



CITY OF WESTFIELD, IN
BoardofZoningAppeals_Meeting_Agenda_06_11_2019

Tuesday, June 11, 2019 at 07:00 PM

BOARD OR COMMISSION: Board of Zoning Appeals (BZA)

MEETING DATE: Tuesday, June 11, 2019 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

OPENING OF REGULAR MEETING

Note the presence of a quorum

Approval of Minutes - May 14, 2019

Documents: [BZA Minutes - May 14, 2019](#)

Review Rules & Procedures

ITEMS OF BUSINESS:

1906-VS-10 [PUBLIC HEARING]

3911 East 191st Street

Jeff Roudebush by FBI Buildings, Inc.

The petitioner is requesting a Variance of Development Standard to reduce the Side Yard Setback in the AG-SF1: Agriculture / Single-Family Rural District (Article 4.2(E)(2)).
(Planner: Caleb Ernest - CErnest@westfield.in.gov)

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Site Plan](#) | [Exhibit 4: Floor Plan](#) | [Exhibit 5: Elevations](#) | [Exhibit 6: Existing Conditions](#)

1906-VS-11 [PUBLIC HEARING]

17455 Tiller Court

SPG Properties 1, LLC by William Tres Development

The petitioner is requesting Variances of Development Standard to permit a non-masonry dumpster enclosure without a gate or man door within the Established Front Yard in the EI: Enclosed Industrial District and State Highway 32 Overlay District (Articles 5.3(H), 5.3(J)(2)(I), 5.3(L)(3)(c), and 6.1(H)(2-6)).
(Planner: Pam Howard - PHoward@westfield.in.gov)

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Existing Property Conditions](#) | [Exhibit 4: Proposed Dumpster Enclosure](#) | [Exhibit 5: Application](#)

1906-VS-12 [PUBLIC HEARING]

2602 Caden Court

Greg and Amanda Lyons by C-Ray Pools

The petitioner is requesting a Variance of Development Standard reduce the Minimum Rear Yard Setback from 30 feet to 19 feet in the Oak Manor PUD District (Article 2.5 and Exhibit 11 of Ord. 03-37).

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

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Site Plan](#) | [Exhibit 4: Oak Manor Area A Development Standards](#)

ITEMS CONTINUED TO A FUTURE MEETING:

1803-AA-01 [CONTINUED]

16708 Dean Road (Bob's Garage)

Esler Properties, LLC by Morse & Bickel, P.C.

The petitioner is appealing an Administrative Determination (1712-AD-04) regarding the revocation of a variance (1603-VU-03).

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

REPORTS/COMMENTS:

Plan Commission Liaison

Economic and Community Development Department

ADJOURNMENT



Westfield–Washington Township Board of Zoning Appeals
Minutes of the May 14, 2019 BZA Meeting
Presented for approval: June 11, 2019

The Westfield-Washington Township Board of Zoning Appeals met at 7:00 p.m.
on Tuesday, May 14, 2019 at Westfield City Hall.

Members Present: Jeannine Fortier, Martin Raines, Dave Schmitz, and Robert Smith.

Members Absent: Ken Kingshill.

City staff present: Kevin Todd, Senior Planner; Caleb Ernest, Associate Planner; and Brian Zaiger, City Attorney.

APPROVAL OF MINUTES

Motion:

Smith motioned to approve the April 9, 2019 meeting minutes as written.

Raines seconded. Motion passed. Vote 4-0

REVIEW RULES AND PROCEDURES

Todd reviewed BZA rules and procedures.

ITEMS OF BUSINESS:

1905-VS-08

[PUBLIC HEARING]

14950 Little Eagle Creek Avenue

Diane Lorant by Smith, Lake & Waters

The petitioner is requesting Variances of Development Standard to reduce the Minimum Front Setback and Maximum Accessory Building Height in the AG-SF1: Agriculture / Single-Family Rural District. (Articles 6.1(D)(2)(a) and 6.1(F)).

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

Ernest overviewed this request for Variances of Development Standard for the construction of an accessory building.

No presentation.

Public Hearing for 1905-VS-08 opened at 7:04 p.m.

No public comments.

Public Hearing for 1905-VS-08 closed at 7:05 p.m.

Ernest replied to Smith's question reading the details for this petition to meet a BZA request/change. Ernest confirmed to Schmitz that due to proximity of Little Eagle Creek that these proposed changes currently exist and are common on some of the surrounding properties.

Motion:

Raines motioned to approve 1905-VS-08.

Fortier seconded. Motion passed. Vote 4-0.

Agendas for all City meetings are updated and available at our website.

Website: <http://www.westfield.in.gov> | Economic and Community Development Department E-mail: community@westfield.in.gov

Motion:

Smith motioned to adopt staff's Findings of Fact for 1905-VS-08.
Raines seconded. Motion passed. Vote 4-0.

1905-VS-09
[PUBLIC HEARING]

207 East 191st Street

Caitlin O'Dougherty

The petitioner is Variances of Development Standard to reduce the Minimum Lot Area, Minimum Lot Frontage, and Minimum Front Yard Building Setback Line in the AG-SF1: Agriculture / Single-Family Rural District. (Articles 4.2(C), 4.2(D), 4.2(E)(1)(a)).

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

Ernest overviewed this request for Variances of Development Standard to reduce the Minimum Lot Area, Minimum Lot Frontage and Minimum Front Yard Building Setback.

No presentation.

Public Hearing for 1905-VS-09 opened at 7:11 p.m.

No public comments.

Public Hearing for 1905-VS-09 closed at 7:12 p.m.

Raines asked if there would be a new driveway.

Craig Wood, representing the petitioner responded that the new driveway would be accessed off the current driveway on the adjacent property. He added that there would be no curb cut.

Raines asked if there were plans for future subdivisions.

Wood replied no, not at this time.

Motion:

Smith motioned to approve 1905-VS-09 with the following staff condition:

- The Petitioner submits and records a Secondary Plat for the Property prior to the issuance of an Improvement Location Permit.

Raines seconded. Motion passed. Vote 4-0.

Motion:

Smith motioned to adopt staff's Findings of Fact for 1905-VS-09.
Raines seconded. Motion passed. Vote 4-0.

ITEMS CONTINUED TO A FUTURE MEETING:

16708 Dean Road (Bob's Garage)

Esler Properties, LLC by Morse & Bickel, P.C.

The petitioner is appealing an Administrative Determination (1712-AD-04) regarding the revocation of a variance (1603-VU-03).

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

REPORTS/COMMENTS:

Agendas for all City meetings are updated and available at our website.

Website: <http://www.westfield.in.gov> | Economic and Community Development Department E-mail: community@westfield.in.gov

- Plan Commission Liaison
- Economic and Community Development Department

ADJOURNMENT

Motion:

Smith motioned to adjourn the meeting.

Fortier seconded. Motion passed. Vote 4-0.

The meeting adjourned at 7:23 p.m.

Chairperson
Dave Schmitz

Secretary
Matthew S. Skelton, Esq., AICP
Director



Property Location Map
Dumpster Enclosure Variance
17455 Tiller Ct.
1906-VS-11

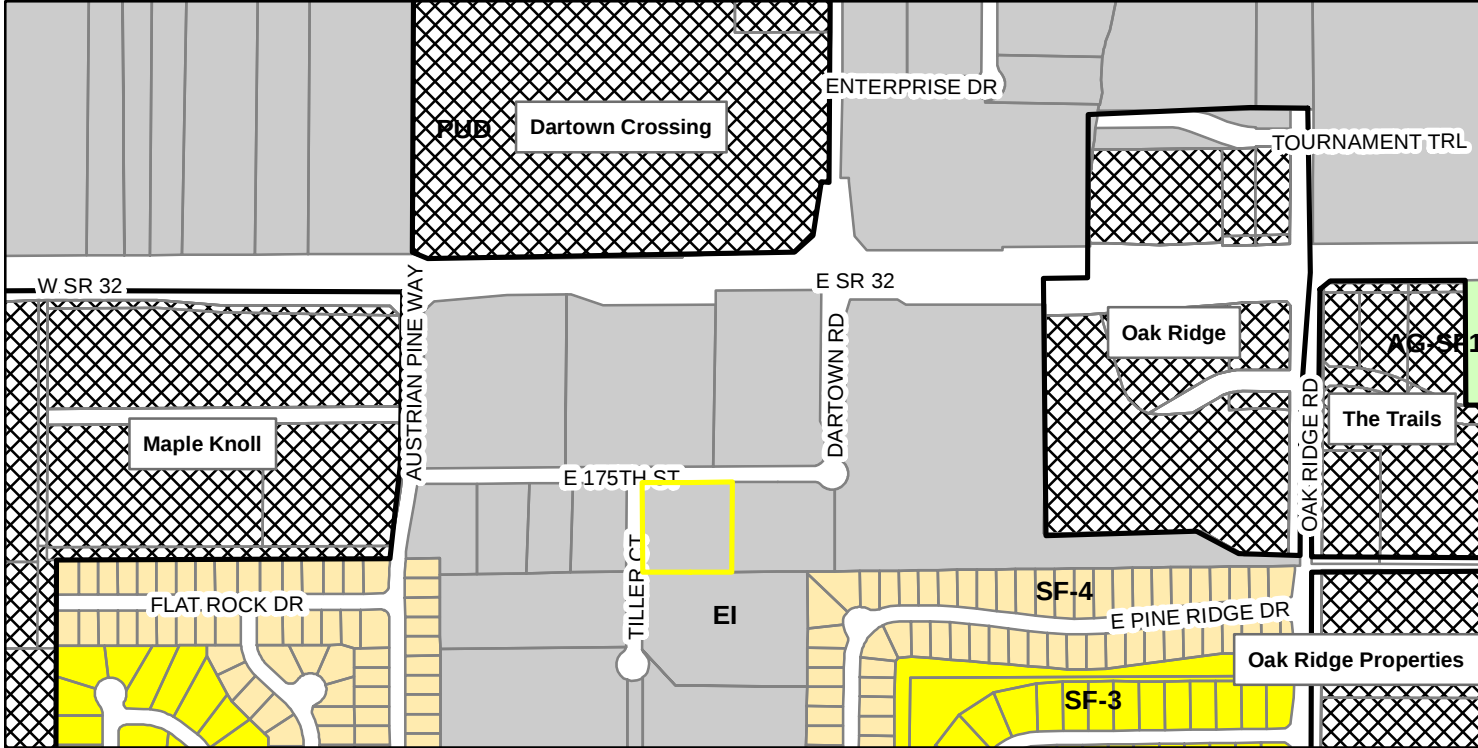


Not To Scale

Aerial Location Map



Zoning Map

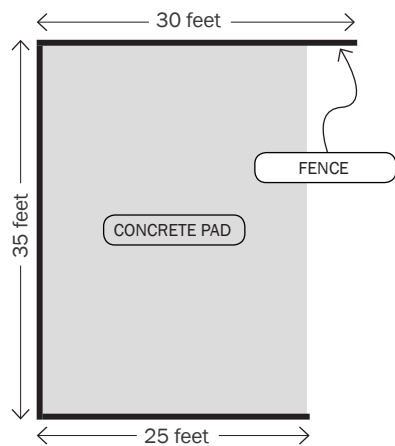


- AG-SF1 (Agriculture - Single Family - 1)
- PUD (Planned Unit Development)
- SF-4 (Single Family - 4)
- EI (Enclosed Industrial)
- SF-3 (Single Family - 3)



