



CITY OF WESTFIELD, IN
BoardofZoningAppeals_Meeting_Agenda_05_16_2023

Tuesday, May 16, 2023 at 07:00 PM

BOARD OR COMMISSION: Board of Zoning Appeals (BZA)

MEETING DATE: Tuesday, May 16, 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 - April 11, 2023

Documents: [BZA Minutes - April 11, 2023](#)

Review Rules & Procedures

ITEMS OF BUSINESS:

2304-VS-06 [PUBLIC HEARING]

235 Penn Street

Stellhorn Equity, LLC

The Petitioner requests Variances of Development Standard to permit a temporary gravel parking lot without surfacing or curbing on 0.3 acres +/- in the SF3: Single-Family Medium Density District (Article 6.14(G)(7)(a) and 6.14(G)(7)(b)).

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

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

2305-VS-07 [PUBLIC HEARING]

2934 Buchanan Lane

Vernon Reizman

The Petitioner requests a Variance of Development Standard to encroach five (5) feet into the twenty (20) foot Minimum Rear Yard Setback on 0.25 acres +/- in the Claiborne Farms by Del Webb PUD District to accommodate a smart pergola.

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

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

2305-VS-08 [PUBLIC HEARING]

17400 Westfield Boulevard

Westfield Washington Township by Zentz Consulting, LLC

The Petitioner requests a Variance of Development Standard to permit native grasses in landscape islands in lieu of shrubs on 4 acres +/- in the Grand Millennium Center PUD District.

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

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

2305-VS-09 [PUBLIC HEARING]

19002 Shady Nook Road

Bill Chichwak

The Petitioner requests a Variance of Development Standard to modify Minimum Lot Area and Minimum Lot Frontage standards for two (2) residential lots in the AG-SF1: Agriculture/Single-Family Rural District (Articles 4.2(C) and 4.2(D)

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

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

2304-VU-04 [PUBLIC HEARING]

1960 East Greyhound Pass

Academy, Ltd. by Barnes & Thornburg, LLP

The Petitioner requests a Variance of Use to permit a High Intensity Retail Use (Sporting Goods Store, Large) in the SB-PD: Special Business Planned Development District and US Highway 31 Overlay District (Article 13).

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

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

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

ITEMS CONTINUED TO A FUTURE MEETING

No Continued Items.

REPORTS/COMMENTS:

**Plan Commission Liaison
Community Development Department**

ADJOURNMENT



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

May 16, 2023
2305-VS-08
Exhibit 1

Petition Number: 2305-VS-08

Subject Site Address: 17400 Westfield Blvd. (the “Site”)

Petitioner: Westfield Washington Township/Westfield Washington Public Library, represented by Zentz Consulting (the “Petitioner”)

Request: Westfield Washington Township, represented by Zentz Consulting, LLC, requests a Variance of Development Standard to permit native grasses in lieu of shrubs within landscape islands, located on 4 acres +/- in the Grand Millennium Center PUD (*Ord. 16-51*).

(*Article 6.8(O)(1)(b)(iii)*)

Current Zoning: Grand Millennium Center PUD District

Current Land Use: Vacant

Approximate Acreage: 4.1 acres

Exhibits:
1. Staff Report
2. Location Map
3. Proposed Landscape Plan

Staff Reviewer: Lauren Gillingham, AICP, Senior Planner

OVERVIEW

Property Location: The project is generally located at the Southwest corner of Westfield Blvd and Park St, within Lot 1 of the Grand Millennium subdivision (approved by the Plat Committee at their 11/14 meeting). It is zoned Grand Millennium Center PUD District – Commercial subdistrict with GB: General Business as the underlying zoning district, and is within the US Hwy 31 Overlay District.

Property History: The subject parcel was added to the Grand Millennium Center PUD in March 2022 through Grand Millennium PUD Amendment I (*Ord. 22-08*). The primary plat for the Grand Millennium subdivision was approved in November 2022. A DDP was also approved with a



compliant landscape plan showing all the required shrubs. Grand Millennium Center PUD Amendment II, which was recently approved by the City Council, has no effect on the site.

SUMMARY OF VARIANCES

The Petitioner requests a Variance of Development Standard to permit native grasses to be used in parking islands in lieu of shrubs.

When it comes to Parking Area Landscaping, the PUD defers to the UDO requirement that each landscape island shall include, at minimum, 1 tree and 4 shrubs. As shown in Exhibit 3, the new landscape plan proposes planting a 1'-3' "low, wispy" native grass mix in lieu of shrubs in 11 of the 16 landscape islands. The landscaping plan also proposes planting two other seed mixes as general ground cover and within planting beds - a low prairie grass mix with perennials (1'-2' in height) and a low-profile prairie grass mix with wildflowers (4' maximum height). A variance is not required for either of these seed mixes.

Per the Petitioner, native grasses not only provide benefits to the local ecology, but fiscal benefits as well. As a cultivar, grasses are more resilient than shrubs and will reduce the cost of maintaining and replacing dead shrubs, allowing taxpayer money to be put to better use funding Library and Township initiatives.

The landscaping, as proposed, will not be in violation of any City ordinances against weeds or rank vegetation. Per [Ord. 12-20](#), areas "clearly intended to remain in a natural state" are exempt from *Article IV – Weeds, Rank Vegetation and Debris* of the Westfield Code of Ordinances.

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of this petition. This petition is scheduled to receive its public hearing at the May 16th, 2023, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the BZA Rules of Procedure.



Conditions: The UDO¹ and Indiana Code § 36-7-4-918.4 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.

Variance of Development Standard: The Board of Zoning Appeals shall approve or deny variances from the terms of the UDO. A variance of development standard 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;
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

DEPARTMENT COMMENTS

Approval: If the Board is inclined to approve the petition, the Department recommends the following conditions and findings:

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.



Recommended Conditions:

1. The variance shall be limited to the subject parcel and shall not apply to other lots within the Grand Millennium Center PUD.
2. The Development Plan shall be in substantial compliance with Exhibit 3. Plantings may be reduced or relocated provided that the minimum landscape requirements are still met.
3. The Development Plan shall meet all other applicable standards of the PUD and UDO.

Recommended Findings for Approval:

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

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

Finding: It is unlikely that a reduction in on-site landscaping will 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:*

Finding: It is very unlikely the use and value of adjacent property will be affected in a substantially adverse manner by the reduction in landscaping. Approving the variance would leave the character of the area unchanged.

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

Finding: In some respects, this development is an in-fill project, utilizing a narrow, triangular shaped lot not particularly suited to the commercial or office developments also permitted in the Campus Office subarea. Denial of the variance request would cause difficulties in the overall site design and could negatively impact the efficient use of the site.

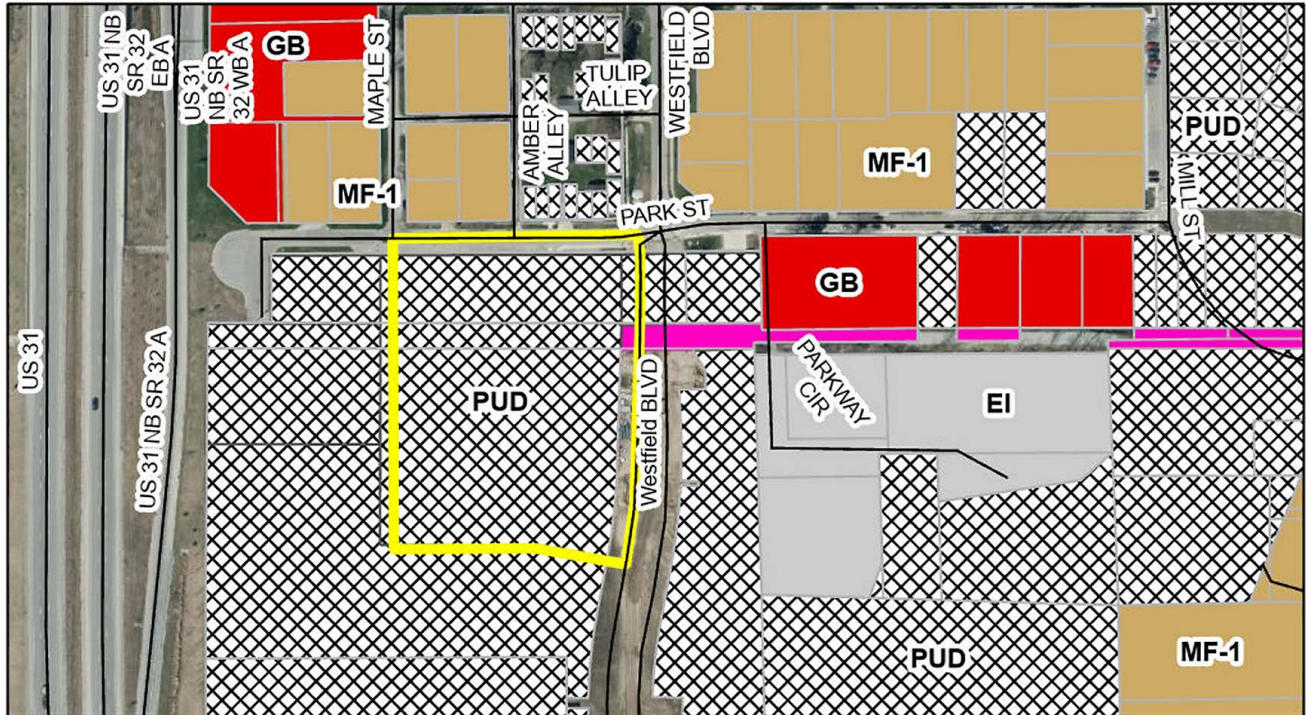
Denial: If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.



Aerial Location Map



Zoning Map

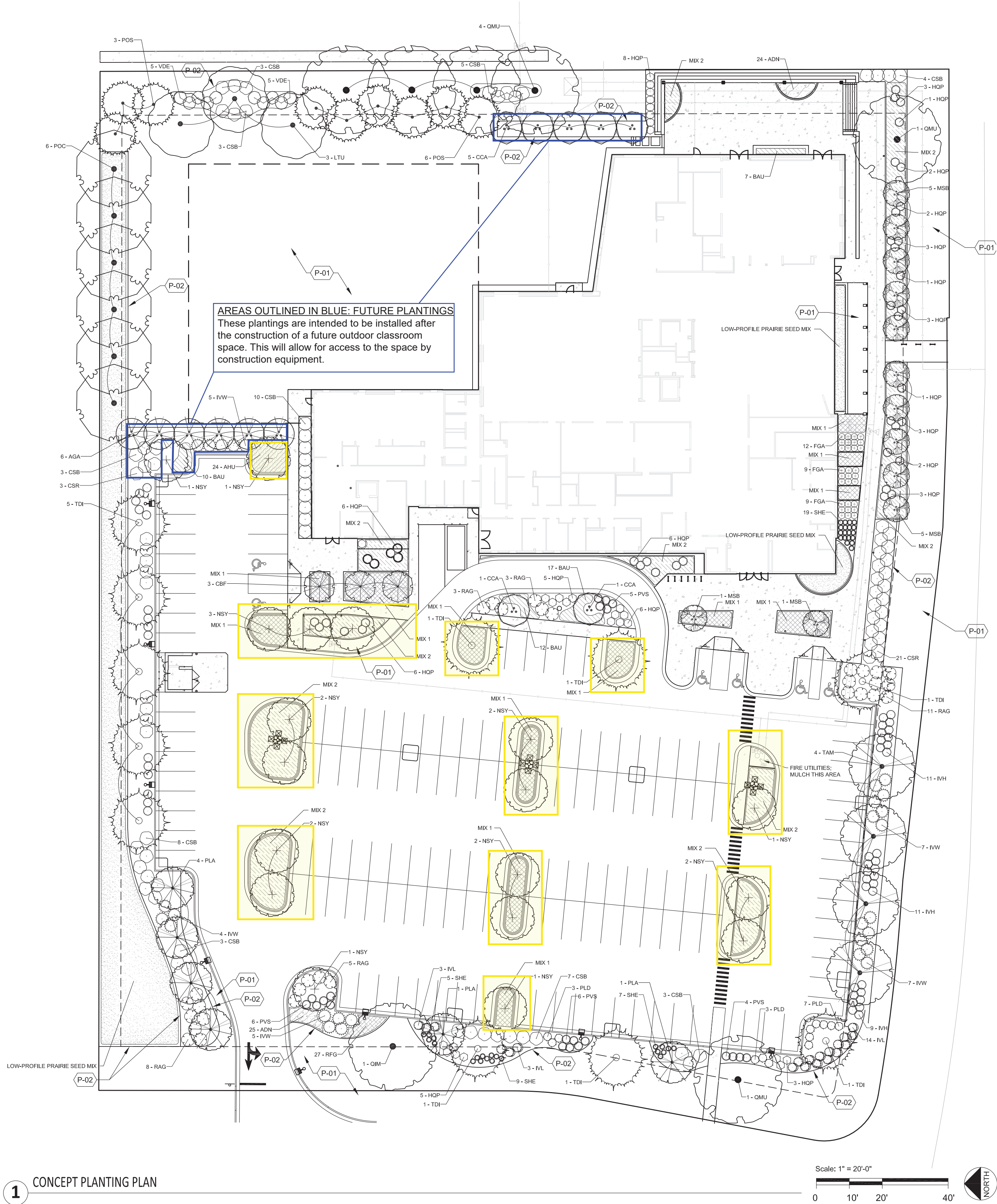


Legend

 Subject Parcel

0 0.04 0.08 0.16 Miles





1 CONCEPT PLANTING PLAN

PLANT SCHEDULE

ORNAMENTAL TREES	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER	REMARKS
AGA	6	Amelanchier x grandiflora 'Autumn Brilliance'	'Autumn Brilliance' Serviceberry	10-12' Ht.	B&B	Multi-stem
CCA	7	Cercis canadensis	Eastern Redbud	10-12' Ht.	B&B	Multi-trunk
MSB	12	Magnolia virginiana	Sweet Bay	8' Ht.	B&B	
DECIDUOUS TREES	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER	REMARKS
CBF	3	Carpinus betulus 'Fastigiata'	Pyramidal European Hornbeam	2.5' Cal.	B&B	Branching to ground
LTU	3	Liriodendron tulipifera	Tulip Tree	2.5' Cal.	B&B	
NSY	18	Nyssa sylvatica	Black Gum	2.5' Cal.	B&B	
POC	6	Platanus occidentalis	American Sycamore	2.5' Cal.	B&B	
PLA	6	Platanus x acerifolia	London Plane Tree	2.5' Cal.	B&B	
QIM	6	Quercus imbricaria	Shingle Oak	2.5' Cal.	B&B	
OMU	6	Quercus muhlenbergii	Chinkapii Oak	2.5' Cal.	B&B	
TDI	11	Taxodium distichum	Bald Cypress	2.5' Cal.	B&B	
TAM	4	Tilia americana	American Linden	2.5' Cal.	B&B	
EVERGREEN TREES	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER	REMARKS
POS	9	Picea omorika	Serbian Spruce	8' Ht.	B&B	
SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER	REMARKS
CSB	49	Cornus sericea 'Bailey'	Red Twig Dogwood	24" Ht	Cont/B&B	
CSR	33	Cornus sericea 'Flaviramea'	Yellow Twig Dogwood	24" Ht	Cont/B&B	
FGA	30	Fothergilla gardenii	Dwarf Fothergilla	24" Ht	Cont/B&B	
HOP	69	Hydrangea quercifolia 'Pee Wee'	Oakleaf Hydrangea Pee Wee	24" Ht	Cont/B&B	
IWW	28	Ilex verticillata 'Winter Red'	Winter Red Holly	36" Ht	Cont/B&B	
IVH	46	Itea virginica 'Henry's Garnet'	Henry's Garnet Sweetspire	24" Ht	Cont/B&B	
NVL	20	Itea virginica 'Little Henry' TM	Virginia Sweetspire	24" Ht	Cont/B&B	
PLD	13	Physocarpus opulifolius 'Little Devil' TM	Little Devil Ninebark	24" Ht	Cont/B&B	
RAG	30	Rhus aromatica 'Gro-Low'	Fragrant Sumac	12" Ht	Cont/B&B	
VDE	10	Viburnum dentatum	Arrowwood Viburnum	36" Ht.	Cont/B&B	
GRASSES	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER	REMARKS
PVS	21	Panicum virgatum 'Shenandoah'	Switch Grass	2 gal.	Cont.	
SHE	40	Sporobolus heterolepis	Prairie Dropseed	1 gal.	Cont	

GROUND COVERS	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER	SPACING	REMARKS
	Amsonia hubrichtii	Arkansas Blue-star	1 gal.	Cont	24" o.c.	
	Aster novae-angliae 'Purple Dome'	Purple Dome New England Aster	1 gal.	Cont	24" o.c.	
	Baptisia australis	Blue Wild Indigo	1 gal.	Cont	36" o.c.	
	Rudbeckia fulgida 'Goldstrum'	Blackeyed Susan	1 gal.	Cont	24" o.c.	

