



CITY OF WESTFIELD, IN
BoardofZoningAppeals_Meeting_Agenda_07_11_2023

Tuesday, July 11, 2023 at 07:00 PM

BOARD OR COMMISSION: Board of Zoning Appeals (BZA)

MEETING DATE: Tuesday, July 11, 2023 at 07:00 PM

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

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

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

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

OPENING OF REGULAR MEETING

Documents: [Online viewable @ https://www.youtube.com/user/CityofWestfieldIN](https://www.youtube.com/user/CityofWestfieldIN)

Note the Presence of a Quorum

Announce Any Changes to the Agenda

Approval of Minutes

BZA Minutes - June 13, 2023

Documents: [BZA Minutes - June 13, 2023](#)

Review Rules & Procedures

ITEMS OF BUSINESS:

2307-VS-16 [PUBLIC HEARING]

1415 E. 191st Street

Trinity Baptist Church by Andy Wheeler

The Petitioner requests a Variance of Development Standard to encroach twenty (20) feet into the 100-foot Front Yard Minimum Building Setback along 191st Street and to encroach eighty (80) feet into the 100 foot Front Yard Minimum Building Setback along Chad Hittle Drive to allow for the expansion of the existing building located on 9.40 acres +/- in the AG-SF1: Agriculture/Single-Family Rural District (Article 4.2(1)(a)).

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

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

2307-VS-17 [PUBLIC HEARING]

4005 Country Place Drive

Perma Pools

The Petitioner requests Variances of Development Standards to modify Minimum Lot Area, Minimum Lot Frontage, and Minimum Rear and Side Yard Building Setback standards on a 0.84 acre +/- legal, nonconforming lot in the AG-SF1: Agriculture/Single-Family Rural District so that a swimming pool may be built (Articles 4.2(C), (D), & (E) (2)).

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

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

ITEMS CONTINUED TO A FUTURE MEETING

No Continued Items.

REPORTS/COMMENTS:

Plan Commission Liaison

Community Development Department

ADJOURNMENT



Westfield-Washington Township Board of Zoning Appeals (BZA)

Minutes of the Tuesday, June 13, 2023 BZA Meeting

Presented for approval: July 11, 2023

The Westfield-Washington Township Board of Zoning Appeals
met at 7:00 p.m. on Tuesday, June 13, 2023 at Westfield City Hall.

Active Links for this meeting:

[June 13, 2023 BZA Agenda & Exhibits](#)

[June 13, 2023 BZA YouTube Video](#)

OPENING OF MEETING

[YouTube Time: 0:29](#)

ROLL CALL

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

BZA Members Present Virtually: None.

BZA Members Absent: Jeff Boller.

City Staff Present: Daine Crabtree, Senior Planner; Lauren Gillingham, Senior Planner; and Ryan Collingwood, Associate Planner.

City Staff Present Virtually: None

Legal Counsel Present: Ashley Ulbricht with Taft Stettinius & Hollister LLP.

APPROVAL OF MINUTES

Fortier motioned to approve the May 16, 2023 Minutes.

McCarty seconded. Motion passed. Vote 4-0.

REVIEW RULES AND PROCEDURES

Crabtree reviewed BZA rules and procedures.

ITEMS OF BUSINESS

2306-VU-05 & 2306-VS-13 [PUBLIC HEARING]

[YouTube Time: 3:20](#)

17728 Sun Park Drive / Direct Repair Collision by Church, Church, Hittle + Antrim

The Petitioner requests a Variance of Use to permit an Automotive Refurbishing Business and a Variance of Development Standard for the US Highway 31 Overlay District development standards exemption to be inapplicable to the 4.32 acre +/- Property in the Enclosed Industrial (EI) zoning district (Articles 5.2(L) and 13.2) (Planner: Weston Rogers- wrogers@westfield.in.gov / Presented by Daine Crabtree- dcrabtree@westfield.in.gov)

Staff presentation / Petitioner presentation / BZA comments & questions / Petitioner response.

Public Hearing for 2306-VU-05 & 2306-VS-13 opened at 7:11 p.m.

- No public comments.

Public Hearing for 2306-VU-05 & 2306-VS-13 closed at 7:14 p.m.

BZA comments & questions / Petitioner response.

McCarty motioned to approve 2306-VU-05 subject to the 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 2306-VU-05.

Fortier seconded. Motion passed. Vote 4-0.

McCarty motioned to approve 2306-VS-13 subject to the recommended conditions stated in the motion.

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

Fortier seconded. Motion passed. Vote 4-0.

Schmitz motioned to adopt Staff's Findings of Fact for the approval of 2306-VS-13.

Hatfield seconded. Motion passed. Vote 4-0.

2306-VU-06 [PUBLIC HEARING]

[YouTube Time: 21:05](#)

235 Penn Street / Stellhorn Equity, LLC

The Petitioner requests a Variance of Use to permit Low-Intensity Retail (Beauty Salon) and a Professional Office Use on 0.3 acres +/- in the SF3: Single-Family Medium Density District (Article 13.2)

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

Staff presentation / Petitioner presentation / BZA comments & questions / Petitioner response.

Public Hearing for 2306-VU-06 opened at 7:24 p.m.

- One public comment.

Public Hearing for 2306-VU-06 closed at 7:30 p.m.

Petitioner response / BZA comments & questions.

McCarty motioned to approve 2306-VU-06 subject to the 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 2306-VU-06.

Fortier seconded. Motion passed. Vote 4-0.

2306-VS-10 [PUBLIC HEARING]

[YouTube Time: 41:21](#)

15383 Whistling Lane / Dennis and Kristy Murphy

The Petitioner requests a Variance of Development Standard to encroach eleven (11) feet into the thirty-five (35) foot Minimum Rear Yard Setback on 0.66 acres +/- in the Bridgewater PUD District to accommodate the installation of a swimming pool and deck.

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

Staff presentation / Petitioner & representative presentations / BZA comments & questions / Petitioner response.

Public Hearing for 2306-VS-10 opened at 7:42 p.m.

- One public comment.

Public Hearing for 2306-VS-10 closed at 7:44 p.m.

BZA comments & questions / Staff responses / Petitioner responses.

Fortier motioned to approve 2306-VS-10 subject to the recommended 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 2306-VS-10.

Fortier seconded. Motion passed. Vote 4-0.

2306-VS-11 [PUBLIC HEARING]

[YouTube Time: 48:25](#)

15326 Holcombe Drive / Jim & Jill Fennell

The Petitioner requests a Variance of Development Standard to encroach eight (8) feet into the twenty (20) foot Minimum Rear Yard Setback on 0.16 acres +/- in the Harmony PUD District to accommodate a swimming pool and deck.