EXISTING PROPERTY CONDITIONS
17455 TILLER COURT
 WESTFIELD, INDIANA

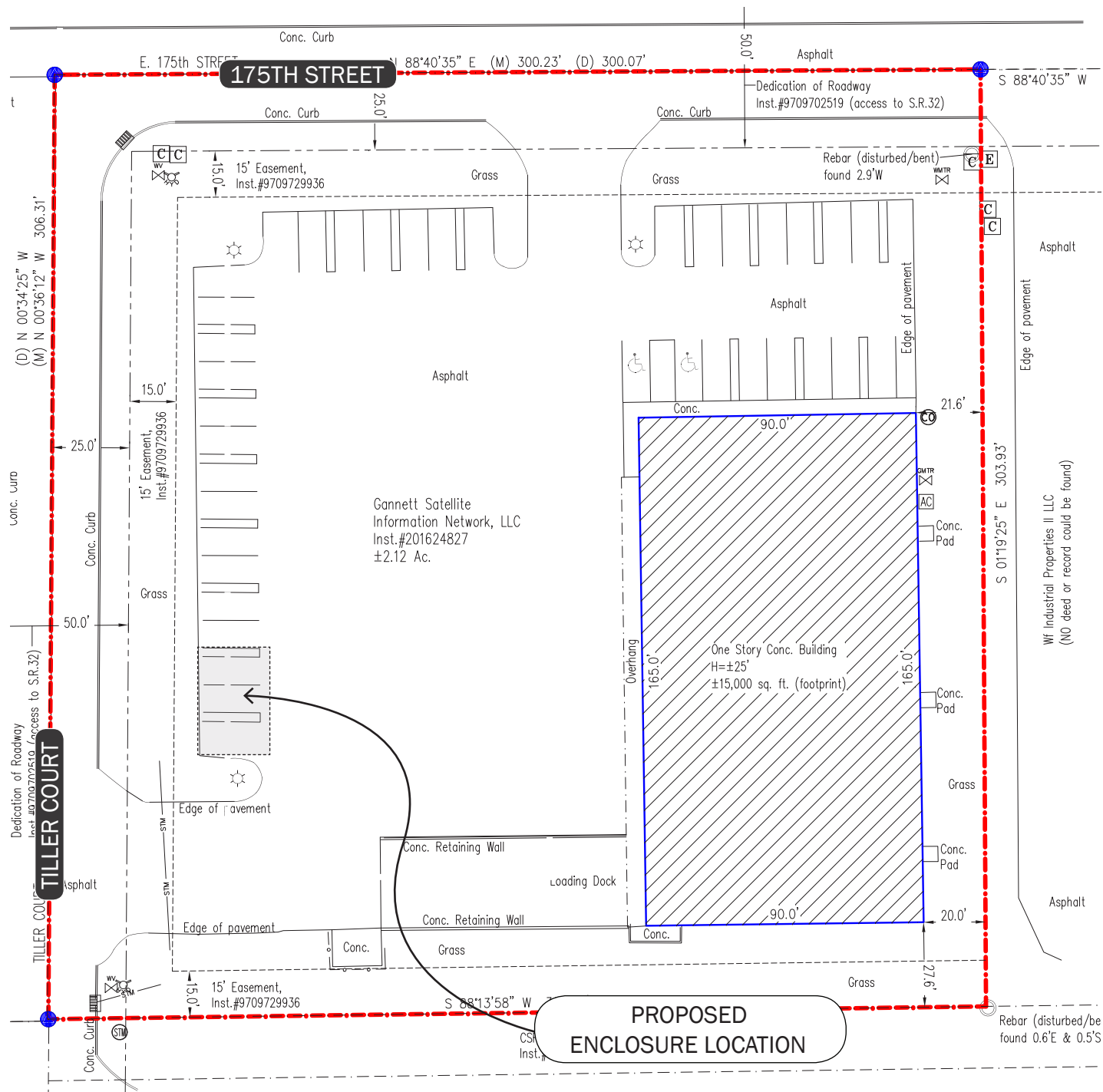
PLAN VIEW



SHADOW BOX FENCE



METAL LINING



SITE PLAN EXHIBIT
17455 TILLER COURT
WESTFIELD, INDIANA

WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM

VARIANCE APPLICATION



OFFICE
USE ONLY

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

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: PAM HOWARD (STAFF NAME) DATE: 05.08.2019

PRIOR OR RELATED DOCKET NUMBERS

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

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

APPLICANT INFORMATION

APPLICANT'S NAME: SGP PROPERTIES I, LLC TELEPHONE: +1 317 590 4385

ADDRESS: 1 AMERICAN SQUARE, STE 1800, INDIANAPOLIS, IN 46282 EMAIL: PATRICK.LINDLEY@CUSHWAKE.COM

PROPERTY OWNER'S NAME: SGP PROPERTIES I, LLC TELEPHONE: _____

ADDRESS: 1 AMERICAN SQUARE, STE 1800, INDIANAPOLIS, IN 46282 EMAIL: _____

REPRESENTATIVE'S NAME: JESSE M. POHLMAN TELEPHONE: + 1 317 696 9254

COMPANY: WILLIAM TRES DEVELOPMENT EMAIL: JPOHLMAN@WILLIAMTRES.COM

ADDRESS: 3802 W 96TH STREET, STE 210, INDIANAPOLIS, IN 46268

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 17455 TILLER COURT, WESTFIELD, INDIANA 46074

COUNTY PARCEL ID #(S): 09-09-02-00-00-004.200

EXISTING ZONING DISTRICT(S): EI: ENCLOSED INDUSTRIAL EXISTING LAND USE(S): ENCLOSED INDUSTRIAL

VARIANCE REQUEST

☐ VARIANCE OF LAND USE CODE CITATION: _____

☒ VARIANCE OF DEVELOPMENT STANDARD(S) CODE CITATION: (PLEASE SEE ATTACHED)

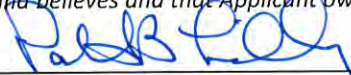
FINDINGS OF FACT: (PLEASE SEE ATTACHED)

STATEMENT OF INTENT (EXPLANATION OF REQUEST - ATTACH SEPARATE SHEET IF NECESSARY): (PLEASE SEE ATTACHED)



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.

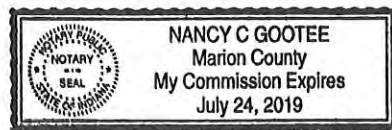

Applicant/Representative (signature)

PATRICK B. LINDEY
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, 2019.

State of Indiana, County of Marion, SS:




Notary Public Signature 627160
NANCY C. GOOTEE
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.

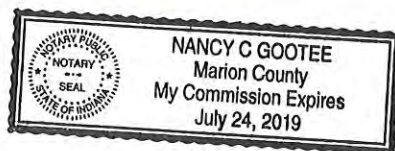

Property Owner (signature)*

PATRICK B. LINDEY
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, 2019.

State of Indiana, County of Marion, SS:




Notary Public Signature 627160
NANCY C. GOOTEE
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.

STATEMENT OF INTENT
17455 TILLER COURT

SGP Properties I, LLC (the "Applicant") respectfully requests approval of the requested Variances of Development Standard for the property located at 17455 Tiller Court (the "Property"). The Property's existing zoning is the EI: Enclosed Industrial District. The Property currently includes a 14,850-square foot enclosed industrial building, as depicted in the exhibits.

The requested variances will allow the proposed enclosure that will accommodate multiple thirty-yard dumpsters. The dumpsters are necessary for the operations of a company looking to relocate to Westfield and to this Property.

As a result, due to the existing site conditions and the necessary functionality of the proposed dumpsters, the following Variances of Development Standard are requested to accommodate the proposed location and design of the enclosure. The standards summarized below were identified in coordination with the City's Economic and Community Development Department and include overlapping standards within the Unified Development Ordinance as a result of applying the State Highway 32 Overlay District.

1. **LOCATION**: As depicted in the exhibits, the property is bordered by Tiller Court on the west and 175th Street on the north, and the existing building is located in the southeast corner of the property. As a result, there is no location for a dumpster enclosure on the property in any yard except an Established Front Yard. The requested variance is to allow for the enclosure to be located within an Established Front Yard.

Article 6.1(H)(2) Accessory Use and Building Standards; Screening of Receptacles and Loading Area (Location): "Enclosures shall not be located in an Established Front Yard or in any required Side or Rear Yard."

Article 5.3(H) State Highway 32 Overlay District; Accessory Buildings: "No Accessory Building shall be erected in the Established Front Yard..."

Article 5.3(L)(3)(c) State Highway 32 Overlay District; Miscellaneous Requirements; Walls and Fencing: "Walls and fencing shall not be located in an Established Front Yard."

2. **MATERIALS**: As depicted in the exhibits, the proposed design of the enclosure is an eight-foot tall wood shadow box fence lined on the interior with a metal sheet (at the request of the Fire Marshal). The enclosure size is proposed with approximate dimensions of 35 feet by 30 feet. Due to the size and location of the enclosure, a block wall is cost-prohibitive and results in an undesirably permanent structure. The shadow box fence is more consistent with other enclosures in the industrial park and it also provides for the flexibility to remove the fence enclosure when the larger dumpsters are no longer warranted. The requested variance is to allow for the enclosure consist of the materials and design depicted in the exhibits.

Article 6.1(H)(3) and (4) Accessory Use and Building Standards; Screening of Receptacles and Loading Area (Materials): "(3) Screening methods shall include a solid enclosure on all sides not less than six (6) feet in height above grade or two (2) feet above the receptacle, whichever is greater. The solid enclosure shall be a Masonry Material that matches or complements the Principal Building. (4) Enclosures shall be constructed of a Masonry Material that matches or complements the Principal Building, as illustrated in FIGURE 6.1(2): DUMPSTER ENCLOSURES."

Article 5.3(J)(2)(I) State Highway 32 Overlay District; Architectural Design Requirements; Accessory Buildings: "All Accessory Buildings shall be architecturally compatible with the Principal Building(s) with which they are associated."

3. **GATE & OPENING:** Due to the size of the enclosure's opening and the functionality that a gate will not be durable with the anticipated frequency at which the dumpsters will be emptied, the requested variance is to allow the enclosure without a gate or pedestrian access opening. As depicted in the exhibits, the opening of the enclosure would be oriented away from the right-of-way and towards the building.

Article 6.1(H)(5) and (6) Accessory Use and Building Standards; Screening of Receptacles and Loading Area (Gates and Openings): "(5) Enclosures shall be equipped with opaque gates, as illustrated in FIGURE 6.1(2): DUMPSTER ENCLOSURES, that shall not be oriented towards residential properties or the Right-of-way, where possible. (6) Enclosures shall have separate pedestrian access openings that are configured to conceal the dumpster from view for daily access to dumpsters for waste disposal. Pedestrian access openings shall be substantially similar to those illustrated in FIGURE 6.1(3): DUMPSTER MAN-DOORS."

The Applicant believes the relocation of the company will be an asset to the community, and that the design of the enclosure is consistent with or exceeds the design of other enclosures in the surrounding industrial park and elsewhere within the community.

The site is located within the "Employment Corridor" land use classification of the 2007 Comprehensive Plan. As proposed, the land use and development pattern of the property will continue to meet the economic and design objectives and policies of the Comprehensive Plan, and will continue to be complimentary to the surrounding area.

WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM
FINDINGS OF FACT (VARIANCE OF DEVELOPMENT STANDARD)



APPLICANT: SGP PROPERTIES I, LLC

DOCKET #: _____

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

- A. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because: _____
It is unlikely that approving the requested variances will be injurious to the public health, safety, morals, and general welfare of the community because an enclosure is contemplated and permitted within the industrial district, and the design is consistent and compatible with other enclosures in the surrounding industrial park and community.

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

~~It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The variances should not have a negative impact on adjacent surrounding properties because the variances will facilitate the continued occupancy of the property and the proposed improvements are consistent and compatible with other enclosures in the surrounding industrial park.~~

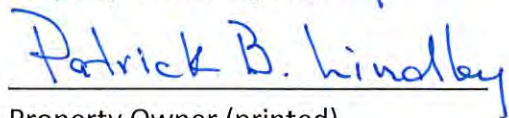
- C. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property because: _____
Strict adherence to the zoning ordinance would result in the inability to construct a dumpster enclosure on the property, which is a contemplated and permitted use. The strict application of the design standards will not allow for an enclosure necessary to accommodate the proposed use, which is otherwise permitted.

AFFIDAVIT OF CONSENT OF PROPERTY OWNER

The undersigned, **SGP Properties I, LLC**, being the owner of property located at **17455 Tiller Ct**, Westfield, Hamilton County, Indiana (Parcel No. 09-09-02-00-004.200) (the "Real Estate"), hereby consents to and authorizes **William Tres Development, LLC** to file all necessary petitions pertaining to the Real Estate for variance(s) of development standard with the City of Westfield, Hamilton County, Indiana.



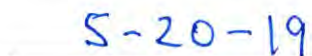
Property Owner Signature



Property Owner (printed)



Property Owner Title



Date

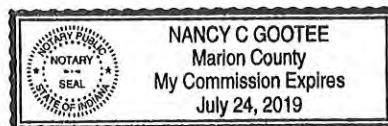
Property Owner Signature

Property Owner (printed)

Property Owner Title

Date

 627160
SIGNATURE OF NOTARY PUBLIC



State of Indiana, County of Marion, SS:

Subscribed and Sworn before me this 20th day of MAY, 2019.

