



CITY OF WESTFIELD, IN
BoardofZoningAppeals_Meeting_Agenda_05_12_2020

Tuesday, May 12, 2020 at 07:00 PM

BOARD OR COMMISSION: Board of Zoning Appeals (BZA)

MEETING DATE: Tuesday, May 12, 2020 at 07:00 PM

MEETING PLACE:

ONLINE VIA SKYPE

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

Viewable 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

Note the presence of a quorum

Approval of Minutes - March 10, 2020 & April 14, 2020

Documents: [BZA Minutes - March 10, 2020](#) | [BZA Minutes - April 14, 2020](#)

Review Rules & Procedures

ITEMS OF BUSINESS:

2004-VS-06

345 E Park Street

John Long

The Petitioner requests Variances of Development Standard to modify the Minimum Lot Area and Minimum Rear Yard Setback to allow for the construction of a new single-family residence in the SF3: Single-Family Medium-Density District (Article 4.6(C) & (E) (3)).

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

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Plot Plan](#) | [Exhibit 4: Proposed Elevations](#) | [Exhibit 5: Application](#) | [Exhibit 6: Comments provided at 4/14/20 Public Hearing](#)

ITEMS CONTINUED TO A FUTURE MEETING:

No Continued Items.

REPORTS/COMMENTS:

ADJOURNMENT



Westfield–Washington Township Board of Zoning Appeals
Minutes of the March 10, 2020 BZA Meeting
Presented for approval: May 12, 2020

The Westfield-Washington Township Board of Zoning Appeals (BZA) met at 7:00 p.m.
on Tuesday, March 10, 2020 at Westfield City Hall.

OPENING OF MEETING: 7:00 PM

ROLL CALL

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

Members Absent: Ken Kingshill, Victor McCarty.

City staff present: Kevin Todd, Director; Pam Howard, Senior Planner; Daine Crabtree, Associate Planner; and Brian Zaiger, City Attorney.

APPROVAL OF MINUTES

Schmitz motioned to approve the February 13, 2020 Minutes.

Raines seconded. Motion passed. Vote 3-0

REVIEW RULES AND PROCEDURES

Crabtree reviewed BZA rules and procedures.

ITEMS OF BUSINESS:

1912-VU-07

[PUBLIC HEARING]

16708 Dean Road

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

The Petitioner requests Variances of Use to permit the following: 1) an auto service facility; 2) Outside Storage vehicles, boats and trailers; 3) Warehouse (inside storage); and 4) a Trucking Company; on 4.59 acres +/- in the EI: Enclosed Industrial District and U.S. Highway 31 Overlay District.

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

Howard overviewed this petition and the previous variances. She explained that since this Petitioner was last before the BZA requesting a continuance, the Department determined that there are three additional variances that are needed for the property to brought into full compliance. The Petitioner asked to revise their petition to include these additional variances. She said no public comments had been received.

John Morse, on behalf of the Petitioner, summarized the requests and included the current uses of the property. The new requested use is for a moving company.

Public Hearing for 1912-VU-07 opened at 7:09 p.m.

No Public Comments.

Public Hearing for 1912-VU-07 closed at 7:09 p.m.

Raines said he had no issues with the requested use, but asked about the pole sign.

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Morse stated will comply with whatever the court says, City has TRO stating no further work can be done on the pole.

Zaiger stated that nothing the petitioner said was inaccurate, but the pole was built without proper permitting by the City and is not part of this variance approval. He said the Federal Court will decide if they can put content on the sign, but not force the pole to come down. TRO prevents them from putting the rest of the sign up, and this is a separate matter.

Morse said as his firm is not party to those proceedings he cannot confirm Zaiger's statements.

Schmitz is concerned that this Petitioner has had the support of the BZA in the past, but keeps adding uses without City approval. Staff's findings are recommendations, not the staff's support.

Morse replied that the Petitioner didn't realize that there were nonconforming uses. He said that the Petitioner believed that GEFT had received necessary permits for the sign.