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

Staff presentation / Petitioner presentation.

Public Hearing for 2306-VS-11 opened at 7:52 p.m.

- No public comments.

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

Public Hearing for 2306-VS-11 closed at 7:57 p.m.

BZA comments & questions / Staff & Petitioner responses / BZA comments.

Hatfield motioned to approve 2306-VS-11 subject to the recommended 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 2306-VS-11.

Fortier seconded. Motion passed. Vote 4-0.

2306-VS-12 [PUBLIC HEARING]

[YouTube Time: 1:09:32](#)

Freemont Moore Road, ¼ Mile South of E. 206th Street / Stephen M. Bell, Jr. by Church, Church, Hittle + Antrim

The Petitioner requests a Variance of Development Standard to modify Minimum Lot Frontage standards for the development of two (2) residential lots on 10.83 acres +/- in the AG-SF1: Agriculture/Single-Family Rural District (Article 4.2(D)

(Planner: Weston Rogers- wrogers@westfield.in.gov / Presented by Daine Crabtree- dcrabtree@westfield.in.gov)

Staff presentation / Petitioner presentation / BZA comments & questions / Petitioner response.

Public Hearing for 2306-VS-12 opened at 8:12 p.m.

- One public comment.

Public Hearing for 2306-VS-12 closed at 8:14 p.m.

Petitioner responses / BZA comments & questions / Staff responses

Fortier motioned to approve 2306-VS-12 subject to the recommended 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 2306-VS-12.

Fortier seconded. Motion passed. Vote 4-0.

2306-VS-14 [PUBLIC HEARING]

[YouTube Time: 1:24:46](#)

14933 Thatcher Lane / CBRE Group, Inc. by NELO Arch., Inc

The Petitioner requests a Variance of Development Standard to encroach fifteen (15) feet into the forty-five (45) foot Minimum Side Yard Setback as required by the US Highway 31 overlay District to accommodate the redevelopment of a 0.95 acre +/- Property in the SB-PD: Special Business Planned Development District (Article 5.2(E)(4) as applied to Article 4.22(B))

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

Staff presentation / Petitioner comments / BZA questions / Petitioner response.

Public Hearing for 2306-VS-14 opened at 8:26 p.m.

- No public comments.

Public Hearing for 2306-VS-14 closed at 8:28 p.m.

BZA comments & questions / Petitioner & Staff responses.

Fortier motioned to approve 2306-VS-14.

Hatfield seconded. Motion passed. Vote 4-0.

Schmitz motioned to adopt Staff's Findings of Fact for the approval of 2306-VS-14.

Fortier seconded. Motion passed. Vote 4-0.

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

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2306-VS-15 [PUBLIC HEARING]

[YouTube Time: 1:31:48](#)

1290 Hartswick Court / Henke Development Group, LLC

The Petitioner requests a Variance of Development Standard to encroach six (6) feet into the twenty-five (25) foot Minimum Rear Yard Setback on 0.16 acres +/- in the Chatham Hills PUD District to accommodate a single-family residence with an attached garage.

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

Staff presentation / Petitioner presentation.

Public Hearing for 2306-VS-15 opened at 8:33 p.m.

- No public comments.

Public Hearing for 2306-VS-15 closed at 8:34 p.m.

BZA comments.

Hatfield motioned to approve 2306-VS-15 subject to the recommended 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 2306-VS-15.

Fortier seconded. Motion passed. Vote 4-0.

ITEMS CONTINUED TO A FUTURE MEETING

No Continued Items.

REPORTS/COMMENTS:

[YouTube Time: 1:37:12](#)

- Plan Commission Liaison
- Community Development Department

ADJOURNMENT

Schmitz motioned to adjourn the meeting. Fortier seconded. Motion passed. Vote 4-0.

The meeting adjourned at 8:38 p.m.

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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

Signature Page for BZA Minutes for June 13, 2023

Chairperson
Dave Schmitz

Secretary
Kevin M. Todd, AICP
Director



Petition Number: 2307-VS-17

Subject Site Address: 4005 Country Place Drive (the "Property")

Petitioner: Perma Pools, on behalf of the Lockhart's (the "Petitioner")

Request: The Petitioner requests Variances of Development Standards to modify Minimum Lot Area, Minimum Lot Frontage, and Minimum Rear and Side Yard Building Setback standards on a 0.84 acre +/- legal, nonconforming lot in the AG-SF1: Agriculture/Single-Family Rural District so that a swimming pool may be built.

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

Current Land Use: Residential

Approximate Acreage: .84 acres +/-

Exhibits:

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

Staff Reviewer: Ryan Collingwood, Associate Planner

PROPERTY INFORMATION & BACKGROUND

The subject Property is .84 acres +/- in size and located at 4005 Country Place Drive, as seen in the Location Map (**Exhibit 2**). The Property's zoning classification is the AG-SF1: Agriculture / Single-family Rural District.

Upon the Property currently exists a Single-Family Detached residence (the "Residence"). Based on aerial snapshots, the Residence appears to have been constructed in the mid 1970's.

REQUEST FOR VARIANCE

The Petitioner intends to build a swimming pool on the Property, as seen in **Exhibit 3**. In order to meet the required standards of development, a Variance of Development Standard is necessary to encroach into the Side Yard Setback in order to accommodate the swimming pool.

In addition, the subject lot is deemed a legal, nonconforming lot due to the characteristics of the site not conforming to the current standards of the AG-SF1 zoning district. In order to improve on the property, the site will need to be brought up to compliance by modifying the Minimum Lot Area, Minimum Lot Frontage, and Minimum Rear Yard Setback standards.



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 11, 2023, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

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

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

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.

COMPREHENSIVE PLAN

The Land Use Plan contemplates the Property as “Existing Rural”.

The Existing Rural classification calls out rural uses and an overall rural feel, utilizing natural open space and highlighting natural amenities. Conservation-heavy development is a key component of the Existing Rural classification, highlighting low-density residential, including farmsteads, individual houses on large lots, equestrian uses, subdivisions with a rural feel, considerable open space, and perimeter buffering as appropriate land uses.