Printed Name of Notary Public NANCY C. Gootee

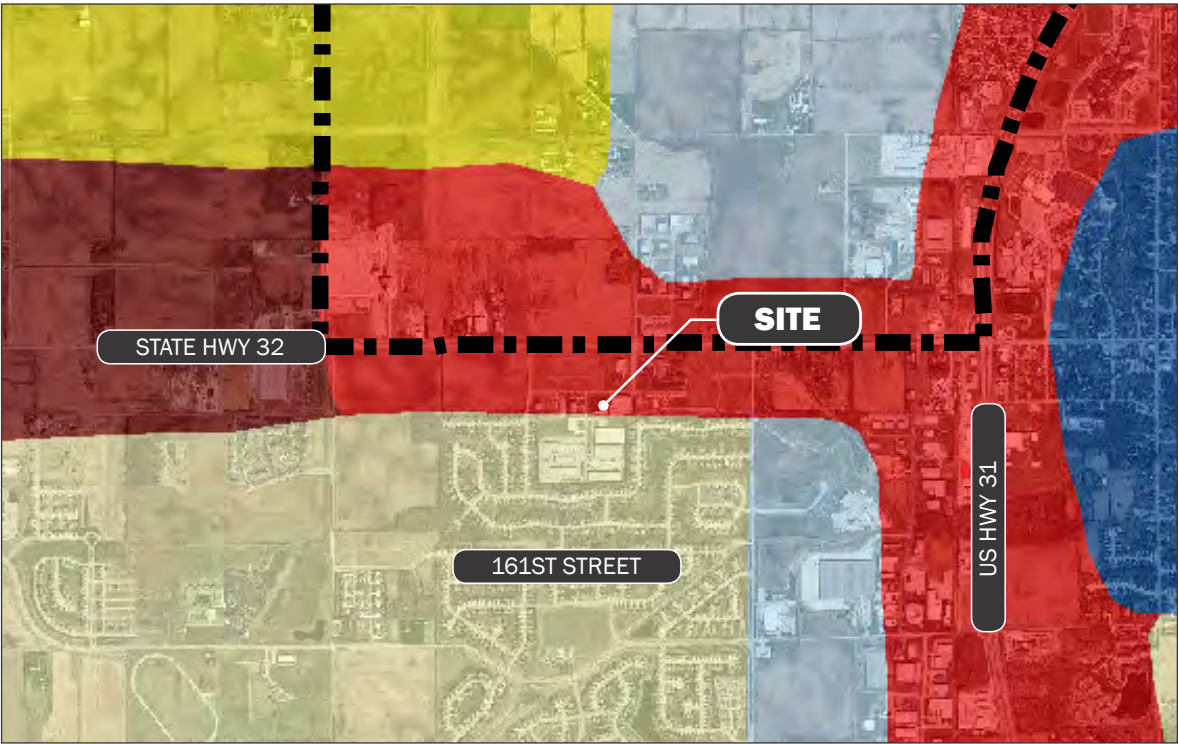
My Commission Expires 7/24/2019

LAND DESCRIPTION

Part of the North Half of the Northeast Quarter of Section 2, Township 18 North, Range 3 East in Washington Township, Hamilton County, Indiana, described as follows:

Commencing at the Northeast corner of the Northeast Quarter of Section 2, Township 18 North, Range 3 East; thence South 88 degrees 40 minutes 35 seconds West (assumed bearing) on the North line of said Northeast Quarter 1493.37 feet to the Southwest corner of the East half of the Southeast Quarter of Section 35, Township 19 North, Range 3 East; thence South 00 degrees 34 minutes 25 seconds East parallel with the East line of said Northeast Quarter 615.00 feet; thence South 88 degrees 40 minutes 35 seconds West parallel with the North line of said Northeast Quarter 320.11 feet to the point of beginning of this description; thence South 01 degree 19 minutes 25 seconds East, perpendicular with said North line 303.93 feet; thence South 88 degrees 13 minutes 58 seconds West, 304.09 feet; thence North 00 degrees 34 minutes 25 seconds West, parallel to the East line of said Quarter, 306.31 feet; thence North 88 degrees 40 minutes 35 seconds East, parallel to the North line of said Quarter, 300.07 feet, to the point of beginning.

ZONING MAP EXHIBIT



**Westfield - Washington
Land Use Concept Map**

Exhibit A

Legend

- Suburban Residential
- New Suburban
- Existing Rural Southwest
- Rural Northwest and Northeast
- Business Park
- Local Commercial
- Employment Corridor
- Regional Commercial
- Villages
- Downtown
- Family Sports Capital of America



Community Development Department
1 inch = 1 mile

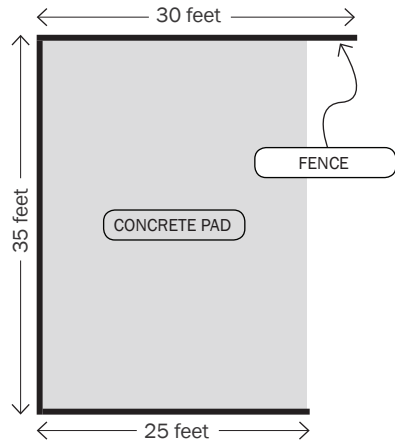
2007 FUTURE LAND USE MAP



EXISTING PROPERTY CONDITIONS
17455 TILLER COURT
 WESTFIELD, INDIANA

ENCLOSURE DETAILS

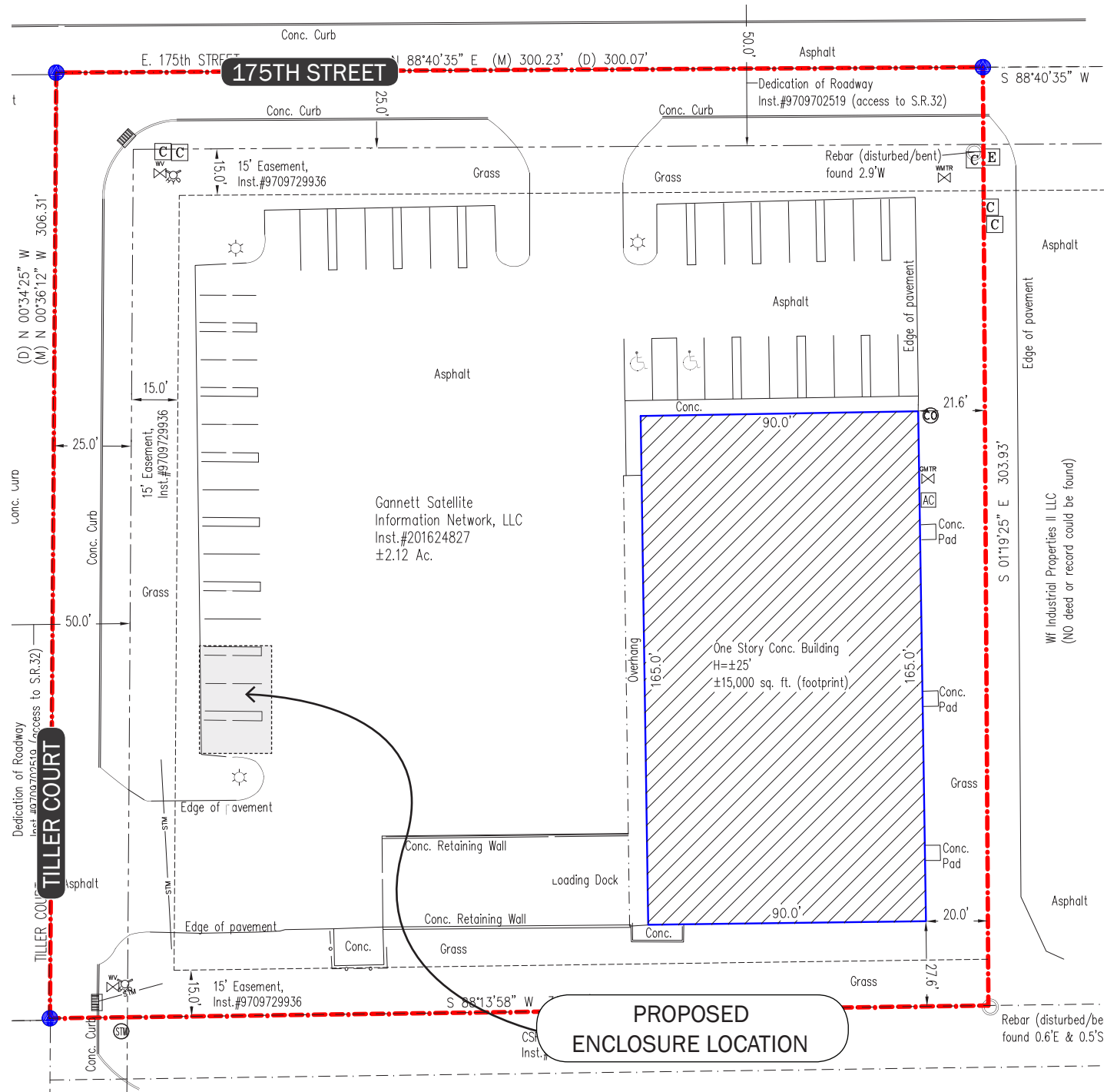
PLAN VIEW



SHADOW BOX FENCE



METAL LINING



SITE PLAN EXHIBIT 17455 TILLER COURT WESTFIELD, INDIANA

M

DULY ENTERED FOR TAXATION
Subject to final acceptance of transfer
19th day of July 2017 - SBM
Gavin M. Miller Auditor of Hamilton County
Parcel # 09-09-02-00-00-004.100
Parcel # 09-09-02-00-00-004.200

SPECIAL WARRANTY DEED

C & I
CTIC # 517204 MDS

2017034794 WD \$25.00
07/20/2017 04:07:23PM 4 PGS
Jennifer Hayden
Hamilton County Recorder IN
Recorded as Presented



THIS INDENTURE WITNESSETH, that:

GANNETT SATELLITE INFORMATION NETWORK, LLC, a Delaware limited liability company
with an address at 7950 Jones Branch Drive, McLean, Virginia 22107 ("Grantor")

conveys and specially warrants to

SGP PROPERTIES I, LLC, an Indiana limited liability company with an address at One
American Square, Suite 1300, Indianapolis, IN 46282 ("Grantee")

for the sum of Two Dollars (\$2.00) and other valuable consideration, the receipt and sufficiency
of which are hereby acknowledged, the following described real estate located in Hamilton
County, Indiana:

SEE ATTACHED SCHEDULE A

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

Being the same premises conveyed to the Grantor herein by Quitclaim Deed dated June 17,
2005, and recorded in the Hamilton County Recorder's Office on June 1, 2016 as Instrument
No.: 2016024827.

Parcel #'s: 09-09-02-00-00-004.200 and 09-09-02-00-00-004.100

Property Address: 17455 Tiller Court, Westfield, IN

Grantor by execution and delivery hereof warrants the title to said real estate as to and against
the acts of Grantor by, through and under Grantor and none other.

The undersigned person executing this deed on behalf of Grantor represents and certifies that he/she is the duly named Treasurer of Grantor and has been fully empowered, by proper resolution of Grantor, to execute and deliver this deed; that Grantor has full capacity to convey the real estate described herein; and that all necessary company action for the making of such conveyance has been taken and done.

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

Kathleen K. Suher, Esq.

Send tax statements to:
SGP Properties I, LLC
One American Square
Suite 1300
Indianapolis, IN 46282

This instrument prepared by:
Kathleen K. Suher, Esq.
Bond Schoeneck & King PLLC
350 Linden Oaks, 3rd Floor
Rochester, NY 14625

IN WITNESS WHEREOF, Grantor has caused this deed to be executed this 27th day of June, 2017.

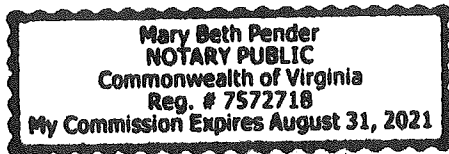
GANNETT SATELLITE INFORMATION
NETWORK, LLC

By: *M. Sundaram*
Name: Minakshi Sundaram
Title: Treasurer

COMMONWEALTH OF VIRGINIA)
) SS:
COUNTY OF FAIRFAX)

Before me, a Notary Public in and for said County and State, personally appeared Minakshi Sundaram, the Treasurer of GANNETT SATELLITE INFORMATION NETWORK, LLC, a Delaware limited liability company, and acknowledged the execution of the foregoing Special Warranty Deed for and on behalf of Grantor, and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 27th day of June, 2017.



