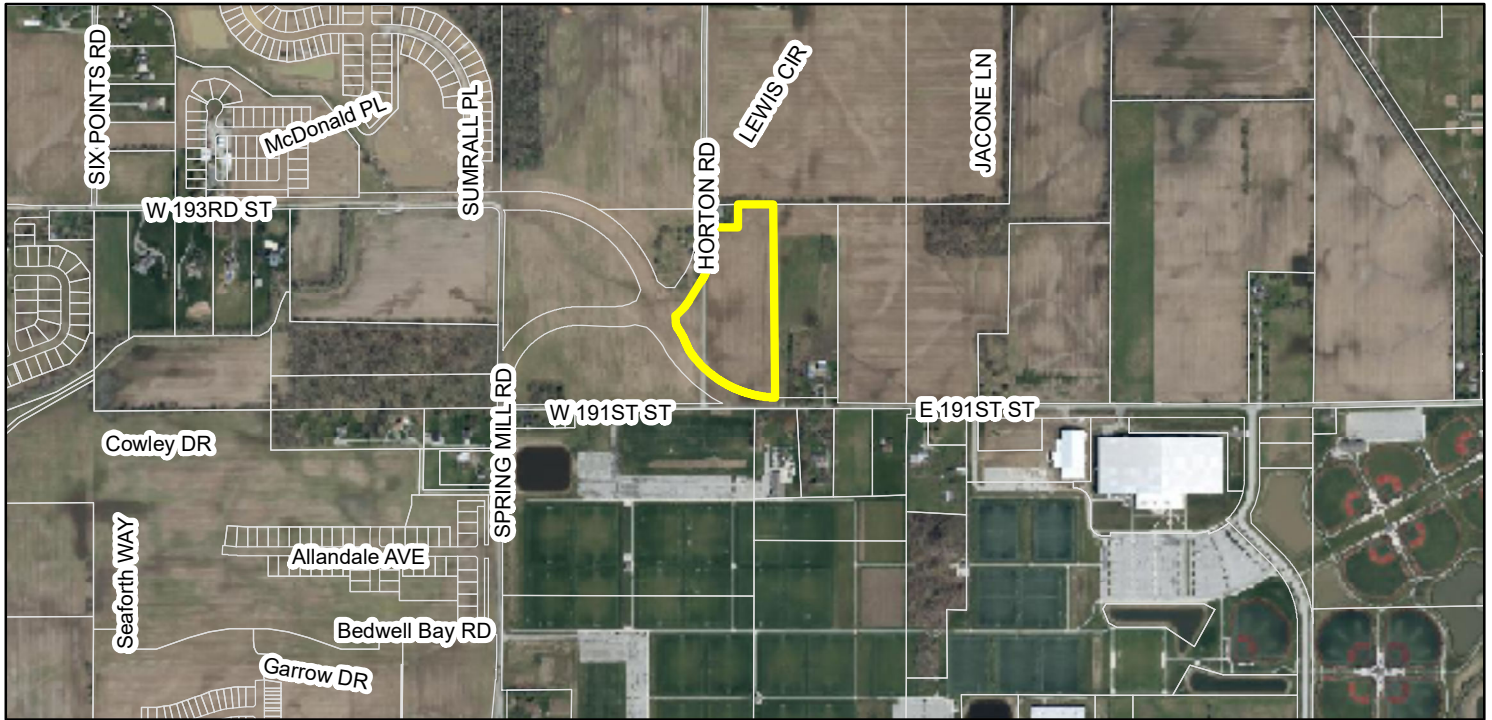
Denial: If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.



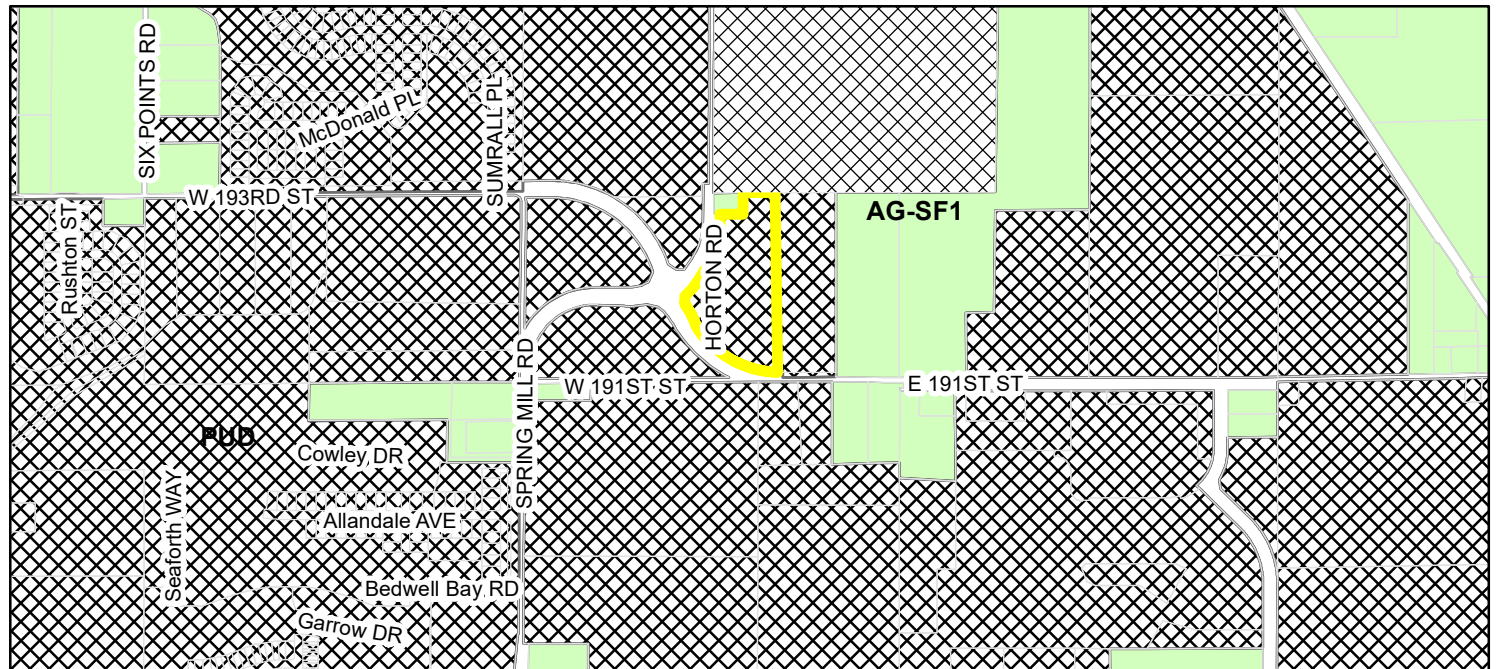
Property Location Map
West Fork Whiskey
Temporary Parking
2206-VS-21



Aerial Location Map



Zoning Map

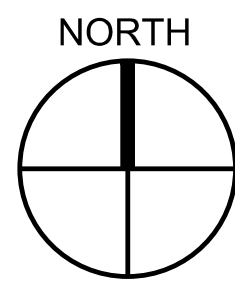


-  Site
-  Parcel
- Zoning**
-  AG-SF1 (Agriculture - Single Family - 1)
 -  OI (Open Industrial)
 -  PUD (Planned Unit Development)

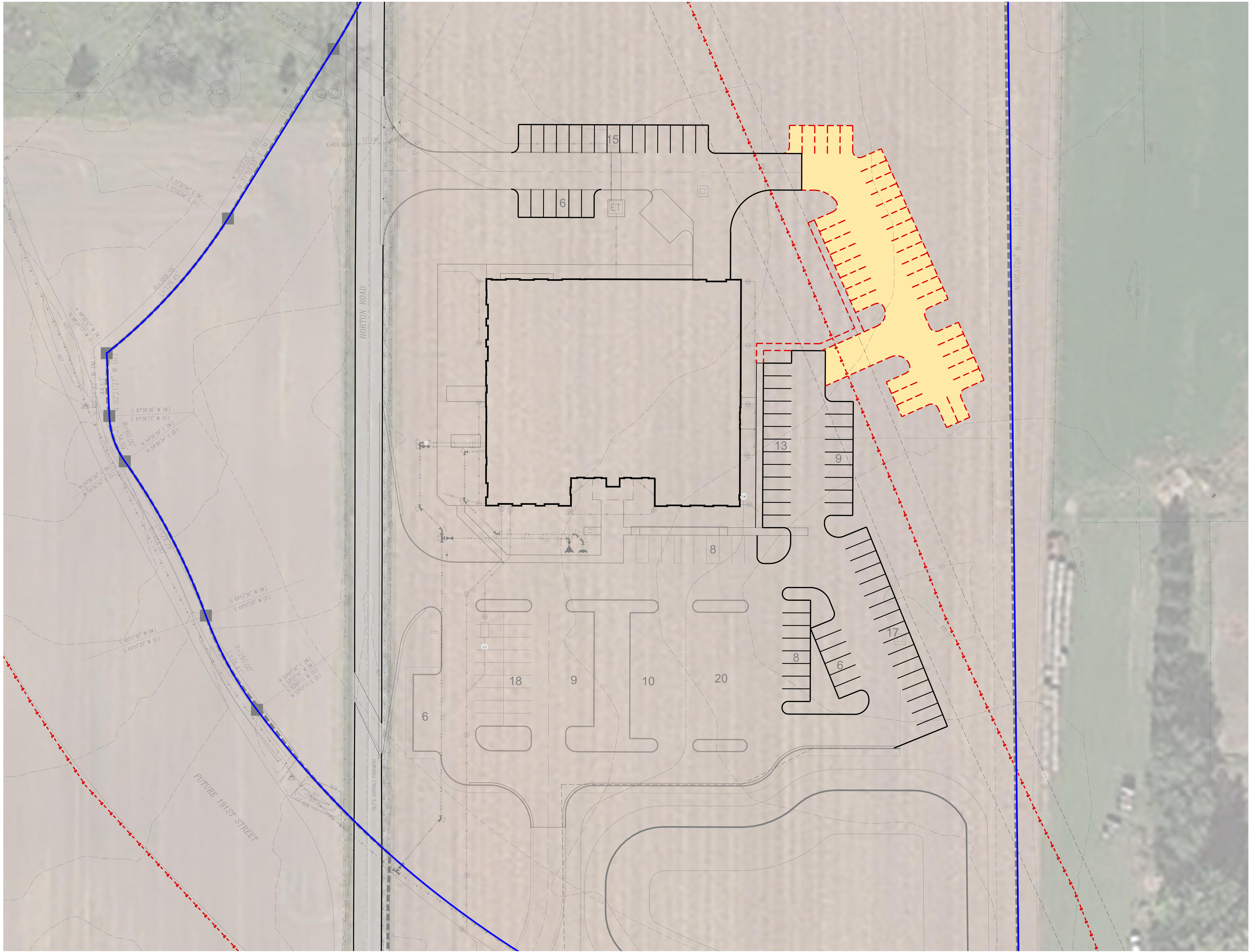
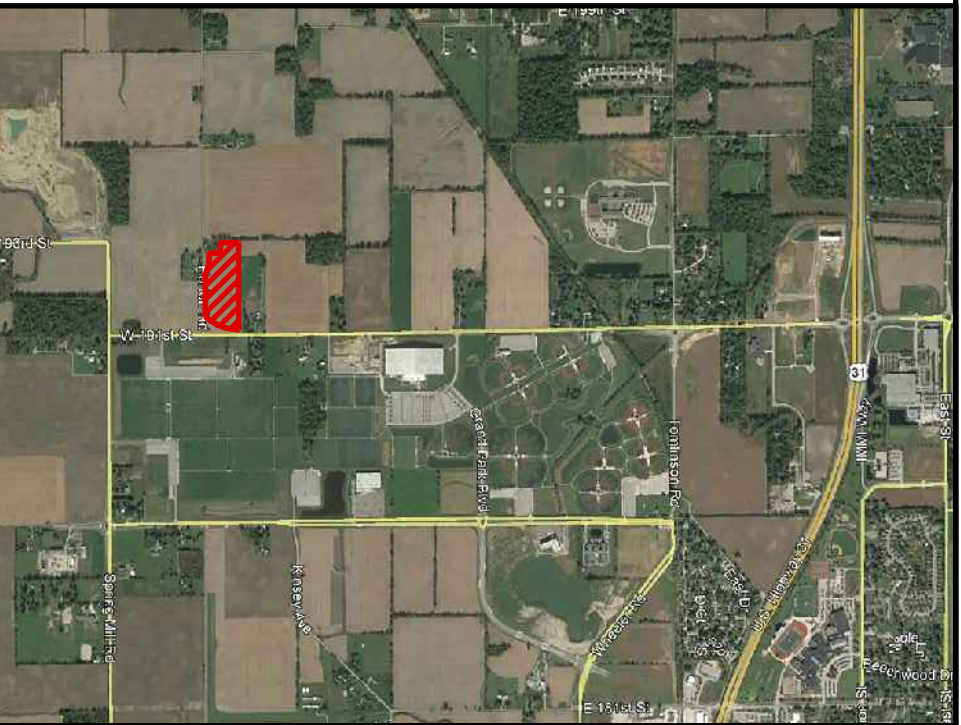
WEST FORK WHISKEY

TEMPORARY GRAVEL PARKING - SCHEME 1

- ORIGINAL PARKING: 143
- OVERFLOW PARKING: 36



LOCATION



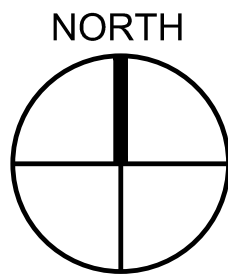
WEST FORK
WHISKEY

TEMPORARY GRAVEL
PARKING - SCHEME 2

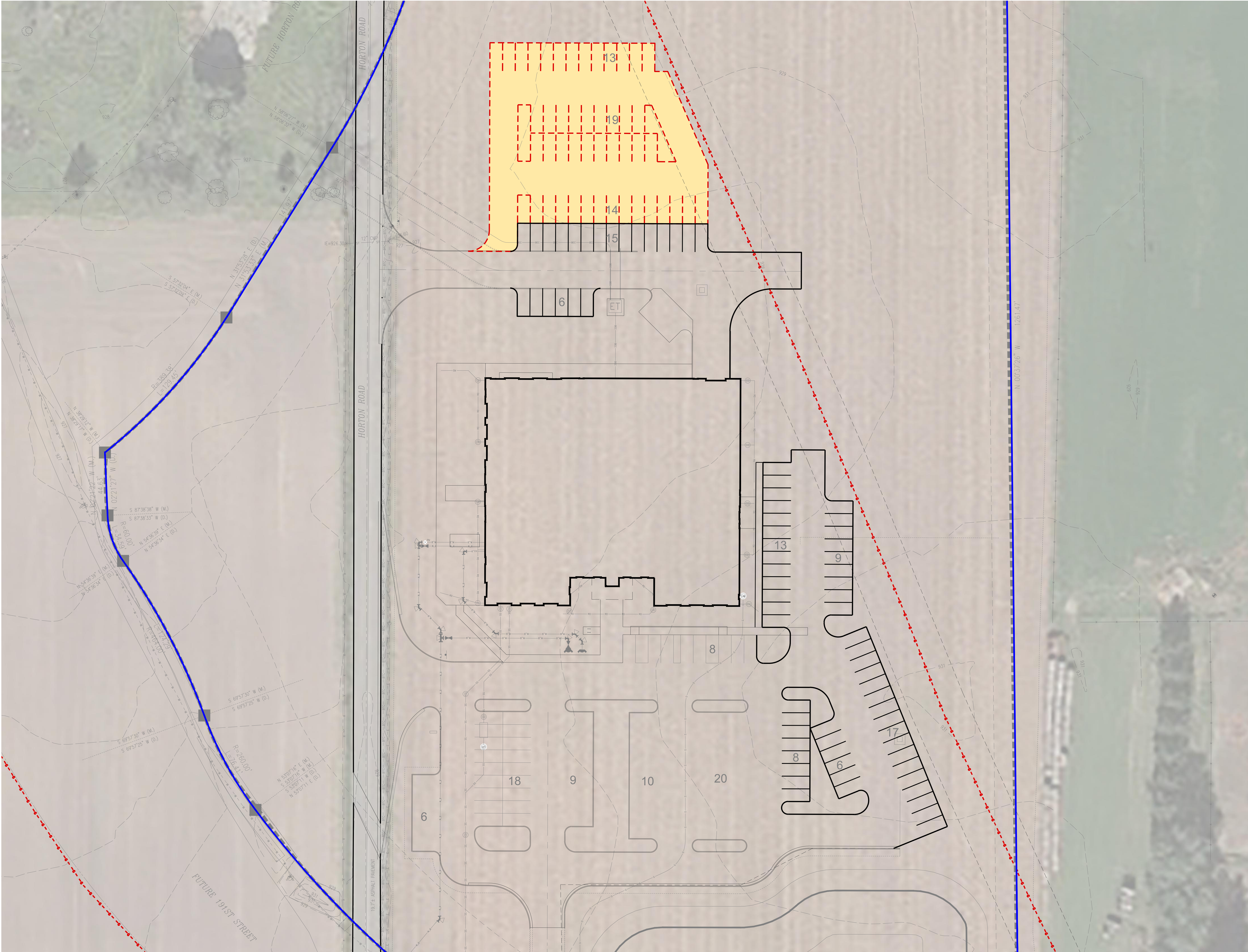
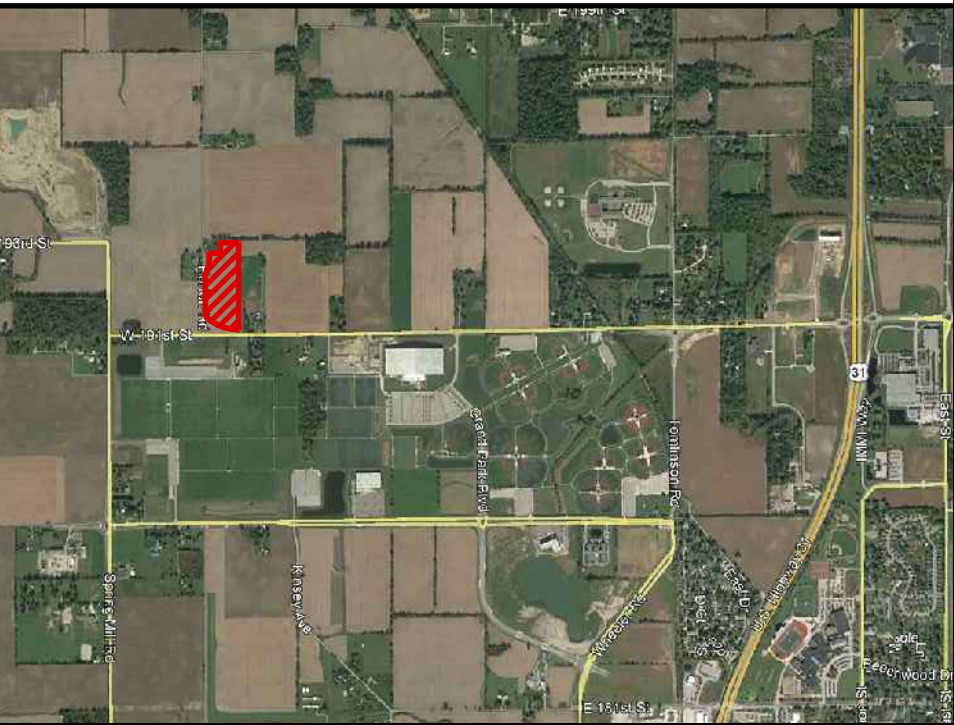
- ORIGINAL PARKING:

143
- OVERFLOW PARKING:

46



LOCATION



VARIANCE APPLICATION

OFFICE USE ONLY

DOCKET #: _____ FILING DATE: _____

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

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: Kevin Todd (STAFF NAME) DATE: 5/20/22

PRIOR OR RELATED DOCKET NUMBERS

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

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

APPLICANT INFORMATION

APPLICANT'S NAME: West Fork Whiskey Co
ADDRESS: 10 E. 191st St., Westfield, IN 46074

TELEPHONE: 812-508-2936
EMAIL: david@westforkwhiskey.com

PROPERTY OWNER'S NAME: West Fork Whiskey Real Estate JV, LLC
ADDRESS: 10 E. 191st St., Westfield, IN 46074

TELEPHONE: 812-508-2936
EMAIL: david@westforkwhiskey.com

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

TELEPHONE: _____
EMAIL: _____

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 10 E. 191st St., Westfield, IN 46074

COUNTY PARCEL ID #(S): 08-05-26-00-00-002.102

EXISTING ZONING DISTRICT(S): Osborne Trails EXISTING LAND USE(S): Distillery/Agrotourism

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): West Fork Whiskey Co would like to install a temporary gravel parking lot for overflow parking. Currently they have 143 finished parking spots at their facility, but due to anticipated high traffic, they would like to add a temporary lot for overflow. The final location of more permanent parking is still being developed, and is subject to change based on acquiring the additional 12.5 acre parcel next door, therefore West Fork would like to avoid installing another permanent parking until a final development plan is in place. (Attached is proposed location of temporary parking lot.)

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)

Robert D McIntyre

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.

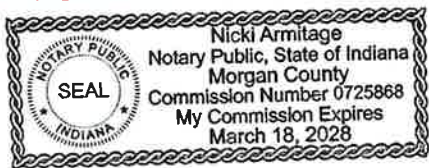
Witness my hand and Notarial Seal this 20th day of May, 2022
State of Indiana, County of Marion, SS: _____



Notary Public (signature)

Nicki Armitage

Notary Public (printed)



PROPERTY OWNER AFFIDAVIT

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



Property Owner (signature)*

Robert D McIntyre

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.

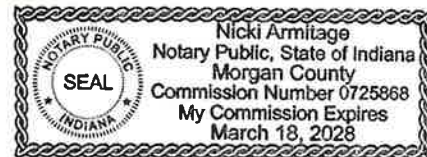
Witness my hand and Notarial Seal this 20th day of May, 2022
State of Indiana, County of Marion, SS: _____



Notary Public (signature)

Nicki Armitage

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.

FINDINGS OF FACT (VARIANCE OF DEVELOPMENT STANDARD)

APPLICANT: West Fork Whiskey Co.

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: This temporary parking lot will not pose any risk to public health, safety, morals or general welfare.

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: West Fork has an option on the adjacent property, and this temporary lot will adversely effect it.

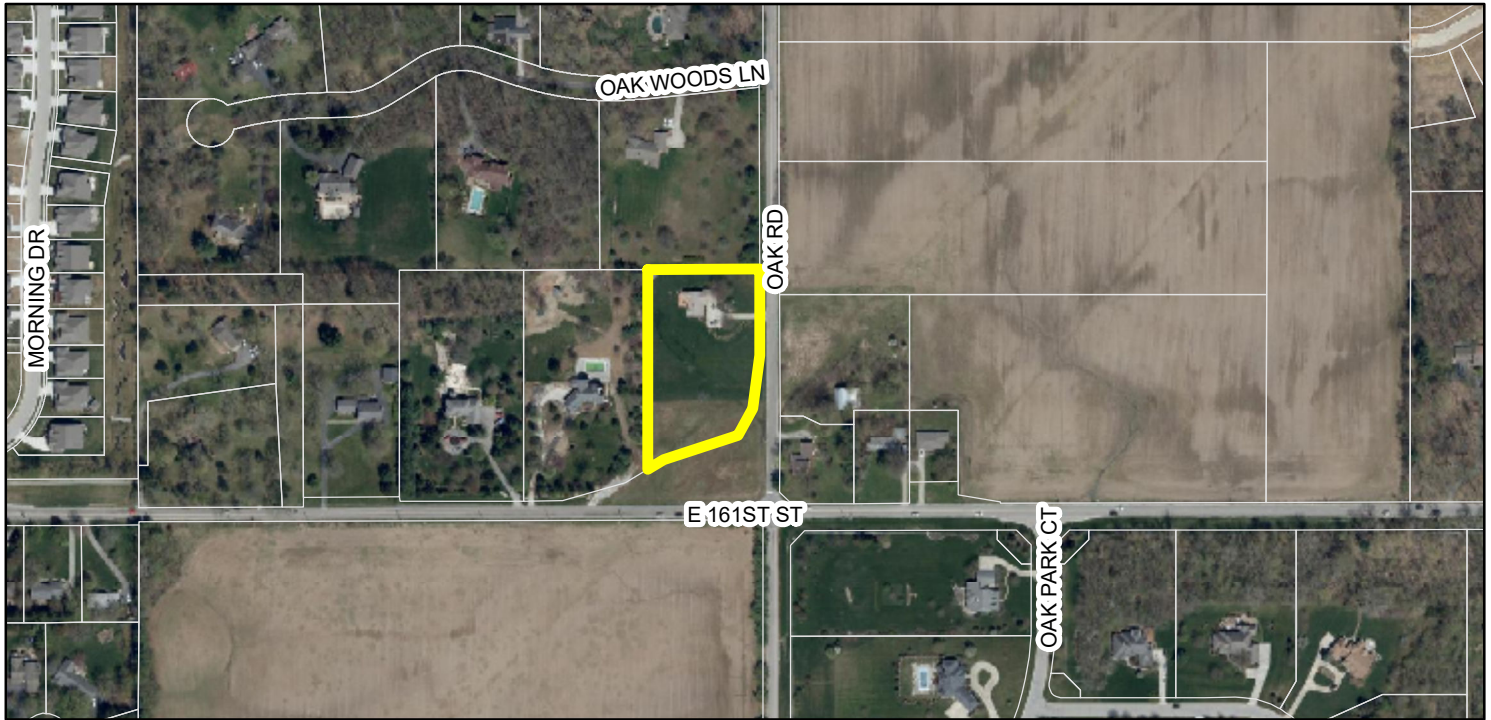
C. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property because: Investing in a permanent parking structure that may need to be moved or removed in the next 18-24 months is not economical for the Company. This temporary lot will provide West Fork with the additional parking they will need on heavy traffic days while also giving them time to decide on the final development plan for additional permanent parking.

GENERAL INSTRUCTIONS

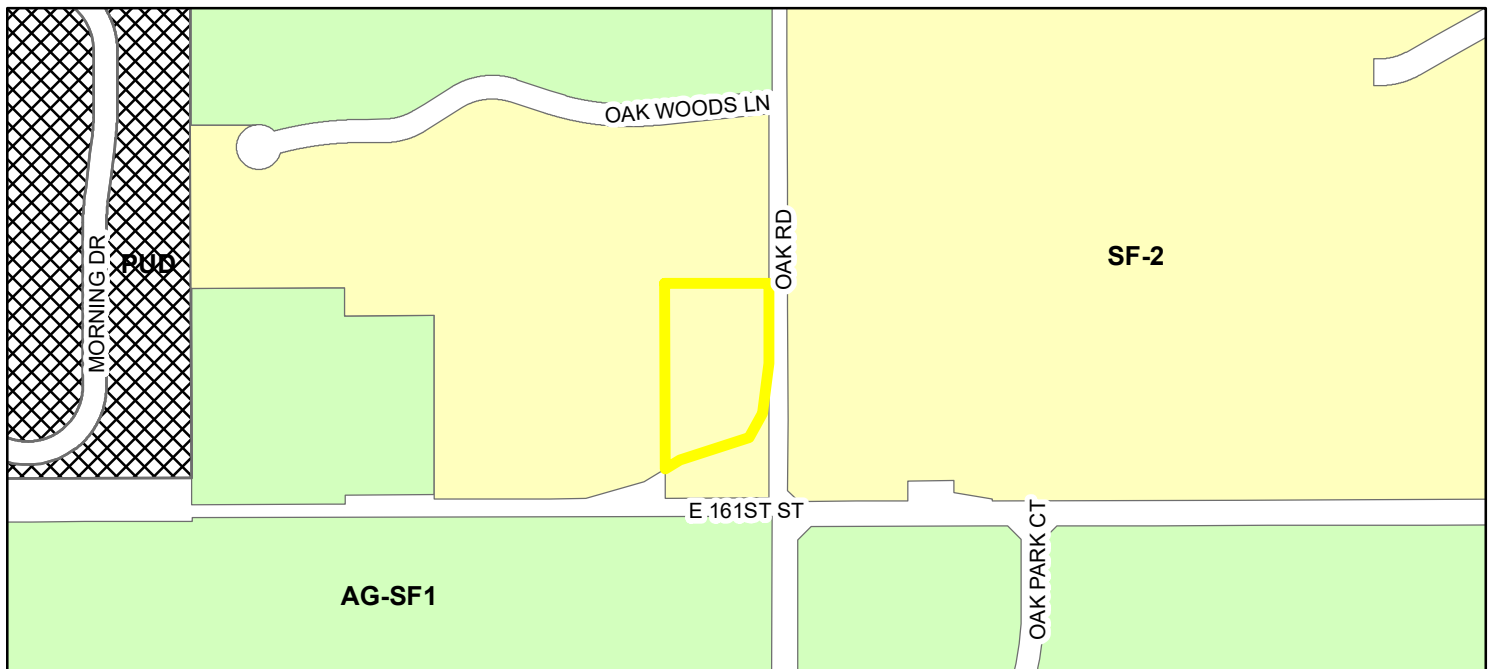
- A. **Pre-Filing Conference:** A pre-filing conference is required for all petitions. An appointment must be made with the Community Development Department (the "Department") to discuss a petition prior to filing. An application will not be considered filed until a pre-filing conference has occurred. 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 | ☐ Legal Description |
| ☐ Draft Public Notice | ☐ List of Adjoining Property Owners (as provided by County) |
| ☐ Property Owner Consent | ☐ TAC Delivery Affidavit (if TAC is determined to be necessary) |
| ☐ Site Plan (to scale) | ☐ Copy of Property Deed |
| ☐ Statement of Intent | 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:
- 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.
 - 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.
 - 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.
 - 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.

Aerial Location Map

 Site



Zoning Map



 **SITE Zoning**

 AG-SF1 (Agriculture - Single Family - 1)

 PUD (Planned Unit Development)

 SF-2 (Single Family - 2)

GENERAL NOTES

This plan was designed and drafted BY Advanced House Plans to meet average conditions and codes in the State of Nebraska at the time it was designed. Because codes and requirements can change and may vary from jurisdiction to jurisdiction, AHP cannot warrant compliance with any specific or local building code. Consult your local building official to determine the suitability of these plans for your specific site and application. This plan can be adapted to your local building codes and requirements, however, it is the responsibility of the purchaser and/or builder of this plan to see that the structure is built in strict compliance with all governing municipal codes (city, county, state and federal). The purchaser and/or builder of this plan releases the designer from any claims or lawsuits that may arise during the construction of this structure or anytime thereafter.

* If the contractor or sub-contractor, in the course of their work finds any discrepancies between the plan and the physical conditions of the site or structure, or any errors in the plans or specifications, it shall be their responsibility to immediately inform AHP, who will promptly verify and if necessary correct the working drawings. Any work done after such discovery will be done at the contractor's expense.

* Only the purchaser of this plan has permission to build this plan. The purchaser is given permission to reproduce the drawings only as required for such construction. The purchaser also has permission to modify this plan. No permission is given to any party to claim copyright on the original or modified plan. The modified plans shall remain subject to the license and may not be sold, distributed or otherwise transferred without the express written consent of Advanced House Plans. Infringing upon Advanced House Plans' copyright through reproduction, distribution, construction or redrawing of design is punishable by law with fine up to \$150,000 as defined by architectural copyright laws.

DESIGN LOADS:

- Ultimate design wind speed: 115 mph, Exposure Category: B
- Seismic Design Category: A

Floor:	Roof:	Ceiling:
40 psf. live	30 psf. live	10 psf. live
15 psf. dead	10 psf. dead	5 psf. dead

- Soil bearing Capacity - 1500 psf.

* Live loads, dead loads, wind loads, snow loads, lateral loads, seismic zoning and any specialty loading conditions will need to be confirmed before construction and adjustments to plans made accordingly. See your local building officials for verification of your specific load data, zoning restrictions and site conditions.

CONCRETE AND FOUNDATIONS:

- All foundation walls and slabs on grade shall be 3000 PSI (28-day compressive strength concrete), unless noted otherwise.
- All interior slabs on grade shall bear on 4" compacted granular fill with 6 mil. polyethylene vapor barrier underneath.
- Provide proper expansion and control joints as per local requirements.
- All 36" x 36" x 18" concrete pads to have (3) #5 rods each way.
- All 48" x 48" x 24" concrete pads to have (4) #5 rods each way.
- Foundation walls are not to be backfilled until properly braced.
- Verify depth of frost footings with your local codes.
- Provide termite protection as required by HUD minimum property standards.
- Foundation bolts must be anchored to sill plate with 5/8" bolts embedded 15" in concrete walls.
- For window openings in conc. wall, provide #5 bars #4" o.c. (two total) w/2" clearance from top & sides of opg. for jamb & lintel reinforcing. Extend reinforcing a minimum of 2' past opening edges.

STEEL:

- All structural steel for beams and plates shall comply with ASTM specification A-36.
- All structural steel for steel columns shall comply with ASTM specification A-58 Grade B or A-50.
- All reinforcing steel for concrete shall comply with ASTM specification A-615 Grade 60.
- Provide steel shims in all beam pockets.
- Steel columns are to be 3" I.D. (inside diameter) unless noted otherwise.

FRAMING MEMBERS:

- Unless noted otherwise, all framing lumber shall have the following characteristics:
 $F_b = 1000 \text{ psi}$ $F_v = 75 \text{ psi}$ $E = 1,400,000 \text{ psi}$
- Contractor to confirm the size, spacing and stress characteristics of all framing and structural members to meet your local code requirements.
- Wall bracing method assumed as C5-WBP. Since braced wall line spacing and braced wall panel calculations vary by location, purchaser will need to consult a local professional for specific wall bracing calculations and diagrams.
- Hole sizes and locations in Glulam or Laminated Veneered Lumber (L.V.L.) members are to be confirmed by a professional engineer.
- Any structural or framing members not indicated on the plan are to be sized by contractor.
- Double floor joists under all partition walls, unless noted otherwise.
- All subflooring is assumed to be 3/4" thick, glued & nailed.
- All exterior walls are dimensioned to outside of 1/2" sheathing.
- Calculated dimensions take precedence over scaled dimensions.
- All angled walls on floor plans are at 45 degree angle, unless otherwise noted.
- Laterally unsupported walls 12'-0" high or higher shall be 2x6 and balloon framed unless noted otherwise.
- Unless noted otherwise, above all openings that are:
(1) Load bearing and less than or equal to 3 ft. use 4x6.
(2) Load bearing and more than 3 ft. use (2) 2x12 with 1/2" Plywood between.
(3) Non-load bearing and less than or equal to 6 ft. use 4x6.
(4) Non-load bearing and more than 6 ft. use (2) 2x12 with 1/2" Plywood between.
(5) All exterior openings use (2) 2x12 with 1/2" Plywood between.
- All trusses to be engineered by truss manufacturer according to the loading indicated on this plan.
- All exterior corners shall be braced in each direction with let-in diagonal bracing or plywood.
- Place (1) row of 1" x 3" cross-bridging on all spans over 8'-0" and (2) rows of 1" x 3" cross-bridging on all spans over 16'-0".
- Collar ties are to be spaced 4'-0" o.c.
- All purlins and kickers are to be 2x6s, unless noted otherwise.
- Any hip or valley rafters over a 28'-0" span are to be Laminated Veneer Lumber (L.V.L.).