The Existing Rural development policies encourages:

- Single-family detached houses on large lots or in a Rural or Conservation Subdivision.
- Accessory dwellings
- Equestrian uses
- Agriculture, including artisan farms

DEPARTMENT COMMENTS

If the Board is inclined to approve 2307-VS-17, The Department recommends the following findings and conditions:

Recommended Findings for Variance of Development Standard (2307-VS-17):

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

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

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

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

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



Finding: Strict adherence to the zoning ordinance would result in the Property Owner not being able to improve on the Property due to the legal nonconformity of the lot. Strict adherence to the zoning ordinance would also result in a swimming pool that does not meet the needs of the Petitioner.

Recommended Conditions:

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

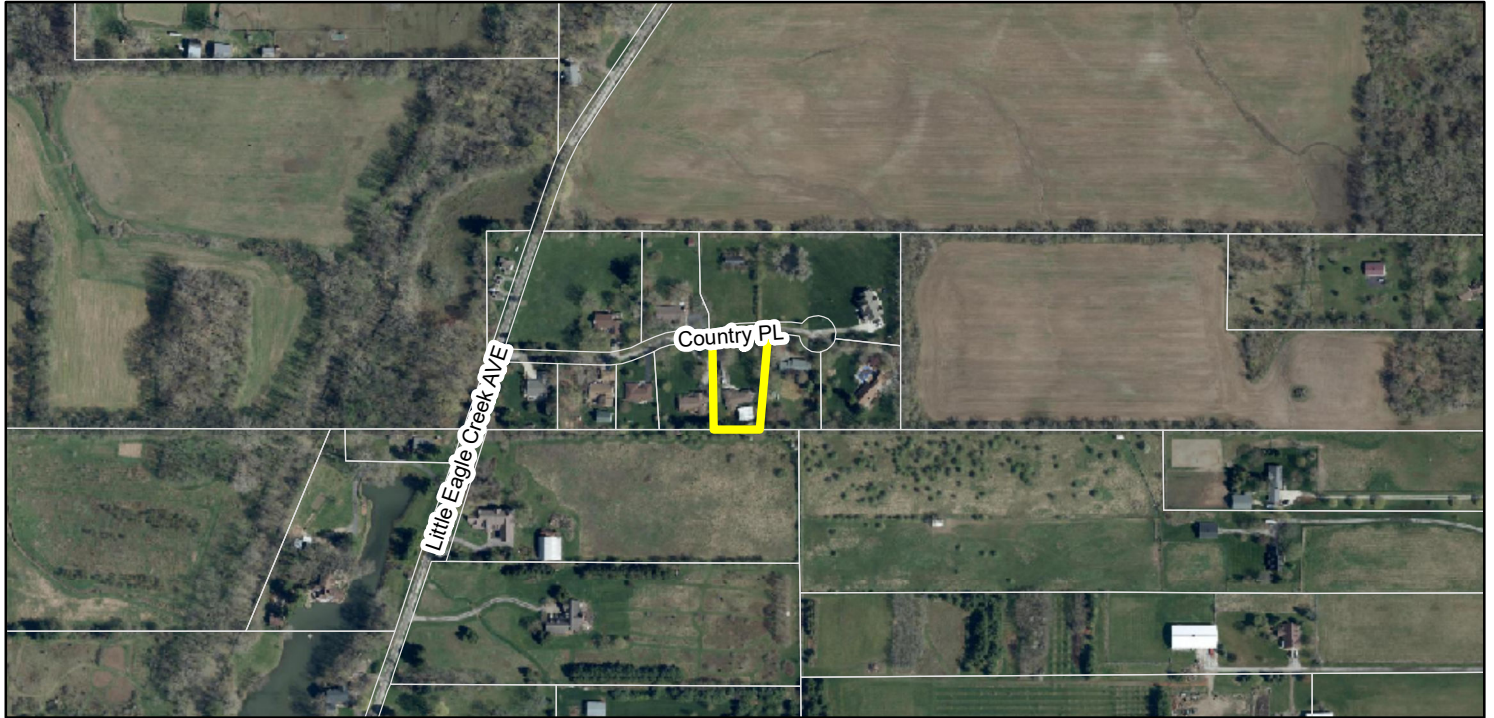
Denial: If the Board is inclined to reject or deny the Variance of Development Standard, then the Department recommends denying the Variance of Development Standard, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant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



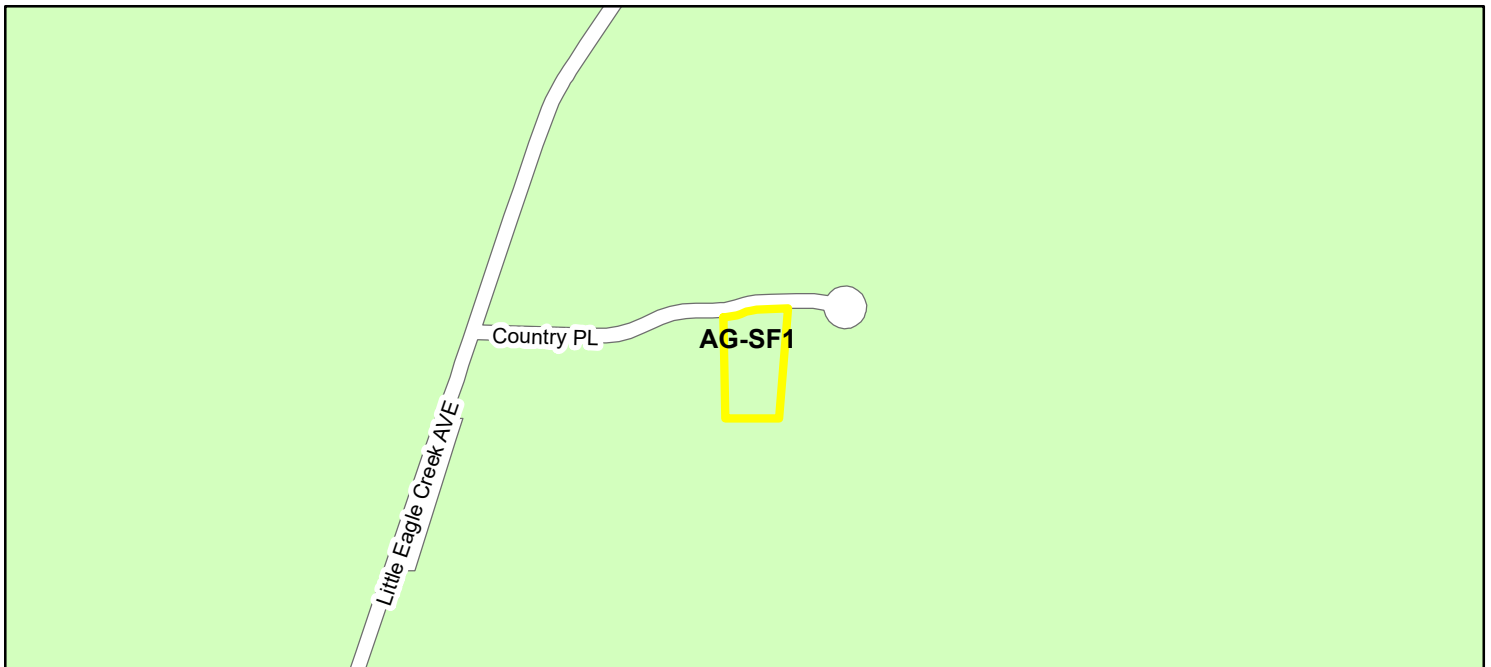
Property Location Map
4005 Country Place Drive
2307-VS-17