CONCEPT PLANT SCHEDULE

MIX 1 - 4" PLUGS
LOW WHISPY GRASSES
Bouteloua curtipendula / Side Oats Grama
Carex vulpinoidea / Fox Sedge
Koeleria cristata / June Grass
Schizachyrium scoparium / Little Bluestem
Sporobolus heterolepis / Prairie Dropseed

MIX 2 - 4" PLUGS
LOW PRAIRIE W/ PERENNIALS
Custom mix of native grasses & forbs, along with more commercially available native cultivars. 1-2' height
Allium cernuum / Nodding Onion
Asclepias tuberosa / Butterfly Milkweed
Asclepias verticillata / Whorled Milkweed
Bouteloua curtipendula / Side Oats Grama
Coreopsis palmata / Stiff Tickseed
Coreopsis x 'Jethro Tull' / Jethro Tull Tickseed
Dalea purpurea / Purple Prairie Clover
Echinacea purpurea / Coneflower
Euphorbia corollata / Flowering Spurge
Liatris aspera / Rough Blazing Star
Liatris spicata 'Kobold' / Kobold Blazing Star
Pycnanthemum tenuifolium / Slender Mountain Mint
Rudbeckia subtomentosa 'Little Henry' / Little Henry Coneflower
Ruella humilis / Wild Petunia
Schizachyrium scoparium / Little Bluestem
Sporobolus heterolepis / Prairie Dropseed
Symphyotrichum ericoides / Heath Aster
Symphyotrichum laeve / Smooth Aster

LOW-PROFILE PRAIRIE SEED MIX
(From Cardno) "This prairie seed mix provides a wide range of shorter prairie grass, sedge, and wildflower species. Most species will grow 4 feet or less, making this an ideal mix for areas where taller forbs and grasses are not appropriate. Once established, this wildflower community displays a variety of colors, blooming from early spring to fall, creating a diverse habitat for birds, butterflies, moths, and other pollinators."

Example of native grasses in curbed parking islands

These midwest-native grass species will all retain a 1-3' height at maturity and will be able to survive the hot, dry environment of a parking lot island. Planting a mix of several species will increase survivability while creating slight variation of color and texture for seasonal interest.

LANDSCAPE REQUIREMENTS

Buffer Yard - Type B, 40' in width (may include non-plant-able area)					On-site				
Against MF-1 (200')	Required	Provided	Difference		Institutional Use (4 acres)	Required	Provided	Difference	
Shade Trees (4 per 100')	8	8	0		Shade Trees (2/acre)	8	58	+50	
Evergreen Trees (4 per 100')	8	8	0		Orn. or Evergreen Trees (3/acre)	12	34	+22	
Shrubs (10 per 100')	20	20	0		Shrubs (10/acre)	40	330	+290	
AREAS HIGHLIGHTED IN YELLOW: VARIANCE REQUEST					all plantings may be credited toward on-site requirements (with the exception of street trees, which are not required for this use)				
Islands (23)	Required	Provided	Difference		External Street Frontage - 10' in width				
Shade Trees (1/island)	23	23	0		Westfield Blvd (496')	Required	Provided	Difference	
Shrubs (4/island)	92	62	*SEE BELOW		Shade or Evergreen Trees (3 per 100')	5	5	0	
*PARKING ISLANDS REQUIREMENT: Designer proposes alternative plant choice for parking islands. Native prairie grasses would be a hardy and beautiful choice for parking islands. A mix of native grasses and flowers would fill the island from curb to curb, creating a low mass similar to that of low shrubs. This would also allow for snow to be plowed on top of the parking islands when plowing is necessary in winter, without damage to plant material. Shrub requirements have been met and exceeded in other areas throughout the site.					Orn. Trees (2 per 100')	10	10	0	
Foundation Plantings - located within 15' of building in 8' planting bed					Shrubs (25 per 100')	124	124	0	
South Façade (front, 238')	Required	Provided	Difference		location is flexible due to DUE				
Shrub/Orn. Tree (1 per 12')	20	37	+17		Perimeter Parking - 5' in width				
south façade is considered the front façade for foundation planting purposes due to front entrance					East (145')	Required	Provided	Difference	
East Façade (east, 189')	Required	Provided	Difference		Shade Trees (1 per 30')	5			
Shrub/Orn. Tree/Orn. Grasses (1 per 40')	5	49	+44		Shrubs (1 per 3')	49			
North Façades (234')					*Superseded by External Street Frontage Landscaping				
Shrub/Orn. Tree/Orn. Grasses (1 per 40')	6	12	+6		South (214')				
West Façades (175')					Shade Trees (1 per 30')	8	8	0	
Shrub/Orn. Tree/Orn. Grasses (1 per 40')	5	10	+5		Shrubs (1 per 3')	72	72	0	
					location is flexible due to DUE				

DRAFT - NOT FOR CONSTRUCTION

Westfield Library & Trustee's Office

Washington Township

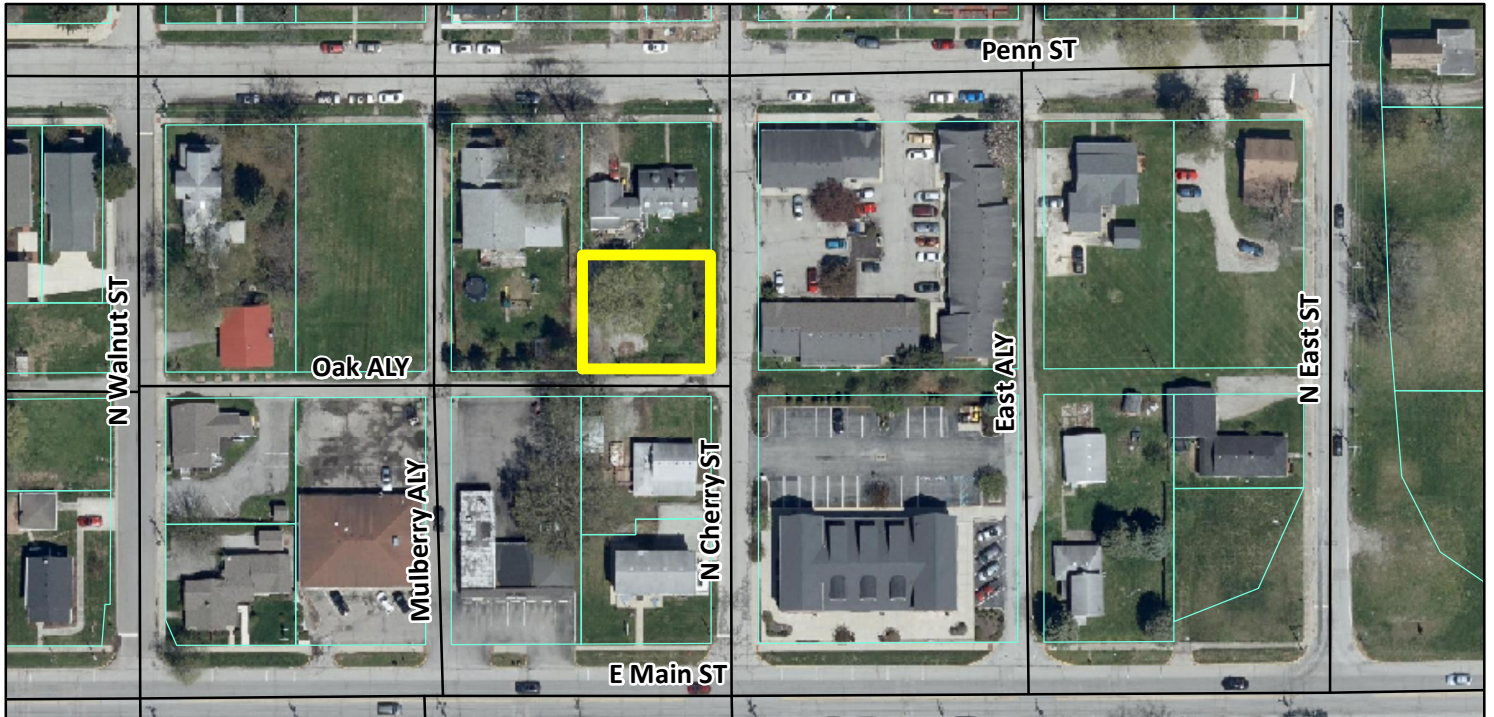
525 Park Street., Westfield, IN 46074

March 15, 2023

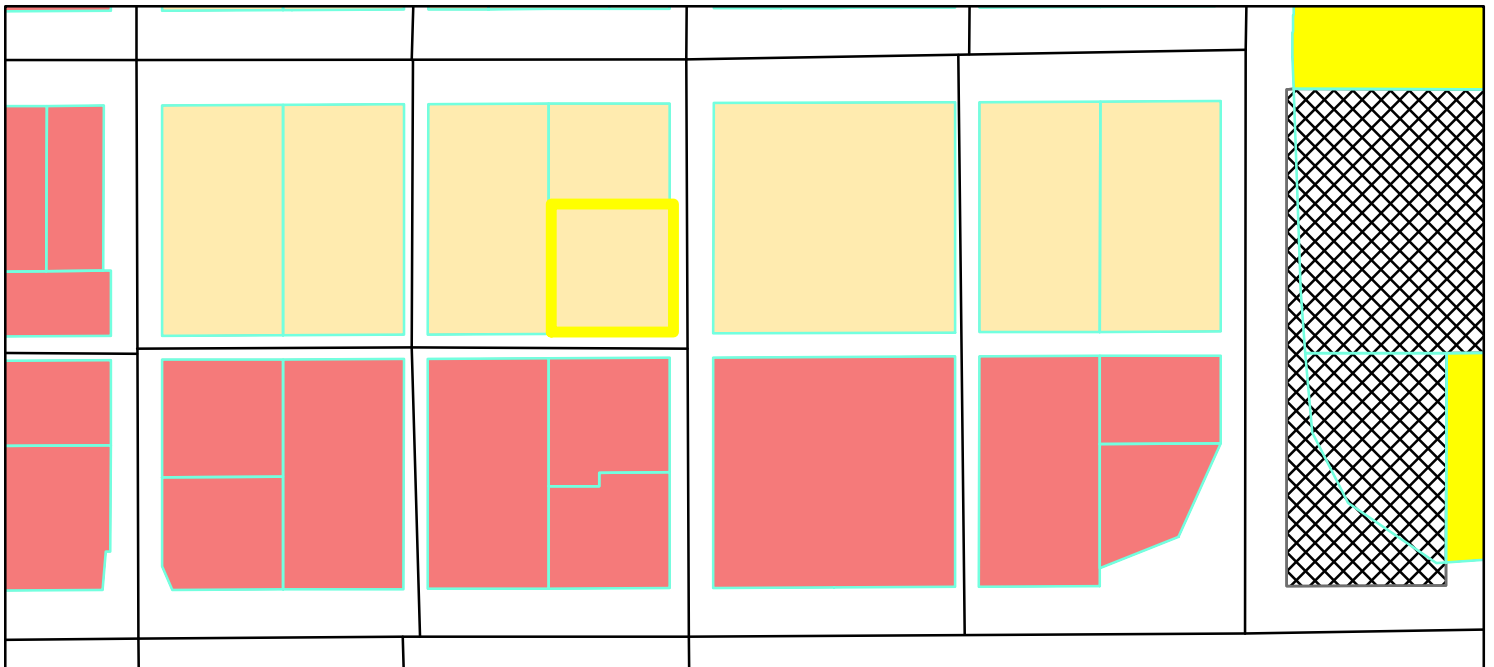


Aerial Location Map

 Site



Zoning Map



GIS.DBO.PW_Streets Zoning
Parcel
Parcel
Zoning - All
LB-H (Local Business - Historical)
PUD (Planned Unit Development)
SF-3 (Single Family - 3)
SF-4 (Single Family - 4)

0 0.0125 0.025
Miles

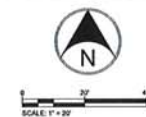




KEY NOTES:

A	TEMPORARY GRAVEL PAVEMENT (IF COMPACTED AND CRUSHED LIME/STONE)	
B	POLE LIGHT	
C	ORNAMENTAL TREE (MIN. 10' TALL PER 10')	
D	BOXWOOD SHRUBS	

NOTES:



Fritz Engineering Services, LLC
14020 Massinewa Drive
Carmel, Indiana 46033
P: 317.324.8893 F: 317.324.8717
www.Fritz-Eng.com



REVISIONS AND ISSUES	DATE	BY

GENERAL NOTES / LEGEND

"IT'S THE LAW"
811
Know what's below.
Call before you dig.
8 WORKING DAYS BEFORE YOU DIG.

PROJECT:
235 PENN ST
TEMPORARY PARKING LOT

PROJECT LOCATION:
235 PENN ST.
WESTFIELD, INDIANA 46074
HAMILTON COUNTY
SECTION TOWNSHIP RANGE
--- 1, S6, T18N, R4E

CLIENT:
JRF CONSTRUCTION
705 E. MAIN ST.
WESTFIELD, IN 46074

PLAN DATE: 3/7/2023

DESIGN	CHECK	DRAWN
AF	AF	BD

PROJECT NO.: P220903

SHEET NAME: CONCEPTUAL SITE PLAN

SHEET NO.: EXH-2



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

May 16, 2023

2305-VS-07

Exhibit 1

Petition Number: 2305-VS-07

Subject Site Address: 2934 Buchanan Lane ("the Property")

Petitioner: Vernon Reizman ("the Petitioner")

Request: The Petitioner requests a Variance of Development Standard to encroach five (5) feet into the twenty (20) foot Minimum Rear Yard Setback on 0.25 acres +/- in the Claiborne Farms by Del Webb PUD District to accommodate a smart pergola.

Current Zoning: [Claiborne Farms by Del Webb PUD \(Ord. 19-46\)](#)

Current Land Use: Residential

Approximate Acreage: 0.25 acres +/-

Exhibits:

1. Staff Report
2. Location Map
3. Site Plan
4. HOA Approval

Staff Reviewer: Daine Crabtree, Senior Planner

OVERVIEW

Location: The subject property is 0.25 acres +/- in size (the "Property") and located at 2934 Buchanan Lane in the Kimblewick subdivision which is located in the Claiborne Farms by Del Webb PUD (see **Exhibit 2**).