Raines said that the original pole sign was removed, so the Petitioner was aware that pole signs were not permitted. He said that he believes that the Petitioner knows what he is doing.

Fortier wants to mention that all four uses are excluded in the overlay. She said the BZA granted variances in the past; however, how much further will this go, and asked what else will be done without permission. She said she would really need to be convinced that the next step will be best for the community.

Morse said that the Petitioner didn't have representation previously and may not have realized that he needed additional variances.

Schmitz asked about the Colt Moving banner.

Howard replied Banners are only permitted on a temporary basis but would need permit for permanent sign if the use is approved.

Fortier and Schmitz asked about Condition 4 and how that would move forward without knowing the outcome of the pole sign issue.

Howard replied that if this was not compliant with any conditions of the variance, enforcement would take place.

Schmitz asked is it would be acceptable to modify the wording of "pole sign" to "pole structure" for clarification.

Zaiger said that it would be acceptable to amend the condition to say "pole structure" instead of "pole sign", and that would also ensure that the outcome of the variance request will not impact the pending court case.

Raines motioned to approve 1912-VU-07 with the following staff conditions:

- The uses shall be limited to the uses described as items 1-4 on the Statement of Intent.
- Approval of the variance excludes item 5 on the Statement of Intent.
- Approval of this variance shall expire on December 31, 2022. 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, 2022.
- The Pole Sign Structure, in its entirety, shall be removed within 60 days.

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Schmitz seconded. Vote 3-0.

Raines motioned to adopt Staff's Findings of Fact for 1912-VU-07.

Schmitz seconded. Motion passed. Vote 3-0.

2002-VS-02
[PUBLIC HEARING]

21440 Mule Barn Road

Heather Cooley

The Petitioner requests a Variance of Development Standard to permit a second Dwelling Unit on 3 acres +/- in the AG-SF1: Agriculture/Single-Family Rural District (Article 6.4(B)).

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

Howard overviewed this request for a Variance of Development Standards. She said no written comments had been received prior to the meeting; however, she had recently received to distribute to the BZA members.

Public Hearing for 2002-VS-02 opened at 7:37 p.m.

Exton Cordingley, 11495 North Pennsylvania Street, Carmel, on behalf of adjacent landowners; said that this is the type of responsible development his clients want next to his house and property. Their concerns were with groundwater, septic, drainage, and results of soil study. He asked if a has mound system had been considered.

Public Hearing for 2002-VS-02 closed at 7:40 p.m.

The Petitioner responded that the environmental company she used recommended in-ground instead of a mound. She said that the County would require a permit and she would comply with their recommendations. She said that the current home's system is in failure and a new system needs to be installed whether or not the variance is approved. She said that the new system will be installed to north of garage further from the road, well water, and neighboring property.

Schmitz asked if one system will be used for both buildings

The petitioner replied that it would be one system and the size will depend on the outcome of this variance request.

Schmitz asked Cordingley if the current failure had prompted the neighbors' questions. He said that it seemed that no one had inspected system since 1981 and asked what what if system fails prior to next inspection.

Howard explained how the Department records the compliance of new residential septic systems.

Schmitz asked a condition should be made related to the septic

Schmitz motioned to approve 2002-VS-02 with the following staff conditions:

- Approval shall only be valid for the building noted on the Site Plan.
- Expansion shall be substantially compliant with the Proposed Garage Expansion Exhibit.
- Installation of a new septic system.

Fortier seconded. Motion passed. Vote 3-0.

Raines motioned to adopt Staff's Findings of Fact for 2002-VS-02.
Schmitz seconded. Motion passed. Vote 3-0.

2003-VS-05
[PUBLIC HEARING]

18594 Cross Lakes Court

Patrick O'Brien and Dee Anna Lynn Bassett

The Petitioner requests a Variance of Development Standard to modify the Rear Yard Setback from twenty-five (25) feet to ten (10) feet in the Andover Planned Unit Development (PUD) District to accommodate a swimming pool and deck.

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

Crabtree overviewed this request for a Variance of Development Standard. He said that no written comments had been received and the petitioner has received HOA approval.