Aerial Location Map



Zoning Map



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

4005 Country Place Drive

Legal Description

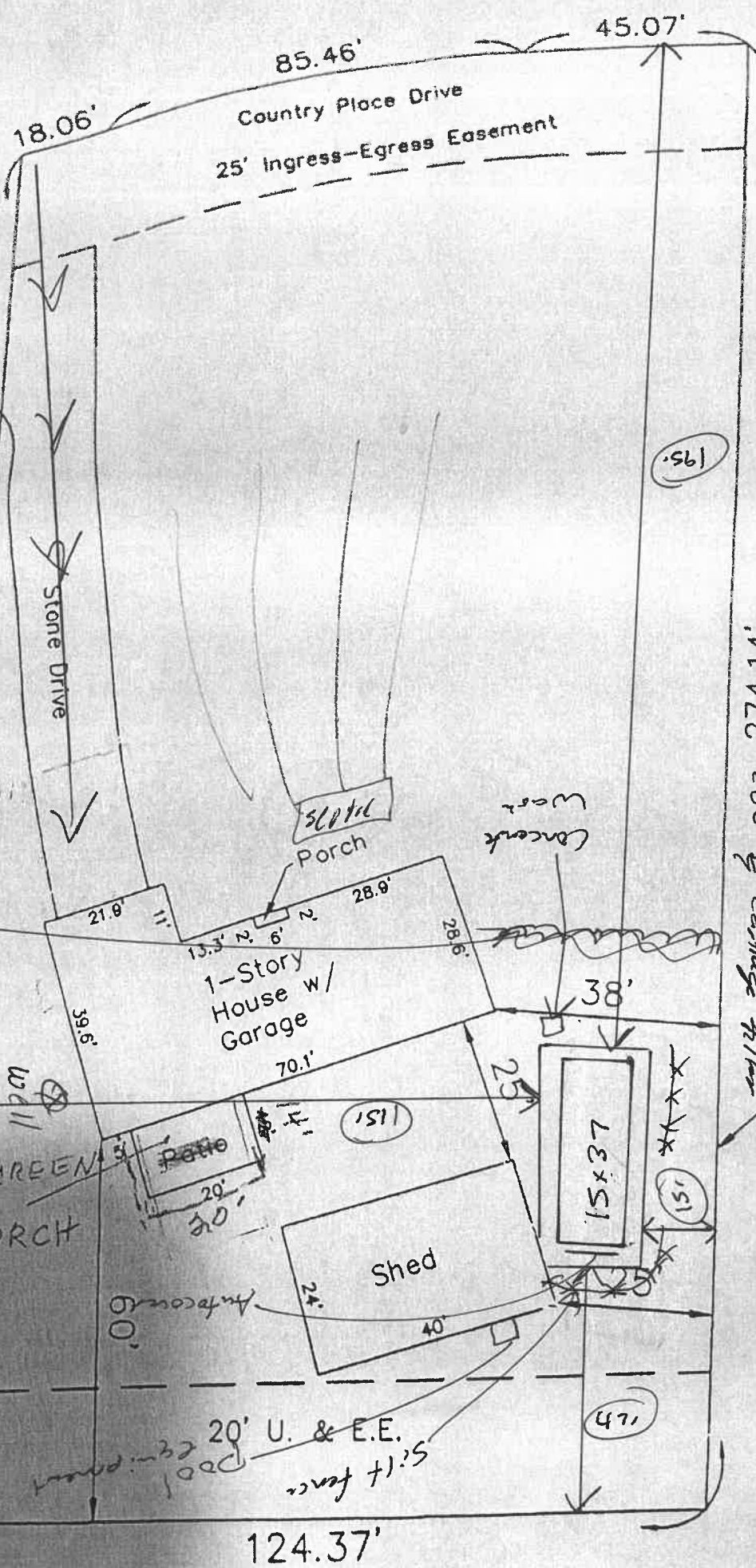
Access
Plywood
wall
Prima Pools
5245 Elmwood Ave
Indianapolis IN 46283
311-363-4154
Pool Builder

Landscaping

SCREEN
PORCH

Pool
egm: point

Services of Indianapolis



Scale = 1" = 30'

Pool Specs

15' x 37' Fiberglass pool
1.5 HP VS Pump, Autocover
Low voltage lights, 1.5 HP
200 gph cartridge filter
Fence



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

July 11, 2023

2307-VS-16

Exhibit 1

Petition Number: 2307-VS-16

Subject Site Address: 1415 East 191st Street ("the Property")

Petitioner: Trinity Baptist Church ("the Petitioner")

Representative: Andy Wheeler ("the Representative")

Request: Variance of Development Standard to encroach into the Front Yard Minimum Building Setback Line along 191st St. and Chad Hittle Dr. to allow for an expansion of the existing building located on 9.40 acres +/- in the Agriculture / Single-family Rural District. *Article 4.2(E)(1)(a)*

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

Current Land Use: Religious Institution

Approximate Acreage: 9.40 acres +/-

Exhibits:

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

Staff Reviewer: Weston Rogers, Associate Planner

OVERVIEW

Location: The subject Property is 9.40 acres +/- in size (the "Property") and is located at 1415 East 191st Street (see **Exhibit 2**). The Property includes an existing Religious Institution building (roughly 15,000 square feet in size), parking lot, playground, and Accessory Building.

The Property is currently zoned AG-SF1 – Agriculture / Single-family Rural District. The adjacent property to the north is zoned "Chatham Commons PUD"; to the east is zoned "Hahn Plaza PUD"; to the south is zoned "Links PUD" – all of which primarily consist of existing and/or future commercial uses. The property to the east is zoned Agriculture / Single-family Rural District with residential uses.