Requested Variances: The petitioner is requesting a Variance of Development Standard to accommodate a smart pergola as shown on the Site Plan (**Exhibit 3**). The requested variance is as follows:

- To encroach five (5) feet into the twenty (20) foot Minimum Rear Yard Setback

SUMMARY OF VARIANCE

Development Standards in the Claiborne Farms by Del Webb PUD indicate a Minimum Rear Yard Building Setback of twenty (20) feet. The Petitioner is requesting to encroach five (5) feet into the Minimum Rear Yard Setback to accommodate a smart pergola as illustrated on the Site Plan (**Exhibit 3**). As smart pergolas are attached to the primary roofline of the home and not detached,



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

May 16, 2023

2305-VS-07

Exhibit 1

they are considered an extension of the Principal Building on the Property and therefore must conform to all applicable 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 May 16, 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

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

May 16, 2023

2305-VS-07

Exhibit 1

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

DEPARTMENT COMMENTS:

Recommended Findings for Approval: If the Board is inclined to approve the Variance of Development Standards (2305-VS-07):

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

Finding: It is unlikely that approving the requested variance would be injurious to the public health, safety, morals, and general welfare of the community because the existing use and proposed improvements will otherwise comply with the applicable standards of the zoning of the Claiborne Farms at Del Webb PUD 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: The shallowness of the lot coupled with the depth of the home on the Property make it difficult for any building addition to be permitted without a variance; the existing home as originally built is located only two (2) feet from the Minimum Building Setback line.

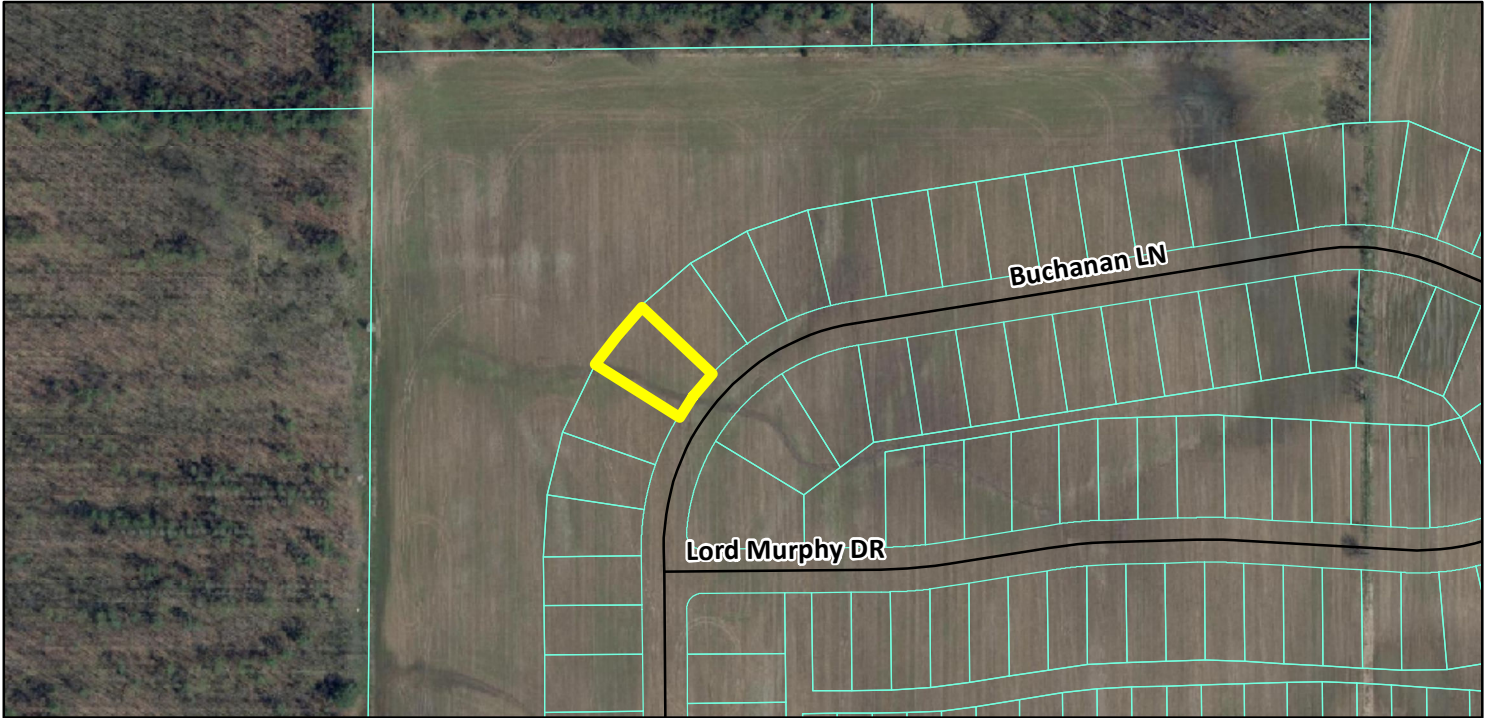
Recommended Conditions:

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

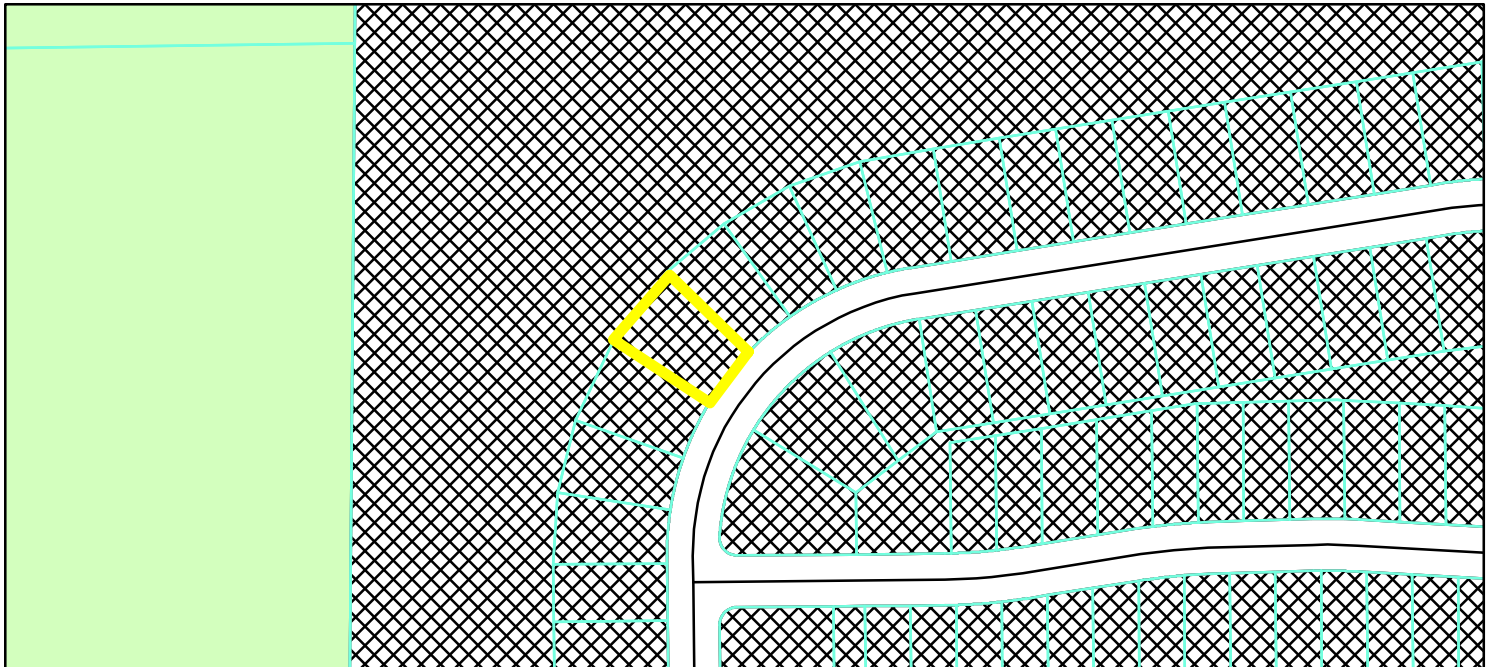
Denial: If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.

Aerial Location Map

 Site



Zoning Map



GIS.DBO.PW_Streets
Parcel
Parcel
Zoning - All

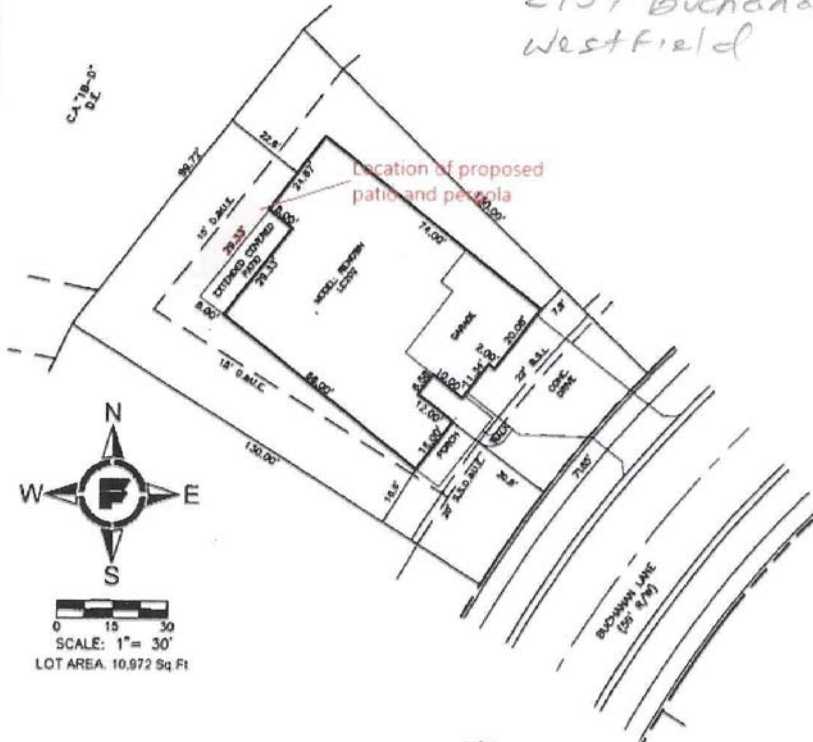
AG-SF1 (Agriculture - Single Family - 1)
PUD (Planned Unit Development)

0 0.025 0.05
Miles



ASSUMED FOR ANY USE OF THE DATA FOR CONSTRUCTION OF NEW IMPROVEMENTS OR PERMITS.

Reizman, Vernon
2934 Buchanan
Westfield



PROPERTY ADDRESS: 2934 Buchanan Lane, WESTFIELD, IN 46074

PROPERTY DESCRIPTION: Lot 150 in Kimberlick by Del Webb, Section 1B as recorded as Instrument Number 2021016956 in Plat Cabinet #6, Slide #69 in the Office of the Recorder of Hamilton County, Indiana.

BUYER:

LENDER:

TITLE COMPANY:

FLOOD HAZARD STATEMENT: This Parcel DOES NOT lie in a special Flood Hazard Zone per the Flood Insurance Rate Map, Community Panel Number 16057C0115 G, dated November 19, 2014.

LEGAL DRAIN STATEMENT: According to the existing maps in the Office of the County Surveyor, no Legal Drains encumber this parcel.

EASEMENTS AND RESTRICTIONS: This tract is subject to all easements and restrictions of record.

I hereby certify to the parties named above that the real estate described herein was inspected under my supervision on the date indicated and that, to the best of my knowledge and belief, this report conforms with the requirements contained in Sections 27 through 29 of B65 IAC 1-12 for a Surveyor Location Report. The accuracy of any flood hazard statement shown on this report is subject to map scale uncertainty and to any other uncertainty in location or elevation on the referenced Flood Insurance Rate Map.

Certified this 20th day of October, 2022

JOSEPH TRTAN
REGISTERED

PREPARED FOR: PULTE HOMES
JOB #: 22SE-117

FORFEEDONT

Kimblewick by Del Webb

941 E. 86th Street
Suite 225
Indianapolis, IN 46240

Phone: 317-631-2213
Toll Free: 800-354-0257

Vernon K Reizman
2934 Buchanan Ln
Westfield, IN 46074-7484

RE: Architectural Submittal for 2934 Buchanan Ln
Account#: 1775903
Submittal: Pergola

March 20, 2023

Dear Vernon K Reizman:

The Architectural Review Committee has reviewed and **APPROVED WITH STIPULATIONS** the above listed submittal. The Architectural Committee has placed stipulations on your approval, they are outlined below:

1. **Must be located in the rear yard of a unit and may not extend into the side yard or exceed the height of the home.**
2. **Pergola support posts to be minimum 6 x 6 anchored to concrete.**
3. **Treated lumber or cedar pergola should be stained and/ or sealed every three (3) years by Homeowner.**
4. **Unit owner is responsible to relocate and adjust irrigation (if applicable).**
5. **If support posts are installed in turf area, a mulch barrier and/ or a post guard must be installed to prevent grass trimming damage.**
6. **Color must be white or must match the existing color scheme of the unit**
7. **Permanent Screened in Pergolas are prohibited. Temporary retractable screens are approved as long as they are not left down when not in use.**
8. **Attaching pergola to home may void Builder warranty.**
9. **Homeowner is responsible to obtain all required permits.**
10. **Must be maintained in like new condition at all times.**

This approval is subject to all County, City, State and Federal permits, codes, statutes, laws, rules, and regulations, which are the sole responsibility of the homeowner. This approval shall not be deemed a warranty or representation as to the quality of the construction, installation, addition, alteration, repair, change or other work.

To view the current status of your architectural request, please download the AAM ALL ACCESS app and turn on notifications. If you need assistance downloading the app, please contact AllAccess@AssociatedAsset.com.

Should you have any questions, please feel free to contact me at 317-559-2487 or by email at pkoth@associatedasset.com. We thank you for your patience with this process.

Sincerely,

Pamela Koth
Community Manager



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

May 16, 2023

2305-VU-04

Exhibit 1

Petition Number: 2305-VU-04

Subject Site Address: 1960 East Greyhound Pass (The "Property")

Petitioner: Academy, LTD by Barnes & Thornburg, LLP (The "Petitioner")

Request: The Petitioner requests a Variance of Use to permit a High Intensity Retail Use (Sporting Goods Store, Large) in the SB-PD: Special Business Planned Development District and US Highway 31 Overlay District (Article 13.2).

Current Zoning: SB-PD: Special Business / Planned Development District
US Highway 31 Overlay District

Current Land Use: Vacant Commercial

Approximate Acreage: 6.53 acres+/-

Exhibits: 1. Staff Report
2. Location Map
3. Application

Staff Reviewer: Pam Howard, Assistant Director

OVERVIEW

Location: The subject property is 6.53 acres +/- in size and is located at 1960 East Greyhound Pass in Village Park Plaza (see **Exhibit 2**). The Property is currently zoned the SB-PD: Special Business / Planned Development District and is also located within the US Highway 31 Overlay District. Surrounding properties are zoned the SB-PD and Village Park Plaza II PUD Districts.

Property History: The Property was home to a Marsh Supermarket until its closure in 2017. Since that time, it has seasonally housed Halloween and fireworks stores. A Commercial Remodel Permit was issued for the building on December 12, 2022.

Variance Request: The Petitioner requests a Variance of Use to permit a High Intensity Retail¹ use (Sporting Goods Store, Large) in the SB-PD: Special Business Planned Development District and US Highway 31 Overlay District (Article 13.2).

¹ The UDO defines "Retail, High Intensity" as retail businesses that have a high impact on neighboring properties, traffic generation, and public safety. Example businesses include, but are not limited to: building finishes store (large), building supply store (large), department store (large), discount store (large), furniture store (large), grocery/supermarket (large), home electronics/appliance store (large), office supplies (large), sporting goods (large), superstore, variety store (large), auto and motorcycle service Uses (e.g., parts sales, tire sales and/or repair, service garage, rust proofing, storage, car wash), pet-oriented businesses (e.g., pet shop, obedience schools, grooming), toy store (large). Generally, a business over twelve thousand (12,000) square feet qualifies as larger for purposes of this definition.



SUMMARY OF VARIANCE

The Petitioner is requesting this variance to allow Academy Sports + Outdoor to occupy the existing building, which is currently being remodeled. Large Sporting Goods Stores are included in the UDO's definition of High Intensity Retail use. The previous use as a Large Grocery Store was also considered High Intensity Retail; however, this use category is no longer permitted on the property because of its inclusion in the US Highway 31 Overlay District.