Signature: *Mary Beth Pender*
Printed: Mary Beth Pender
My Commission Expires: 8/31/2021

SCHEDULE A

Part of the North Half of the Northeast Quarter of Section 2, Township 18 North, Range 3 East in Washington Township, Hamilton County, Indiana, described as follows:

Commencing at the Northeast corner of the Northeast Quarter of Section 2, Township 18 North, Range 3 East; thence South 88 degrees 40 minutes 35 seconds West (assumed bearing) on the North line of said Northeast Quarter 1493.37 feet to the Southwest corner of the East half of the Southeast Quarter of Section 35, Township 19 North, Range 3 East; thence South 00 degrees 34 minutes 25 seconds East parallel with the East line of said Northeast Quarter 615.00 feet; thence South 88 degrees 40 minutes 35 seconds West parallel with the North line of said Northeast Quarter 320.11 feet to the point of beginning of this description; thence South 01 degree 19 minutes 25 seconds East, perpendicular with said North line 303.93 feet; thence South 88 degrees 13 minutes 58 seconds West, 304.09 feet; thence North 00 degrees 34 minutes 25 seconds West, parallel to the East line of said Quarter, 306.31 feet; thence North 88 degrees 40 minutes 35 seconds East, parallel to the North line of said Quarter, 300.07 feet, to the point of beginning.

**WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS PUBLIC NOTICE**

NOTICE IS HEREBY GIVEN THAT the Westfield-Washington Township Board of Zoning Appeals will hold a public hearing on **Tuesday, June 11, 2019, at 7:00 p.m.** at Westfield City Hall, 130 Penn Street, Westfield, Indiana, to consider petition 1906-VS-█ filed by SGP Properties I, LLC. The request pertains to real estate located at 17455 Tiller Court, Washington Township, Westfield, Indiana.

The request is for approval of Variances of Development Standard to allow for the proposed dumpster enclosure. The requested Variances of Development Standard from Article 6.1(H) of the Unified Development Ordinance generally will allow for the enclosure to be located within an Established Front Yard and for the enclosure to be constructed of wood materials and without a gate or separate pedestrian access opening.

Specific details regarding this request, including the application, file, and property legal description, may be obtained from the Westfield Economic and Community Development Department, or by calling (317) 804-3170.

Written suggestions or objections relative to the request may be filed with the Westfield Economic and Community Development Department, at or before the public hearing. Interested persons desiring to present their views upon the request, either in writing or verbally, will be given the opportunity to be heard at the above-mentioned time and place, which may be continued from time to time as may be found necessary.

APPLICANT:

SGP Properties I, LLC
1 American Square, Suite 1800
Indianapolis, Indiana 46282

REPRESENTATIVES:

Jesse M. Pohlman
William Tres Development, LLC
Telephone: (317) 696-9254
jpohlman@williamtres.com

CITY OF WESTFIELD:

Economic and Community
Development Department
2728 East 171st Street
Westfield, Indiana 46074
Telephone: (317) 804-3170
www.westfield.in.us

HAMILTON COUNTY AUDITOR

I, ROBIN M. MILLS, AUDITOR OF HAMILTON COUNTY, INDIANA, CERTIFY MY OFFICE HAS SEARCHED OUR RECORDS AND BASED ON THAT SEARCH, IT APPEARS THAT THE PROPERTY OWNERS MARKED AS NEIGHBORS ARE THE PROPERTY OWNERS THAT ARE TWO PROPERTIES OR 660' FEET FROM THE REAL ESTATE MARKED AS SUBJECT PROPERTY.

THIS DOCUMENT DOES NOT CERTIFY THAT THE ATTACHED LIST OF PROPERTY OWNERS IS ACCURATE OR INCLUDES ALL PROPERTY OWNERS ENTITLED TO NOTICE PURSUANT TO LOCAL ORDINANCE. ANY PERSON SEEKING A MORE ACCURATE SEARCH OF THE REAL ESTATE RECORDS OF THE COUNTY SHOULD SEEK THE OPINION OF A TITLE INSURANCE COMPANY.

ROBIN M. MILLS, HAMILTON COUNTY AUDITOR

DATED: *Olivia Jesse* 05/14/2019

SUBJECT PROPERTY:

09-09-02-00-00-004.200	Subject
SGP Properties I LLC	
1 American Sq Ste 1800	
Indianapolis	IN 46282

Pursuant to the provisions of Indiana Code 5-14-3-3-(e), no person other than those authorized by the County may reproduce, grant access, deliver, or sell any information obtained from any department or office of the County to any other person, partnership, or corporation. In addition any person who receives information from the County shall not be permitted to use any mailing list, addresses, or databases for the purpose of selling, advertising, or soliciting the purchase of merchandise, goods, services, or to sell, loan, give away, or otherwise deliver the information obtained by the request to any other person.

HAMILTON COUNTY NOTIFICATION LIST

PLEASE NOTIFY THE FOLLOWING PERSONS

09-09-02-00-00-003.001	Neighbor
------------------------	----------

West 32 LLC

555 E Main St

Westfield	IN	46074
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09-09-02-00-00-004.101	Neighbor
------------------------	----------

Westfield Public Safety Building Corp

130 Penn St

Westfield	IN	46074
-----------	----	-------

09-09-02-00-00-004.201	Neighbor
------------------------	----------

United States Postal Service

17520 Dartown Rd

Westfield	IN	46074
-----------	----	-------

09-09-02-00-00-004.301	Neighbor
------------------------	----------

Westfield Properties LLC

4705 Kessler Blvd N Dr

Indianapolis	IN	46228
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09-09-02-00-00-004.400	Neighbor
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Wf Industrial Properties II LLC

1 American Sq Ste 1800

Indianapolis	IN	46282
--------------	----	-------

09-09-02-00-00-004.401	Neighbor
------------------------	----------

Westfield Properties LLC

4705 Kessler Blvd N Dr

Indianapolis	IN	46228
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09-09-02-00-00-004.500	Neighbor
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Tiller Realty LLC

8900 Keystone Crossing Ste 1150

Indianapolis	IN	46240
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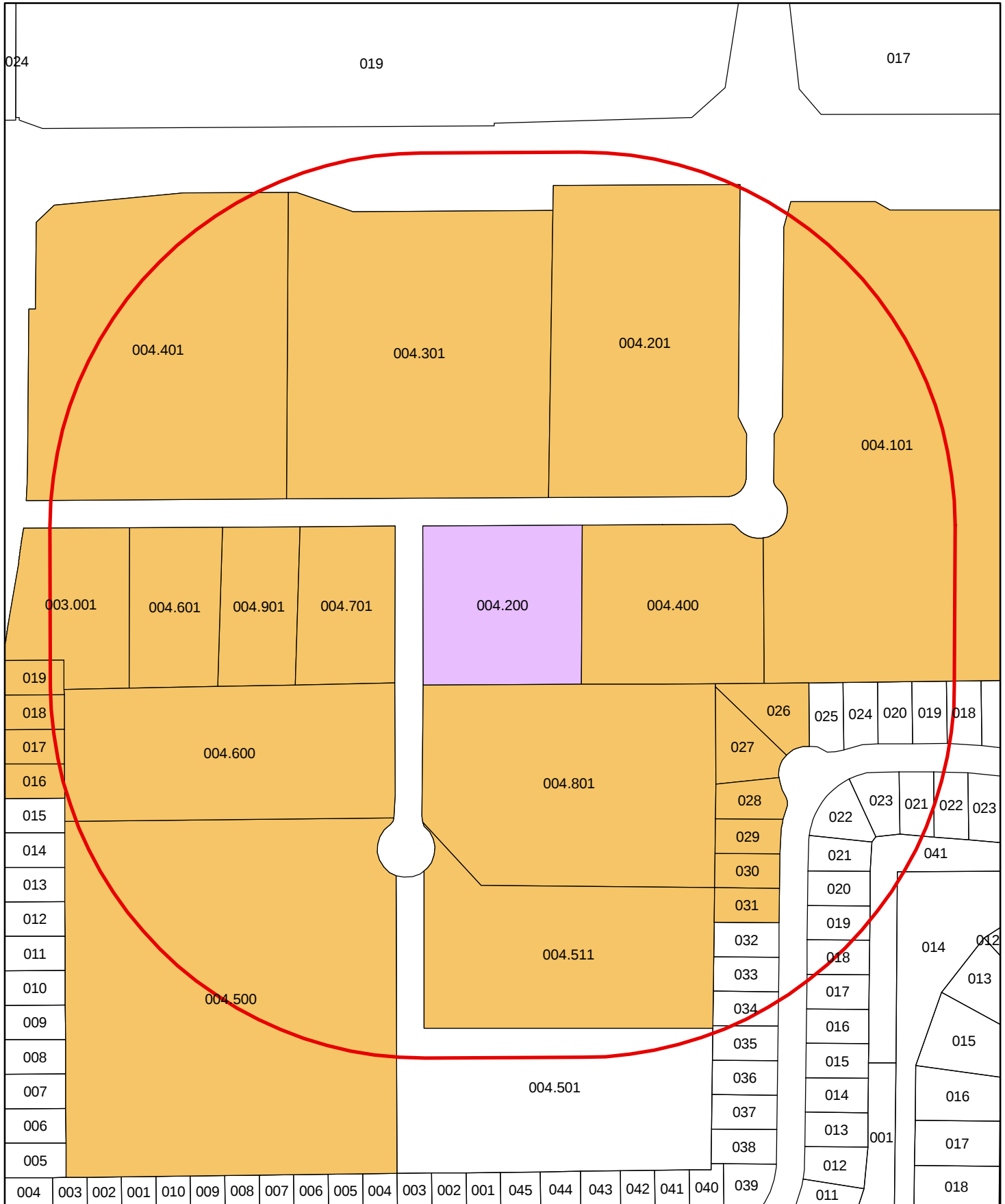
09-09-02-00-00-004.511	Neighbor
------------------------	----------

Yale Investments LLC

17401 Tiller Ct, Ste A		
Westfield	IN	46074
09-09-02-00-00-004.600		Neighbor
Premier Casting Services Inc		
17111 Westfield Park Rd		
Westfield	IN	46074
09-09-02-00-00-004.601		Neighbor
3 Knuckleheads LLC		
221 175th St E		
Westfield	IN	46074
09-09-02-00-00-004.701		Neighbor
KC Real Estate LLC		
270 WHITE HAVEN CT		
Noblesville	IN	46060
09-09-02-00-00-004.801		Neighbor
CSR Holdings LLC		
17435 Tiller Ct		
Westfield	IN	46074
09-09-02-00-00-004.901		Neighbor
JCF Properties II LLC		
233 E 175th St		
Westfield	IN	46074
09-09-02-00-04-026.000		Neighbor
King, Mark E & Lesli L		
452 E Pine Ridge Dr		
Westfield	IN	46074
09-09-02-00-04-027.000		Neighbor
Dantzer, Justin		
450 E Pine Ridge Dr		
Westfield	IN	46074
09-09-02-00-04-028.000		Neighbor
Grinstead, Carol J		
448 E Pine Ridge Dr		

Westfield	IN	46074
09-09-02-00-04-029.000		Neighbor
Gonzalez, Julia B		
446 E Pine Ridge Dr		
Westfield	IN	46074
09-09-02-00-04-030.000		Neighbor
Williams, David Wayne & Phyllis Ann		
444 E Pine Ridge Dr		
Westfield	IN	46074
09-09-02-00-04-031.000		Neighbor
AMH 2015 1 Borrower LLC		
30601 Agoura Rd Ste 200		
Agoura Hills	CA	91301
09-09-02-00-06-016.000		Neighbor
Morin, Christopher G		
17395 Austrian Pine Way		
Westfield	IN	46074
09-09-02-00-06-017.000		Neighbor
Armstrong, Erick R		
610 Hollowood Ln		
Avon	IN	46123
09-09-02-00-06-018.000		Neighbor
Jones, Patricia M & Amanda B Burrow jtrs		
17401 AUSTRIAN PINE WAY		
Westfield	IN	46074
09-09-02-00-06-019.000		Neighbor
Burnham, Stanford B & Kristi S		
17409 AUSTRIAN PINE WAY		
Westfield	IN	46074

Adjoiner Notification Map



Legend

-  Buffer
-  Notify
-  Subject





WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

June 11, 2019
1906-VS-12
Exhibit 1

Petition Number: 1906-VS-12

Subject Site Address: 2602 Caden Court (the "Property")

Petitioner: Greg and Amanda Lyons by C-Ray Pools (the "Petitioner")

Request: The petitioner is requesting a Variance of Development Standard reduce the Minimum Rear Yard Setback from 30 feet to 19 feet in the Oak Manor Planned Unit Development (PUD) District (Article 2.5 and Exhibit 11 of Ord. 03-37).

Current Zoning: Oak Manor PUD (Ord. 03-37)

Current Land Use: Residential

Approximate Acreage: 0.39 acres +/-

Exhibits:

1. Staff Report
2. Location Map
3. Site Plan Exhibit
4. Oak Manor Area A Development Standards
5. Application

Staff Reviewer: Pam Howard, Senior Planner

OVERVIEW

Location: The subject property is 0.39 acres +/- in size and located at 2602 Caden Court (see **Exhibit 2**). The Property is zoned the Oak Manor Planned Unit Development (PUD) District. The Property currently contains a single-family home. All surrounding properties are also zoned the Oak Manor PUD District.