Public Hearing for 2002-VS-05 opened at 7:49 p.m.

No public comments.

Public Hearing for 2002-VS-05 closed at 7:50 p.m.

Schmitz asked why the request was 10-feet when site plan shows 14-feet.

Crabtree replied to allow for a bit more room if needed.

Raines motioned to approve 2002-VS-05.
Fortier seconded. Motion passed. Vote 3-0

Schmitz motioned to adopt Staff's Findings of Fact for 2002-VS-05.
Raines seconded. Motion passed. Vote 3-0.

ITEMS CONTINUED TO A FUTURE MEETING:

1803-AA-01
[CONTINUED]

16708 Dean Road (Bob's Garage)

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

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

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

2003-VS-04
[CONTINUED]

302 Penn Street

GPG Properties, LLC

The Petitioner requests Variances of Development Standard to modify the Side Yard and Front Yard Setbacks in the SF4: Single-family High-Density District (Article 4.7).

(Planner: Corey Harris – Charris@westfield.in.gov)

REPORTS/COMMENTS:

- Plan Commission Liaison
- Community Development Department

ADJOURNMENT

Schmitz motioned to adjourn the meeting.
Raines seconded. Motion passed. Vote 3-0.

The meeting adjourned at 7:57 p.m.

Chairperson
Dave Schmitz

Secretary
Kevin M. Todd, AICP
Director



Westfield–Washington Township Board of Zoning Appeals
Minutes of the April 14, 2020 BZA Meeting
Presented for approval: May 12, 2020

The Westfield-Washington Township Board of Zoning Appeals (BZA) met at 7:00 p.m.
on Tuesday, April 14, 2020 online via Skype.

OPENING OF MEETING: 7:00 PM

ROLL CALL

Members Present: Jeannine Fortier, Ken Kingshill, Victor McCarty, Martin Raines, and Dave Schmitz.
Members Absent: All present.

City staff present: Kevin Todd, Director; Pam Howard, Senior Planner; Daine Crabtree, Associate Planner; Caleb Ernest, Associate Planner; Corey Harris, Associate Planner; and Brian Zaiger, City Attorney.

APPROVAL OF MINUTES

March 10, 2020 Minutes tabled to next BZA meeting.

REVIEW RULES AND PROCEDURES

Crabtree reviewed BZA rules and procedures.

ITEMS OF BUSINESS

2003-VS-04
[PUBLIC HEARING]

302 Penn Street

GPG Properties, LLC

The Petitioner requests Variances of Development Standard to modify Side Yard and Front Yard Building Setback Lines and allow and allow a detached garage in the Front Yard on 0.2 acres +/- in the SF4: Single-Family High-Density District (Article 4.7 & 6.1(D)(1)).

(Planner: Corey Harris – charris@westfield.in.gov)

Harris overviewed this request for Variances of Development Standard to bring the property at 302 Penn Street into zoning compliance. He said the Department had received two public comments. The first comment, from Tom and Diane Paul, stated support for the petition. The second comment, from neighbors Linda Pruitt, Jan Smith, and Jerome Killen, requested a delay for the meeting due to the stay at home orders.

George Sanburn, the Petitioner, responded that he had spoken with Linda Pruitt and Jan Smith. He summarized the status of the project and addressed his other property located at 306 Penn Street.

Schmitz asked why this was being called an encroachment instead of a reduction as they usually are.

Howard explained that the change was made because minimum Setback Lines are shown on the Secondary Plat, and changing them would require a replat or lot correction to be filed.

Schmitz asked about the garage.

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The Petitioner replied that the garage would be addressed after the zoning is brought into compliance.

Kingshill asked for clarification of using the term encroachment.

Zaiger replied that this is a distinction in the wording.

Howard replied that this is the result of earlier discussion regarding setback standards.

Schmitz asked for clarification of encroachments limits.

Howard said that enforcement would be within the recommendation conditions.

Sanburn replied he did not know a permit was required for a front porch. When informed that a permit was needed, he stopped the process and applied for the variances.