COMPREHENSIVE PLAN

The Future Land Use Plan in the Westfield-Washington Township Comprehensive Plan (the "Comprehensive Plan") identifies the properties as "Regional Commercial". The existing commercial center meets many of Comprehensive Plan's development policies for this area, including, but not limited to: (i) Reserve exclusively for regional commercial development; (ii) Permit regional commercial uses only in planned centers with consistent design and architectural style for each center; (iii) require that buildings be designed to enhance the community character; and (iv) required the size, materials, color, and design of buildings to be unique to Westfield. The Comprehensive Plan is not law; rather, it is intended to serve as a guide in making land use decisions.

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Standard. This petition is scheduled to receive its public hearing at the May 16, 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 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.

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

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



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

May 16, 2023

2305-VU-04

Exhibit 1

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

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

DEPARTMENT COMMENTS

Approval: If the Board is inclined to approve the variance, then the Department recommends the conditions and findings as set forth below:

Recommended Conditions of Approval:

- 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 allowing a High Intensity Retail Use to locate on the Property will be injurious to the public health, safety, morals, and general welfare of the community because similar uses exist in the same center, the Property itself has been used for High Intensity Retail in the past, and the request is consistent with the uses contemplated in the City's Comprehensive Plan.

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

Finding: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner as the Property has not been kept in good repair and the Applicant is renovating it into a usable space.

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

Finding: Village Park Plaza pre-dates the US Highway 31 Overlay, and was developed as a regional shopping center. Its location at the intersection of US 31 and 146th Street lends itself to this type of development and use. Many surrounding lots in this center have been included in the Village Park Plaza II PUD District, which would permit this use.



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

May 16, 2023

2305-VU-04

Exhibit 1

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

Finding: Strict adherence to the Zoning Ordinance would not allow the building to be used for the type of user it was designed for.

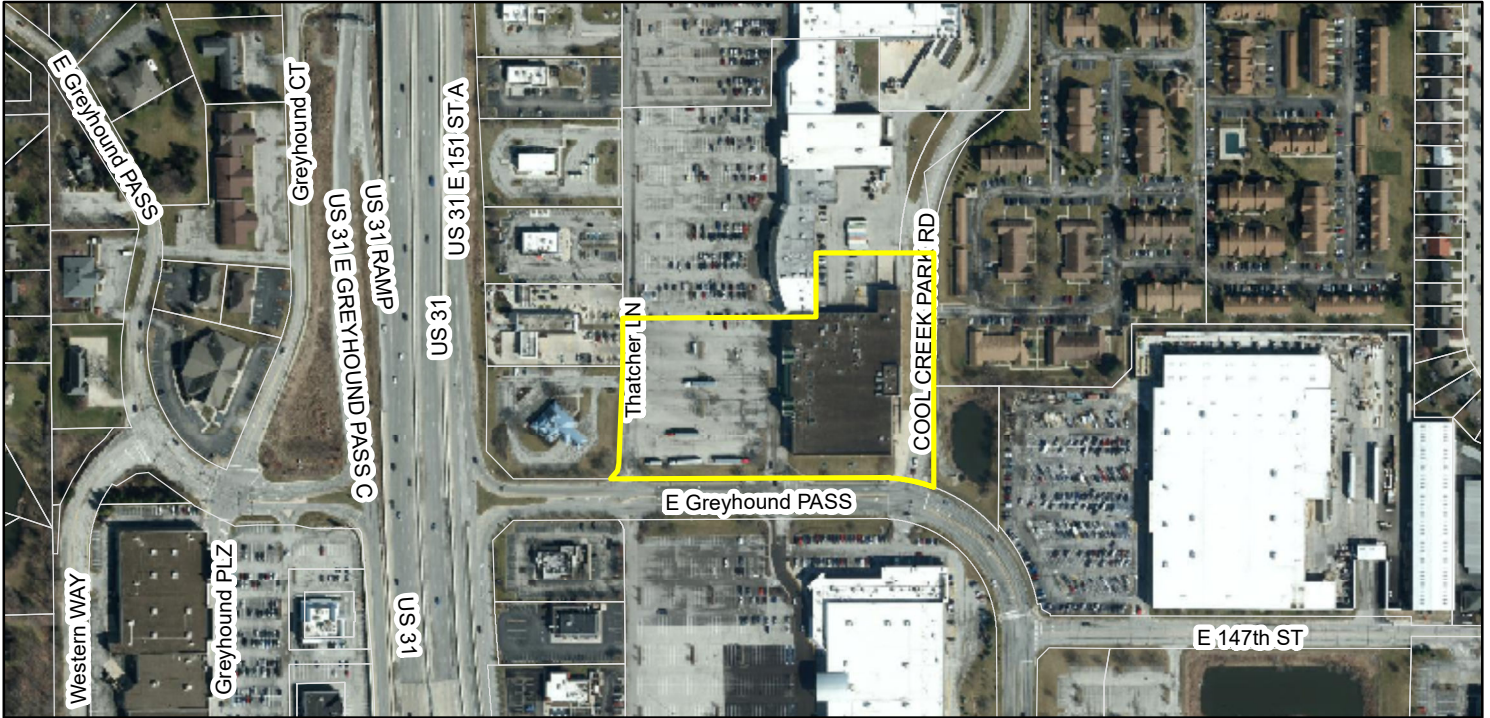
- 5) *The approval does not interfere substantially with the comprehensive plan:*

Finding: The Westfield-Washington Comprehensive Plan (the "Comprehensive Plan") includes this property in the area designated as "Regional Commercial", this proposed use meets this classification.

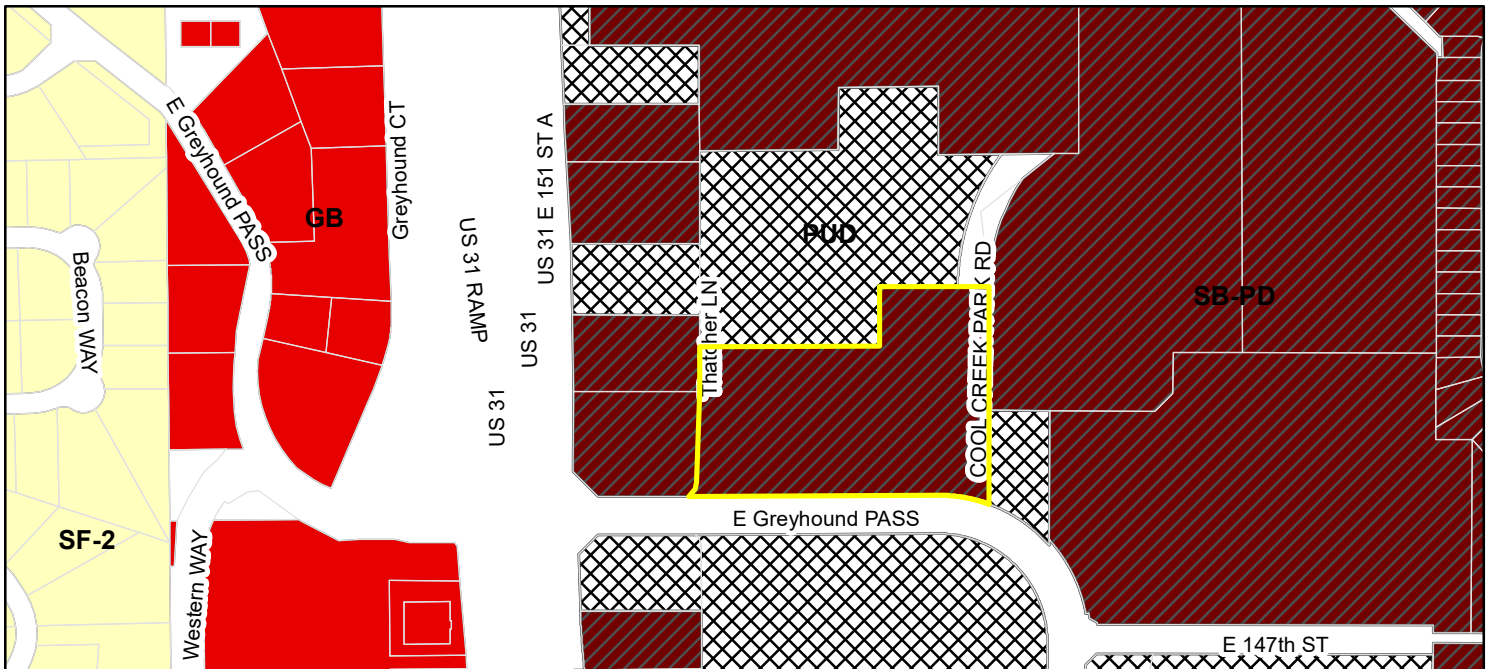
Denial: If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.

Aerial Location Map

 Site



Zoning Map



Zoning

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

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: 04/07/2023

PRIOR OR RELATED DOCKET NUMBERS

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

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

APPLICANT INFORMATION

APPLICANT'S NAME: Academy, LTD.

ADDRESS: 1800 North Mason Road, Katy, Texas 77449

TELEPHONE: (281) 646-5902

EMAIL: Sarah.Green@academy.com

PROPERTY OWNER'S NAME: Carmel LLC

ADDRESS: 124-19 Metropolitan Avenue, Kew Gardens, NY 11415

TELEPHONE: _____

EMAIL: _____

REPRESENTATIVE'S NAME: Joseph D. Calderon

COMPANY: Barnes & Thornburg LLP

ADDRESS: 11 South Meridian Street, Indianapolis, IN 46204

TELEPHONE: (317) 231-7787

EMAIL: jcalderon@btlaw.com

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 1960 East Greyhound Pass

COUNTY PARCEL ID #(S): 09-10-18-00-01-001.000

EXISTING ZONING DISTRICT(S): SB-PD, US 31 Overlay EXISTING LAND USE(S): Former grocery store

PROPERTY AND PROJECT INFORMATION

☒ VARIANCE OF LAND USE CODE CITATION: Ch. 13.2 (Use Table), Ch. 4.22(c)

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

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

STATEMENT OF INTENT (EXPLANATION OF REQUEST - ATTACH SEPARATE SHEET IF NECESSARY): Applicant proposes to renovate the former Marsh grocery store for use as a sporting goods store, including hunting, fishing and camping equipment, sporting goods, apparel and footwear. Under the Westfield UDO, the use is classified "Retail, High Intensity". Because the store will offer hunting, fishing, camping and other outdoor gear, it could also be considered as having a component meaning the definition of "Retail, Special Handling".

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.

Joseph D. Calderon
Applicant/Representative (signature)

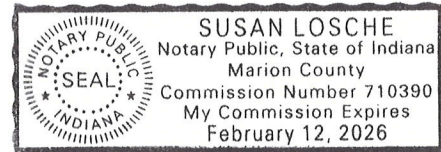
Joseph D. Calderon, attorney for Academy, LTD.
Applicant/Representative (printed)

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

Witness my hand and Notarial Seal this 14th day of April, 2023
State of INDIANA, County of MARION, SS: _____

Susan Losche
Notary Public (signature)

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.

Carmel LLC

By: _____
Property Owner (signature)*

Property Owner (printed)/Title

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 _____ day of _____, 20__.
State of _____, County of _____, SS: _____

Notary Public (signature)

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.

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) Joseph D. Calderon, attorney for Academy, LTD.
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 ____ day of _____, 20____
State of _____, County of _____, SS: _____

Notary Public (signature) Notary Public (printed)

PROPERTY OWNER AFFIDAVIT

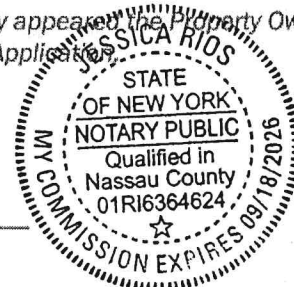
IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says they are the owners of the property involved in this application and that they hereby acknowledge and consent to the foregoing Application.

By: Carmel LLC
Property Owner (signature)* ILAN COHEN/MANAGER
Property Owner (printed)/Title

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 26th day of April, 2023
State of New York, County of Queens, SS: _____

Notary Public (signature) 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: Academy, LTD

DOCKET #: _____

In taking action on a variance request, the Board of Zoning Appeals uses the following decision criteria to approve or deny a variance, as established by Indiana Code, and the Board may impose reasonable conditions as part of its approval. The applicant must address the criteria below. A variance of land use may be approved by the Board of Zoning Appeals only upon a determination that the Board finds all of the following to be true:

A. The use will not be injurious to the public health, safety, morals, and general welfare of the community because: _____
the proposed use will not generate more traffic or operate in a larger footprint than the previous grocery store use, and the site will
have adequate parking.

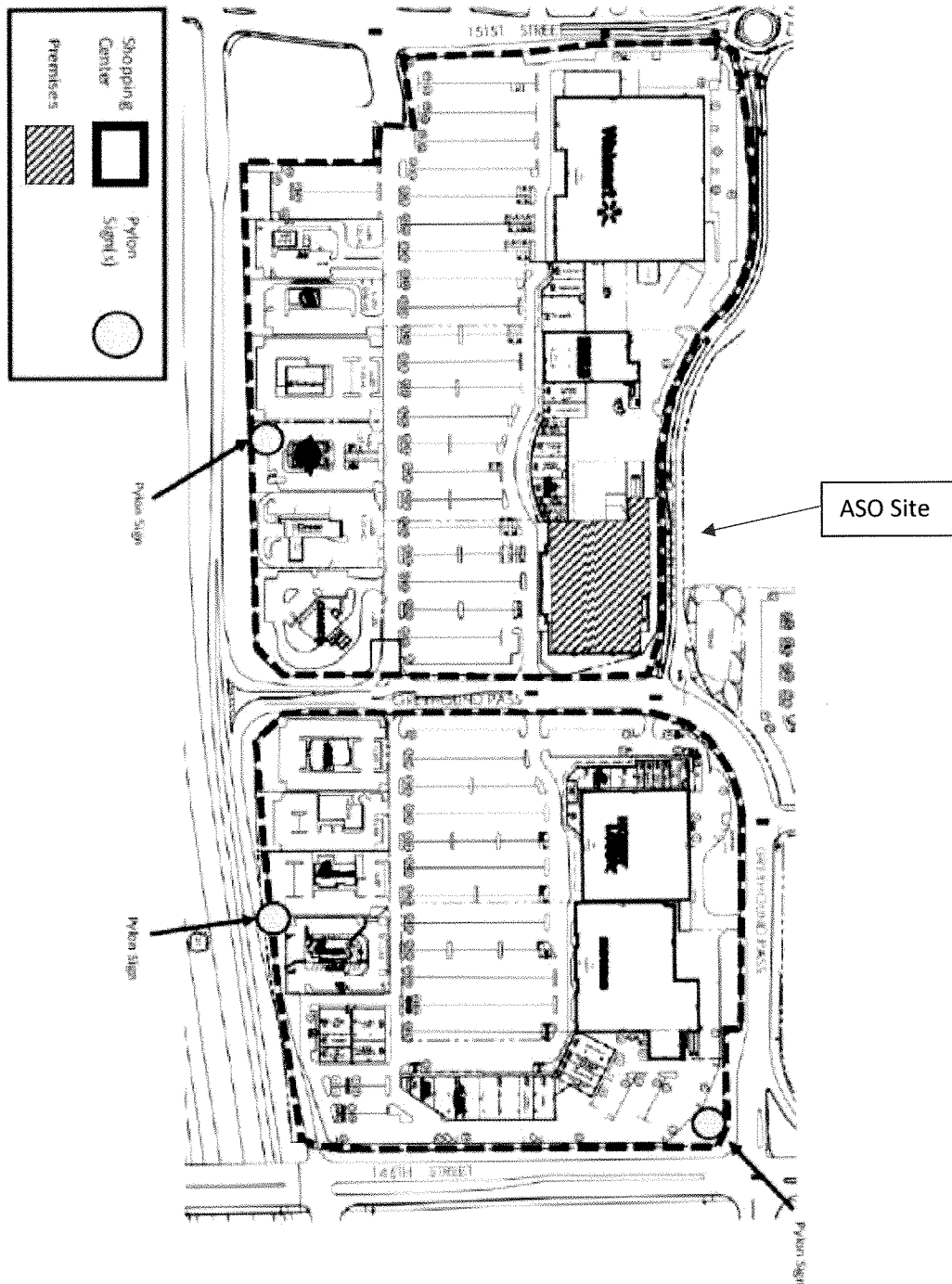
B. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because: _____
the proposed use is compatible with the other retail/restaurant/service uses which are taking place on adjoining properties.