MISC. NOTES:

- Prefabricated fireplaces and flues are to be U.L. approved and installed as per manufacturer's specifications.
- All materials, supplies and equipment to be installed as per manufacturer's specifications and per local codes and requirements.
- Provide proper insulation for all plumbing.
- 1/2" water-resistant drywall around showers, tubs and whirlpools.
- 1/2" drywall on interior walls and ceilings.
- 5/8" type "X" fire code drywall on garage walls and ceilings.
- When no brand is specified windows are called out by glass size only.
- In dwelling units, where the top of the sill of an operable window opening unit is located less than 24 inches above the finished floor and greater than 12 inches above the finished grade, fall protection must comply with R312.2.1.
- Window opening control devices on windows serving as a required emergency escape and rescue shall comply with ASTM F2090.
- Windows, if not noted, are assumed to be casements.
- Window header heights are 6'-8" unless noted otherwise.
- Header heights are labeled to bottom of arched transoms.
- Confirm window openings for your local egress requirements and minimum light and ventilation requirements.
- Bedroom at stairs shall have a minimum clearance of 6'-8" high.
- Provide proper handrails at stairs per local codes.
- The mechanical and electrical layouts are suggested only.
- Consult your mechanical and electrical contractors for exact specifications, locations and sizes.
- Jog fluid to rear of ridge as necessary.
- Provide proper wiring for all electrical appliances, mechanical equipment and whirlpools per manufacturer's specifications.
- Air conditioner locations may vary depending on restrictive covenants and codes.

Patrick Thompson

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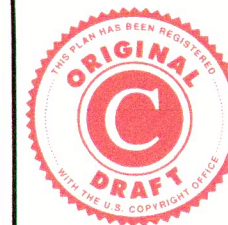
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100% SCALE • 18" x 24"

Kelly & Holly Thompson Residence
16132 OAK ROAD
WESTFIELD, INDIANA 46074

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CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY
PERMITS AND FOR VERIFYING ALL LOCAL ORDINANCES AND ZONING
REQUIREMENTS. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL
DIMENSIONS AND LOCATIONS OF EXISTING UTILITIES AND STRUCTURES
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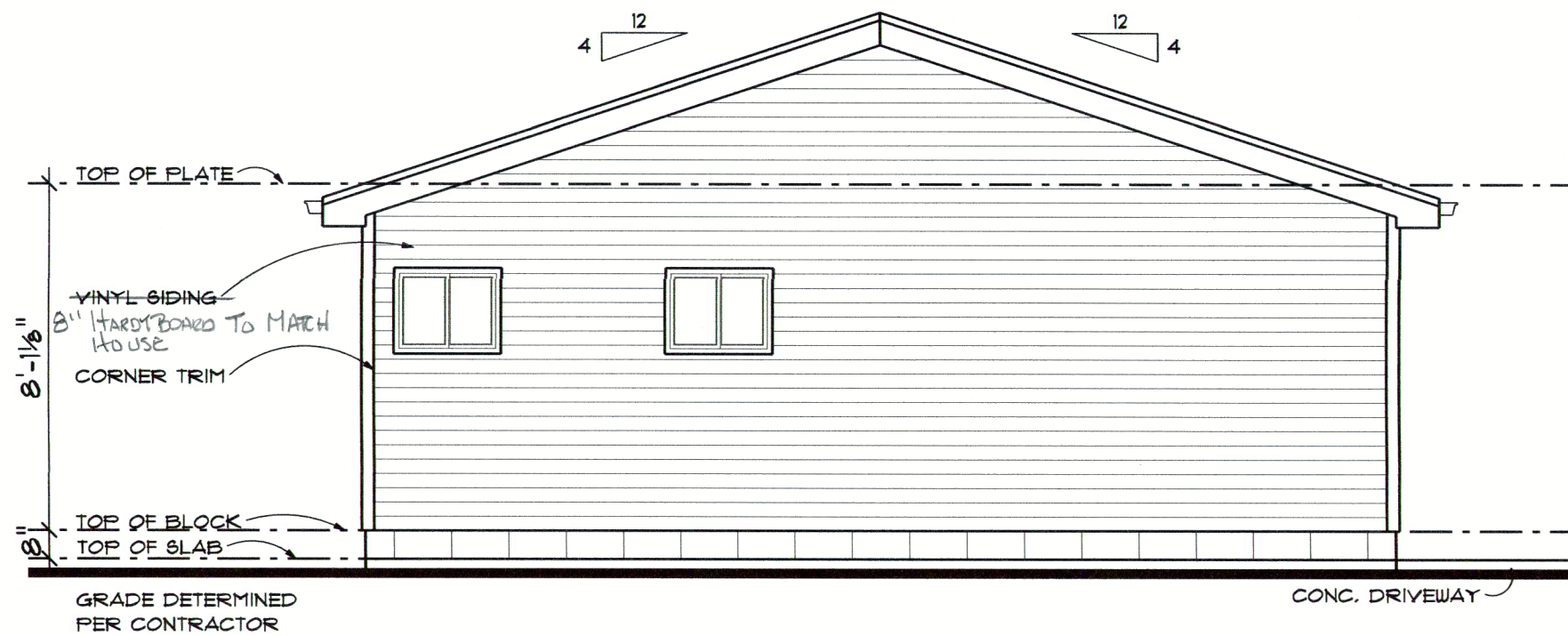
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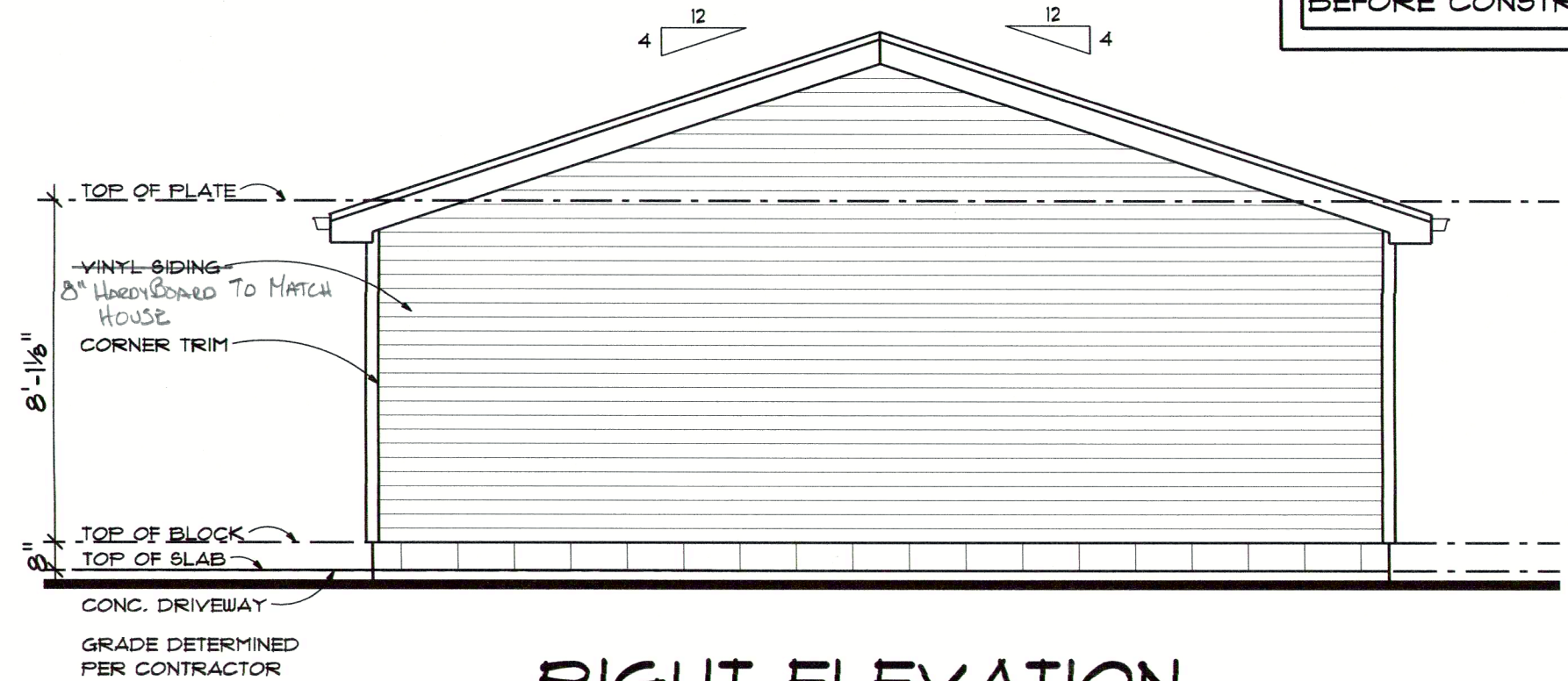
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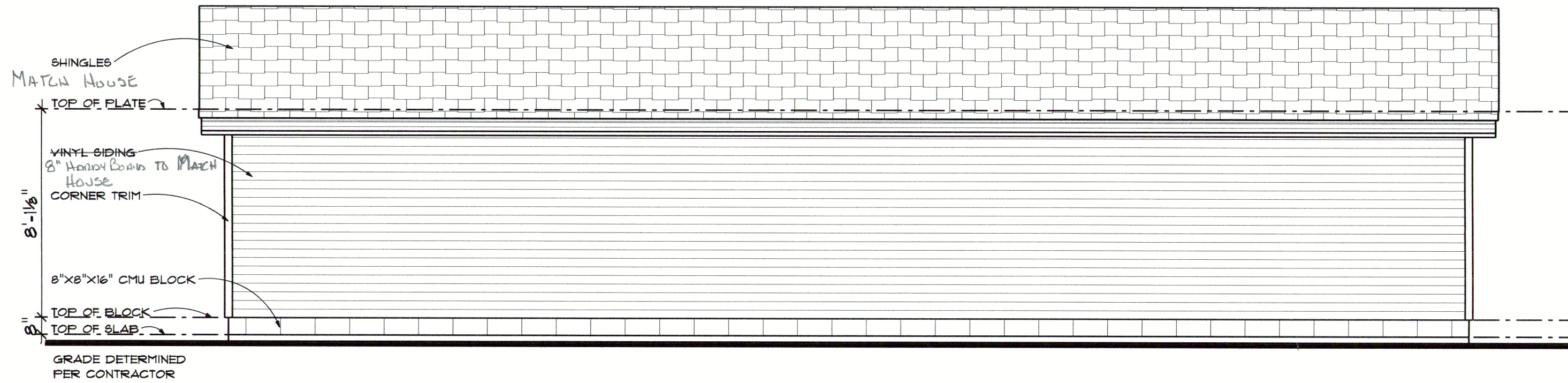
LEFT ELEVATION

SCALE: 1/4" = 1'-0"



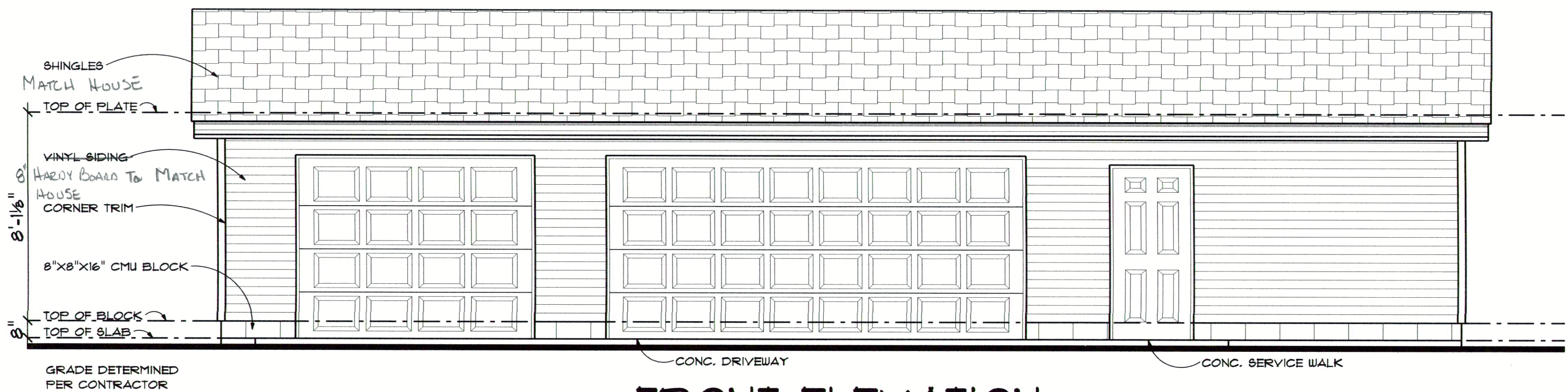
RIGHT ELEVATION

SCALE: 1/4" = 1'-0"



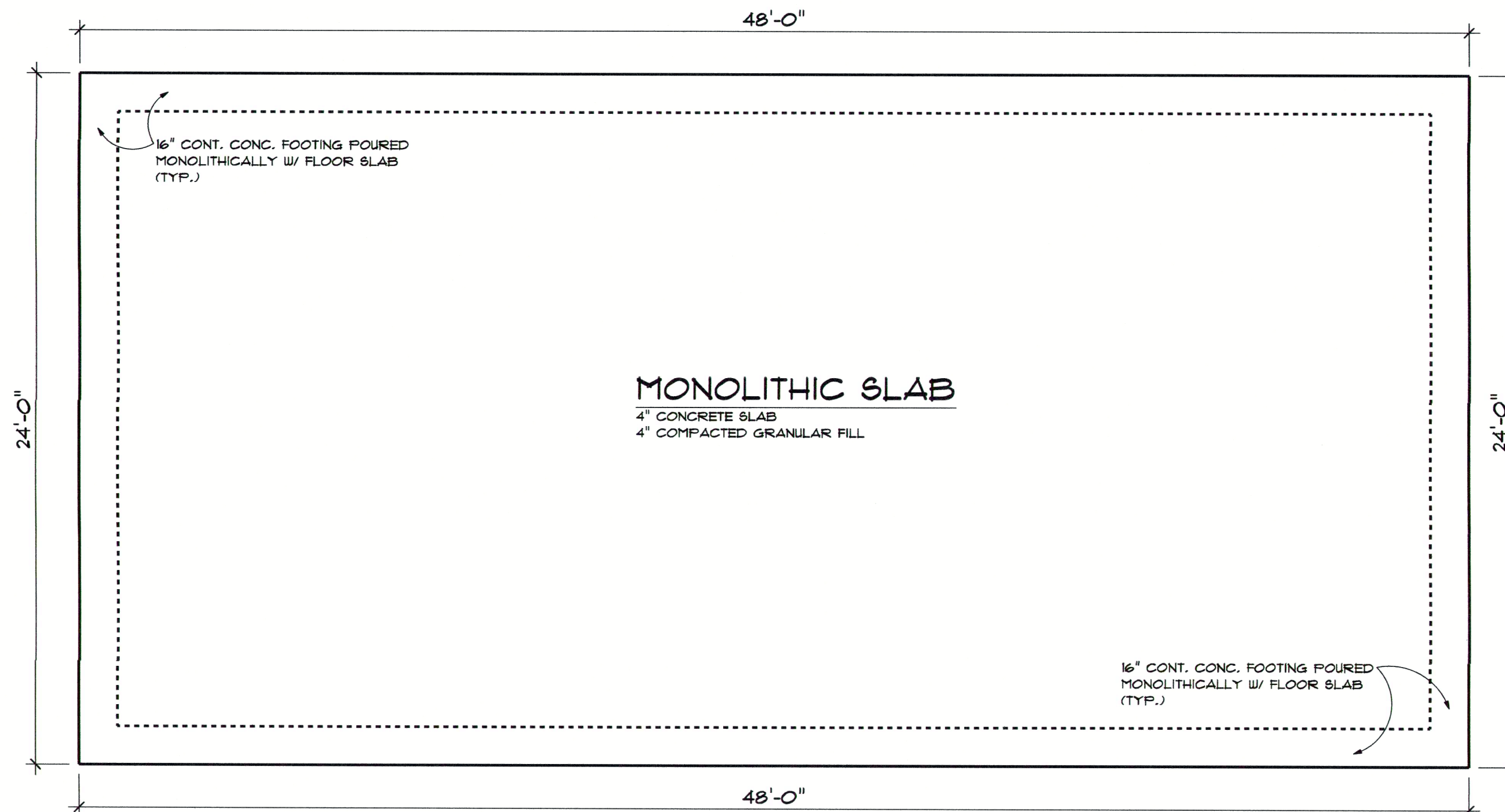
REAR ELEVATION

SCALE: 1/4" = 1'-0"



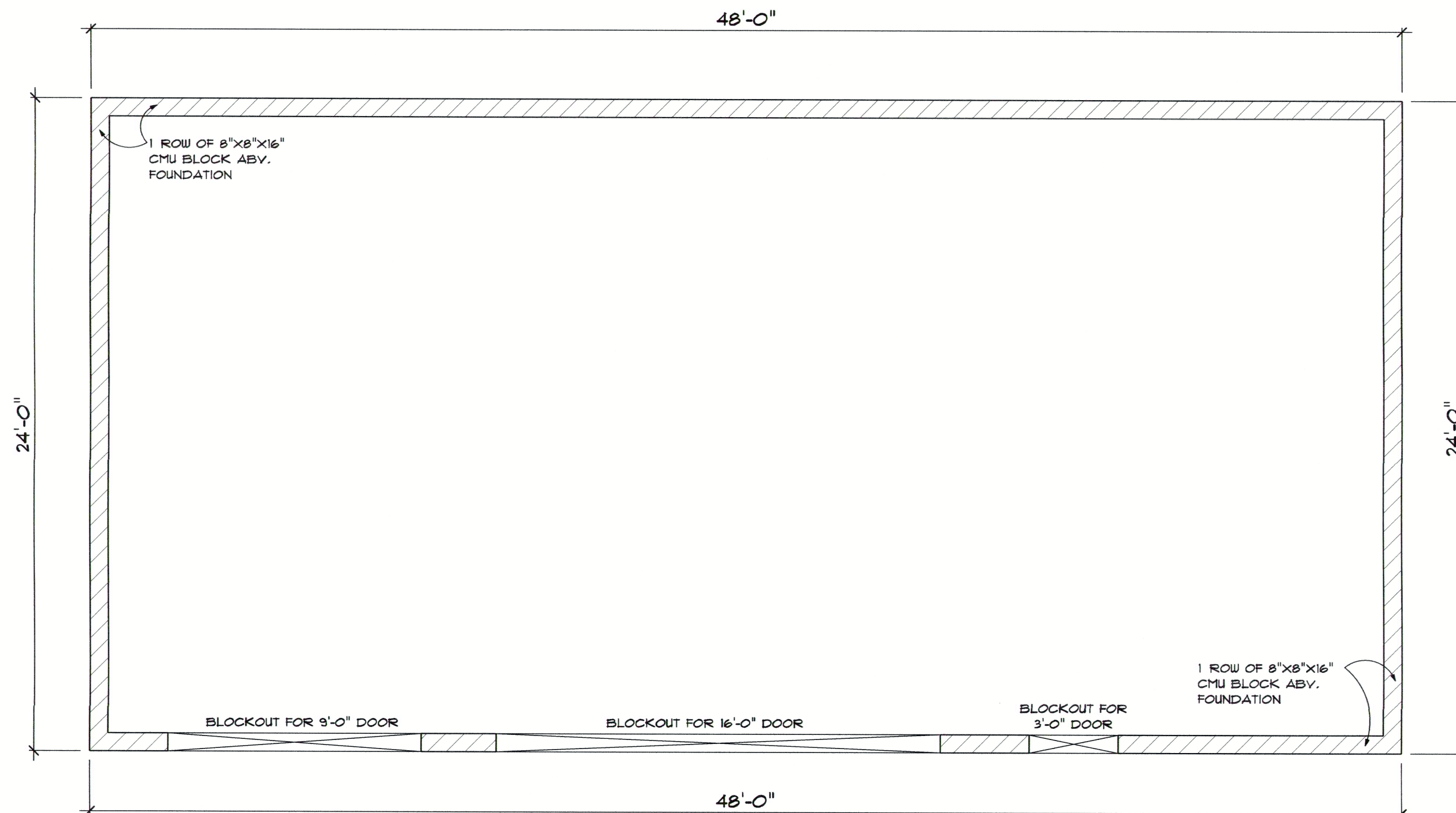
FRONT ELEVATION

SCALE: 1/4" = 1'-0"