Property History: The original Religious Institution building was constructed on the Property in 1986 under permit number 86-IP-134. In 2008 the building was expanded upon under permit no. 08-CAD-012-100. In 2018, the Property dedicated approximately .89 acres of right-of-way for the expansion of both 191st Street and Chad Hittle Drive.

Requested Variances: The Petitioner is requesting a Variance of Development Standard to encroach into the Front Yard Minimum Building Setback Line along 191st Street and Chad Hittle Drive to allow for an expansion of the existing Religious Institution building. *Article 4.2(E)(1)(a)*



SUMMARY OF VARIANCE

Per Article 4.2(E)(1)(a) – AG-SF1 zoned properties have a Front Yard Minimum Building Setback Line of one-hundred (100) feet along Expressways and Arterial streets. Both 191st Street and Chad Hittle Drive are defined as Arterial roadways per the Thoroughfare Plan.

The Petitioner is requesting a Variance of Development Standard to encroach into the Front Yard Minimum Building Setback Line for the future development of an expansion to the existing Religious Institution building located on the Property.

- Along 191st Street the Petitioner is requesting to encroach twenty (20) feet into the Front Yard Minimum Building Setback Line of one-hundred (100) feet.
- Along Chad Hittle Drive the Petitioner is requesting to encroach eighty (80) feet into the Front Yard Minimum Building Setback Line of one-hundred (100) feet.

See **Exhibit 3** “Site Plan” for a graphic representation of the requested encroachment into the Front yard of 191st Street and Chad Hittle Drive.

The Westfield Department of Public Works has reviewed this proposal and has no objections to the requested variance of development standard.

CONTEXT

The Property is located within an area of the City that has seen a transition of land uses from primarily agriculture and single-family land uses to mix of primarily commercial land uses over the past several years. Given this context of the Property, the below information is provided to assist in further understanding the existing development patterns neighboring the site, specifically in regards to Building Setback Lines associated with neighboring development parcels:

North of the Property – Chatham Commons PUD

- Underlying Zoning – General Business (GB)
- Building Setback Lines – Front Yard: 30 feet; Side Yard and Rear Yard: 0 feet

East of the Property – Hahn Plaza PUD

- Underlying Zoning – General Business (GB)
- Building Setback Lines – Front Yard: 30 feet; Side Yard and Rear Yard: 0 feet

South of the Property – Links PUD

- Underlying Zoning – Local and Neighborhood Business District (LB)
- Building Setback Lines – Front Yard: 30 feet; Side Yard: 15 feet (60 feet if adjacent to residential)
Rear Yard: 20 feet (60 feet if adjacent to residential)



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

July 11, 2023

2307-VS-16

Exhibit 1

West of the Property – straight zoned AG-SF1

- Building Setback Lines – Front Yard: 100 feet (if adjacent to expressways / Arterials) and 80 feet (adjacent to all other streets); Side Yard and Rear Yard: 30 feet

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Development Standard. This petition is scheduled to receive its public hearing at the July 11, 2023 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 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.

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.



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

July 11, 2023

2307-VS-16

Exhibit 1

DEPARTMENT COMMENTS:

Approval: If the Board finds that adequate evidence is shown that the Variances of Development Standard meet the applicable review criteria, then the Department recommends approval of the Variance of Development Standard 2307-VS-16, with the recommended conditions and findings as set forth below:

Recommended Conditions of Approval:

1. That the site shall be developed in substantial compliance with the Site Plan **Exhibit 3**;
2. That the approval of this Variance shall be tied to the land use of a Religious Institution on the Property; and
3. That the Petitioner shall record an acknowledgement of this approval with the Hamilton County Recorder's Office and return a copy of the recorded instrument to the Community Development Department.

Recommended Findings for Approval:

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

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

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

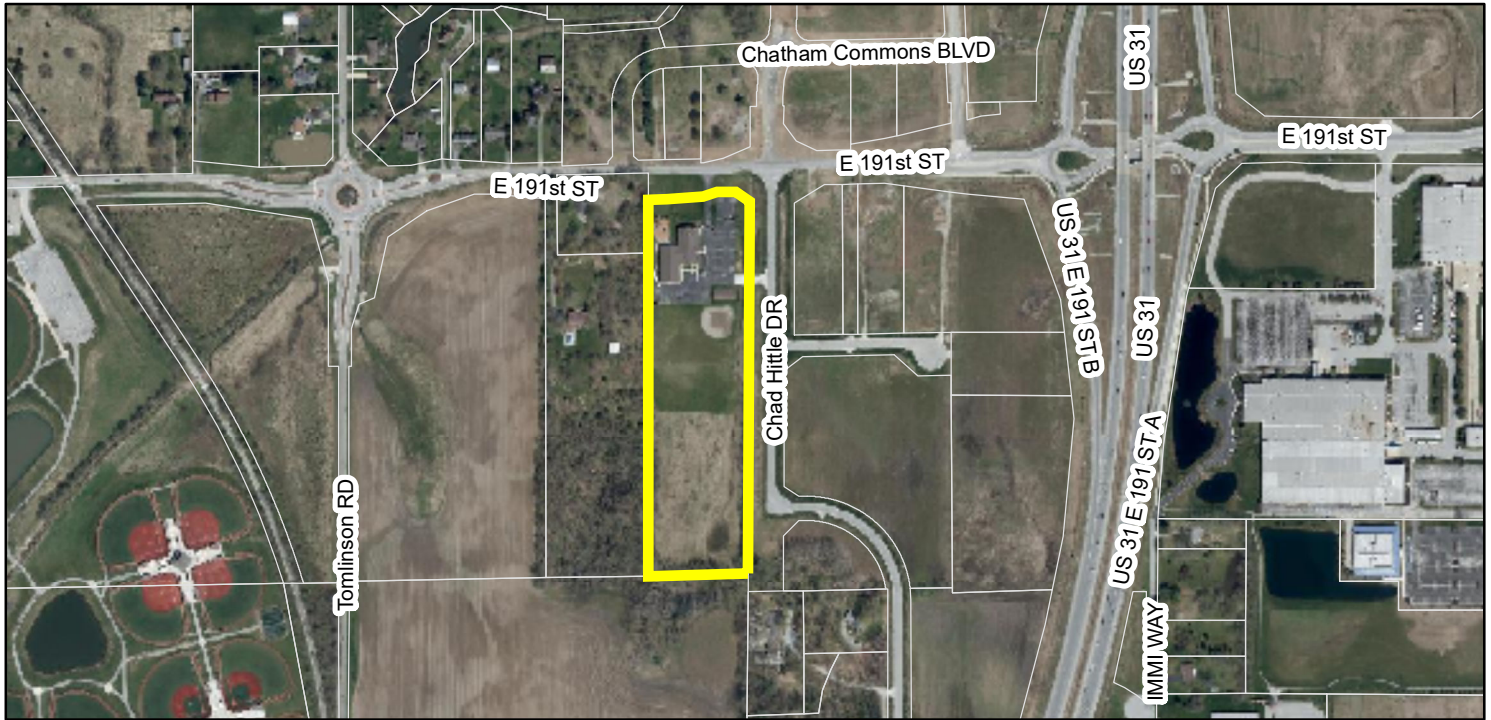
Finding: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The proposed variance should not have a negative impact on surrounding properties because the use of the property will not change.