Variance Request: The Petitioner is requesting this variance to allow an in-ground pool to be constructed, as generally illustrated on the Site Plan Exhibit (see **Exhibit 3**).

SUMMARY OF VARIANCE

The Petitioner is requesting this variance to allow a 16' x 36' in-ground pool to be constructed within the Rear Yard¹ Setback², as illustrated on the Site Plan Exhibit (see **Exhibit 3**).

¹ Chapter 12 of the UDO defines "Yard, Rear" as "[a] Yard extending across the full width of the Lot, the depth of which is the least distance between the Rear Lot Line and the Rear Yard Building Setback Line."

² Chapter 12 of the UDO defines "Building Setback Line" as "[a] line parallel to a Right-of-way line, edge of a stream, or other Lot Line established on a parcel of land or Lot for the purpose of prohibiting construction of a building or structure in the area between such line and the Right-of-way, stream bank, or other Lot Line."

The Property is located within the Oak Manor PUD district. Article 2.5 of the PUD Ordinance refers to Exhibit 11 of the Ordinance (see **Exhibit 4**) for Development Standards. The Property is located in "Parcel A-1" and the Minimum Rear Yard Setback is thirty feet (30').

The requested variance is to allow the pool to be constructed 19.6 feet +/- from the Rear Lot Line³, which would place it within the Rear Yard Setback.

COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan identifies this property within the "Suburban Residential" land use classification.

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Development Standard. This petition is scheduled to receive its public hearing at the June 11, 2019, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

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

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

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

³ Chapter 12 of the UDO defines "Lot Line, Rear" as "[t]he Lot Line that is opposite the Front Lot Line and farthest from it, except that for a triangular or other irregularly shaped Lot, the line ten (10) feet long, parallel to the Front Lot Line, and wholly within the Lot, that is farthest from the lot line. A Through Lot and Corner Lot may not have a Rear Lot Line."

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

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

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

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

DEPARTMENT COMMENTS

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

Recommended Condition:

1. The in-ground pool be constructed at the location shown on the Site Plan Exhibit.
2. Encroachment approval from the Westfield Public Works Department be submitted prior to the issuance of an Improvement Location Permit.

Recommended Findings for Approval:

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

Finding: It is unlikely that approving the requested variance(s) would be injurious to the public health, safety, morals, and general welfare of the community the existing use and proposed improvements would otherwise comply with the applicable standards of the Oak Manor PUD 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: (i) the proposed improvement will enhance the value of the subject property; (ii) the improvements will otherwise comply with or exceed the applicable standards; and (iii) the approval of the variance will allow for the continued use and improvement of the property in a manner substantially consistent with the quality and character of the surrounding area and Comprehensive Plan.

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

Finding: Strict adherence to the zoning ordinance would result in the inability to improve the property, as proposed, in accordance with the Unified Development Ordinance an Oak Manor PUD Ordinance. The primary residential use of the property is otherwise

permitted by the applicable ordinances and the proposed improvements would otherwise comply with the applicable ordinances.

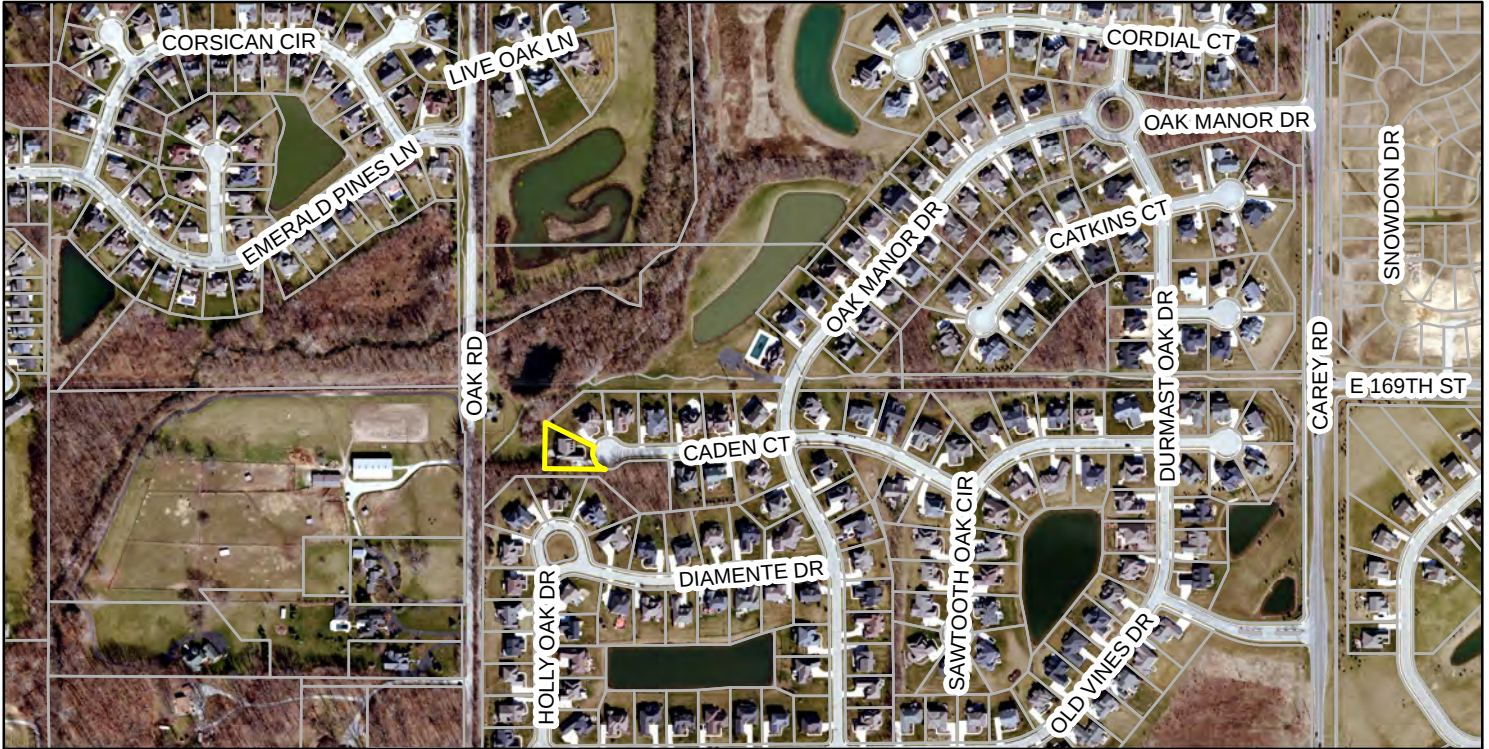
Denial: If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.



Property Location Map
Lyons Pool Variance
2602 Caden Ct.
1906-VS-12



Aerial Location Map



Zoning Map

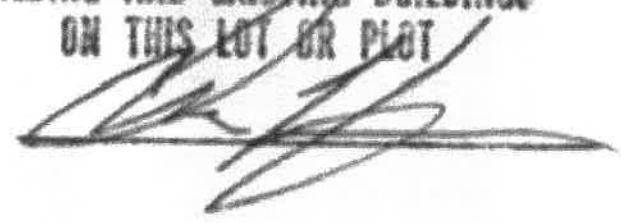


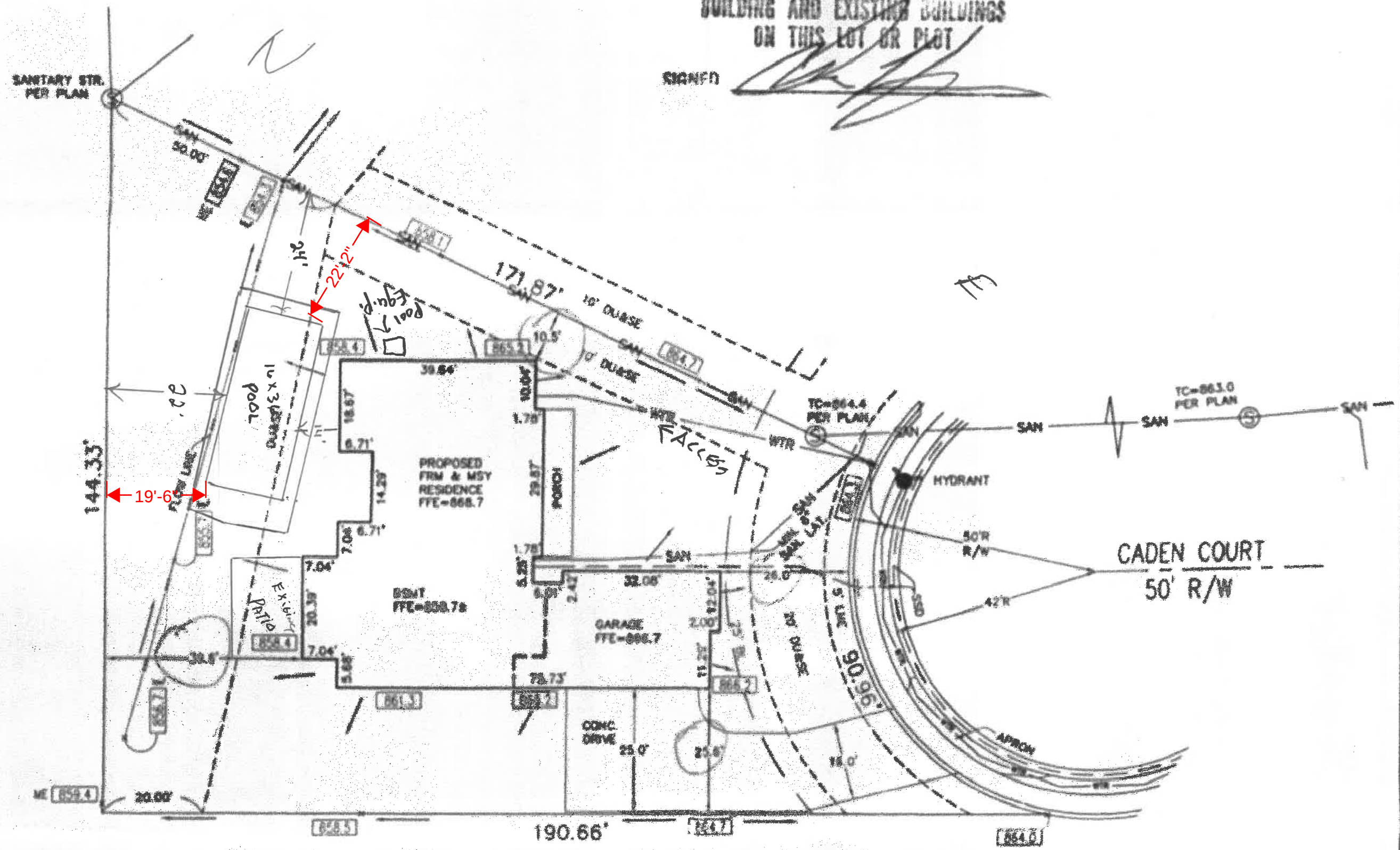
- | | |
|--|--------------------------|
| AG-SF1 (Agriculture - Single Family - 1) | SF-2 (Single Family - 2) |
| PUD (Planned Unit Development) | SF-3 (Single Family - 3) |

DATE 11/12/05

BY J. W. F. S.

THIS IS A TRUE PLOT PLAN
SHOWING PROPOSED LOCATION OF
BUILDING AND EXISTING BUILDINGS
ON THIS LOT OR PLOT

SIGNED 



COMMON AREA "A"
O.M. & TREE PRESERVATION EASEMENT

EXHIBIT 11
AREA A DEVELOPMENT STANDARDS

	Parcel A-1	Parcel A-2	Parcel A-3
Minimum Lot Width at Building Line (1)	100' for all lots	80' for all lots	100' for all lots
Minimum Lot Frontage on Street	50'	30' (2)	10' (2)
Minimum Lot Area	15,000 SF	12,000 SF	30,000 SF
Minimum Front Yard Setback (3)	25'	15'(3)	20'
Minimum Side Yard Setback	8' 16' Aggregate	8' 16' Aggregate	8' 16' Aggregate
Minimum Rear Yard Setback	30'	30'	30'
Maximum Building Height	35'	35'	35'
Minimum Gross Floor Areas for Ground Levels:	1 Story: 1700 SF 2 Story: 1000 SF 1 ½ Story: 1100 SF	1 Story: 1800 SF 2 Story: 1000 SF 1 ½ Story: 1200 SF	1 Story: 2000 SF 2 Story: 1000 SF 1 ½ Story: 1500 SF

Above requirements may be decreased a maximum of 10% on up to 10% of the residences.