FOUNDATION PLAN

SCALE: 1/4" = 1'-0"



BLOCK LAYERS

SCALE: 1/4" = 1'-0"

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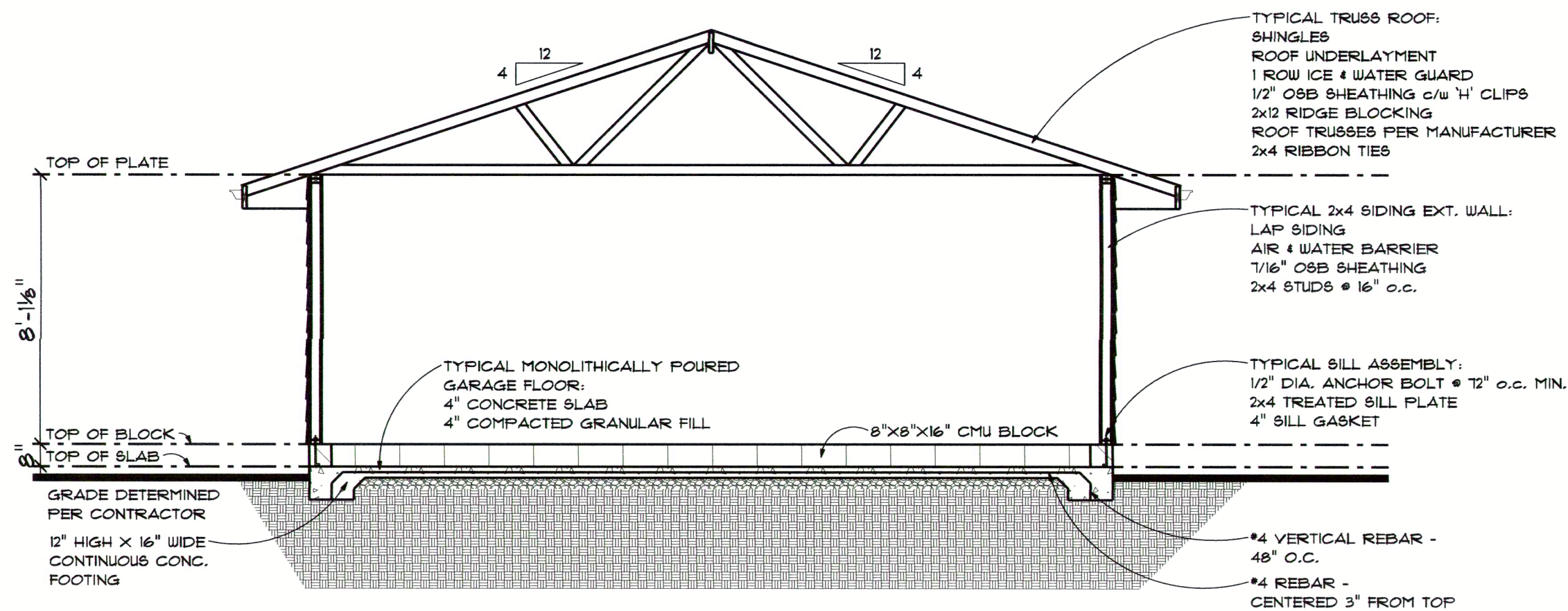
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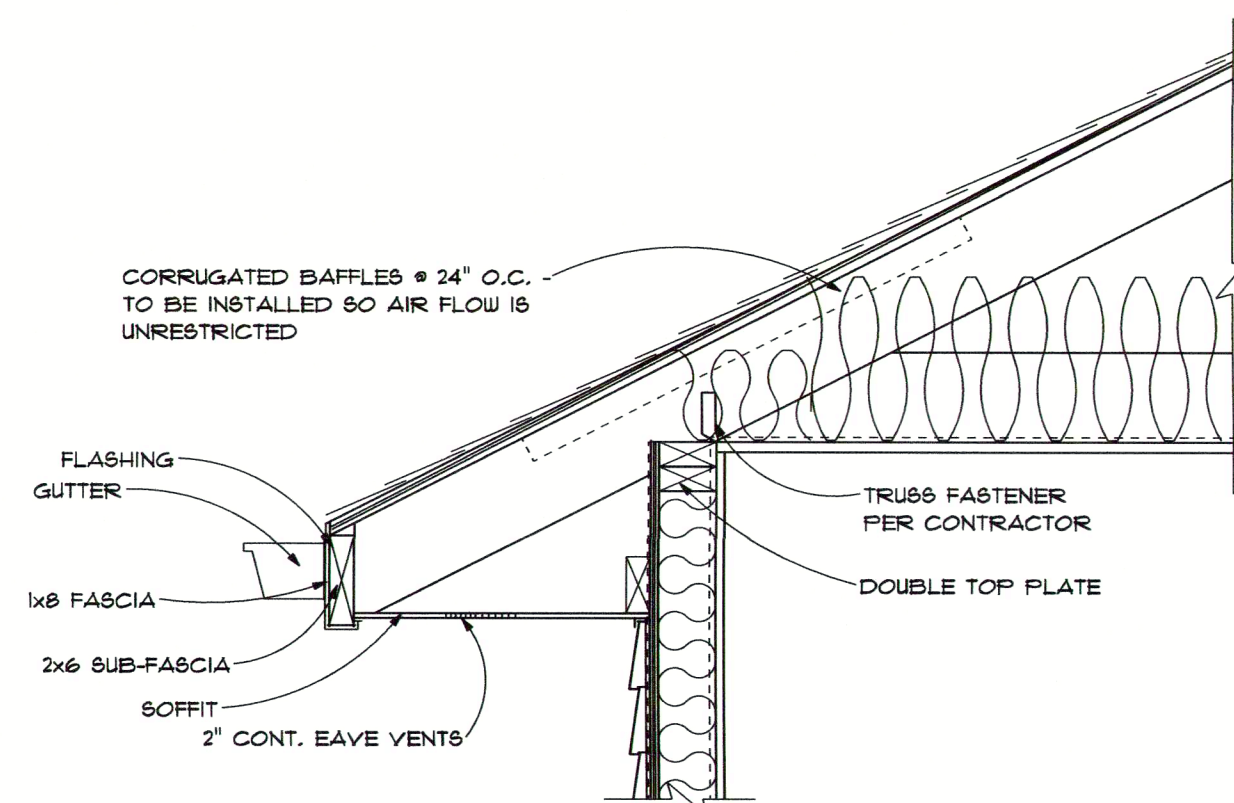
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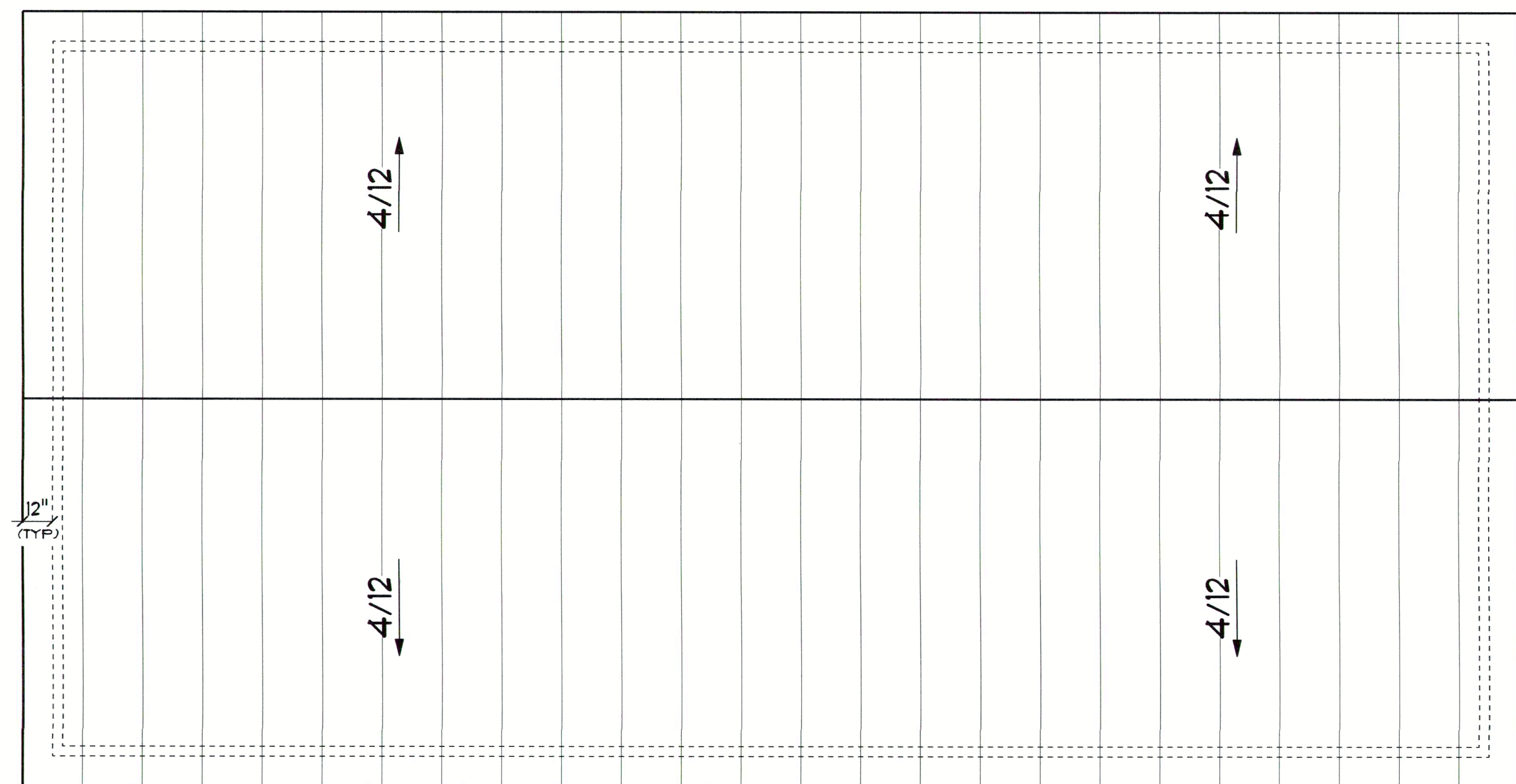
CROSS SECTION

SCALE: 1/4" = 1'-0"



EAVE VENT

SCALE: 1"=1'-0"



2" CONT. EAVE VENTS ALL AROUND

ROOF PLAN

SCALE: 1/4" = 1'-0"

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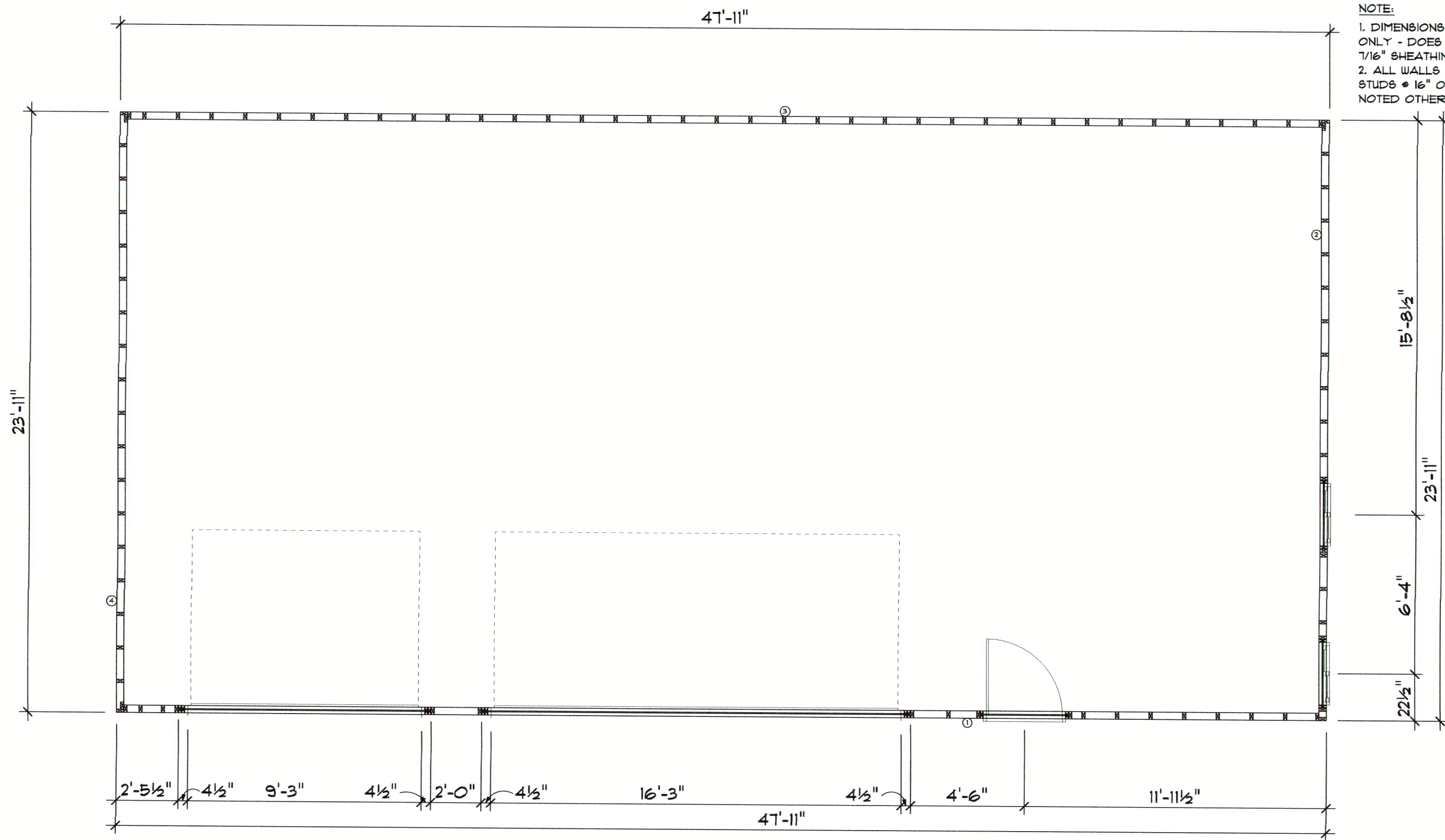
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NOTE:
1. DIMENSIONS TO FRAMING ONLY - DOES NOT INCLUDE 7/16" SHEATHING.
2. ALL WALLS ARE 2x4 STUDS @ 16" O.C. UNLESS NOTED OTHERWISE.