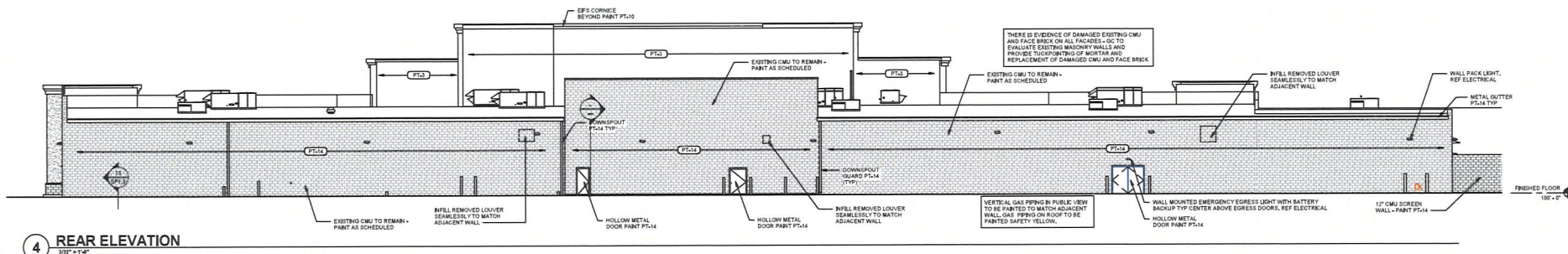
C. The need for the variance arises from some condition particular to the property involved because: _____
the property was developed as a big box grocery store prior to the adoption of the SB-PD and US 31 Overlay zoning districts and
requirements, and is already improved with a building with a footprint larger than permitted in those districts.

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: _____
the property was developed as a big box grocery store prior to the adoption of the SB-PD and US 31 Overlay zoning districts and
requirements, has been vacant for more than five years, and to restrict the proposed use based on an intensity appropriate for the
existing size of the building imposes a substantial and unnecessary hardship.

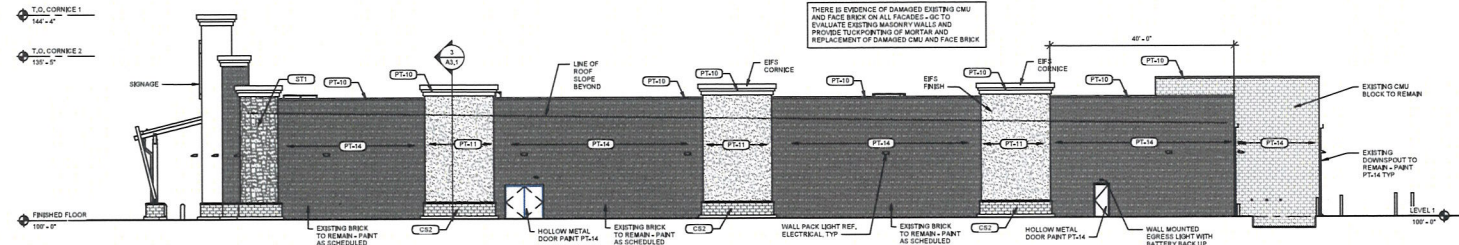
E. The variance of use does not interfere substantially with the Comprehensive Plan because: _____
the proposed use is consistent with the comprehensive plan recommendation of Regional Commercial.

SHOPPING CENTER SITE PLAN
TENANT: ACADEMY, LTD.
LANDLORD: CARMEL, LLC
PREMISES LOCATED AT
VILLAGE PARK PLAZA SHOPPING CENTER
1960 E. GREYHOUND PASS
CARMEL, IN 46032

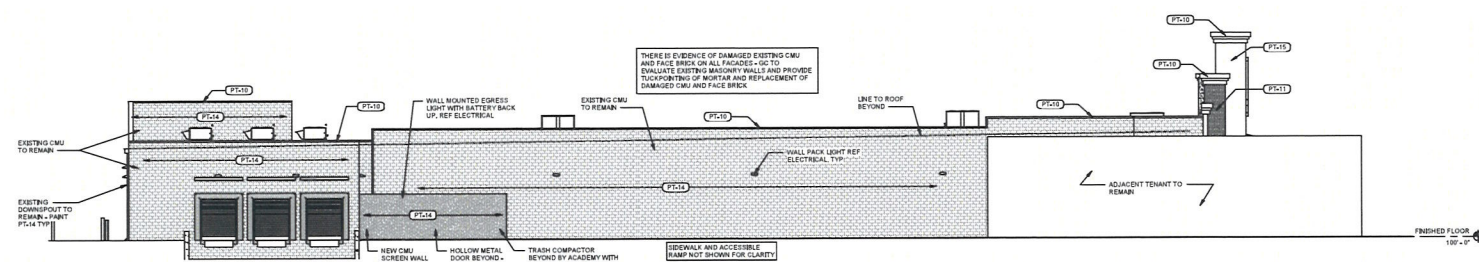




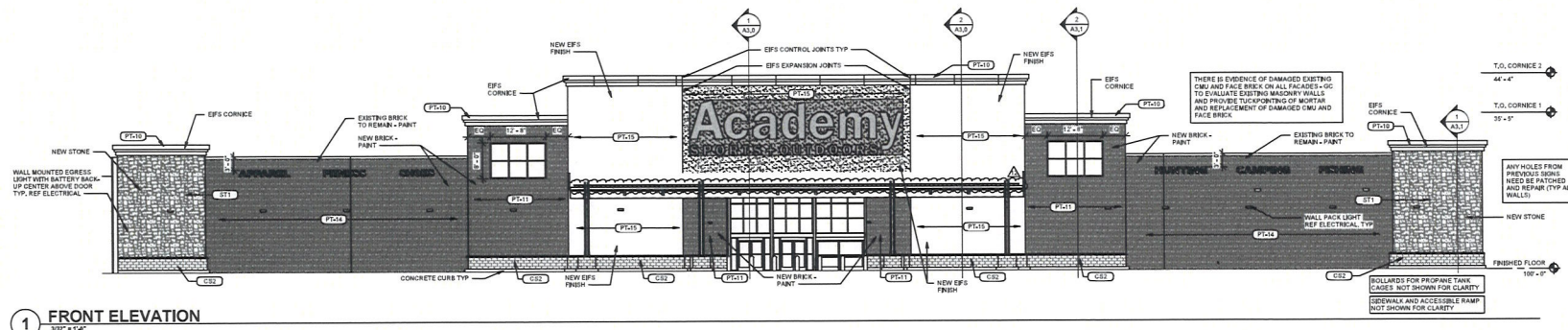
4 REAR ELEVATION



3 RIGHT ELEVATION



2 LEFT ELEVATION



1 FRONT ELEVATION

ELEVATION NOTES

1. ALL EXPOSED EXTERIOR TILT-WALLS TO RECEIVE TEXTURED COATING, EXCEPT IN AREAS SCHEDULED TO RECEIVE OTHER FINISHES
2. EXPOSED INTERIOR TILT-WALLS TO RECEIVE TEXTURED COATING, EXCEPT IN AREAS SCHEDULED TO RECEIVE OTHER FINISHES
3. EXPOSED TILT-WALLS TO RECEIVE COATINGS TO GASKET AT EXTERIOR TILT-WALL PANEL JOINTS. PAINT IS ALLOWED.
4. DO NOT APPLY TEXTURED COATING TO GUTTERS, GUTTERS, COLLECTOR BOXES, ACCESSORIES OR DOWNSPUTS
5. PAINT ALL DOWNSPUTS, GUTTERS, COLLECTOR BOXES & ACCESSORIES AS
6. REFERENCE ROOM FINISH SCHEDULE AND FINISH SCHEDULE ON SHEET A7.6 FOR PAINT COLOR SPECIFIED BY "PTA"
7. ALL FINISHES TO BE INDICATED ON ARCH DRAWINGS ARE SHOWN FOR MOUNTING HEIGHT INFORMATION ONLY. SEE ELECTRICAL DRAWINGS FOR QUANTITY AND LOCATION
8. FOR FIRE DEPARTMENT KNOX BOX FOR ENTRY DOORS, COORDINATE LOCATION WITH ACADEMY PROJECT MANAGER AND LOCAL FIRE MARSHAL.
9. ADDRESS LETTERING TO BE LOCATED ON THE FRONT ELEVATION WITH AT LEAST 12" HIGH LETTERS.
10. REFERENCE SPECIFICATIONS FOR EFS INFORMATION.

EXTERIOR FINISH LEGEND

PT-15	SHERWIN WILLIAMS SW - 7562	"ROMAN COLUMN"
PT-16	SHERWIN WILLIAMS SW - 6149	"RELAXED KHAKI"
PT-11	SHERWIN WILLIAMS SW - 6096	"JUICE BROWN"
PT-10	SHERWIN WILLIAMS SW - 7025	"BACKDROP"
CS2	GROUND FACE BLOCK	"ASH CHARCOAL"
ST1	NATURAL STONE	"COUNTRY FRENCH BLEND"

REFERENCE FINISH SCHEDULE ON A7.9 FOR ADDITIONAL INFORMATION



	PT-5 Sherwin Williams 'Roman Column' SW 7562
	PT-4 Sherwin Williams 'Relaxed Khaki' SW 6149
	PT-10 Sherwin Williams 'Backdrop' SW 7025
	Echelon Midwest 'Ash Charcoal' Ground-Face CMU
	Sherwin Williams 'Jute Brown' SW 6096



Academy Sports + Outdoors
Westfield, IN

pb2architecture
+engineering

FEBRUARY 20, 2023

LEGAL DESCRIPTION OF THE LANDLORD'S PARCEL

A PART OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 18 NORTH, RANGE 4 EAST LOCATED IN WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA BEING BOUNDED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 18 NORTH, RANGE 4 EAST; THENCE NORTH 89 DEGREES 19 MINUTES 32 SECONDS EAST (ASSUMED BEARING) 1,125.12 FEET ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTH 00 DEGREES 16 MINUTES 48 SECONDS EAST 1,005.90 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 00 DEGREES 16 MINUTES 48 SECONDS EAST 518.74 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE TO THE SOUTH, SAID POINT BEING NORTH 21 DEGREES 35 MINUTES 35 SECONDS EAST 345.00 FEET FROM THE RADIUS POINT OF SAID CURVE; THENCE WESTERLY 131.71 FEET ALONG SAID CURVE TO ITS POINT OF TANGENCY, SAID POINT OF TANGENCY BEING NORTH 00 DEGREES 16 MINUTES 48 SECONDS WEST 345.00 FEET FROM THE RADIUS POINT OF SAID CURVE; THENCE SOUTH 89 DEGREES 43 MINUTES 12 SECONDS WEST 585.89 FEET TO A POINT OF CUSP WITH A CURVE CONCAVE TO THE NORTHWEST, SAID POINT OF CUSP BEING SOUTH 39 DEGREES 51 MINUTES 04 SECONDS EAST 48.00 FEET FROM THE RADIUS POINT OF SAID CURVE; THENCE NORTHEASTERLY AND NORTHERLY 42.25 FEET ALONG SAID CURVE TO ITS POINT OF TANGENCY BEING NORTH 89 DEGREES 43 MINUTES 12 SECONDS EAST 48.00 FEET FROM THE RADIUS POINT OF SAID CURVE; THENCE NORTH 00 DEGREES 16 MINUTES 48 SECONDS WEST 52.07 FEET; THENCE NORTH 03 DEGREES 32 MINUTES 03 SECONDS EAST 90.20 FEET; THENCE NORTH 00 DEGREES 16 MINUTES 48 SECONDS WEST 179.83 FEET; THENCE NORTH 89 DEGREES 43 MINUTES 12 SECONDS EAST 437.00 FEET; THENCE NORTH 00 DEGREES 16 MINUTES 48 SECONDS WEST 135.00 FEET; THENCE NORTH 89 DEGREES 43 MINUTES 12 SECONDS EAST 254.00 FEET TO THE POINT OF BEGINNING, CONTAINING 6.528 ACRES, MORE OR LESS.

M DULY ENTERED FOR TAXATION
Subject to final acceptance of transfer
4th day of January 2017 - SBM
Robin M. Miller Auditor of Hamilton County
Parcel # 09-10-18-00-01-001.000

2017000616 WD \$20.00
01/04/2017 03:49:54PM 3 PGS
Jennifer Hayden
Hamilton County Recorder IN
Recorded as Presented



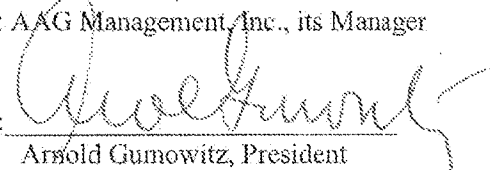
SPECIAL WARRANTY DEED

THIS INDENTURE WITNESSETH, that MSI East Greyhound Carmel Grocery, LLC, a Delaware Limited Liability Company ("Grantor"), **CONVEYS AND WARRANTS** to **CARMEL LLC**, an Indiana limited liability company, ("Grantee") for the sum of Ten and 00/100 Dollars (\$10.00) and other valuable consideration, the receipt of which hereby are acknowledged, the real estate in Hamilton County, in the State of Indiana, which more particularly is described on **Exhibit "A"** attached hereto and by reference made a part hereof (the 'Real Estate'), subject to the lien of all real estate taxes due and payable in 2016 and subject to the lien of any and all assessments due and payable from and after the date hereof, and to all easements, encumbrances and restrictions identified on Exhibit "B" attached hereto and by reference made a part thereof.

The undersigned person executing this Special Warranty Deed on behalf of Grantor has been duly authorized and fully empowered by all necessary action of Grantor, and has full power and authority to execute and deliver this Special Warranty Deed; Grantor has full capacity to convey the interest described herein; and all necessary action for the making of such conveyance has been taken and done. Grantor, for itself and its successors, does covenant, promise and agree to and with Grantee and Grantee's successors and assigns that it has not done, or suffered to be done, anything whereby the Real Estate is or may be, in any manner encumbered or charged, except as herein recited, and that Grantor **WILL WARRANT AND FOREVER DEFEND** Grantee's title to the Real Estate from and against the acts of Grantor and all persons claiming an interest in the Real Estate by, through and under Grantor.

IN WITNESS WHEREOF, Grantor has caused this Deed to be executed as of this 20th day of December, 2016.

MSI East Greyhound Carmel Grocery, LLC
By: East Coast AP, LLC, its sole member
By: AAG Management, Inc., its Manager

By: 
Arnold Gumowitz, President

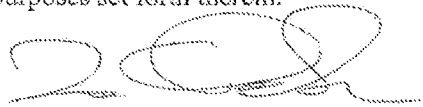
STATE OF NEW YORK)

ss.

COUNTY OF NEW YORK)

On this 1st day of December, personally appeared before me, Arnold Gumowitz, who, being by me duly sworn, did say that he is the President of A.A.G. Management, Inc., the Manager of East Coast AP, LLC which is the sole member of MSI East Greyhound Carmel Grocery, LLC, the Grantor herein, and as such had been duly authorized by Resolution to execute, acknowledge and deliver the foregoing instrument in the name of and for and on behalf of said Grantor and acknowledged that as such officer he did in the name of said Grantor execute and acknowledge said instrument for the uses and purposes set forth therein.