Note: Provisions in the Zoning Ordinance pertaining to proximity slope shall be inapplicable to detached single family residences.

"SF" = square feet

- (1) Building Line widths on cul-de-sacs shall be exempt from this requirement, but shall be a minimum of sixty (60) feet.
- (2) Lot frontage may be located on Public Street or Private Drive.
- (3) Front yard setbacks less than 20' shall only be permitted in circumstances relating to tree preservation provided that all front load garages shall have a minimum set back of 20'.



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

June 11, 2019
1906-VS-10
Exhibit 1

Petition Number: 1906-VS-10

Subject Site Address: 3911 E. 191st Street (the "Property")

Petitioner: Jeff Roudebush (the "Petitioner")

Request: The Petitioner is requesting a Variance of Development Standard to reduce the Side Yard setback in the AG-SF1: Agriculture / Single-Family Rural District (Article 4.2(E)(2)).

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

Current Land Use: Agriculture / Residential

Approximate Acreage: 1.80 acres +/-

Exhibits:

1. Staff Report
2. Location Map
3. Site Plan
4. Floor Plan
5. Elevations
6. Existing Conditions

Staff Reviewer: Caleb Ernest, Associate Planner

OVERVIEW

Location: The subject property is 1.80 acres +/- in size and located at 3911 E. 191st Street (see **Exhibit 2**). The Property is zoned the AG-SF1: Agriculture / Single-Family Rural District. The properties to the west, east and south are zoned the AG-SF1 District. To the north is 191st Street.

Variance Requests: The Petitioner is requesting this variance to install a garage behind the Single-family home, as illustrated on the site plan, floor plan and elevations (see **Exhibits 3, 4 and 5**).

SUMMARY OF VARIANCECESS

The Petitioner is requesting a Variance of Development Standard to reduce the Side Yard¹ setback from thirty (30) feet to ten (10) feet as shown in **Exhibit 3**.

¹ Chapter 12 of the UDO defines "Yard, Side" as "A Yard extending across the full depth of the Lot, the depth of which is the least distance between the Side Lot Line and the Side Yard Building Setback Line."

COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan identifies this property within the “New Suburban” land use classification.

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Development Standard. This petition is scheduled to receive its public hearing at the June 11, 2019, 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 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 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.

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

Recommended Findings for Approval of the Variance of Development Standard:

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

Finding: It is unlikely that approving the requested variance(s) would be injurious to the public health, safety, morals, and general welfare of the community as the property and the construction of a garage will comply with all other standards of the Unified Development Ordinance (UDO).

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

Finding: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The proposed variance should not have a negative impact on surrounding properties because the new garage will increase the value of and is consistent with the surrounding properties. The property and construction of a garage will comply with all other standards of the UDO.

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

Finding: Strict adherence to the zoning ordinance would result in the inability to place the proposed garage within the Side Yard setback.

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



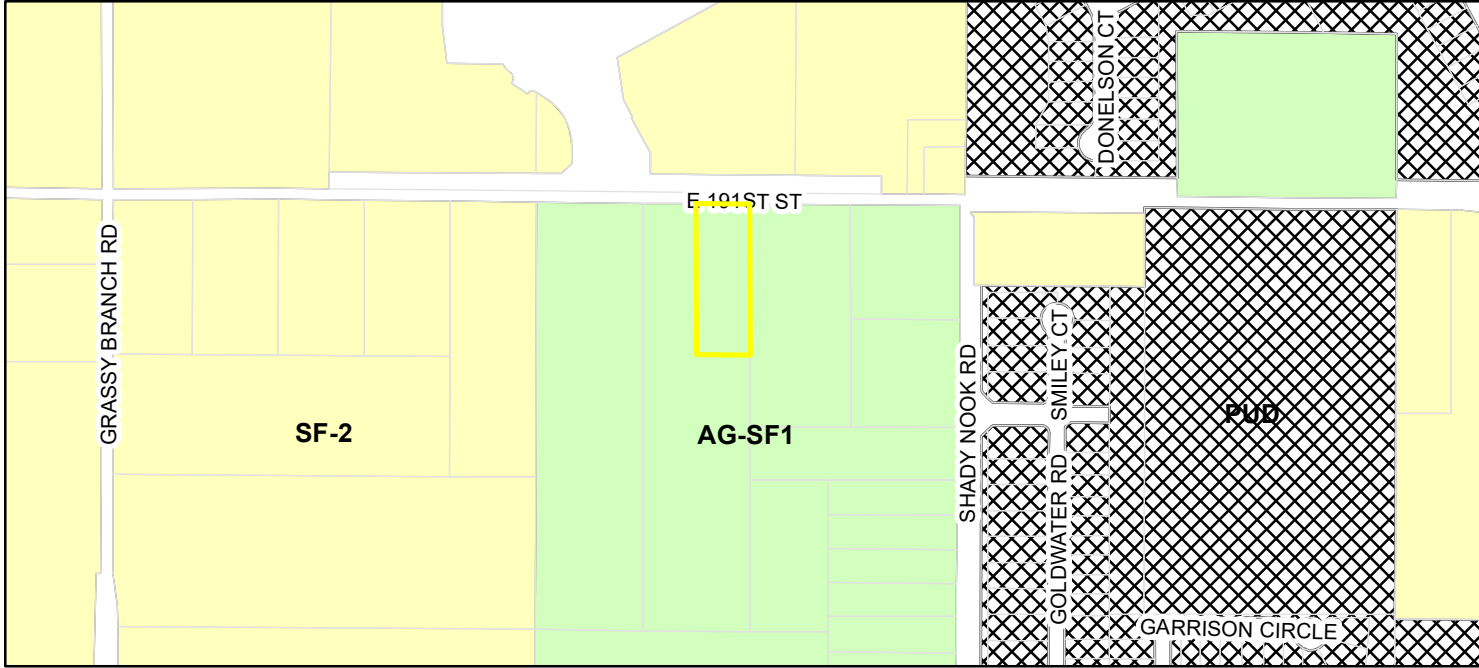
Property Location Map
3911 E. 191st Street
Variance of Development Standard
1906-VS-10



Aerial Location Map



Zoning Map



Parcel

Zoning

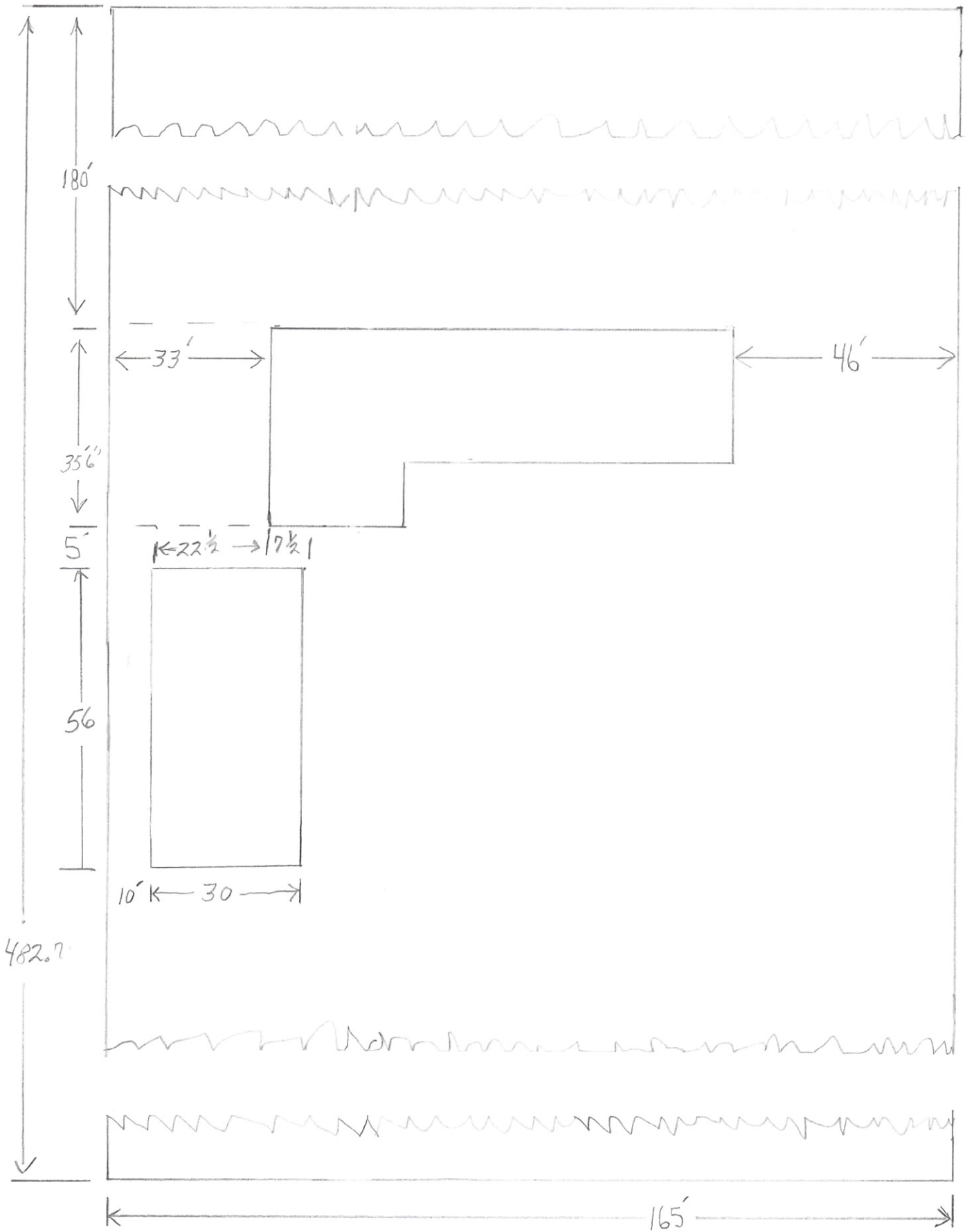
AG-SF1 (Agriculture - Single Family - 1)

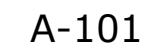
PUD (Planned Unit Development)

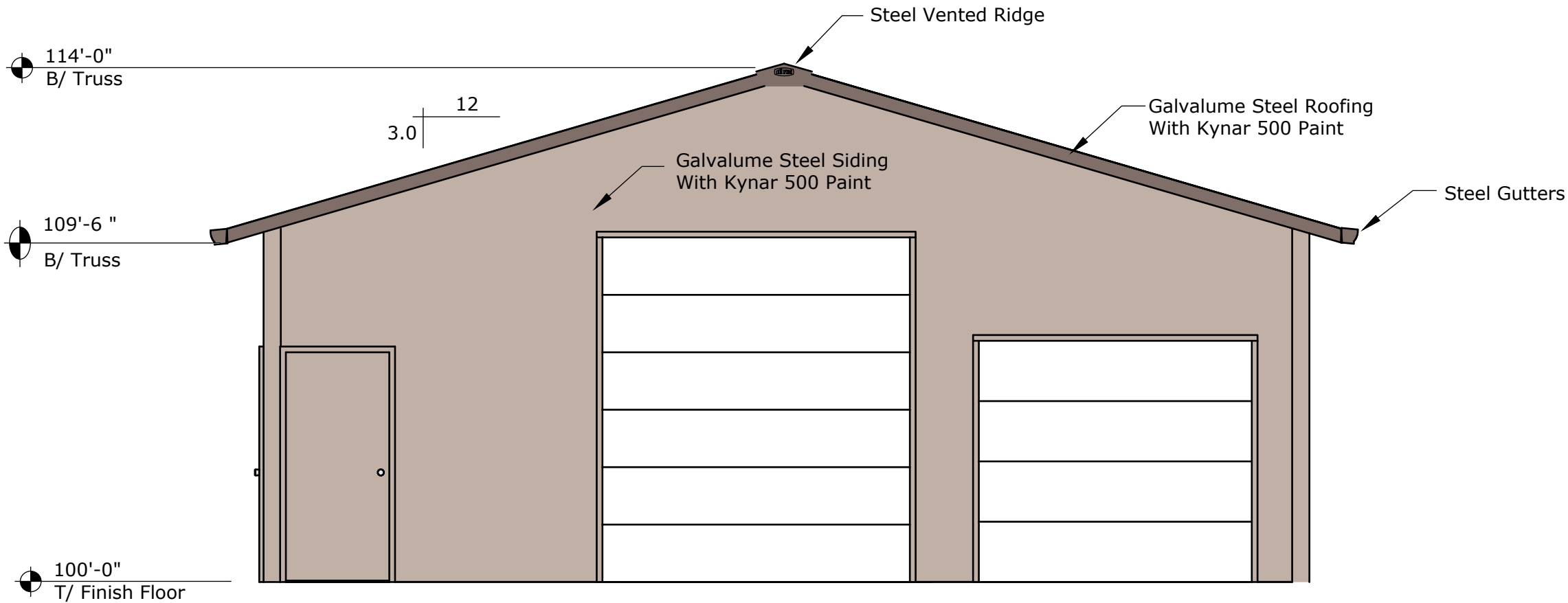
SF-2 (Single Family - 2)

Zoning - All

P13







NORTH ELEVATION



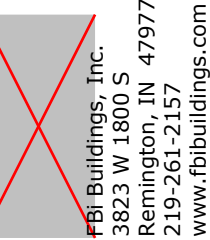
EAST ELEVATION

Copyright:
FBi Buildings, Inc.