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

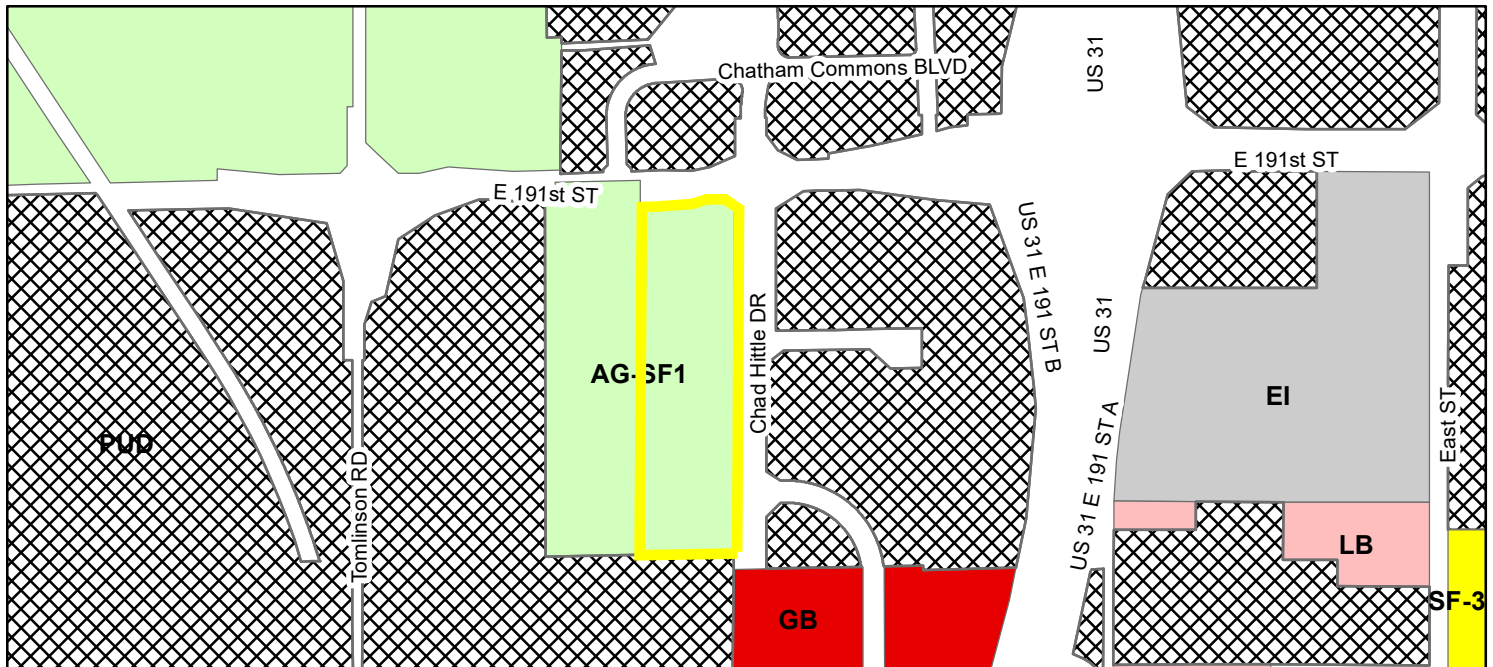
Finding: Strict adherence to the zoning ordinance would result in the inability to for the Petitioner to expand the existing Religious Institution Building on the Property to the extent requested along 191st Street and Chad Hittle Drive.

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

Aerial Location Map



Zoning Map



Zoning

- AG-SF1 (Agriculture - Single Family - 1)
- EI (Enclosed Industrial)
- GB (General Business)
- LB (Local Business)
- PUD (Planned Unit Development)
- SF-3 (Single Family - 3)