IRA CHECKLA
NOTARY PUBLIC, STATE OF NEW YORK
NO. 02CH0818204
QUALIFIED IN NASSAU COUNTY
COMMISSION EXPIRES 1/31/2019



Notary Public

Printed Name: Ira Checkla

My Commission Expires: 1/31/2019

THIS INSTRUMENT PREPARED BY AND
WHEN RECORDED RETURN TO:

David H. Cohen, Esq.
Moritt Hock & Hamroff
400 Garden City Plaza
Garden City, New York 11530

Grantee mailing address:
Carmel, LLC
124-19 Metropolitan Avenue
Kew Gardens, New York 11415

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

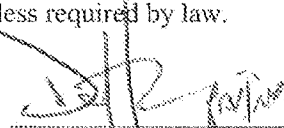

David H. Cohen

Exhibit A

A part of the Southwest Quarter of Section 18, Township 18 North, Range 4 East located in Washington Township, Hamilton County, Indiana being bounded as follows:

Commencing at the Northwest corner of the Southwest Quarter of Section 18, Township 18 North Range 4 East thence North 89 degrees 19 minutes 32 seconds East (assumed bearing) 1,125.12 feet along the North line of said Southwest Quarter; thence South 00 degrees 16 minutes 48 seconds East 1,005.90 feet to the point of beginning of this description; thence South 00 degrees 16 minutes 48 seconds East 518.74 feet to a point on a non-tangent curve concave to the South said point being North 21 degrees 35 minutes 35 seconds East 345.00 feet from the radius point of said curve; thence Westerly 131.71 feet along said curve to its point of tangency, said point of tangency being North 00 degrees 16 minutes 48 seconds West 345.00 feet from the radius point of said curve; thence South 89 degrees 43 minutes 12 seconds West 585.89 feet to a point of cusp with a curve concave to the Northwest, said point of cusp being South 39 degrees 51 minutes 04 seconds East 48.00 feet from the radius point of said curve, thence Northeasterly and Northerly 42.25 feet along said curve to its point of tangency being North 89 degrees 43 minutes, 12 seconds East 48.00 feet from the radius point of said curve; thence North 00 degrees 16 minutes 48 seconds West 52.07 feet; thence North 03 degrees 32 minutes 03 seconds East 90.20 feet; thence North 00 degrees 16 minutes 48 seconds West 179.83 feet; thence North 89 degrees 43 minutes 12 seconds East 437.00 feet; thence North 00 degrees 16 minutes 48 seconds West 135.00 feet; thence North 89 degrees 43 minutes 12 seconds East 254.00 feet to the point of beginning containing 6.528 acres, more or less.

Also described in the ALTA/ACSM Land Title Survey prepared by International Land Services, Inc., dated June 26, 2006, last revised November 21, 2006, being Job No. 06-06-001:018:

A part of the Southwest quarter of Section 18, Township 18 North, Range 4 East, located in Washington Township, Hamilton County, Indiana, being bounded as follows:

Commencing at the Northwest corner of the Southwest quarter of Section 18, Township 18 North, Range 4 East, thence North 89 degrees 19 minutes 32 seconds East (assumed bearing) 1,125.12 feet along the North line of said Southwest quarter; thence South 00 degrees 16 minutes 48 seconds East 1,005.90 feet to the point of beginning of this description; thence South 00 degrees 16 minutes 48 seconds East 518.74 feet to a point on a non-tangent curve concave to the South, said point being North 21 degrees 35 minutes 35 seconds East 345.00 feet from the radius point of said curve; thence Westerly 131.71 feet along said curve to its point of tangency, said point of tangency being North 00 degrees 16 minutes 48 seconds West 345.00 feet from the radius point of said curve; thence South 89 degrees 43 minutes 12 seconds West 585.89 feet to a point of cusp with a curve concave to the Northwest, said point of cusp being South 39 degrees 51 minutes 04 seconds East 48.00 feet from the radius point of said curve; thence Northeasterly and northerly 42.25 feet along said curve to its point of tangency, said point of tangency being North 89 degrees 43 minutes 12 seconds East 48.00 feet from the radius point of said curve; thence North 00 degrees 16 minutes 48 seconds West 52.07 feet; thence North 03 degrees 32 minutes 03 seconds East 90.20 feet; thence North 00 degrees 16 minutes 48 seconds West 179.83 feet; thence North 89 degrees 43 minutes 12 seconds East 437.00 feet; thence North 00 degrees 16 minutes 48 seconds West 135.00 feet; thence North 89 degrees 43 minutes 12 seconds East 254.00 feet to the point of beginning.



	PT-5 Sherwin Williams 'Roman Column' SW 7562
	PT-4 Sherwin Williams 'Relaxed Khaki' SW 6149
	PT-10 Sherwin Williams 'Backdrop' SW 7025
	Echelon Midwest 'Ash Charcoal' Ground-Face CMU
	Sherwin Williams 'Jute Brown' SW 6096



Academy Sports + Outdoors
Westfield, IN

pb2architecture
+engineering

FEBRUARY 20, 2023



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

May 16, 2023

2305-VS-09

Exhibit 1

Petition Number: 2305-VS-09

Subject Site Address: 19002 Shady Nook Rd. ("the Property")

Petitioner: Bill Chichwak ("the Petitioner")

Request: Two (2) Variances of Development Standard to modify the Minimum Lot Area and Minimum Lot Frontage standards for the creation of two (2) individual residential lots within the AG-SF1: Agriculture/Single-Family Rural District. *Articles 4.2(C) and 4.2 (D)*

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

Current Land Use: Residential

Approximate Acreage: 2.67 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 2.67 acres +/- in size (the "Property") and is located at 19002 Shady Nook Road (see **Exhibit 2**). The Property is zoned AG-SF1 – Agriculture / Single-family Rural District. The adjacent properties to the north, west, and south are also zoned AG-SF1. The adjacent Property to the east is zoned Andover North Planned Unit Development (PUD) District.

Property History: Since the late 1980's the Property appears to have been utilized for single-family residential purposes. Prior to this time period the Property appears to have been utilized for agricultural purposes. A previous Board of Zoning Appeals case (86-V-13) is associated with this property. This previously approved petition permitted the creation of the Property to be less than three (3) acres in size.

Requested Variances:

The Petitioner requests two (2) Variances of Development Standard:

- 1) Modify the Minimum Lot Area from three (3) acres to one (1) acre – [Article 4.2\(C\)](#)
- 2) Modify the Minimum Lot Frontage from two-hundred and fifty (250) feet to one-hundred and fifty (150) feet – [Article 4.2\(D\)](#)

SUMMARY OF VARIANCES

- 1) Modify the Minimum Lot Area from three (3) acres to one (1) acre – Article 4.2(C)
 - The Unified Development Ordinance (UDO) requires AG-SF1 zoning properties to have a Minimum Lot Area of three (3) acres in size. The requested variance of development standard would modify the Minimum Lot Area to one (1) acre in size.
- 2) Modify the Minimum Lot Frontage from two-hundred and fifty (250) feet to one-hundred and fifty (150) feet – Article 4.2(D)
 - The Unified Development Ordinance (UDO) requires AG-SF1 zoning properties to have a Minimum Lot Frontage of two-hundred and fifty (250) feet. The requested variance of development standard would modify the Minimum Lot Frontage to be one-hundred and fifty (150) feet.

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

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 May 16, 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.

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

May 16, 2023

2305-VS-09

Exhibit 1

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 finds that adequate evidence is shown that the Variances of Development Standard meet the applicable review criteria, then the Department recommends approval of the Variances of Development Standard 2305-VS-09), with the recommended conditions and findings as set forth below:

Recommended Conditions of Approval:

1. That the Petitioner shall record an acknowledgement of this approval with the Hamilton County Recorder's Office and return a copy of the recorded instrument to the Community Development Department;
2. That the site shall be developed in substantial compliance with **Exhibit 3**;
3. That the Petitioner shall file a Secondary Plat application to the Community Development Department for review, comment, and approval;
4. And, that the Petitioner shall record the approved Secondary Plat with the Hamilton County Recorder's office and return a fully executed digital copy of the recorded plat 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.



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

May 16, 2023

2305-VS-09

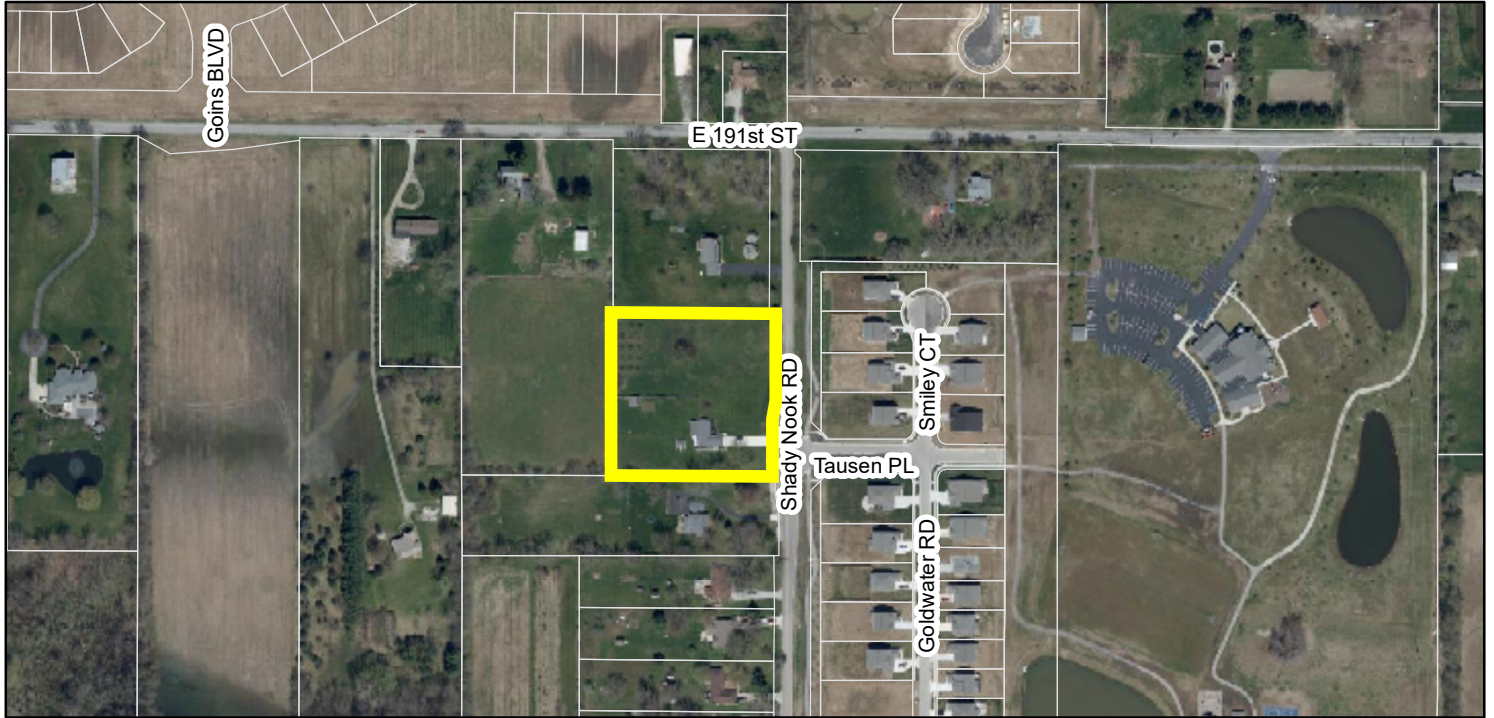
Exhibit 1

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

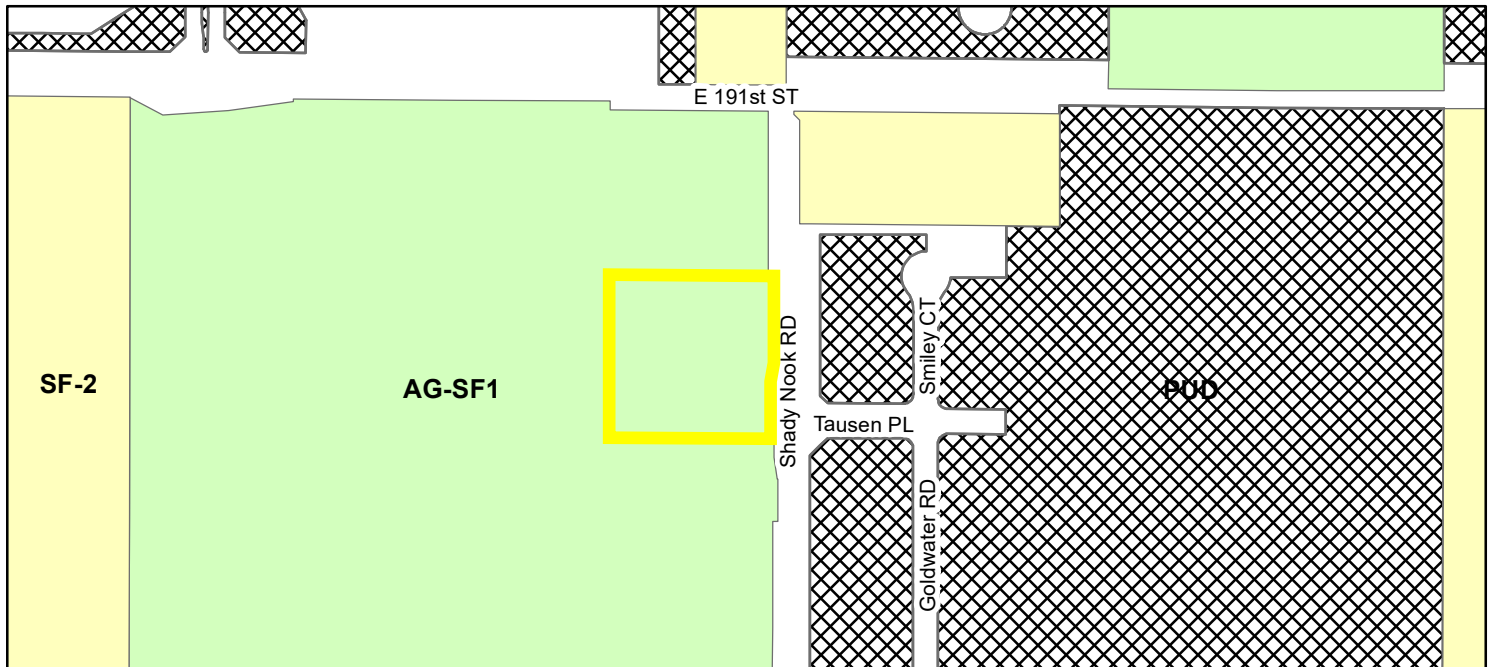
Finding: Strict adherence to the zoning ordinance would result in the inability to create an additional lot for a single-family residence in character with the immediate surrounding neighborhood vicinity.

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)
  SF-2 (Single Family - 2)
  PUD (Planned Unit Development)

VARIANCE APPLICATION

OFFICE USE ONLY

DOCKET #: 2305-VS-09 FILING DATE: 4-14-23
FILING FEE: \$ _____ FEE PLUS \$ _____ PER ADDITIONAL VARIANCE (@ _____) = \$ _____

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: NESTOR + DAVID (STAFF NAME) DATE: 3/17/2023

PRIOR OR RELATED DOCKET NUMBERS

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

APPLICANT INFORMATION

APPLICANT'S NAME: BILL CHICHWALK TELEPHONE: 317.209.4080
ADDRESS: 19002 SHADY NOOK RD, WESTFIELD, IN 46062 EMAIL: bill@harrells.com
PROPERTY OWNER'S NAME: William D. Chichwalk TELEPHONE: same
ADDRESS: _____ EMAIL: same
REPRESENTATIVE'S NAME: _____ TELEPHONE: _____
COMPANY: _____ EMAIL: _____
ADDRESS: _____

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 19002 SHADY NOOK RD.
COUNTY PARCEL ID #(S): 08-06-29-00-00-015.000
EXISTING ZONING DISTRICT(S): AG-SF1 EXISTING LAND USE(S): RESIDENTIAL

PROPERTY AND PROJECT INFORMATION

☐ VARIANCE OF LAND USE CODE CITATION: _____
☒ VARIANCE OF DEVELOPMENT STANDARD(S) CODE CITATION: 4.2(c) + 4.2(d)

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

STATEMENT OF INTENT (EXPLANATION OF REQUEST - ATTACH SEPARATE SHEET IF NECESSARY): We are proposing to split our existing 2.67 AC Agriculture/Single Family Property (AG-SF1) into 2 separate parcels. Existing home outbuildings and fencing would comprise 1 parcel (approx 1.4 AC) and the remaining raw land (approx 1.27 AC) will be sold to a family member to construct a single family residence.