Building may not be shown to scale.
(Colors shown may not match actual colors.
Refer to color samples for actual colors.)

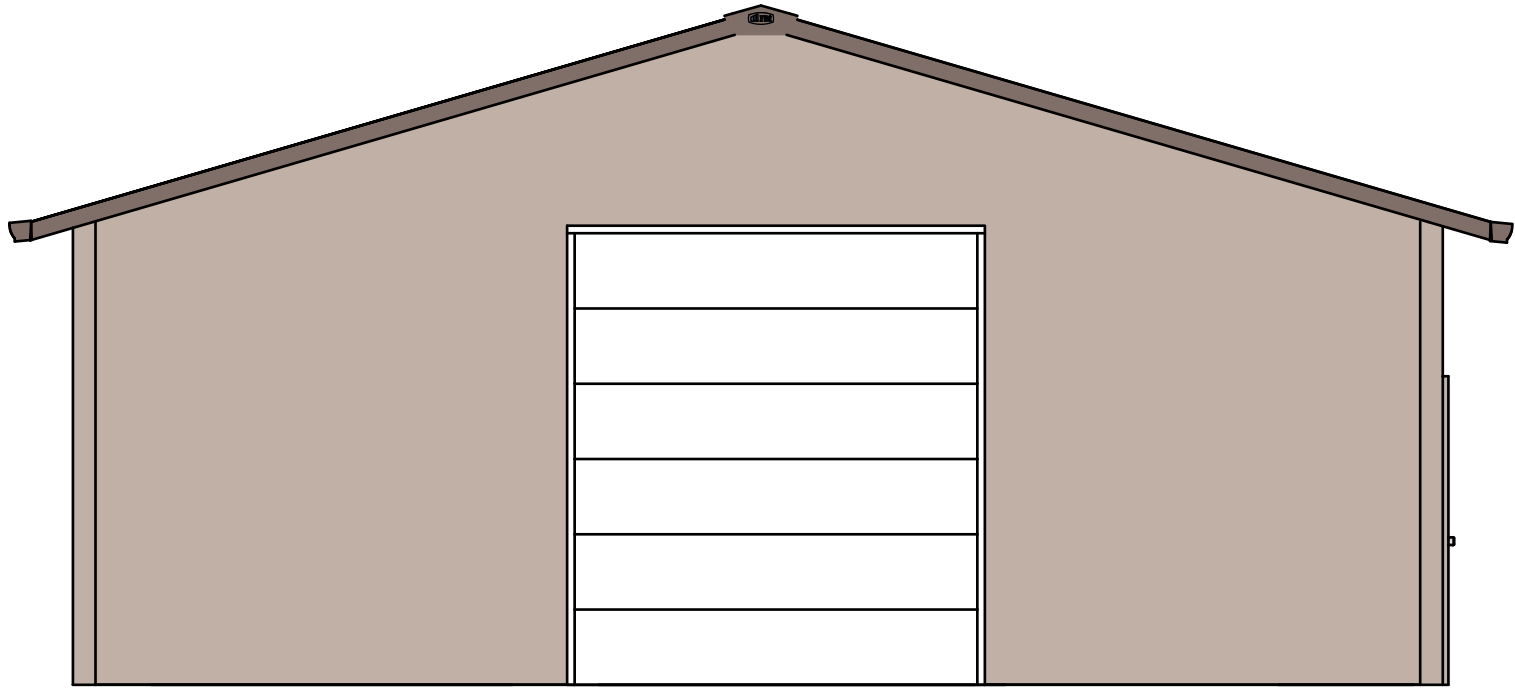
X:	Purchaser Approval	Date
X:	Seller Approval	Date
	Drawing #	

Mr. Jeff Roudebush 3911 E 191 st Noblesville, In, 46062	Elevation Plan
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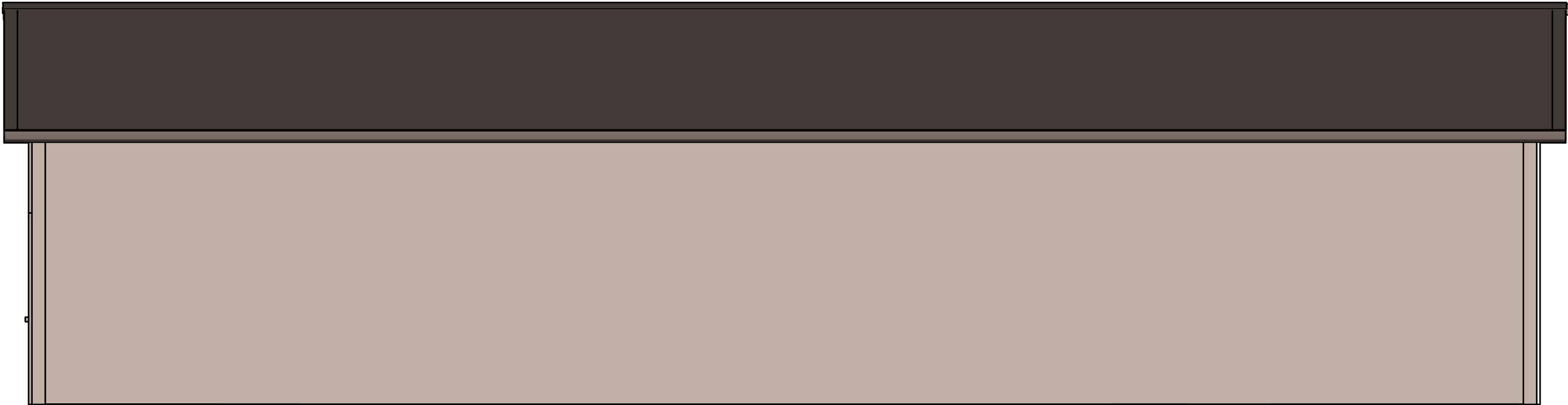


Date :	00/00/00
Name:	XXX
	Rev 0

PRELIMINARY
THESE DRAWINGS
ARE FOR
**REVIEW
ONLY**
These drawings are
not complete and
are not to be used
for construction.



SOUTH ELEVATION



WEST ELEVATION

Copyright:
FBi Buildings, Inc.

Building may not be shown to scale.
(Colors shown may not match actual colors.
Refer to color samples for actual colors.)

X:	Purchaser Approval	Date
X:	Seller Approval	Date
	Drawing #	

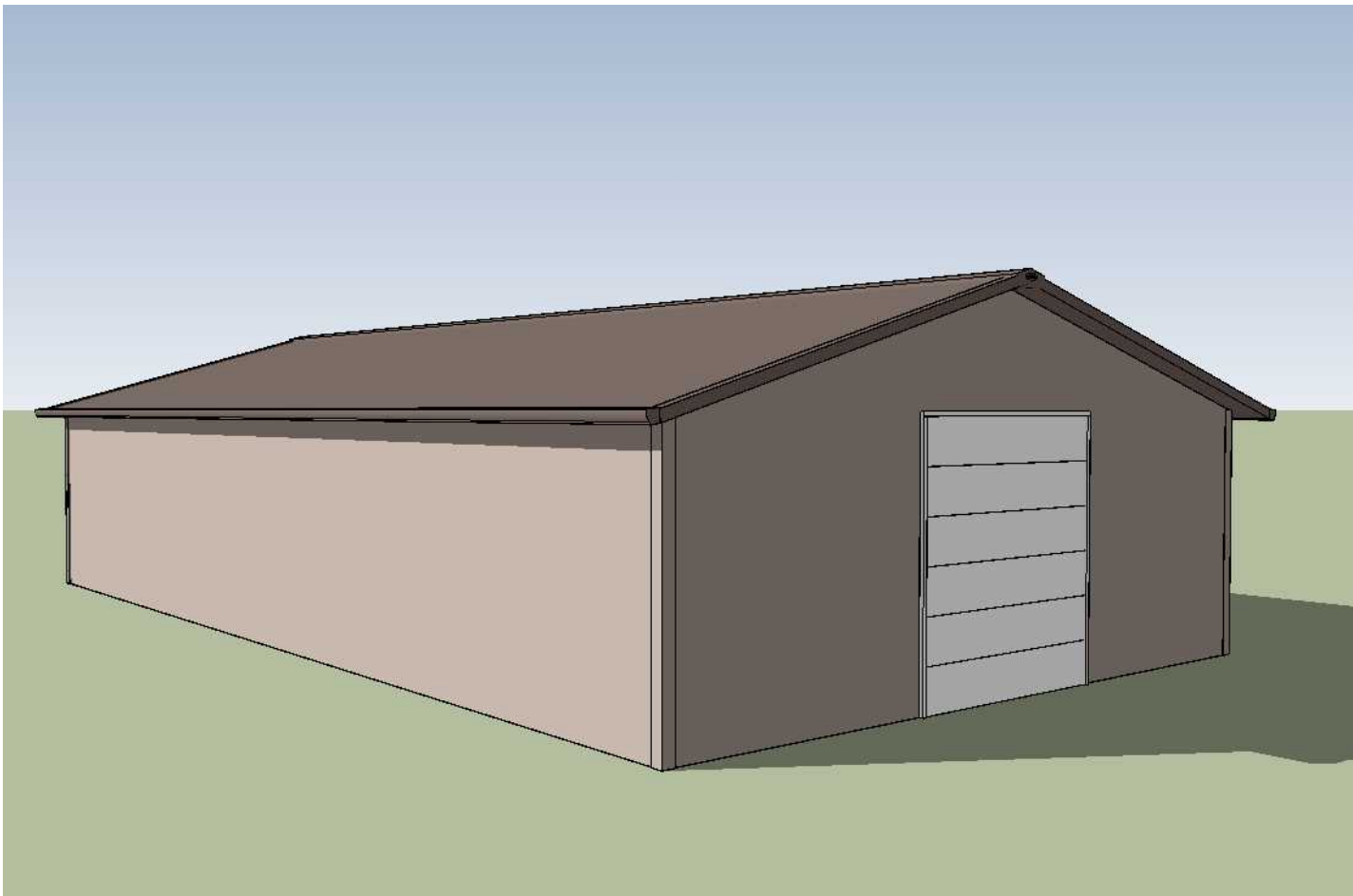
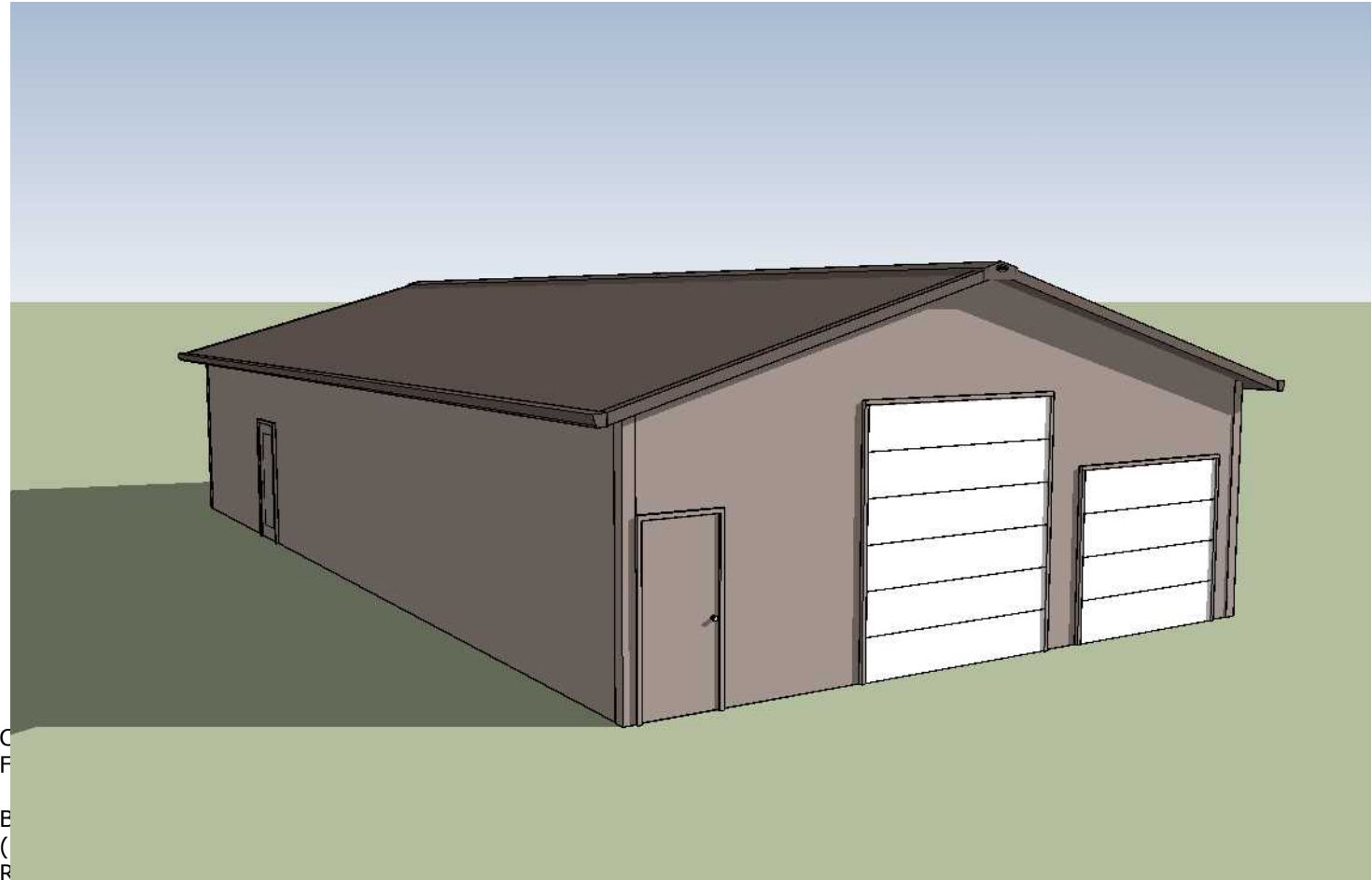
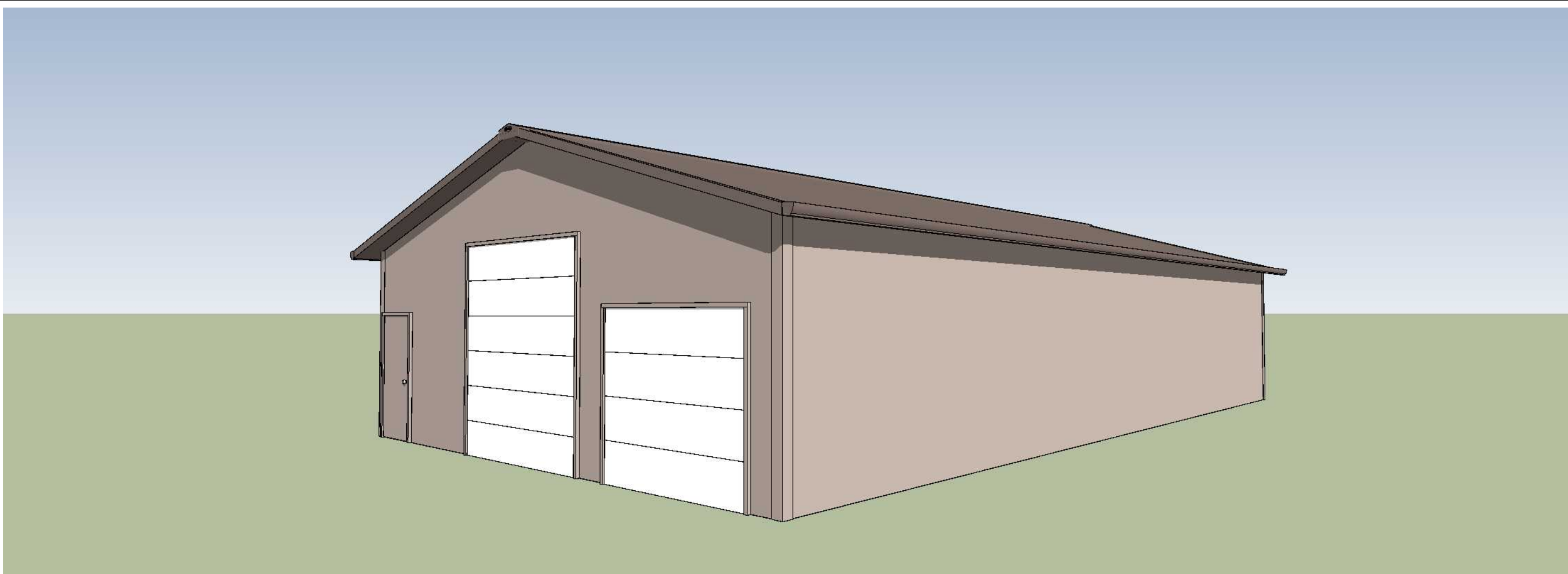
Mr. Jeff Roudebush 3911 E 191 st Noblesville, In, 46062	Elevation Plan
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 FBi Buildings, Inc.
3823 W 1800 S
Remington, IN 47977
219-261-2157
www.fbibuildings.com