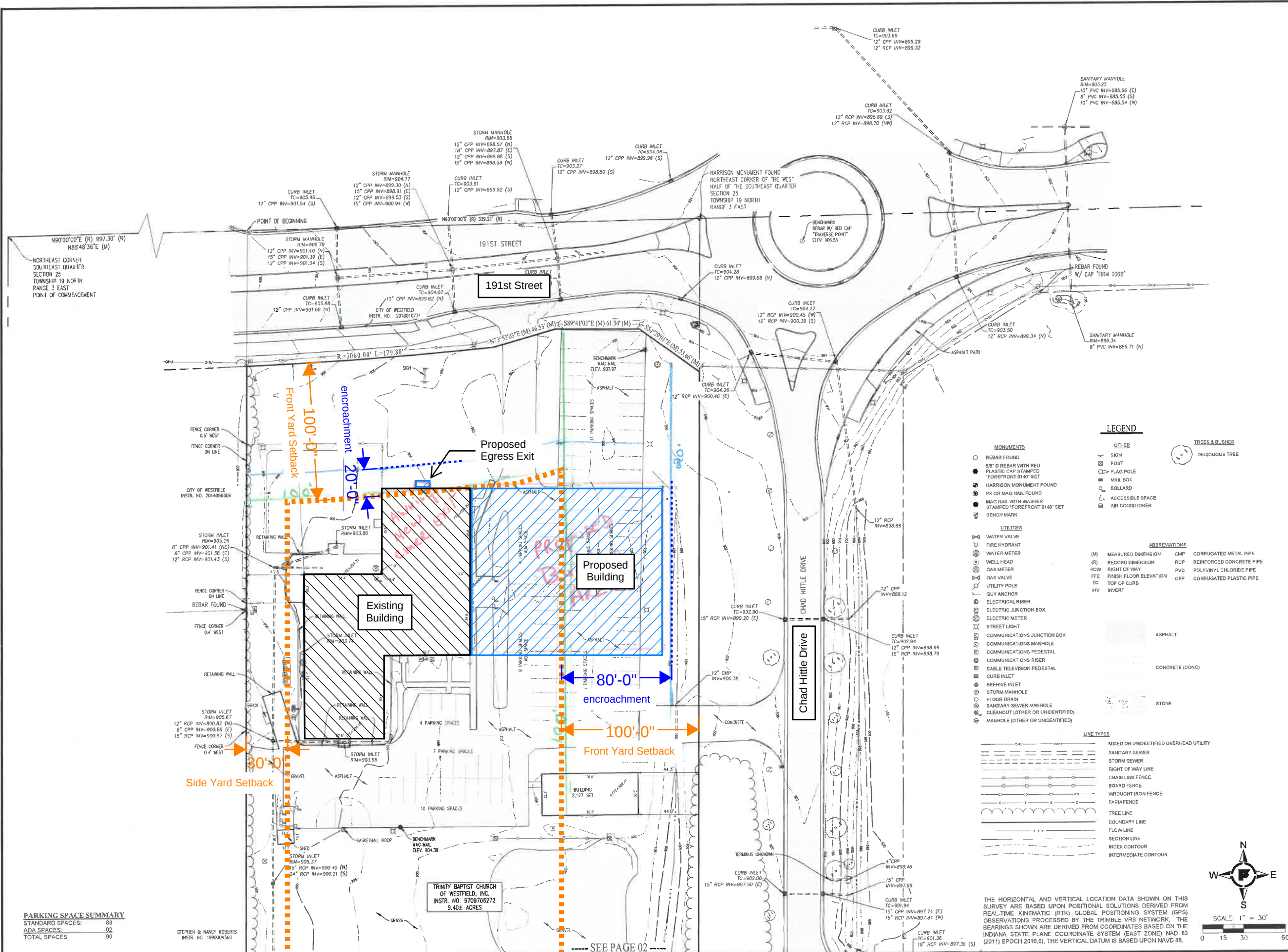
Location: C:\Users\jshelton\OneDrive\Documents\3025-301 1415 East 19th Street Westfield, IN 46074
DATE: 05/15/2023
DRAWN BY: JT

PARKING SPACE SUMMARY	
STANDARD SPACES:	88
ADA SPACES:	02
TOTAL SPACES:	90

STEPHEN & NANCY ROBERTS
INSTR. NO. 1990004360

TRINITY BAPTIST CHURCH
OF WESTFIELD, INC.
INSTR. NO. 5708706272
9.40± ACRES

SEE PAGE 02



LEGEND

MONUMENTS

- REBAR FOUND
- 5/8" Ø REBAR WITH RED PLASTIC CAP STAMPED "FORFRONT 0140" SET
- HARRISON MONUMENT FOUND
- PK OR MAG NAIL FOUND
- MAG NAIL WITH WASHER STAMPED "FORFRONT 0140" SET
- BENCH MARK

UTILITIES

- WATER VALVE
- FIRE HYDRANT
- WATER METER
- WELL HEAD
- GAS METER
- GAS VALVE
- UTILITY POLE
- GUY ANCHOR
- ELECTRICAL RISER
- ELECTRIC JUNCTION BOX
- ELECTRIC METER
- STREET LIGHT
- COMMUNICATIONS JUNCTION BOX
- COMMUNICATIONS MANHOLE
- COMMUNICATIONS PEDESTAL
- COMMUNICATIONS RISER
- CABLE TELEVISION PEDESTAL
- CURB INLET
- BEEHIVE INLET
- STORM MANHOLE
- FLOOR DRAIN
- SANITARY SEWER MANHOLE
- CLEANOUT (OTHER OR UNIDENTIFIED)
- MANHOLE (OTHER OR UNIDENTIFIED)

OTHER

- SIGN
- POST
- FLAG POLE
- MAIL BOX
- BOLLARD
- ACCESSIBLE SPACE
- AIR CONDITIONER

TREES & BUSHES

- DECIDUOUS TREE

ABBREVIATIONS

(M)	MEASURED DIMENSION	CMP	CORRUGATED METAL PIPE
(R)	RECORD DIMENSION	RCP	REINFORCED CONCRETE PIPE
ROW	RIGHT OF WAY	PVC	POLYVINYL CHLORIDE PIPE
FFE	FINISH FLOOR ELEVATION	CPP	CORRUGATED PLASTIC PIPE
TC	TOP OF CURB		
INV	INVERT		

LINE TYPES

- MIXED OR UNIDENTIFIED OVERHEAD UTILITY
- SANITARY SEWER
- STORM SEWER
- RIGHT OF WAY LINE
- CHAIN LINK FENCE
- BOARD FENCE
- WROUGHT IRON FENCE
- FARM FENCE
- TREE LINE
- BOUNDARY LINE
- FLOW LINE
- SECTION LINE
- INDEX CONTOUR
- INTERMEDIATE CONTOUR

THE HORIZONTAL AND VERTICAL LOCATION DATA SHOWN ON THIS SURVEY ARE BASED UPON POSITIONAL SOLUTIONS DERIVED FROM REAL-TIME KINEMATIC (RTK) GLOBAL POSITIONING SYSTEM (GPS) OBSERVATIONS PROCESSED BY THE TRIMBLE VRS NETWORK. THE BEARINGS SHOWN ARE DERIVED FROM COORDINATES BASED ON THE INDIANA STATE PLANE COORDINATE SYSTEM (EAST ZONE) NAD 83 (2011) EPOCH 2010.0. THE VERTICAL DATUM IS BASED UPON NAVD 88.