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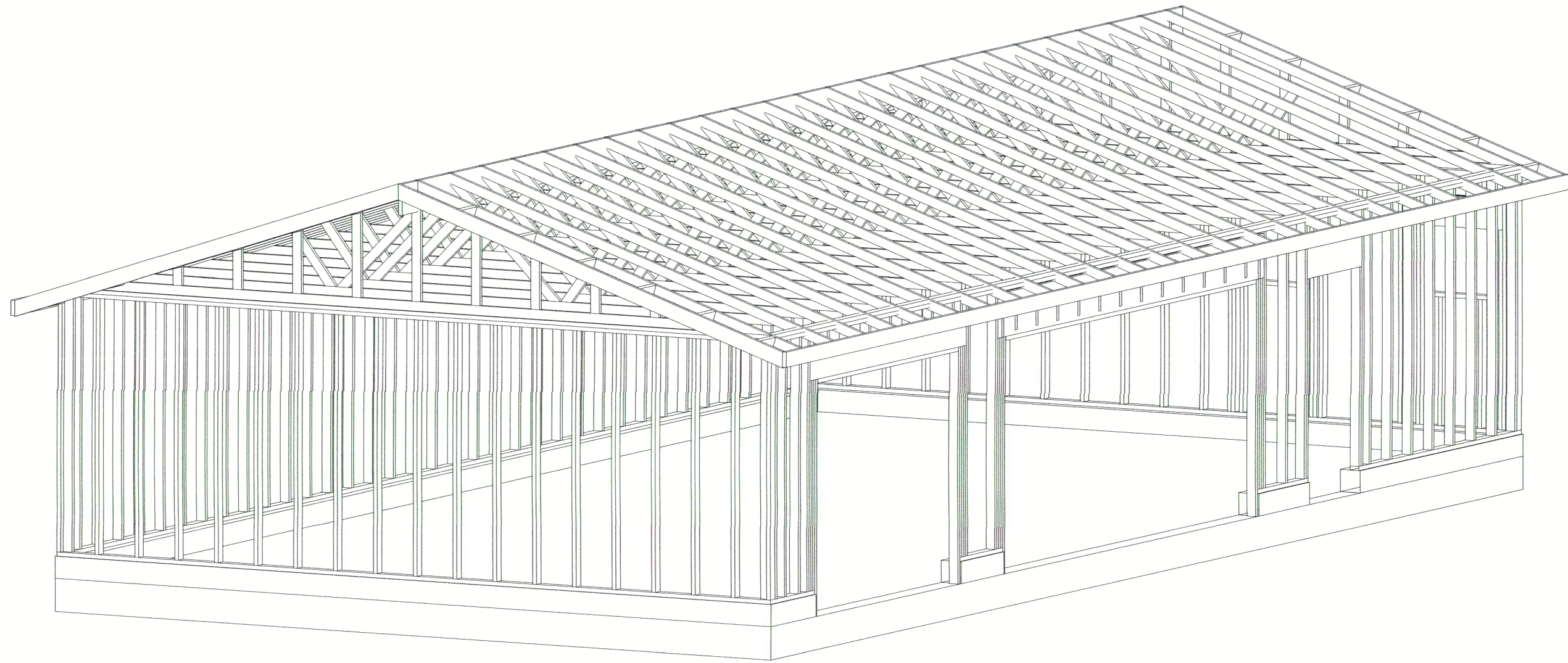
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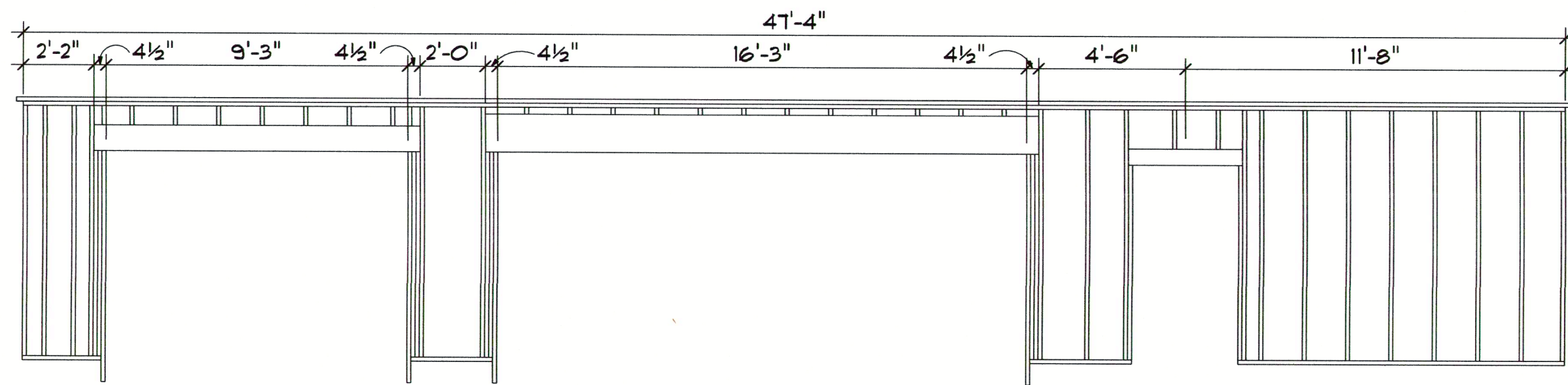
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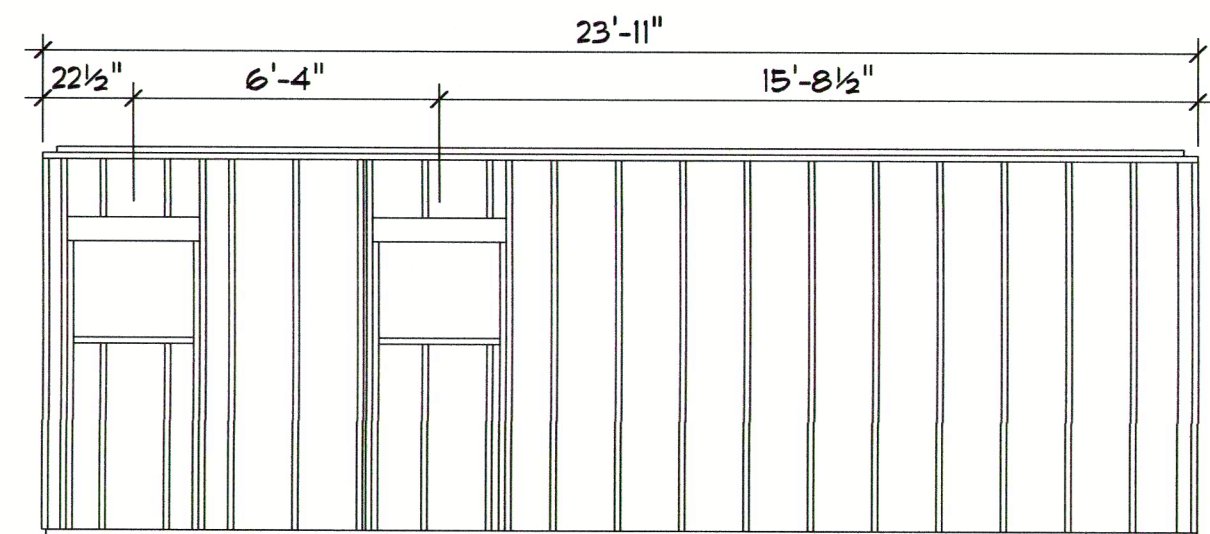
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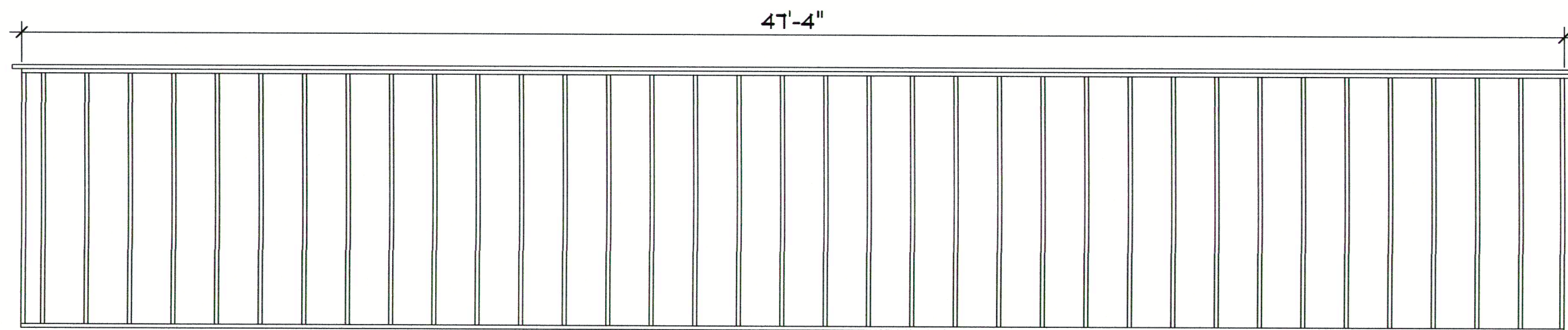
FRAMING DIAGRAM
NOT TO SCALE



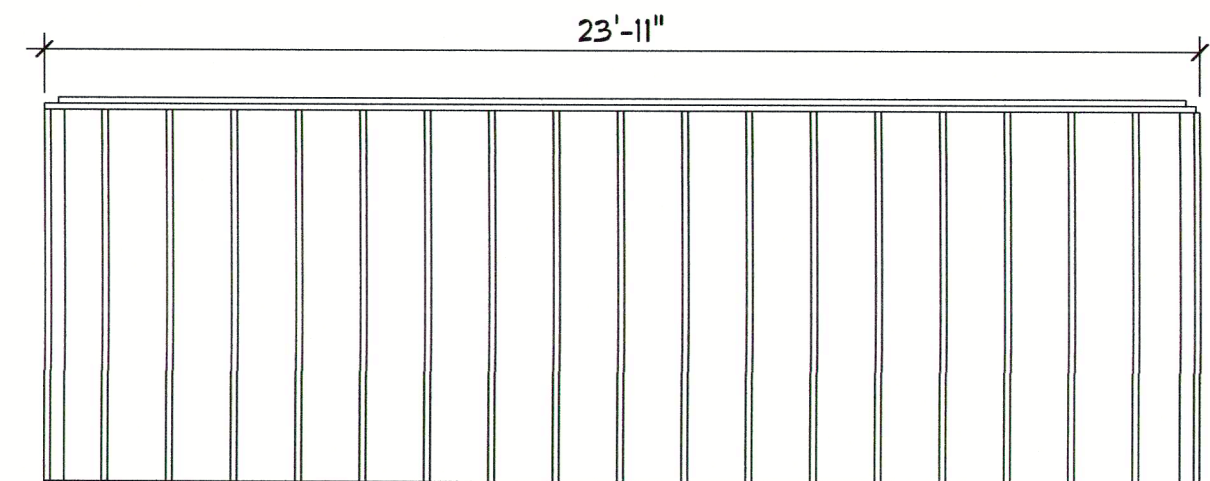
2x4 WALL NO. 1
VERIFY ALL ROUGH OPENINGS BEFORE FRAMING



2x4 WALL NO. 2
VERIFY ALL ROUGH OPENINGS BEFORE FRAMING



2x4 WALL NO. 3



2x4 WALL NO. 4

WALL PANELS

SCALE: 1/4" = 1'-0"

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VARIANCE APPLICATION

OFFICE USE ONLY

DOCKET #: 2207-VS-24

FILING DATE: 6/15/22

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: N/A

AMENDMENTS: N/A

DEVELOPMENT PLAN: N/A

PRIMARY PLAT: N/A

SECONDARY PLAT: N/A

VARIANCE(S): N/A

APPLICANT INFORMATION

APPLICANT'S NAME: Kelly Thompson

ADDRESS: 16132 Oak Road Westfield, IN 46074

TELEPHONE: 317 519 1703

EMAIL: kelly.thompson2@comcast.net

PROPERTY OWNER'S NAME: Kelly Thompson

ADDRESS: 16132 Oak Road Westfield, IN. 46074

TELEPHONE: 317 519 1703

EMAIL: kelly.thompson2@comcast.net

REPRESENTATIVE'S NAME: Predrag Nikolic

COMPANY: Marko & Miro Business Remodel

ADDRESS: 2039 Odell Street Brownsburg, IN. 46112

TELEPHONE: 317-603-2394

EMAIL: markomiroremodeling@gmail.com

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 16132 Oak Road Westfield, IN. 46074

COUNTY PARCEL ID #(S): 08-10-07-00-01-005.000

EXISTING ZONING DISTRICT(S): Township 18 Range 4

EXISTING LAND USE(S): Residential Single Family

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): The Current Residence does not have a garage. It was converted to a Family Room 20 yeras ago. We would like to add a Three Car Detatached Garage but requested location is in breach of ordinance Ordinance States: Accessory buildings shall not be located within the established front yard and further., that the building shall be located a min. of 10' behind the established front yard. Property is a corner lot, ithas (2) Front yards and (2) side yards, defined as "a yard extending across the full width of the lot between Principal bldg., as built, and the front lot line, the depth of which is the least distance between the front lot line and Principal bldg." and front lot line defined, " a lot line abutting a street (public/private). A through lot and corner lot will have multiple front lot lines". The proposed building location does not meet 10' set back

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.

[Signature]
Applicant/Representative (signature)

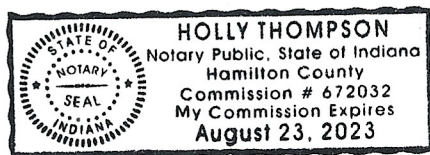
Kelly Thompson
Applicant/Representative (printed)

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 14th day of June, 2022
State of Indiana, County of Hamilton, SS: _____

[Signature]
Notary Public (signature)

Holly Thompson
Notary Public (printed)



PROPERTY OWNER AFFIDAVIT

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

[Signature]
Property Owner (signature)*

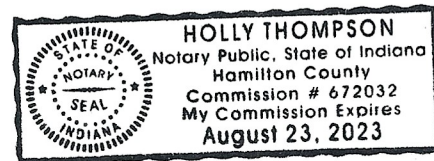
Kelly Thompson
Property Owner (printed)

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 14th day of June, 2022
State of Indiana, County of Hamilton, SS: _____

[Signature]
Notary Public (signature)

Holly Thompson
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.

FINDINGS OF FACT (VARIANCE OF USE)

APPLICANT: Kelly Thompson

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. 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 use will not be injurious to the public health, safety, morals, and general welfare of the community because: The proposed location does not interfere with anyone's view of surrounding areas, property lines or yard drainage. We will be storing (1) classic car, misc. garden tools and parking our daily drivers in proposed garage
- 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 garage will add value to our home, which in turn will add value to homes in the surrounding area
Area North of proposed Garage is our Home and the neighbor on the other side of our home won't see garage, our house will block their view.
Area South (approx 2 acres) is our property to 161st street and not able to build on due to pipeline and easements purchased by Westfield for round a bout. (Garage will block view of round a bout) Area East is our property to Oak Road
Area West is neighbor with landscaped/Fenced property line giving him limited to no vision of our property.
The property directly South and East of our property is Farm land currently used for soy beans and field corn
- C. The need for the variance arises from some condition particular to the property involved because: Accessory buildings shall not be located within the established front yard and further., that the building shall be located a min. of 10' behind the established front yard. Property is a corner lot, it has (2) Front yards and (2) side yards, defined as "a yard extending across the full width of the lot between Principal bldg., as built, and the front lot line, the depth of which is the least distance between the front lot line and Principal bldg." and front lot line defined, "a lot line abutting a street (public/private). A through lot and corner lot will have multiple front lot lines". The proposed building location does not meet 10' set back behind the established front yards
- D. The strict application of the terms of the Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought because: Based on current ordinance, the garage would have to be located behind our house.
This area has our septic tank and fingers system, A drainage swale for the yards West and North of our property and would encroach on our neighbors property line to the West. We would also have to extend driveway to back of house
- E. The variance of use does not interfere substantially with the Comprehensive Plan because: The variance allows us to build the garage in the only area available on our property and not cause major utility upgrades (sewer) to our property. There

FINDINGS OF FACT (VARIANCE OF DEVELOPMENT STANDARD)

APPLICANT: Kelly Thompson

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 location does not interfere with anyone's view of surrounding areas, property lines or yard drainage. The garage will be sided and painted to match house. Roof will match house. shrubs and flowers will be planted around garage

the existing garage before converted was attached on the Eastside of house Closets structure to Oak road. The new garage will sit approx 50 across from old and same distance off of Oak Rd 100'

- 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: Adding the garage will add value to our house and surrounding homes. The house on the NE corner will be torn down to make room for a new round a bout at 161st/Oak Rd. Property directly south is our to 161st and farm land past 161st street. Property east is ours to Oak rd and farm land past Oak road. Property North is our house and landscaping blocking neighbor to the Norths view. Property to the west has land scaping and a large storage shed on their property blocking view. It will not effect Drainage of surrounding area

- C. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property because: _____
We would have only 1 option. not build the garage The ordinance would require us to put the garage in back yard putting use over my neighbor to the west property line. Even if we could put it in backyard, We would have to tie saniarty sewer at street, demo septic in backyard, recalculate/cut drainage swale for my yard and neighbor to the norths yard and pour a drive from the front driveway around southside of house to the back yard

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



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

July 12, 2022

2207-VU-11

Exhibit 1

Petition Number: 2207-VU-11

Subject Site Address: 4027 W SR 32 (“the Property”)

Petitioner: Courtney Clark (“the Petitioner”)

Request: Variance of Use to permit a private leisure and hobby facility on .37 acres in the SF-5 zoning district. (UDO Article 13.2)

Current Zoning: SF-5 – Single-family High-Density District (villages)

Current Land Use: Improved lot with non-dwelling unit structure on site

Approximate Acreage: .37 acres +/-

Exhibits:

1. Staff Report
2. Location Map
3. Site Survey
4. Existing Conditions Exhibit
5. Application

Staff Reviewer: Weston Rogers, Associate Planner

OVERVIEW

Location: The subject Property is .37 acres +/- in size (the “Property”) and is located at 4027 W SR 32 (see **Exhibit 2**). The Property is currently zoned SF-5 Single-family High-Density District (villages). The adjacent properties to the west, north, and east are also zoned SF-5. The adjacent Property to the south is zoned AG-SF1.

Requested Variances: The Petitioner requests a Variance of Use to permit a private leisure and hobby facility as further described in the Statement of Intent (see Exhibit 4), in the SF-5 Single-family High-Density District (villages).

BACKGROUND

The Property, located at 4027 West State Road 32 was home to what appears to be a mobile home from the early 1970’s through year 2017 when the mobile home was removed.

In 2021, a new building was placed on the property. However, no improvement location permit was ever filed with the Community Development Department. It should be noted that the Petitioner is not the individual who erected this Building.



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

July 12, 2022

2207-VU-11

Exhibit 1

The individual who erected the building on the Property in 2021 had originally applied for a variance (docket no. 2101-VS-01), however it was withdrawn prior to public hearing.

Following the withdrawn variance, the Property, including the building, was sold to the Petitioner without knowledge the existing building would need a variance.

Currently, there is an active code enforcement case # EN-21-10-86 due to a) the lack of a building permit on file and b) the fact that a stand-alone Building, typically an accessory building, is currently serving as a Principal Building on site.

Thus, the request for a Variance of Use to permit a private leisure and hobby facility on .37 acres in the SF-5 zoning district is being pursued to permit the proposed use on site as described in the Statement of Intent in **Exhibit 5**. This Variance of Use would permit the existing Building to be a Principal Building while permitting a non-dwelling related use.

SUMMARY OF VARIANCE

The Petitioner is proposing to use an existing on-site Structure as a private leisure and hobby facility. The City does not currently have a land use classification that accurately represents a private leisure and hobby facility as proposed (see the Statement of Intent in **Exhibit 5**).

The Petitioner is requesting a Variance of Use to permit a private leisure and hobby facility on the Property and as described in the Statement of Intent in **Exhibit 5**.

COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan identifies this Property within the "Villages"¹ land use classification. The Villages land use is separated into different sections. The section where the Property is located is called Jolietville. The Jolietville section contemplates uses that would encourage food and entertainment, attached dwellings, detached dwellings, warehousing, commercial, including retail and services, offices, and institutional uses.

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 12, 2022, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

¹ Westfield-Washington Township Comprehensive Plan, Land Use Concept Map (pg. 24).



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

July 12, 2022

2207-VU-11

Exhibit 1

Conditions: The UDO² 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 UDO³ 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 Use: The Board of Zoning Appeals shall approve or deny variances of land use from the terms of the UDO. A variance of land use 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 constitute an unnecessary hardship if applied to the Property for which the variance is sought; and
5. The approval does not interfere substantially with the Comprehensive Plan.

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.



DEPARTMENT COMMENTS:

Approval: If the Board finds that adequate evidence is shown that the Variance of Use meets the applicable review criteria, then the Department recommends approval of the Variance of Use (2207-VU-11), with the recommended conditions and findings as set forth below:

Recommended Conditions of Approval:

1. That the variance of use shall be tied to the Applicant and their heirs;
2. That the Property shall not be open to or used by the general public;
3. That the Property shall not be used for commercial purposes;
4. That the existing Building on the Property shall not be retrofitted or modified to become a dwelling;
5. That the existing Building on the Property shall not be expanded;
6. That no further Buildings or Structures shall be permitted on the Property;
7. That the Building location shall be contingent on receiving approval from the Hamilton County Surveyors Office due to the proximity of an adjacent legal drain;
8. That the Petitioner shall submit an Improvement Location Permit to the Community Development Department which demonstrates that the Building is placed on a foundation with appropriate Building anchoring; and
9. That the Petitioner shall record an acknowledgement of this approval with the Hamilton County Recorder's Office and return a copy of the recorded instrument to the Community Development Department.

Recommended Findings for Approval:

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

Finding: It is unlikely that the approval will be injurious to the public health, safety, morals, and general welfare of the community, because the building for which the use is permitted already exists on the Property and the proposed use will not be substantially different than other accessory uses permitted on adjacent properties with consistent zoning.

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

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



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

July 12, 2022

2207-VU-11

Exhibit 1

- 3) *The need for the variance arises from some condition peculiar to the Property involved.*

Finding: The existing Building on the Property is not configured to be used as a dwelling. The Building will not be able to be used as a private leisure and hobby facility without a variance.

- 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 proposed use is not permitted as a standalone facility in the SF-5 zoning district. Without the requested variance, the Petitioner will be unable to use the Property as described in the Statement of Intent.

- 5) The approval does not interfere substantially with the comprehensive plan.

Finding: This use does not substantially alter the characteristics of the Property and will serve as a transitional land use buffer between the Village and rural residential development to the south as contemplated in the comprehensive plan.

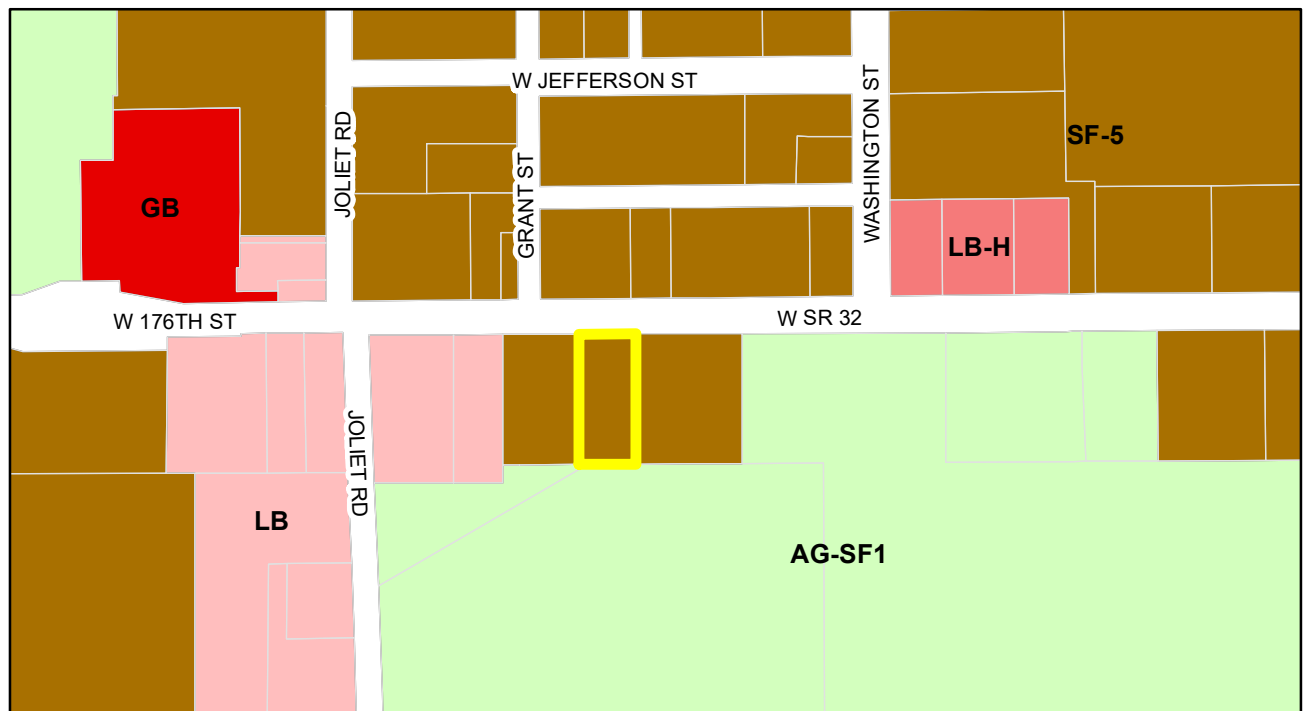
Denial: If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.

Aerial Location Map

 Site



Zoning Map



 Parcel selection

 Parcel

Zoning - All

Zoning

 AG-SF1 (Agriculture - Single Family - 1)

 GB (General Business)

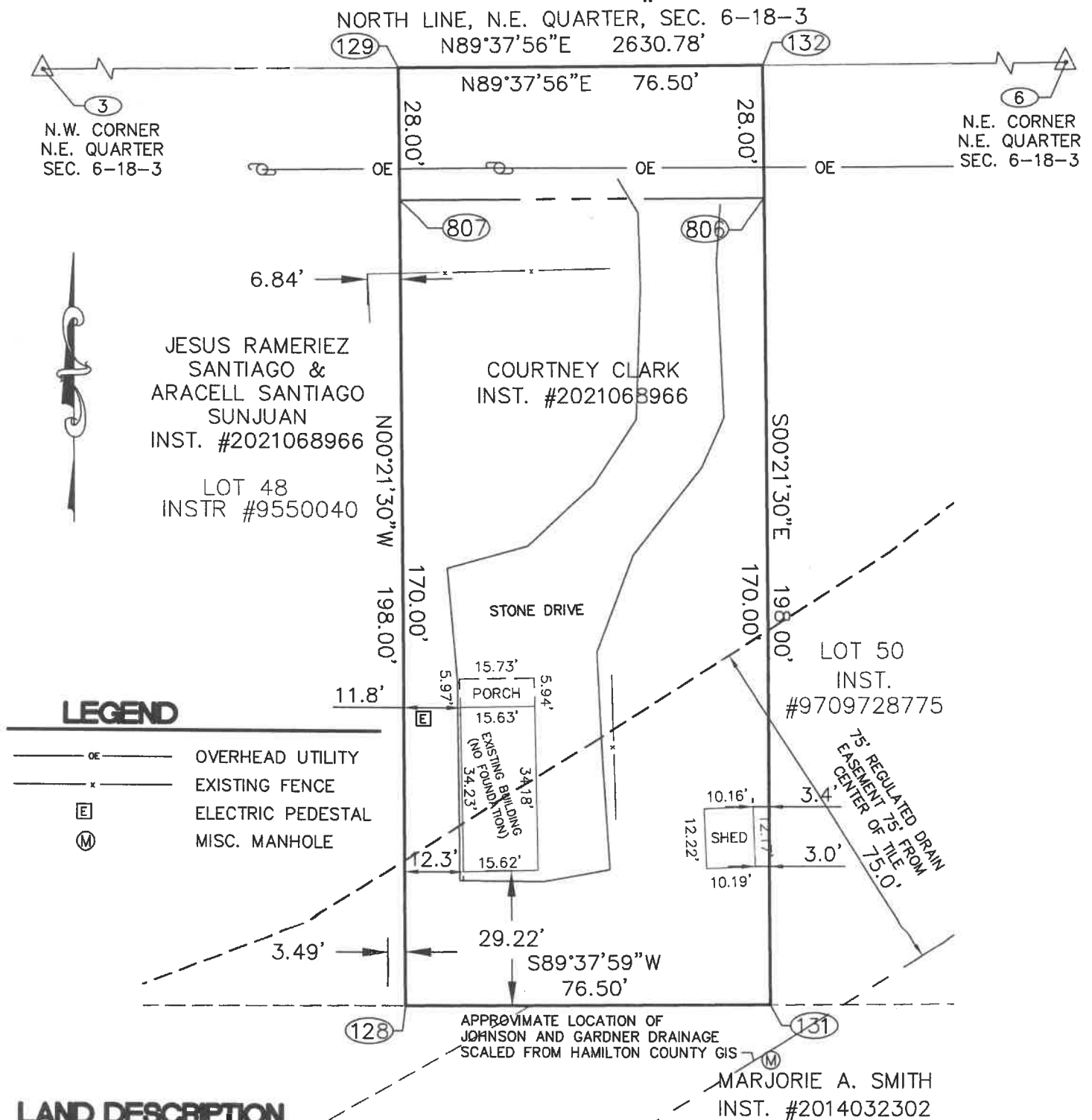
 LB (Local Business)

 LB-H (Local Business - Historical)

 SF-5 (Single Family - 5)

RETRACEMENT SURVEY

PART OF LOTS #48 IN THE TOWN OF JOLIETVILLE
WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA
STATE ROAD #32



LAND DESCRIPTION

INSTRUMENT #2021068966

FOUR RODS AND TEN AND ONE-HALF FEET OFF
THE EAST SIDE OF LOTS 48 IN THE TOWN OF
JOLIETVILLE, AS PER PLAT THEREOF, RECORDED
IN DEED RECORD 35, PAGE 581, IN THE OFFICE
OF RECORDER OF HAMILTON COUNTY, INDIANA.

POINT INVENTORY

POINT

REMARKS

(129)(132)

COMPUTED LOCATIONS
(NO POINTS SET)

(128)(131)(806)(807)

5/8" IRON ROD WITH YELLOW CAP
STAMPED MILLER SURVEYING SET

FLOOD ZONE DEFINITION

ZONE
"X"

EXPLANATION
AREAS DETERMINED TO BE OUTSIDE
500-YEAR FLOODPLAIN.

THE SUBJECT PROPERTY IS NOT LOCATED IN A
SPECIAL FLOOD HAZARD AREA AS ESTABLISHED BY
THE FEDERAL EMERGENCY MANAGEMENT AGENCY
NATIONAL FLOOD INSURANCE PROGRAM AS PER
SCALED INTERPRETATION OF FLOOD RATE MAP
#18057C 0115G AREA IN ZONE "X" MAP DATED
NOVEMBER 19, 2014..

GRAPHIC SCALE



SCALE : 1" = 30'

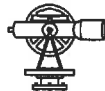
THIS SURVEY IS NOT COMPLETE AND/OR
VALID WITHOUT BOTH PAGES.

PAGE 1 OF 2

R.L.S.

LS20400007

12/3/2021
DATE:



MILLER SURVEYING INC.

948 CONNER STREET
NOBLESVILLE INDIANA 46060
PH. # (317) 773-2644 FAX 773-2694



LOCATION: PART OF LOTS #48
TOWN OF JOLIETVILLE
WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA
FIELD WORK COMPLETED: 11/2/2021
CLIENT: COURTNEY CLARK
DESCRIPTION: RETRACEMENT SURVEY

DRAWN BY: LRL	PREPARED BY: KNA
SCALE: 1" = 30'	FIELD BOOK: D.C.
DATE: 12/3/2021	PAGE: D.C.
JOB NUMBER	SURVEY 4 FILE:
B40196	

RETRACEMENT SURVEY

PART OF LOTS #48 IN THE TOWN OF JOLIETVILLE WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA SURVEYOR'S REPORT

IN ACCORDANCE WITH TITLE 865, ARTICLE 1, CHAPTER 12 OF THE INDIANA ADMINISTRATIVE CODE (RULES FOR LAND SURVEYS IN INDIANA), THE FOLLOWING OBSERVATIONS AND OPINIONS ARE SUBMITTED REGARDING THE VARIOUS UNCERTAINTIES IN THE LOCATIONS OF THE LINES AND CORNERS ESTABLISHED THIS SURVEY AS A RESULT OF UNCERTAINTIES IN REFERENCE MONUMENTATION; IN RECORD DESCRIPTIONS AND PLATS; IN LINES OF OCCUPATION; AND AS INTRODUCED BY RANDOM ERRORS IN MEASUREMENT ("RELATIVE POSITIONAL ACCURACY"). THERE MAY BE UNWRITTEN RIGHTS ASSOCIATED WITH THESE UNCERTAINTIES. THE CLIENT SHOULD ASSUME THERE IS AN AMOUNT OF UNCERTAINTY ALONG ANY LINE EQUAL IN MAGNITUDE TO THE DISCREPANCY IN THE LOCATION OF THE LINES OF POSSESSION FROM THE SURVEYED LINES.

THERE MAY BE DIFFERENCES OF DEED DIMENSIONS VERSUS MEASURED DIMENSIONS ALONG THE BOUNDARY LINES SHOWN HEREON AND LIKEWISE, THERE MAY BE FOUND SURVEY MARKERS NEAR, BUT NOT PRECISELY AT, SOME BOUNDARY CORNERS. IN CASES WHERE THE MAGNITUDE OF THESE DIFFERENCES ARE LESS THAN THE RELATIVE POSITIONAL ACCURACY AND LESS THAN THE UNCERTAINTY IDENTIFIED FOR THE REFERENCE MONUMENTATION (DISCUSSED BELOW), THE DIFFERENCES MAY BE CONSIDERED INSIGNIFICANT AND ARE SHOWN ONLY FOR PURPOSES OF MATHEMATICAL CLOSURE. SUCH DIFFERENCES THAT ARE GREATER THAN THE RELATIVE POSITIONAL ACCURACY AND THE UNCERTAINTY IN REFERENCE MONUMENTATION SHOULD BE CONSIDERED WORTHY OF NOTICE AND ARE THEREFORE DISCUSSED FURTHER BELOW.

THIS SURVEY AND REPORT ARE BASED IN PART UPON OPINIONS FORMED IN ACCORDANCE WITH AN INDIANA LAND SURVEYOR'S RESPONSIBILITY TO CONDUCT A SURVEY IN ACCORDANCE WITH "LAW OR A PRECEDENT" (865 IAC 1-12-11(5), RULES OF THE INDIANA STATE BOARD OF REGISTRATION FOR LAND SURVEYORS). SINCE INDIANA HAS NO STATUTES ADDRESSING HOW TO RESOLVE BOUNDARY LINES, A SOLUTION BASED ON PRINCIPLES DERIVED FROM COMMON LAW PRECEDENT MUST BE RELIED UPON AS THE BASIS FOR A BOUNDARY RESOLUTION. UNLESS OTHERWISE NOTED OR DEPICTED HEREON, THERE IS NO EVIDENCE OF OCCUPATION ALONG THE PERIMETER LINES OF THE SUBJECT TRACT. ALL SURVEY MONUMENTS SET OR FOUND THIS SURVEY ARE FLUSH WITH EXISTING GRADE UNLESS OTHERWISE NOTED.

THE RELATIVE POSITIONAL ACCURACY (DUE TO RANDOM ERRORS IN MEASUREMENT) OF THE CORNERS OF THE SUBJECT TRACT ESTABLISHED THIS SURVEY DOES NOT EXCEED THAT ALLOWABLE FOR A RURAL CLASS SURVEY (0.26 FEET PLUS 200 PPM) AS DEFINED IN IAC 865.

THE WITHIN SURVEY IS A RETRACEMENT SURVEY OF FOUR RODS AND TEN AND ONE-HALF FEET OFF THE EAST SIDE OF LOTS 48 IN THE TOWN OF JOLIETVILLE, AS PER PLAT THEREOF, RECORDED IN DEED RECORD 35, PAGE 581, IN THE OFFICE OF RECORDER OF HAMILTON COUNTY, INDIANA ALSO KNOWN AS INSTRUMENT #2021068966.

BASIS OF BEARING: ASSUMED BEARING

CONTROLLING MONUMENTS:

3

N.W. CORNER, N.E. 1/4, SECTION 6-18-3
P.K. NAIL FOUND (PER CO. SURVEYOR REFERENCE)

5

N.E. CORNER, N.E. 1/4, SECTION 6-18-3
HARRISON MONUMENT FOUND (PER CO. SURVEYOR REFERENCE)

IN MY OPINION, THERE IS 0.5 FEET OF UNCERTAINTY IN THE LOCATION OF THESE MONUMENTS.

NO TITLE "GAPS" AND/OR "OVERLAPS" WERE FOUND WITH CURRENT DEED OF RECORDS.