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.

William D. Chichwa
Applicant/Representative (signature)

William D. Chichwa
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 14 day of April, 2023
State of Indiana, County of Marion, SS: _____

Shane Sparks
Notary Public (signature)

Shane Sparks
Notary Public (printed)

SHANE SPARKS
NOTARY PUBLIC
SEAL
HAMILTON COUNTY, STATE OF INDIANA
COMMISSION NO. NP0648424
MY COMMISSION EXPIRES OCTOBER 20, 2029

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.

William D. Chichwa
Property Owner (signature)*

William D. Chichwa
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 14 day of April, 2023
State of Indiana, County of Marion, SS: _____

Shane Sparks
Notary Public (signature)

Shane Sparks
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.

SHANE SPARKS
NOTARY PUBLIC
SEAL
HAMILTON COUNTY, STATE OF INDIANA
COMMISSION NO. NP0648424
MY COMMISSION EXPIRES OCTOBER 20, 2029

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: Bill Chichwak

DOCKET #: _____

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

- A. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because: the proposed use will be directly in line with current community standards as a private residence.
- B. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because: the size of the proposed parcels (41.4 ac, 41.27 ac) and the proposed use as single family dwellings are reflective of the area and surrounding residential neighborhoods.
- C. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property because: current zoning standards for the property (AG-SF1) would prohibit the split of the property due to the requirements of AG-SF1 requirements of 250' of Road Frontage as well as minimum lot size of 3 ac.

GENERAL INSTRUCTIONS

- A. **Pre-Filing Conference:** A pre-filing conference is required for all petitions. An appointment must be made with the Community Development Department (the "Department") to discuss a petition prior to filing. An application will not be considered filed until a pre-filing conference has occurred. Applicants are encouraged to incorporate the Department's comments into the application prior to filing.
- B. **Filing Petition:** A petition shall be filed with the Department by the filing deadline in accordance with the Schedule of Meeting and Filing Dates. In order to be deemed a complete petition, a petition shall include the following:
- | | |
|--|--|
| ☐ Completed Application | ☐ Legal Description |
| ☐ Draft Public Notice <i>After App.</i> | ☐ List of Adjoining Property Owners (as provided by County) |
| ☐ Property Owner Consent | ☐ TAC Delivery Affidavit (if TAC is determined to be necessary) |
| ☐ Site Plan (to scale) | ☐ Copy of Property Deed <i>AFTER</i> |
| ☐ Statement of Intent | Elevations, photographs or other supporting information necessary to explain the nature of the requested variance(s) |
- C. **Filing Fee Check:** After the filing of an application, the Department will advise the applicant of the applicable filing fee amount, which is due and payable (checks made out to "City of Westfield") within two (2) weeks of filing.
- D. **Technical Advisory Committee (TAC):** The applicant is responsible for submitting a copy of the application and related information to Technical Advisory Committee members prior to filing, if determined by the Department to be necessary. An affidavit confirming delivery of information is required to be completed and signed by the applicant and submitted with the petition. Technical Advisory Committee meetings are held in the City Services Building (2728 East 171st Street, Westfield, IN 46074) in accordance with the Schedule of Meeting and Filing Dates. A representative must be present at this meeting.
- E. **Public Hearing and Notice:** All variance petitions require a public hearing by the Board of Zoning Appeals. The public hearing is held at City Hall, 130 Penn Street, Westfield, Indiana, in accordance with the Schedule of Meeting and Filing Dates. Notice of the hearing is required in accordance with the Board's Rules of Procedure:
1. **Newspaper Publication:** Notice of the hearing will be published in the Hamilton County Reporter and The Times. The Department will handle the newspaper publication requirement.
 2. **Mailed Public Notice:** The applicant is responsible to send public notice by certified mail with proof of mailing (certificate of mailing) to all interested parties, postmarked at least ten (10) days prior to the hearing. A list of adjacent property owners may be obtained from the **Hamilton County Auditor, Office of Transfers and Mapping** (33 North 9th Street, Noblesville, IN 46060, (317) 776-9624), and shall include all owners of property to a depth of two (2) ownerships of no direct or indirect financial or other interest to the applicant or property owner or one eighth of a mile (1/8), whichever is less.
 3. **Public Notice Sign:** The applicant is responsible to post a public notice sign(s) on the property at least ten (10) days prior to the public hearing. The Department will determine sign locations and will make signs available for the applicant to obtain in the office of the Department.
 4. **Affidavit of Notice of Public Hearing:** The applicant shall deliver a copy of the mailed notice and a signed affidavit, verifying that the notices were mailed and the public notice sign(s) was posted on the subject property, to the Department at least four (4) calendar days prior to the public hearing.
- F. **Ex-parte Communication:** In no event shall applicants or other interested parties contact or attempt to communicate with members of the Board in regard to a filed variance petition prior to the public hearing.
- G. **Revised Materials:** If the applicant wishes to submit additional or revised information than what is filed, then the applicant shall submit those to the Department no later than ten (10) days prior to the public hearing.
- H. **Board's Consideration:** Following the public hearing, the Board may either approve, approve with conditions, deny or continue the petition.
- I. **Resource:** Please see the Board's Rules of Procedure for more detailed procedural information.

Current Owner as of April 13, 2023

This information is updated 5 times a week.

PROPERTY ADDRESS:	DEEDED OWNER	SUMMARY INFORMATION:
19002 Shady Nook Rd	Chichwak, William David & Virginia Lee Chichwak h&w	Parcel Number: 08-06-29-00-00-015.000
Westfield, IN 46062	19002 Shady Nook Rd	State Parcel Number: 29-06-29-000-015.000-014
	Westfield, IN 46062	

Legal Description:	Acreage 2.67 Section 29, Township 19, Range 4
Section/Township/Range:	29/19/4
Subdivision Name:	Not Available
Subdivision Section:	Not Available
Deeded Acres:	2.67
Political Township:	Washington
Lot Number(s):	Not Available
Last Recorded Date:	11/9/2022

claimer: This program allows you to view and print certain public records. **Each section reflects information as of a specific date;** so the information provided in different sections or reports may not match. All information has been derived from public records that are constantly undergoing change and is not warranted for content or accuracy. It may not reflect the current information pertaining to the property of interest.

INDIANA

[Contact Us](#)[Go to: Home](#) > [Transfer and Mapping Home Page](#) > [Auditor Online](#)

Auditor Online

Adjoiner Request

Online Submission Receipt

This receipt may not display at a future date or time. Please print this page for your records or make note of the Confirmation Number.

Date of Submission: Apr 13, 2023

Confirmation #: AR-2023-0073

PAYMENT SUMMARY:

Payment Status: Fees have been paid.

County Fee: \$25.00

** LoGO Portal Fee: \$0.92

LoGO Total: \$25.92

TRANSACTION SUMMARY:

Adjoiner Request

Owner: William D Chichwak

Contact's Name: Bill Chichwak

Number of Subject Parcels: 1

Parcel Number of Property: 08-06-29-00-00-015.000

DELIVERY:

Transfer and Mapping will email this request when it is ready.

**** PLEASE NOTE:**

The Portal Fee is charged by LoGO Local Indiana, the third party that processed the online payment.

Credit Card payments will appear as a single combined transaction on your credit card statement.

E-check (ACH) payments will appear as a single combined transaction on your bank statement.

CONTACT US:

To discuss any problems with this transaction, please contact:
Hamilton County Transfer and Mapping Department
Phone: (317) 776-9624

Screen ID: 629882

 Website Suggestions or Issues
Accessibility Statement
Privacy Policy
Terms of Use
Copyright 2012-2018 Hamilton County, Indiana

PROJECT NO.	23SE-252
SHEET NO.	1
DATE	11/15/2023
BY	JT
CHECKED BY	JT
PROJECT NAME	JOEY THARP BZA EXHIBIT
LOCATION	1902 SHADY HOOK ROAD, WESTFIELD, INDIANA
CLIENT	JOEY THARP
DATE	11/15/2023
BY	JT
CHECKED BY	JT
PROJECT NAME	JOEY THARP BZA EXHIBIT
LOCATION	1902 SHADY HOOK ROAD, WESTFIELD, INDIANA
CLIENT	JOEY THARP

THARP PARCEL

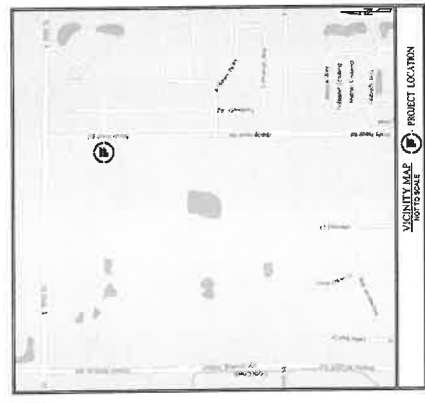
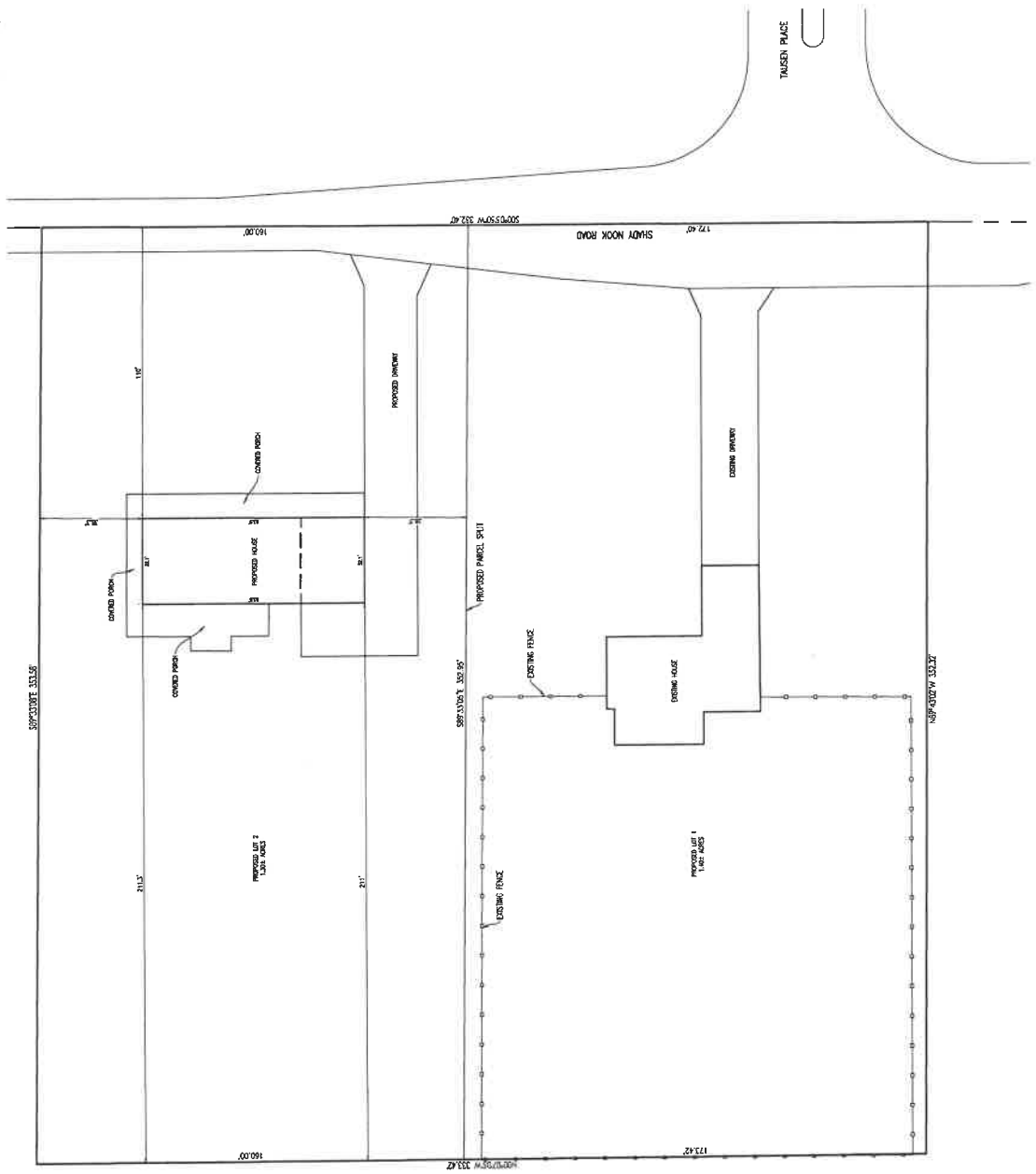
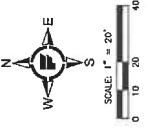
BZA EXHIBIT

1902 SHADY HOOK ROAD, WESTFIELD, INDIANA

1902 SHADY HOOK ROAD, WESTFIELD, INDIANA



FOREFRONT
SURVEYING + ENGINEERING



NOTE:
THIS DRAWING IS NOT INTENDED TO BE REPRESENTED AS A
SURVEYOR'S WORK. IT IS A PRELIMINARY DRAWING AND
A SURVEYOR'S LOCATION REPORT AS REQUIRED IN IND. REG.

nc

ALREADY ENTERED FOR TAXATION
Subject to final acceptance of transfer
9th day of November 2022 - HG
Gloria M. Thibault Auditor of Hamilton County
Parcel # 08-06-29-00-00-015.000

2022053896 DEED \$25.00
11/09/2022 02:09:47PM 2 PGS
Jennifer Hayden
Hamilton County Recorder IN
Recorded as Presented



TGR

DULY ENTERED FOR TAXATION
Subject to final acceptance of transfer
1st day of September 2022 - JAT
Gloria M. Thibault Auditor of Hamilton County
Parcel # 08-06-29-00-00-015.000

NKC

2022043337 DEED \$25.00
09/01/2022 08:32:13AM 2 PGS
Jennifer Hayden
Hamilton County Recorder IN
Recorded as Presented



LLP

This deed is being re-recorded to correct the
sequence of recording.

TRUSTEES' DEED

(Parcel No. 08-06-29-00-00-015.000/29-06-29-000-015.000-014)

THIS INDENTURE WITNESSETH, That Jeffrey Bocchetto and Linda Bocchetto, as Trustees of the Jeffrey Bocchetto and Linda Bocchetto Joint Revocable Trust dated July 26, 2006 to the remainder ("Grantor"), by virtue of and pursuant to the authority vested in said Trustees in and by said Trust, do hereby CONVEY to William David Chichwak and Virginia Lee Chichwak, husband and wife ("Grantee"), for the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate located in Hamilton County, State of Indiana:

A part of the Southwest Quarter of Section 29, Township 19 North, Range 4 East, Hamilton County, Indiana, and being more particularly described as follows:

Beginning at a point on the East line of said Quarter Section being South 00 degrees 00 minutes 00 seconds West (assumed bearing) 368.88 feet from the Northeast Corner thereof; thence continue South 00 degrees 00 minutes 00 seconds West along said East line, 332.40 feet; thence North 89 degrees, 48 minutes 52 seconds West 352.32 feet, thence North 00 degrees 12 minutes 55 seconds West 333.42 feet; thence South 89 degrees 38 minutes 58 seconds East, parallel with the North line of said Quarter Section, 353.58 feet to the Point of Beginning.