Date :	00/00/00
Name:	XXX
	Rev 0

PRELIMINARY
THESE DRAWINGS
ARE FOR
**REVIEW
ONLY**

These drawings are
not complete and
are not to be used
for construction.



C
F
B
C
R

X:	Purchaser Approval	Date
X:	Seller Approval	Date
	Drawing #	

Mr. Jeff Roudebush 3911 E 191 st Noblesville, In, 46062	3D View
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 FBI Buildings, Inc.
3823 W 1800 S
Remington, IN 47977
219-261-2157
www.fbibuildings.com

Date : 00/00/00
Name: XXX
Rev 0

PRELIMINARY
THESE DRAWINGS
ARE FOR
REVIEW
ONLY
These drawings are
not complete and
are not to be used
for construction.

A-203



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↓

191 ST Street

Pg 5





WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

June 11, 2019
1906-VS-11
Exhibit 1

Petition Number: 1906-VS-11

Subject Site Address: 17455 Tiller Court (the "Property")

Petitioner: SPG Properties, LLC (the "Petitioner")

Request: The petitioner is requesting Variances of Development Standard to permit a non-masonry dumpster enclosure without a gate or man door within the Established Front Yard in the EI: Enclosed Industrial District and State Highway 32 Overlay District (Articles 5.3(H), 5.3(J)(2)(I), 5.3(L)(3)(c), and 6.1(H)(2-6)).

Current Zoning: EI: Enclosed Industrial
State Highway 32 Overlay District

Current Land Use: Enclosed Industrial

Approximate Acreage: 2.27 acres +/-

Exhibits:

1. Staff Report
2. Location Map
3. Existing Property Conditions Exhibit
4. Proposed Dumpster Enclosure Exhibit
5. Application

Staff Reviewer: Pam Howard, Senior Planner

OVERVIEW

Location: The subject property is 2.27 acres +/- in size and located at 17455 Tiller Court (see **Exhibit 2**). The Property is zoned the EI: Enclosed Industrial District, and is also located within the State Highway 32 Overlay District. The Property currently contains a 14,850 square foot commercial building and one dumpster enclosure (see **Exhibit 3**). All surrounding properties are also zoned the EI District, though the properties to the northwest are in the process of being rezoned to the Austrian Pine PUD District, which proposes an underlying zoning of GB: General Business.

Variance Request: The Petitioner is requesting this variance to allow a new dumpster enclosure to be constructed, as generally illustrated on the Proposed Dumpster Enclosure Exhibit (see **Exhibit 4**).

SUMMARY OF VARIANCES

The Petitioner is requesting this variance to allow a 30 foot x 35 foot dumpster enclosure to be constructed within an Established Front Yard¹. As generally described in the statement of intent (see **Exhibit 5**) and illustrated on the Proposed Dumpster Exhibit (see **Exhibit 4**), the enclosure would consist of an eight (8) foot tall wood shadow box fence with metal lining, and would not include any gate or pedestrian openings (man doors). The existing building is on a corner lot and therefor has two Front Lot Lines², and the building is situated in the southeast corner of that lot. Given the existing layout, there is no place to locate the enclosure that would not be in an Established Front Yard.

Dumpster Enclosures are subject to Article 6.1 Accessory Use and Building Standards of the UDO.

Article 6.1(H) Accessory Use and Building Standards; Screening of Receptacles and Loading Areas: (variances being requested from items 2-6)

1. Garbage containers, trash receptacles, pallet storage areas, trash compactors, recycling areas, loading areas and other similar facilities shall be completely and permanently screened from view of Rights-of-way and where possible, adjoining properties.
2. Enclosures shall not be located in an Established Front Yard or in any required Side or Rear Yard.
3. Screening methods shall include a solid enclosure on all sides not less than six (6) feet in height above grade or two (2) feet above the receptacle, whichever is greater. The solid enclosure shall be a Masonry Material that matches or complements the Principal Building.
4. Enclosures shall be constructed of a Masonry Material that matches or complements the Principal Building, as illustrated in FIGURE 6.1(2): DUMPSTER ENCLOSURES.
5. Enclosures shall be equipped with opaque gates, as illustrated in FIGURE 6.1(2): DUMPSTER ENCLOSURES, that shall not be oriented towards residential properties or the Right-of-way, where possible.
6. Enclosures shall have separate pedestrian access openings that are configured to conceal the dumpster from view for daily access to dumpsters for waste disposal. Pedestrian access openings shall be substantially similar to those illustrated in FIGURE 6.1(3): DUMPSTER MAN-DOORS.

Additionally, the property is located within the State Highway 32 Overlay District, therefor Article 5.3 of the UDO applies:

Article 5.3(H) State Highway 32 Overlay District; Accessory Buildings: No Accessory Building shall be erected in the Established Front Yard. For the purpose of this Article only,

¹ Chapter 12 of the UDO defines "Yard, Established Front" as "[a] Yard extending across the full width of the Lot between the Principal Building, as built, and the Front Lot Line, the depth of which is the least distance between the Front Lot Line and the Principal Building."

² Chapter 12 of the UDO defines "Lot Line, Front" as "[a] Lot Line abutting a Street (public or Private Street). A Through Lot and Corner Lot will have multiple Front Lot Lines."

an Accessory Building shall not include the following: (i) if provided for public use and enjoyment: fountains, gazebos, picnic shelters, benches, public rest rooms, drinking fountains, utility installations, bike racks, decorative walls and fences (not to exceed an average height of four (4) feet), hardscape amenities, landscaping, pavement, curbs and other similar improvements; or (ii) Monument Signs.

Article 5.3(J)(2)(I) State Highway 32 Overlay District; Architectural Design Requirements; Building Elevations; Accessory Buildings: All Accessory Buildings shall be architecturally compatible with the Principal Building(s) with which they are associated.

Article 5.3(L)(3)(c) State Highway 32 Overlay District; Miscellaneous Requirements; Walls and Fences: Walls and fencing shall not be located in an Established Front Yard.

COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan identifies this property within the “Employment Corridor” land use classification.

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Development Standard. This petition is scheduled to receive its public hearing at the June 11, 2019, 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 UDO³ 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 UDO⁴ 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.

³ Article 10.14(I) Processes and Permits; Variances; Conditions of the UDO.

⁴ Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.

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

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

DEPARTMENT COMMENTS

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

Recommended Condition: The Dumpster Enclosure shall be built as described in the Statement of Intent and as shown on the Proposed Dumpster Enclosure Exhibit attached to the Staff Report.

Recommended Findings for Approval:

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

Finding: It is unlikely that approving the requested variance(s) would be injurious to the public health, safety, morals, and general welfare of the community. The existing use and proposed improvements would otherwise comply with the applicable standards of the UDO.

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

Finding: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The proposed variance should not have a negative impact on surrounding properties because: (i) the proposed improvement will enhance the value of the subject property; (ii) the improvements will otherwise comply with or exceed the applicable standards; and (iii) the approval of the variance will allow for the continued use and improvement of the property in a manner substantially consistent with the quality and character of the surrounding area and Comprehensive Plan.

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

Finding: Strict adherence to the zoning ordinance would result in the inability to improve the property, as proposed, in accordance with the Unified Development Ordinance. Due to the placement of the primary building on the property, a new dumpster enclosure could not be constructed at a location that complies with the UDO.

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.