- POSSESSION TO THE NORTH IS THE IMPROVEMENTS OF STATE ROAD #32.
NO EVIDENCE OF POSSESSION WAS FOUND TO THE EAST, SOUTH, AND WEST.
- THE ACCURACY OF ANY FLOOD HAZARD DATA SHOWN ON THIS REPORT IS SUBJECT TO MAP SCALE UNCERTAINTY AND TO ANY OTHER UNCERTAINTY IN LOCATION OR ELEVATION ON THE REFERENCED FLOOD INSURANCE RATE MAP. THE WITHIN DESCRIBED TRACT OF LAND LIES WITHIN FLOOD HAZARD ZONE "X" AS SAID TRACT PLOTS BY SCALE ON COMMUNITY PANEL NUMBER 18057C 0115G OF THE FLOOD INSURANCE RATE MAPS FOR HAMILTON COUNTY, INDIANA (MAPS DATED NOVEMBER 19, 2014).
- OWNERSHIP INFORMATION INDICATED HEREON IS AS IDENTIFIED IN COUNTY RECORDS ON 11/05/2021.
- THE SURVEY HEREIN DOES NOT PURPORT TO SHOW THE WATERSHED AREAS AFFECTING THE SUBJECT PARCELS NOR DOES IT PURPORT TO SHOW THE PRESENCE OR ABSENCE OF ALL REGULATED OR NON-REGULATED DITCHES OR DRAINS.
- THE WITHIN PLAT AND SURVEY WERE PREPARED WITHOUT BENEFIT OF A CURRENT TITLE POLICY FOR THE SUBJECT TRACT OR THE ADJOINING TRACTS AND ARE THEREFORE SUBJECT TO ANY STATEMENT OF FACTS REVEALED BY EXAMINATION OF SUCH DOCUMENTS.

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 (K. NATHAN ALTHOUSE)

R.L.S.

LS20400007

12/3/2021
DATE:



MILLER SURVEYING INC.

948 CONNER STREET
NOBLESVILLE INDIANA 46060
PH. # (317) 773-2644 FAX 773-2694



LOCATION: PART OF LOTS #48 TOWN OF JOLIETVILLE WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA	DRAWN BY: LRL	PREPARED BY: KNA
FIELD WORK COMPLETED: 11/2/2021	SCALE: 1" = 30'	FIELD BOOK: D.C.
CLIENT: CURTNEY CLARK	DATE: 12/3/2021	PAGE: D.C.
DESCRIPTION: RETRACEMENT SURVEY	JOB NUMBER B40196	SURVEY 4 FILE:

THIS SURVEY IS NOT COMPLETE AND/OR
VALID WITHOUT BOTH PAGES.

PAGE 2 OF 2

Existing Conditions Exhibit





VARIANCE APPLICATION

OFFICE USE ONLY

DOCKET #: 2207-VS-23 FILING DATE: 6/6/22
FILING FEE: \$ _____ FEE PLUS \$ _____ PER ADDITIONAL VARIANCE (@ _____) = \$ _____

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: Brandon Oliver & Daine Crabtree (STAFF NAME) DATE: June 3, 2020

PRIOR OR RELATED DOCKET NUMBERS

CHANGE OF ZONING: _____ AMENDMENTS: _____ DEVELOPMENT PLAN: _____
PRIMARY PLAT: _____ SECONDARY PLAT: _____ VARIANCE(S): Variance permit on red structure

APPLICANT INFORMATION

APPLICANT'S NAME: Courtney Clark TELEPHONE: 317-294-2291
ADDRESS: 16141 Kinsale Dr. Westfield, IN 46062 EMAIL: CourtneyNaaman@gmail.com
PROPERTY OWNER'S NAME: Courtney Clark TELEPHONE: Same
ADDRESS: Same EMAIL: _____
REPRESENTATIVE'S NAME: _____ TELEPHONE: _____
COMPANY: _____ EMAIL: _____
ADDRESS: _____

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 4627 W State Road 32 Westfield, IN 46074
COUNTY PARCEL ID #(S): 08-09-06-02-01-004-000
EXISTING ZONING DISTRICT(S): Zoned Residential EXISTING LAND USE(S): Art/Storage/recreation
(but not a residence)

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):

I would like to obtain a variance permit for the red barn structure that is currently sitting on skids on the property. It was not disclosed to me by the seller or the realtor that this structure may included in the sale was not within code. It will not be used for residential purposes. It will be used as an artwork shed and for recreation. I would like for it

FINDINGS OF FACT (VARIANCE OF USE)

APPLICANT: Courtney Clark

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

The variance permit requested for the red barn structure on the property will only be used for storage of art and artwork supplies and/or furniture. The property will be for recreational use only.

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

This structure will not be used as a residential property. It will not be used for any type of business. It will only be used for a storage barn/art/recreational purposes (primarily with young children) - Not for parties or disruptive behavior.

C. The need for the variance arises from some condition particular to the property involved because:

Prior to purchasing the property, I was not informed that this structure was not within code. Furthermore, I was unaware there is an easement running underneath the red structure. The health department advised the previous owner to not place anything on top of this easement, but she did not disclose that to me. This is a secondary access building without a primary residence and too big to be an accessory building.

D. The strict application of the terms of the Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought because:

I would have to find another place or sell the red structure. I would need to hire someone to move the barn (on skids), or I would need to work with the city on trying to move it away from the easement, but it still would need a variance permit because it is too big to be an accessory structure and it is a secondary accessory structure without a primary residence.

E. The variance of use does not interfere substantially with the Comprehensive Plan because:

Originally I was going to build out the red structure as a residence for another person. I was informed by seller and realtor that this would be a possibility. However, I have learned that the red structure was already in violation of city code prior to my purchase. Therefore, I would like to simply use it

FINDINGS OF FACT (VARIANCE OF DEVELOPMENT STANDARD)

APPLICANT: Courtney Clark

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: _____

It will remain "as is" - Just a Storage barn. There will not be any changes that would impact the community any different than it currently sits. It will not be used as a residence. It will be used for arts/crafts storage wood working / recreational purposes. Any changes would be on the interior (fixing the walls / making the roof safer)

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: _____

Even though I purchased the property for way more than it is worth, I did so thinking the current structure could be made a residence. Keeping it as a storage barn will not impact the neighbors.

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

I Could not use this property as it was presented to me by the seller. The variance would be necessary to keep the red structure on the property rather than having to pay someone to move it elsewhere or going through the process of selling it and still having to pay to make it.

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.

Courtney Clark
Applicant/Representative (signature)

Courtney Clark
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 18th day of May, 2022
State of Indiana, County of Hamilton, SS: _____

Robin D. Garrett
Notary Public (signature)

Robin D. Garrett
Notary Public (printed)



Robin D Garrett, Notary Public
Hamilton County, State of Indiana
My Commission Expires
September 26, 2025

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.

Courtney Clark
Property Owner (signature)*

Courtney Clark
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 18th day of May, 2022
State of Indiana, County of Hamilton, SS: _____

Robin D. Garrett
Notary Public (signature)

Robin D. Garrett
Notary Public (printed)



Robin D Garrett, Notary Public
Hamilton County, State of Indiana
My Commission Expires
September 26, 2025

*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.

**NOTICE OF ASSESSMENT OF LAND AND STRUCTURES / IMPROVEMENTS**

State Form 21366 (R19 / 12-21)

Prescribed by Department of Local Government Finance

FORM 11

Name and address of property owner



CLARK, COURTNEY
16141 KINSALE DR.
WESTFIELD, IN 46062-8222

Robin L. Ward, County Assessor
33 N Ninth St, Ste 214
Noblesville, IN 46060



Legal Description: S6 T18 R3 JOLIETVILLE Acres: 0.3700 - Lot #: PT 48	Parcel or Identification Number: 08-09-06-02-01-004.000
Property address (number and street, city, state, and ZIP code) 4027 W STATE ROAD 32, WESTFIELD, IN 46074	State Parcel Number: 29-09-06-201-004.000-014

This notice indicates the assessed value of your property. Information on the valuation of your property and a copy of the property record card can be obtained from the assessing official at the telephone number and address below.

Notice to the taxpayer of the opportunity to appeal (IC 6-1.1-15-1.1, 1.2):

If the taxpayer does not agree with the action of the assessing official giving this notice, an appeal can be initiated to challenge that action. To file an appeal, the taxpayer must file a Form 130, Taxpayer's Notice to Initiate an Appeal, with the township assessor or county assessor in a timely manner. The time-frame to file an appeal on the assessment contained in this notice may have two different filing deadlines. These deadlines are based on the date that this notice is mailed. If this notice is mailed before May 1 of the assessment year, the filing deadline is June 15 of that year. If this notice is mailed on or after May 1 of the assessment year, the filing deadline is June 15 in the year that the tax statements are mailed. (IC 6-1.1-15-1.1) This form is available from the assessing official or at <https://forms.in.gov/Download.aspx?id=6979>. An assessing official who receives a Form 130 must schedule a preliminary informal meeting with the taxpayer in order to resolve the appeal. The assessing official and taxpayer must exchange the information each party is relying on at the time of the preliminary informal meeting to support the party's respective position on each disputed issue concerning the appeal. If the taxpayer has reason to believe that the township assessor, county assessor, an employee of the township assessor or county assessor, or an appraiser has violated IC 6-1.1-35.7-3 or IC 6-1.1-35.7-4(a), the taxpayer may submit a written complaint to the Department of Local Government Finance under IC 6-1.1-35.7-4(b).

NOTE: Failure to file a timely Form 130 can be grounds for dismissal of this appeal.

PREVIOUS ASSESSMENT		NEW ASSESSMENT EFFECTIVE JANUARY 1, 2022	
LAND	12,400	LAND	12,400
STRUCTURES/ IMPROVEMENTS*	700	STRUCTURES/ IMPROVEMENTS*	49,800
TOTAL	13,100	TOTAL	62,200

Reason for revision of assessment: 12- NEW CONSTRUCTION

THERE WAS NEW CONSTRUCTION OR OTHER CHANGES TO YOUR PROPERTY'S ASSESSED VALUE. YOU HAVE RECEIVED THIS BECAUSE YOUR ASSESSED VALUE HAS CHANGED

AS REQUIRED BY LAW, YOUR ASSESSMENT IS ADJUSTED EACH YEAR TO REFLECT MARKET VALUE.

ASSESSED VALUES FOR 2022 PAY 2023 ARE BASED ON SALES FROM 01/01/2021 - 12/31/2021.

You have until June 15, 2022 (45 days from the date of notice below) to file an appeal.

If the change in assessment is due to a new home, a taxpayer should be aware that there are many property tax benefits or deductions available. Please see INDIANA PROPERTY TAX BENEFITS (State Form 51781) available on the DLGF website: www.IN.gov/dlgf. Other non-residential construction may be eligible for deductions - see Forms 322/RE and Form 322/VBD.

County HAMILTON	Township WASHINGTON	Date of notice (month, day, year) April 29, 2022
Assessing Official JEROLYN OGLE	Telephone number 317.770.8893	

ONE HAMILTON COUNTY SQUARE, SUITE 30, NOBLESVILLE IN 46060

Title Alliance of Indy Metro, LLC

1644 Fry Road, Suite C, Greenwood, IN 46142

Phone: 317-884-9327 Fax: 888-487-4642

September 23, 2021

Courtney Clark
16141 Kinsale Dr
Westfield, IN 46062

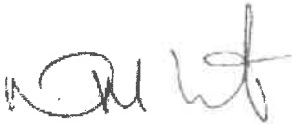
Re: File Number 512-006837
Premises: **4027 W State Rd 32, Westfield, IN 46074**
Hamilton County

Dear Courtney Clark,

Enclosed is your original recorded deed.

If you have any questions, please feel free to contact me at the number above.

Thank you,

A handwritten signature in dark ink, appearing to read "David Wilson", written in a cursive style.

David Wilson

DULY ENTERED FOR TAXATION
Subject to final acceptance of transfer
22nd day of September 2021 - JKT
Kevin M. Miller Auditor of Hamilton County
Parcel # 08-09-06-02-01-004.000

bpg

File No: 512-006837

Parcel No: 08-09-06-02-01-004.000 / 29-09-06-201-004.000-014

2021068966 WD \$25.00
09/22/2021 11:32:31AM 3 PGS
Jennifer Hayden
Hamilton County Recorder IN
Recorded as Presented



AMM

WARRANTY DEED

THIS INDENTURE WITNESSETH That **Karissa Wright**, (Grantor), of Hamilton County, in the State of Indiana, CONVEYS AND WARRANTS to **Courtney Clark, an Adult** (Grantee), for the sum of Ten and No/100 Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Hamilton County, State of Indiana:

**FOUR RODS AND TEN AND ONE-HALF FEET OFF THE EAST SIDE OF LOTS 48
IN THE TOWN OF JOLIETVILLE, AS PER PLAT THEREOF, RECORDED IN
DEED RECORD 35, PAGE 581, IN THE OFFICE OF THE RECORDER OF
HAMILTON COUNTY, INDIANA.**

Subject to real estate property taxes, due and payable in May 2022, and subject to real estate property taxes due and payable thereafter.

Parcel # 08-09-06-02-01-004.000 / 29-09-06-201-004.000-014

Subject to any and all easements, agreements and restrictions of record.

The address of such real estate is commonly known as 4027 W State Rd 32, Westfield, IN 46074

Grantee's Post Office mailing address is:

16141 Kinsale Dr., Westfield, IN 46062

Tax bills should be sent to Grantee at such address unless otherwise indicated below.

IN WITNESS WHEREOF, Grantor has executed this deed this 20
day of September, 2021.

File No: 512-006837

Parcel No: 08-09-06-02-01-004.000 / 29-09-06-201-004.000-014

WARRANTY DEED

THIS INDENTURE WITNESSETH That **Karissa Wright**, (Grantor), of Hamilton County, in the State of Indiana, CONVEYS AND WARRANTS to **Courtney Clark, an Adult** (Grantee), for the sum of Ten and No/100 Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Hamilton County, State of Indiana:

**FOUR RODS AND TEN AND ONE-HALF FEET OFF THE EAST SIDE OF LOTS 48
IN THE TOWN OF JOLIETVILLE, AS PER PLAT THEREOF, RECORDED IN
DEED RECORD 35, PAGE 581, IN THE OFFICE OF THE RECORDER OF
HAMILTON COUNTY, INDIANA.**

Subject to real estate property taxes, due and payable in May 2022, and subject to real estate property taxes due and payable thereafter.

Parcel # 08-09-06-02-01-004.000 / 29-09-06-201-004.000-014

Subject to any and all easements, agreements and restrictions of record.

The address of such real estate is commonly known as 4027 W State Rd 32, Westfield, IN 46074

Grantee's Post Office mailing address is:

161A1 Kinsale Dr., Westfield, IN 46062

Tax bills should be sent to Grantee at such address unless otherwise indicated below.

IN WITNESS WHEREOF, Grantor has executed this deed this 20
day of September, 2021.

GRANTOR:

Karissa Wright
Signature

Signature

Karissa Wright

Printed

Printed

STATE OF INDIANA)
COUNTY OF Marion)SS:

Before me, a Notary Public in and for said County and State, personally appeared **Karissa Wright** who acknowledged the execution of the foregoing Warranty Deed, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 20th day of 09 / September, 2021.

My Commission Expires:

05-23-2026

Signature

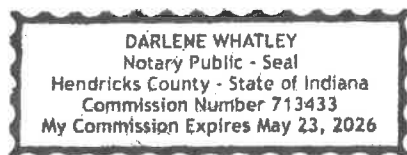
Darlene Whatley

Printed

Darlene Whatley

Notary Public

Residing in Hendricks County, State of Indiana.



Return deed to: Title Alliance of Indy Metro, LLC, 1644 Fry Road, Suite C, Greenwood, IN 46142

Send tax bills to: 16141 Kinsale Dr. Westfield, IN 46062

I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Name: John E. Kolas, Attorney at Law, Declarant.

This instrument was prepared by **JOHN E. KOLAS**, Attorney at Law #5517-49, 6910 North Shadeland Avenue, Suite 205, Indianapolis, Indiana 46220 / Telephone 317-841-0267.



Petition Number: 2207-VU-10

Subject Site Address: Westfield Park Road, approximately 0.25 mi north of 169th Street (the "Property")

Petitioner: Mauricio Gonzalez by Pleasant Cities, LLC (the "Petitioner")

Request: The Petitioner is requesting a Variance of Use to permit a Construction Trade Office in the EI: Enclosed Industrial District and the US Highway 31 Overlay District.

Current Zoning: EI: Enclosed Industrial

Current Land Use: Residential

Approximate Acreage: 4.0 acres+/-

Exhibits: 1. Staff Report
2. Location Map

Staff Reviewer: Daine Crabtree, Senior Planner

PROPERTY INFORMATION

The subject Property is 4.0 acres +/- in size and is located on Westfield Park Road, approximately 0.25 mi north of 169th Street (the "Property") (see **Exhibit 2**). The Property is zoned EI: Enclosed Industrial.

The Property is surrounded on all sides by industrial development – EI zoned properties exist to the north, east, and south. Custom Concrete, located in the Custom Commerce Park PUD, which defaults to EI underlying zoning but permits some outside storage, exists across the Monon Trail to the west/southwest. The Custom Commerce Park PUD Ordinance was written so that the US Highway 31 Overlay Zone does not apply to the PUD.

VARIANCE REQUEST

The Property is zoned EI: Enclosed Industrial, which typically permits Construction Trade Office uses. However, the Property is also located in the US Highway 31 Overlay Zone, which specifically excludes Construction Trade Office Uses.

Therefore, the Petitioner is requesting a Variance of Use to allow a Construction Trade Office at the subject Property.



The Petitioner previously received a Variance of Use (docket **1803-VU-02**) at the March 16, 2018 Board of Zoning Appeals (BZA) meeting to permit a Construction Trade Office use at 133 W. 161st Street. This variance was extended at the November 9, 2021 BZA meeting (docket **2111-VU-06**) until December 31, 2024.

COMPREHENSIVE PLAN

Indiana Code states that reasonable regard be paid to the Comprehensive Plan when considering zone map changes; however, the Comprehensive Plan is not law. The Comprehensive Plan is intended to serve as a guide in making land use decisions.

The Westfield-Washington Township Comprehensive Plan (the “Comprehensive Plan”) identifies the “Employment Corridor” land uses as the appropriate land use for the Property.

For the Employment Corridor area, the Comprehensive Plan lists office and service uses, research and development and retail and institutional uses that are subordinate to and supportive of the office and service uses as appropriate.

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 15, 2022, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals’ Rules of Procedure.

Conditions: The UDO¹ and Indiana law provide that the Board of Zoning Appeals may impose reasonable conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of the UDO upon any Lot benefited by a variance as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject Lot or upon public facilities and services. Such conditions shall be expressly set forth in the order granting the variance.

Acknowledgement of Variance: If the Board of Zoning Appeals approves this petition, then the UDO² requires that the approval of the variance shall be memorialized in an acknowledgement of variance instrument prepared by the Department. The acknowledgement shall: (i) specify the granted variance and any commitments made or conditions imposed in granting of the variance; (ii) be signed by the Director, Property Owner and Applicant (if Applicant is different than

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.