The address of such real estate is commonly known as 19002 Shady Nook Road, Westfield, Indiana 46062.

Subject to any and all easements, agreements, restrictions, and other matters of record, subject to the lien for real property taxes not delinquent, and subject to such matters as would be disclosed by an accurate survey and inspection of the real estate.

[remainder of page intentionally left blank - signature page follows]

EXEMPT FROM
SALES DISCLOSURES

PE

IN WITNESS WHEREOF, Grantor has executed this deed this 18th day of August, 2022.

GRANTOR: Jeffrey Bocchetto and Linda Bocchetto Joint Revocable Trust dated July 26, 2006 to the remainder

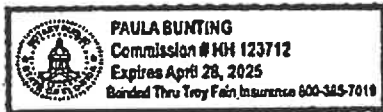
By: Jeffrey Bocchetto, Trustee
Jeffrey Bocchetto, Trustee

By: Linda Bocchetto, Trustee
Linda Bocchetto, Trustee

STATE OF ~~INDIANA~~ Florida)
COUNTY OF Flagler) SS: ACKNOWLEDGMENT

Before me, a Notary Public in and for said County and State, personally appeared Jeffrey Bocchetto and Linda Bocchetto, as Trustees of the Jeffrey Bocchetto and Linda Bocchetto Joint Revocable Trust dated July 26, 2006 to the remainder, who acknowledged the execution of the foregoing Trustees' Deed for and on behalf of said Trust, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 18 day of August, 2022.



[seal]

Paula Bunting
Notary Public
Paula Bunting Flagler
Printed County of Residence
HH123712 4/28/2025
Commission No. My Commission Expires

This instrument was prepared by Robert A. Hicks, Attorney at Law, HALL, RENDER, KILLIAN, HEATH & LYMAN, P.C., 500 North Meridian Street, Suite 400, Indianapolis, Indiana 46204.

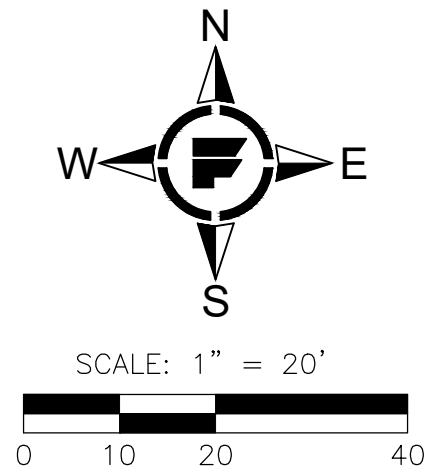
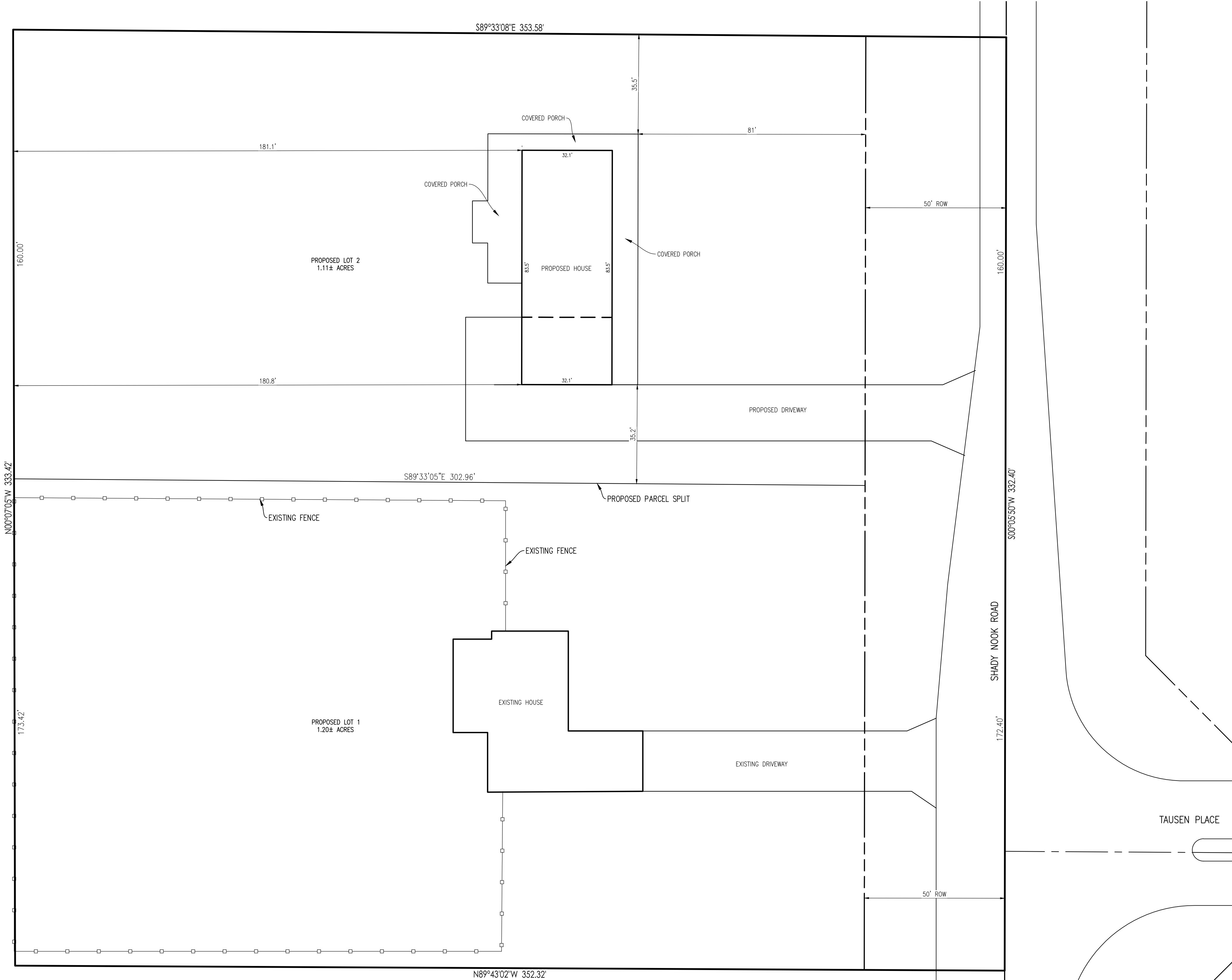
I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Robert A. Hicks

Grantee's mailing address is: 719002 Shady Nook Rd.
Tax mailing address is: Westfield, IN 46012
After recording, return to: _____

FA968318

C:\Operations\Jobs\Survey\23SE-251 19002 Shady Nook Road Westfield\23SE-251.dwg
LAYOUT 1
DATE: 04/19/2023
PLOTTER: B1
PLOT: 11x17

NOTE:
THIS DRAWING IS NOT INTENDED TO BE REPRESENTED AS A
RETRACEMENT, ORIGINAL BOUNDARY SURVEY, A ROUTE SURVEY, OR
A SURVEYOR LOCATION REPORT AS DEFINED IN 865 IAC.



FOR EFRONT

SURVEYING + ENGINEERING

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

REVISIONS AND ISSUES

DATE

BY

PROJECT DATA:

CLIENT INFORMATION:
JOEY THARP
19002 SHADY NOOK ROAD
WESTFIELD, IN

SECTION: 29
RANGE: 4 EAST

TOWNSHIP: 19 NORTH
COUNTY: HAMILTON

DATE: 04/19/2023
DRAWN BY: JT

FIELD BY: N/A
CHECKED BY: JT

PROJECT NO.
23SE-252

SHEET NO.
1

OF 1

THARP PARCEL

BZA EXHIBIT

19002 SHADY NOOK ROAD, WESTFIELD, INDIANA

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Westfield-Washington Township Board of Zoning Appeals (BZA)

Minutes of the Tuesday, April 11, 2023 BZA Meeting

Presented for approval: May 16, 2023

The Westfield-Washington Township Board of Zoning Appeals
met at 7:00 p.m. on Tuesday, April 11, 2023 at Westfield City Hall.

Active Links for this meeting:

[April 11, 2023 BZA Agenda & Exhibits](#)

[April 11, 2023 YouTube Video](#)

OPENING OF MEETING

[YouTube Time: 0:34](#)

ROLL CALL

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

BZA Members Present Virtually: None.

BZA Members Absent: None.

City Staff Present: Daine Crabtree, Senior Planner and Weston Rogers, Associate Planner.

City Staff Present Virtually: None

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

APPROVAL OF MINUTES

Fortier motioned to approve the March 14, 2023 Minutes.

Boller seconded. Motion passed. Vote 5-0.

REVIEW RULES AND PROCEDURES

Crabtree reviewed BZA rules and procedures.

ITEMS OF BUSINESS

2304-VS-05 [PUBLIC HEARING]

[YouTube Time: 3:25](#)

2988 Creeks Crossing Court / Andrew Tebbe

The Petitioner requests a Variance of Development Standard to encroach five (5) feet into the thirty (30) foot Minimum Rear Yard Setback in the SF-2: Single-Family Low-Density District (Article 4.5(E)(3)(a)).

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

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

Public Hearing for 2304-VS-05 opened at 7:06 p.m.

- No public comments.

Public Hearing for 2304-VS-05 closed at 7:10 p.m.

BZA comments / Petitioner responses.

McCarty motioned to approve 2304-VS-05 subject to the recommended conditions stated in the motion.

Fortier seconded. Motion passed. Vote 5-0.

Schmitz motioned to adopt Staff's Findings of Fact for 2304-VS-05.

Hatfield seconded. Motion passed. Vote 5-0.

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

2304-VS-06 [PUBLIC HEARING] – CONTINUES TO MAY 16, 2023

235 Penn Street / Stelhorn Equity, LLC

The Petitioner requests Variances of Development Standard to permit a temporary gravel parking lot without surfacing or curbing on 0.3 acres +/- in the SF3: Single-Family Medium Density District (Article 6.14(G)(7)(a) and 6.14(G)(7)(b)).

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

This item was continued to the May 16, 2023 BZA meeting.

ITEMS CONTINUED TO A FUTURE MEETING

No Continued Items.

REPORTS/COMMENTS:

[YouTube Time: 15:18](#)

- Plan Commission Liaison
- Community Development Department

ADJOURNMENT

McCarty motioned to adjourn the meeting. Boller seconded. Motion passed. Vote 5-0.
The meeting adjourned at 7:17 p.m.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

Signature Page for BZA Minutes for April 11, 2023

Chairperson
Dave Schmitz

Secretary
Kevin M. Todd, AICP
Director



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

May 16, 2023

2304-VS-06

Exhibit 1

Petition Number: 2304-VS-06

Subject Site Address: 235 Penn Street (The "Property")

Petitioner: Stellhorn Equity, LLC (The "Petitioner")

Request: The Petitioner requests Variances of Development Standard to permit a temporary gravel parking lot without surfacing or curbing on 0.3 acres +/- in the SF3: Single-Family Medium Density District (*Article 6.14(G)(7)(a) and 6.14(G)(7)(b)*)

Current Zoning: SF-3: Single-Family Medium Density

Current Land Use: Residential

Approximate Acreage: 0.3 acres+/-

Exhibits:

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

Staff Reviewer: Daine Crabtree, Senior Planner

OVERVIEW

Location: The subject property is 0.3 acres +/- in size and is located at 235 Penn Street (see **Exhibit 2**). The Property is currently zoned SF3- Single-Family Medium Density. The adjoining properties to the north, east and west are also zoned the SF-3: Single-Family Medium Density while property to the south is zoned LB-H: Local Business Historic.

Variance Request: The Petitioner requests Variances of Development Standard to permit a temporary gravel parking lot without surfacing or curbing on 0.3 acres +/- in the SF-3 Single-Family Medium Density District (UDO Articles 6.14(G)(7)(a) and 6.14(G)(7)(b)).

SUMMARY OF VARIANCES

The Petitioner is requesting this variance to allow a temporary gravel parking lot on the Property, as generally illustrated on the Proposed Site Plan (see **Exhibit 3**). Per discussions with the Petitioner, this is necessary for employees and patrons of the Cherry Street Plaza building (320 E. Main Street) as on-street parking is temporarily eliminated during the future State Highway 32 construction.

Although the proposed temporary parking lot would not be on the same lot as the Cherry Street Plaza building, Article 6.14(G)(2) of the UDO permits parking spaces to be located on land other than the Lot on which the building or Use is located provided the parking spaces are located



within three hundred (300) feet walking distance from the main entrance to the Use served. This standard would be met by the proposed temporary lot.

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

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

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

The Westfield City Engineer was included in the pre-filing meeting for this petition and there were no concerns expressed with the proposal.

COMPREHENSIVE PLAN

The 2007 Westfield-Washington Township Comprehensive Plan identifies the Property as being within the Downtown area. A healthy mix of commercial, offices, retail, residential, and more are contemplated as appropriate uses within the Downtown area. Along with development that ensures a unique image for downtown Westfield, development that will complement the visual and aesthetic value of the entire town, and promote the downtown as a growth area and a destination.

Additionally, the Property is located within the Grand Junction Addendum to the Comprehensive Plan, specifically the Penn Street Corridor. Language within the Penn Street Corridor Section states, "Appropriate land uses primarily include residential and low intensity non-residential uses...some on-site parking is anticipated for individual uses; however, this corridor may also provide for central parking opportunities for uses on the north side of Main Street".

The Comprehensive Plan is not law; rather, it is intended to serve as a guide in making land use decisions.

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Standard. This petition is scheduled to receive its public hearing

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



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

May 16, 2023

2304-VS-06

Exhibit 1

at the May 16, 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 UDO² and Indiana law provide that the Board of Zoning Appeals may impose reasonable conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of the UDO upon any Lot benefited by a variance as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject Lot or upon public facilities and services. Such conditions shall be expressly set forth in the order granting the variance.

Acknowledgement of Variance: If the Board of Zoning Appeals approves this petition, then the UDO³ requires that the approval of the variance shall be memorialized in an acknowledgement of variance instrument prepared by the Department. The acknowledgement shall: (i) specify the granted variance and any commitments made or conditions imposed in granting of the variance; (ii) be signed by the Director, Property Owner and Applicant (if Applicant is different than Property Owner); and (iii) be recorded against the subject property in the Office of the Recorder of Hamilton County, Indiana. A copy of the recorded acknowledgement shall be provided to the Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

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

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

DEPARTMENT COMMENTS

Approval: The Department recommends approval of the Variances of Standard (2304-VS-06), then the Department recommends the conditions and findings as set forth below:

Recommended Conditions of Approval:

- 1) That the Gravel Parking Area be constructed at the location shown and in substantial compliance with the Proposed Site Plan (**Exhibit 3**).
- 2) That the gravel parking lot shall be constructed of compacted #53 stone at 6" of depth.

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

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



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

May 16, 2023

2304-VS-06

Exhibit 1

- 3) That approval of this variance shall expire on December 31, 2028. Any request to extend the time limit of this variance shall be reviewed and approved by the Board of Zoning Appeals prior to December 31, 2028.
- 4) That the Petitioner shall record an acknowledgement of this approval with the Hamilton County Recorder's Office and return a copy of the recorded instrument to the Community Development Department.

Recommended Findings for Approval:

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

Finding: It is unlikely that approving the requested variance would be injurious to the public health, safety, morals, and general welfare of the community because the Use of the Property is not changing, and all other improvements to the Property with the applicable zoning and construction standards.

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

Finding: It is unlikely the use and value of adjacent properties will be affected in a substantially adverse manner. The proposed variance should not have a negative impact on surrounding properties because the Use of the Property is not changing, and all other improvements to the Property with the applicable zoning and construction standards.

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

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

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