SCALE: 1" = 30'

North Arrow

FORFRONT
SURVEYING + ENGINEERING

17241 FOUNDATION PARKWAY
WESTFIELD, IN 46074
317-785-0850
WWW.FORFRONTSE.COM

PROJECT DATA:

CLIENT INFORMATION:
TRINITY BAPTIST CHURCH
1415 EAST 191ST STREET
WESTFIELD, IN 46074

SECTION: 25 TOWNSHIP: 19 NORTH
RANGE: 3 EAST COUNTY: HAMILTON

DATE: 05/15/2023 FIELD BY: B.JALO
DRAWN BY: JT CHECKED BY: JT

PROJECT NO.: 23SE-306

SHEET NO.: 1

OF 4

© 2023 FORFRONT SURVEYING AND ENGINEERING

VARIANCE APPLICATION

OFFICE USE ONLY

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

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: Caleb Ernest (STAFF NAME) DATE: 5/30/2023

PRIOR OR RELATED DOCKET NUMBERS

CHANGE OF ZONING: _____ AMENDMENTS: _____ DEVELOPMENT PLAN: _____
PRIMARY PLAT: _____ SECONDARY PLAT: _____ VARIANCE(S): _____

APPLICANT INFORMATION

APPLICANT'S NAME: Trinity Baptist Church TELEPHONE: 317-896-9104
ADDRESS: 1415 East 191st Street, Westfield 46074 EMAIL: info@tbcin.org
PROPERTY OWNER'S NAME: _____ TELEPHONE: _____
ADDRESS: _____ EMAIL: _____
REPRESENTATIVE'S NAME: Andy Wheeler TELEPHONE: 317-507-8281
COMPANY: _____ EMAIL: wheeler.andy@westfieldairport.com
ADDRESS: 18206 Kinsey Ave, Westfield, In 46074

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 1415 East 191st Str. Westfield, In 46074
COUNTY PARCEL ID #(S): 08-05-25-00-00-054.000
EXISTING ZONING DISTRICT(S): AGSF1 EXISTING LAND USE(S): church

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): _____

Request changing set back line along south side of 191st from 100' to 80'

Request changing set back line along Chad Hittle Drive from 100' to 20'

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)

Andrew Wheeler
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 13th day of June, 2023
State of Indiana, County of Hamilton, SS: _____

[Signature]
Notary Public (signature)

Brittany Howey
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)*

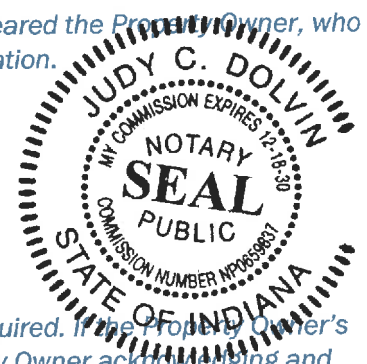
Steven Dolvin (Elder / CFO)
Property Owner (printed)

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 5th day of June, 2023
State of Indiana, County of Hamilton, SS: _____

[Signature]
Notary Public (signature)

Judy C. Dolvin
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: _____ **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: _____

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

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

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: _____

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

FINDINGS OF FACT (VARIANCE OF DEVELOPMENT STANDARD)

APPLICANT: Trinity Baptist Church

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: _____
Changing the setback will allow the construction of a new sanctuary in line with our current building. Congruent with this the parking will be
moved more to the south thereby shifting traffic exiting the church from 191st to Chad Hittle Drive. Another factor is that site lines for drivers
negotiating the roundabout will be less cluttered and therefore improve safety.

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: _____
We are surrounded with commercial development on 3 sides and a single residential tract to our west. This setback change will not
have any negative effect on our neighbors.

C. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property because: _____
The church has been on the property for 25+ years and the additional setbacks make expansion impractical. The 191st Street setback change is simply to
bring our building into compliance and create opportunity for an awning. The setback change along Chad Hittle Drive allows
to build a more efficient campus and to shield our sea of parking from the visitors site lines.

(EXCERPT)

EXHIBIT "A"

Sheet 1 of 1

**Project: 191st Street Improvements
Tomlinson Road to U.S. 31
Parcel: 9 Fee
Parcel ID: 29-05-25-000-054.000-025**

A part of the Northwest Quarter of the Southeast Quarter of Section 25, Township 19 North, Range 3 East, Hamilton County, Indiana, and being that part of the grantor's land lying within the right-of-way lines depicted on the attached Right-of-Way Parcel Plat, marked Exhibit "B", described as follows: Beginning on the north line of said quarter section at a point North 88 degrees 51 minutes 35 seconds East 997.30 feet from the northwest corner of said quarter section, designated as point "907" on the Location Control Route Survey Plat recorded in Instrument 2012069828 in the Office of the Recorder of said county, which point of beginning is the northwest corner of the grantor's land; thence continuing North 88 degrees 51 minutes 35 seconds East 330.54 feet (329.21 feet by Instrument 9709706272) along the north line of said quarter section to the northeast corner of the grantor's land; thence South 00 degrees 09 minutes 45 seconds West 111.32 feet to point "544" designated on said Parcel Plat; thence North 54 degrees 26 minutes 02 seconds West 53.77 feet to point "543" designated on said Parcel Plat; thence North 89 degrees 38 minutes 04 seconds West 61.34 feet to point "542" designated on said Parcel Plat; thence South 73 degrees 56 minutes 02 seconds West 46.53 feet to point "541" designated on said Parcel Plat; thence Southwesterly 181.12 feet along an arc to the right and having a radius of 3,060.00 feet and subtended by a long chord having a bearing of South 85 degrees 57 minutes 31 seconds West and a length of 181.10 feet to the west line of the grantor's land; thence North 00 degrees 09 minutes 45 seconds East 98.72 feet along said west line to the point of beginning and containing 0.686 acres, more or less, inclusive of the presently existing right-of-way which contains 0.061 acres, more or less.



This description was prepared for the
City of Westfield, Indiana
on the 18th day of September, 2014.

Kelly D. Marley
Kelly D. Marley
Indiana Registered Land Surveyor
License Number LS20400016



CASE NO. 97290614-AMENDED 2

EXHIBIT A - LEGAL DESCRIPTION

PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 19 NORTH, RANGE 3 EAST, HAMILTON COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF SAID QUARTER-QUARTER SECTION BEING NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST (ASSUMED BEARING) 997.30 FEET FROM THE NORTHWEST CORNER THEREOF; THENCE CONTINUE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST ALONG SAID NORTH LINE 329.21 FEET MEASURED (330.0 FEET DEED) TO THE NORTHEAST CORNER OF SAID QUARTER-QUARTER SECTION; THENCE SOUTH 1 DEGREE 16 MINUTES 06 SECONDS WEST ALONG THE EAST LINE OF SAID QUARTER-QUARTER SECTION 1335.23 FEET MEASURED (1333.4 FEET DEED) TO THE SOUTHEAST CORNER THEREOF; THENCE NORTH 89 DEGREES 46 MINUTES 52 SECONDS WEST ALONG THE SOUTH LINE OF SAID QUARTER-QUARTER SECTION 329.18 FEET MEASURED (330.0 DEED); THENCE NORTH 1 DEGREE 16 MINUTES 06 SECONDS EAST, PARALLEL WITH SAID EAST LINE, 1339.93 FEET MEASURED (1332.16 FEET DEED) TO THE POINT OF BEGINNING.

10.084 Ac