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.

DEPARTMENT COMMENTS:

Recommended Findings:

- 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 Commercial Trade Office business 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 as well as existing, surrounding uses.

- 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 consistent with the uses contemplated in the City's Comprehensive Plan as well as existing, surrounding uses.



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

Finding: The use of a Construction Trade Office is permitted by the existing zoning but excluded from the US Highway 31 Overlay - despite adjacent straight-zoned properties which would permit such a use if located outside of the US Highway 31 Overlay as well as an adjacent PUD-zoned district for which the US Highway 31 Overlay was made inapplicable.

- 4) *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 mean that the site would be required to meet all US Highway 31 Overlay standards despite the US Highway 31 Overlay being inapplicable to adjacent and nearby properties within the same business park.

- 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 "Employment Corridor". The proposed use would meet the Comprehensive Plan's vision.

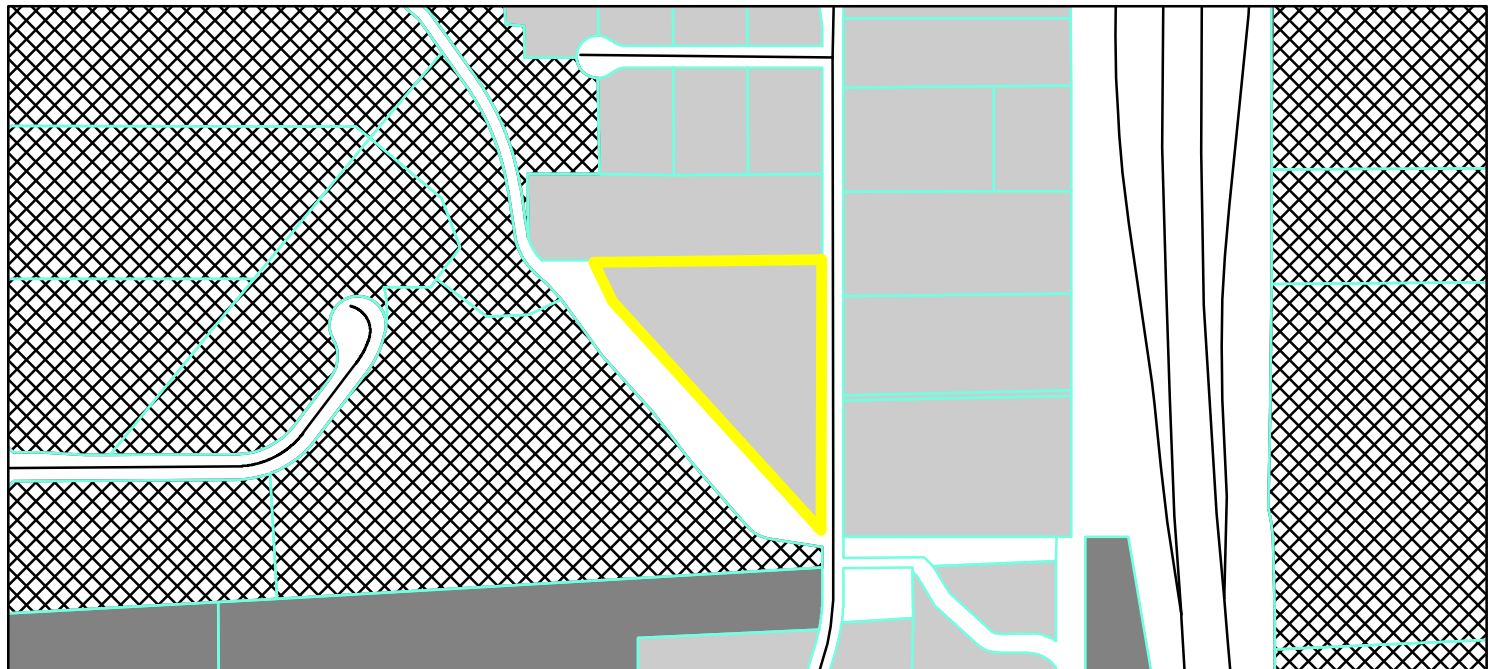
Denial: If the Board is inclined to reject or deny the Variance of Use, then the Department recommends denying the Variance of Use, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence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

Aerial Location Map

 Site



Zoning Map



GIS.DBO.PW_Streets Zoning
Parcel
Parcel
Zoning - All
EI (Enclosed Industrial)
OI (Open Industrial)
PUD (Planned Unit Development)

0 0.05 0.1
Miles





Westfield-Washington Township Board of Zoning Appeals (BZA)

Minutes of the Tuesday, June 14, 2022 BZA Meeting

Presented for approval: July 12, 2022

The Westfield-Washington Township Board of Zoning Appeals
met at 7:00 p.m. on Tuesday, June 14, 2022 at Westfield City Hall.

Active Links for this Meeting:

[June 14, 2022 BZA Agenda & Exhibits](#)

[June 14, 2022 YouTube Video](#)

OPENING OF MEETING

[YouTube Time: 0:48](#)

Roll Call

BZA Members Present In-Person: Noble Hatfield, Victor McCarty, and Dave Schmitz.

BZA Members Present Virtually: Jeannine Fortier.

BZA Members Absent: Jeff Boller.

City Staff Present: Pam Howard, Assistant Director; Daine Crabtree, Senior Planner;
Ryan Collingwood, Associate Planner; and Weston Rogers; Associate Planner.

City Staff Present Virtually: None

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

APPROVAL OF MINUTES

McCarty motioned to approve the April 12, 2022 Minutes.

Fortier seconded. Motion passed. Vote 3-0. (Hatfield abstained)

REVIEW RULES AND PROCEDURES

Crabtree reviewed BZA rules and procedures.

CHANGES TO THE AGENDA

2205-VS-21: 10 E. 191st Street / West Fork Whiskey Company has been continued.

INTRODUCTION OF NEW BZA MEMBER

Noble Hatfield will be filling the position previously held by Brian Morales.

ITEMS OF BUSINESS

2204-VU-05 & 2204-VS-14 [ADOPTION OF FINDINGS OF FACT]

[YouTube Time: 4:41](#)

North of 193rd Street, approximately 700 feet east of Centennial Road / Custom Concrete by Gordon D. Byers

The Petitioner requests a Variance of Use and a Variance of Development Standard to permit the outdoor storage of gravel and associated materials on 4.85 acres +/- in the AG-SF1: Agriculture/Single-Family Rural District. (Article 13.2 and Article 6.12)

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

Schmitz motioned to adopt Staff's Findings of Fact for the denial of 2204-VU-05 & 2204-VS-14 as stated in the Staff Report.

McCarty seconded. Motion passed. Vote 4-0.

2205-VU-09 & 2205-VS-17 [PUBLIC HEARING]

[YouTube Time: 7:31](#)

15100 Thatcher Lane / McDonald's Corporation by Ice Miller, LLP

The Petitioner requests a Variance of Use to permit a fast-food restaurant as well as multiple Variances of Development Standard to increase the distance between building façade offsets, to permit metal awnings, and to

Agendas and minutes for all City meetings are updated and available at the City's website.

Website: www.westfield.in.gov | Community Development Department E-mail: community@westfield.in.gov

BZA Minutes for June 14, 2022 Page 1 of 5

permit an Accessory Structure in the Established Front Yard on 1.6 acres +/- in the LB-PD: Local Business-Planned Development District (Articles 6.3(F)(5)(b), 6.3(F)(10)(d) & 6.1(H)(2).

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

Staff presentation / Petitioner presentation.

Public Hearing for 2205-VU-09 & 2205-VS-17 opened at 7:20 p.m.

- No public comments.

Public Hearing for 2205-VU-09 & 2205-VS-17 closed at 7:21 p.m.

BZA comments / Petitioner responses.

McCarty motioned to approve 2205-VU-09 subject to the condition stated in the motion.

Hatfield seconded. Motion passed. Vote 4-0.

Schmitz motioned to adopt Staff's Findings of Fact for the approval of 2205-VU-09.

Fortier seconded. Motion passed. Vote 4-0.

McCarty motioned to approve 2205-VS-17 subject to the three conditions stated in the motion.

Fortier seconded. Motion passed. Vote 4-0.

Schmitz motioned to adopt Staff's Findings of Fact the approval of 2205-VS-17.

Fortier seconded. Motion passed. Vote 4-0.

2206-VS-18 [PUBLIC HEARING]

[YouTube Time: 35:43](#)

18515 North Union Street / ONE Church by Andy Riemersma

The Petitioner requests multiple Variances of Development Standard to omit parking area landscaping, to permit gravel surfacing in lieu of pavement, to omit curbs and gutters, and to omit lighting standards for a proposed off-street parking area on 2.66 acres +/- within the MF-1: Multi-Family Low-Density Zoning District (Articles 6.8(O), 6.14(G)(7)(a), 6.14(G)(7)(b), and 6.14(G)(10).

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

Staff presentation / Petitioner presentation.

Public Hearing for 2206-VS-18 opened at 7:38 p.m.

- No public comments.

Public Hearing for 2206-VS-18 closed at 7:40 p.m.

BZA comments / Petitioner responses.

Schmitz motioned to approve 2206-VS-18 subject to the five conditions stated in the motion.

Hatfield seconded. Motion passed. Vote 4-0.

Schmitz motioned to adopt Staff's Findings of Fact for the approval of 2206-VS-18.

McCarty seconded. Motion passed. Vote 4-0.

2206-VS-19 [PUBLIC HEARING]

[YouTube Time: 1:00:50](#)

17444 Little Eagle Creek Avenue / Melissa & Darrell Stalbaum by Craig Spaid

The Petitioner requests a Variance of Development Standard to encroach ten (10) feet into the eighty (80) foot Minimum Front Yard Setback for the development of a barn on 9.98 acres +/- in the AG-SF1: Agriculture/Single-Family Rural District (Article 4.2(E)(1)(b)).

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

Staff presentation / Petitioner presentation.

Public Hearing for 2206-VS-19 opened at 8:03p.m.

- No public comments.

Public Hearing for 2206-VS-19 closed at 8:04 p.m.

Agendas and minutes for all City meetings are updated and available at the City's website.

Website: www.westfield.in.gov | Community Development Department E-mail: community@westfield.in.gov

BZA Minutes for June 14, 2022 Page 2 of 5

BZA comments / Petitioner responses.

Fortier motioned to approve 2206-VS-19 subject to the three conditions stated in the motion.
McCarty seconded. Motion passed. Vote 4-0.

Schmitz motioned to adopt Staff's Findings of Fact for the approval of 2206-VS-19.
McCarty seconded. Motion passed. Vote 4-0.

2206-VS-20 [PUBLIC HEARING]

[YouTube Time: 1:08:04](#)

19065 Moontown Road / Hayley Morgan

The Petitioner requests Variances of Development Standard to permit an Accessory Building in an Established Front Yard and to encroach three (3) feet into the 100 Foot Minimum Front Yard Setback on 3 acres +/- in the SF2: Single-Family Low-Density District (Articles 4.5(E)(1)(b) & 6.1(D)(2)(a).
(Planner: Daine Crabtree – dcrabtree@westfield.in.gov)

Staff presentation.

Public Hearing for 2206-VS-20 opened at 8:09 p.m.

- No public comments.

Public Hearing for 2206-VS-20 closed at 8:12 p.m.

BZA comments / Petitioner responses.

McCarty motioned to approve 2206-VS-20 subject to the three recommended conditions stated in the motion.
Fortier seconded. Motion passed. Vote 4-0.

Schmitz motioned to adopt Staff's Findings of Fact for the approval of 2206-VS-20.
Hatfield seconded. Motion passed. Vote 4-0.

2206-VS-22 [PUBLIC HEARING]

[YouTube Time: 1:16:16](#)

510 East State Road 32 / BMO Harris Bank, N.A. by Bailey Borkack Nadelhoffer, LLC

The Petitioner requests Variances of Development Standard to permit a temporary walk-up ATM and Accessory Structure in the Established Front Yard on 2.13 acres +/- in the Alpha Tau PUD District and State Highway 32 Overlay District (UDO Articles 5.3(H), 5.3(K)(2)(l), 6.1(D)(1)(a), and 6.12(C)).
(Planner: Pam Howard – phoward@westfield.in.gov)

Staff presentation / Petitioner virtual presentation.

Public Hearing for 2206-VS-22 opened at 8:22 p.m.

- No public comments.

Public Hearing for 2206-VS-22 closed at 8:23p.m.

BZA comments / Petitioner responses.

McCarty motioned to approve 2206-VS-22 subject to the four recommended conditions stated in the motion.
Fortier seconded. Motion passed. Vote 4-0.

Schmitz motioned to adopt Staff's Findings of Fact for the approval of 2206-VS-22.
Hatfield seconded. Motion passed. Vote 4-0.

ITEMS CONTINUED TO A FUTURE MEETING

2202-VU-02 [TABLED]

2907 West SR 32 / Alan Hodgeson

The Petitioner requests a Variance of Use to permit a temporary Very High Intensity Retail (used vehicle sales) use on 1.50 acres +/- in the AG-SF1: Agriculture/Single-Family Rural District.
(Planner: Caleb Ernest – cernest@westfield.in.gov)

2205-VU-08 [CONTINUED]

17821 Joliet Road / Matthew Schiller

The Petitioner requests a Variance of Use to permit a private athletic training facility on 6.62 acres +/- in the AG-SF1: Agriculture/Single-Family Rural District (Article 13.2)
(Planner: Ryan Collingwood – rcollingwood@westfield.in.gov)

2205-VS-21 [CONTINUED]

10 E. 191st Street / West Fork Whiskey Company

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

REPORTS/COMMENTS:

[YouTube Time: 1:29:26](#)

- Plan Commission Liaison
- Community Development Department

ADJOURNMENT

McCarty motioned to adjourn the meeting. Fortier seconded. Motion passed. Vote 4-0.
The meeting adjourned at 8:32 p.m.

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Signature Page for BZA Minutes for June 14, 2022

Chairperson
Dave Schmitz

Secretary
Kevin M. Todd, AICP
Director



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

July 12, 2022

2207-VS-24

Exhibit 1

Petition Number: 2207-VS-24

Subject Site Address: 16132 Oak Road ("the Property")

Petitioner: Kelly Thompson ("the Petitioner")

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

Current Zoning: SF2: Single-Family Low Density

Current Land Use: Residential

Approximate Acreage: 1.93 acres +/-

Exhibits:

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

Staff Reviewer: Ryan Collingwood, Associate Planner

OVERVIEW

Location: The subject property is 1.93 acres +/- in size (the "Property") and located at 16132 Oak Road (see **Exhibit 2**).

Requested Variances: The petitioner is requesting a Variances of Development Standard to permit an Accessory Building (detached garage) to encroach into the 10-foot Established Front Yard Setback.

SUMMARY OF VARIANCE

This petition proposes to permit a detached garage to encroach into the 10-foot Minimum Established Front Yard Setback for Lots in Subdivisions.

Article 6.1(D)(1)(a) of the Westfield-Washington Township Unified Development Ordinance states that, "No Accessory Building may be erected closer than ten (10) feet from the Established Front Yard."



COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan (The “Plan”) identifies the property within the “Existing Suburban” land use classification¹. The vision for the Suburban Residential classification is contemplated for future residential growth of the community, generally to the west and north of the Existing Suburban area.²

The Existing Suburban classification is designed to accommodate detached dwellings, attached dwellings, institutional uses, and recreational uses³. The Plan also contemplates Existing Suburban to:

- Ensure that new development occurs in a way that it is contiguous with existing development:
- Prevent monotony of design and color. Recognize that quality in design applies not just to individual homes, but to the collective impact of an entire development:
- Encourage a diverse range of homes styles in individual subdivisions, using innovative architecture of a character appropriate to Westfield, and:
- Emphasize connectivity between subdivisions, and avoid creating isolated islands of development.

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Development Standard. This petition is scheduled to receive its public hearing at the July 12, 2022, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals’ Rules of Procedure.

Conditions: The UDO⁴ and Indiana law provide that the Board of Zoning Appeals may impose reasonable conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of the UDO upon any Lot benefited by a variance as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject Lot or upon

¹ Page 24 of the Westfield and Washington Township Comprehensive Plan; Chapter 2; Land Use Plan: Land Use Classifications and Development Policies.

² Page 38 of the Westfield and Washington Township Comprehensive Plan; Chapter 2; Land Use Plan: Background.

³ Pages 38-39 of the Westfield and Washington Township Comprehensive Plan; Chapter 2; Land Use Plan; New Suburban.

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



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

July 12, 2022

2207-VS-24

Exhibit 1

public facilities and services. Such conditions shall be expressly set forth in the order granting the variance.

Acknowledgement of Variance: If the Board of Zoning Appeals approves this petition, then the UDO⁵ requires that the approval of the variance shall be memorialized in an acknowledgement of variance instrument prepared by the Department. The acknowledgement shall: (i) specify the granted variance and any commitments made or conditions imposed in granting of the variance; (ii) be signed by the Director, Property Owner and Applicant (if Applicant is different than Property Owner); and (iii) be recorded against the subject property in the Office of the Recorder of Hamilton County, Indiana. A copy of the recorded acknowledgement shall be provided to the Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

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

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

DEPARTMENT COMMENTS:

Recommended Findings for Approval: If the Board is inclined to approve the Variance of Development Standard (2207-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 use and proposed improvements will otherwise comply with the applicable standards of the SF2 zoning district.

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

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



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

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

Finding: The Property, being a corner lot, contains two (2) Front Yards which restricts where an Accessory Building can be placed. In addition, there is a septic field located in the rear yard that would need to be demolished and a drainage swale would need to be rerouted. The application of the zoning ordinance would make it difficult to place an Accessory Building anywhere other than where proposed.

Recommended Conditions:

- That the Property be developed in substantial compliance with the Elevations and the Site Plan (**Exhibit 3 & Exhibit 5**);
- That the Petitioner shall record an acknowledgement of this approval with the County Recorder's Office and return a copy of the recorded instrument to the Community Development Department.

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