Schmitz asked about utility easements.

Sanburn replied no utility easement issues were reported as the result from the 811 report.

Raines motioned to approve 2003-VS-04 with the following staff recommendations:

- Approval shall only be valid for the buildings noted on the Site Plan (Exhibit 3).
- Expansion shall be substantially compliant with the Site Plan (Exhibit 3).

McCarty seconded. Motion passed. Vote 5-0.

Schmitz motioned to adopt Staff's Findings of Fact for 2003-VS-04.

Kingshill seconded. Motion passed. Vote 5-0.

2004-VS-06
[PUBLIC HEARING]

345 E Park Street

John Long

The Petitioner requests Variances of Development Standard to modify the Minimum Lot Area and Minimum Side and Rear Yard Setbacks to allow for the construction of a new Single-family residence in the SF3: Single-family Medium Density District (Article 4.6(C) & (E)(2) and (3)).

(Planner: Caleb Ernest – cernest@westfield.in.gov)

Ernest overviewed this request for Variances of Development Standard. He indicated that the Petitioner is requesting Variances of Development Standard as follows:

- to reduce the minimum Rear Yard Setback from 30 feet to 7 ½ feet;
- to reduce the minimum Side Yard Setback from 10 feet to 5 feet;
- to reduce the minimum Lot Size from 12,000 square feet to 6,500 square feet.

He stated that Staff had received public comments which had been provided to the BZA members.

Jeffrey Lauer, with Polis Collaborative LLC, on behalf of the Petitioner summarized this request. He provided context on the existing subdivision. He said the property, in the 1950's, was properly platted, subdivided, and recorded with the County under the name of Watson Subdivision. After the 1970's Town of Westfield Comprehensive Plan, the property became noncompliant. He said this petition does not request any change in zoning or variance of use and will follow applicable UDO standards. He said that the Petitioner consulted with the Grand Junction Task Group (GJTG), which resulted in a note of non-support based on several issues. He felt that the request was hindered by the national health crisis and the holiday weekend. The first concern

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surrounded that this area was suited for a higher density and better use and he said that he feels that this request doesn't preclude future requests for higher density. He overviewed the scope of possible density of the Grassy Branch Quadrant. He stated that the property values wouldn't be compromised for future use. He said that a neighbor has stated their support of this project and what it holds for future value. He addressed Right of Way, sidewalk concerns, and access. He said that the Petitioner had contacted the City multiple times to inquire if the City had interest in purchasing this property. After hearing the City was not interested, the Petitioner put the property on the market. He stated that the Petitioner respectfully disagrees with the position taken by the Grand Junction Task Group. He said the only comment the Petitioner received was from a neighbor, Mr. Plantenga, 422 East Park Street and the comments were positive and the neighbor was in support. The neighbor's only request that the Petitioner keep construction vehicles off the road.

Written comments for 2004-VS-06 were reviewed by the BZA members.

McCarty said that in response to the GJTG position that he had concerns about future development. He said he would like to see the area develop at one time to create synergy.

Fortier said she wondered why would someone want to build in the middle of this area. She said that the proposition looks attractive, and said she thinks a mix of uses would be fine,

Kingshill, stated that he is a member of the GJTG, and said he had not seen this proposal before tonight. He said he tended to agree with the position of the GJTG. He said the area was identified by the Cripe study's three potential locations and the suggestion that this area would be a good use for public use for future as a City/Public Building. He was bothered to hear that the City had been offered the opportunity to purchase this real estate and then turned the offer down. He asked Lauer if the requested variance is necessary to build.

Lauer responded that legal opinion would be preferable; but, felt that, as is, the property would be a legal non-conforming plat and could be developed.

Howard offered staff input based on the survey of the plat and its setback requirements under the current Unified Development Ordinance (UDO).

Schmitz asked about the SF-3 zoning.

Howard responded that this is one of a few areas where the assigned zoning district does not align with the pre-existing lots.

Lauer said that this a property platted in the 1950's, with the zoning put in place in the 1970's and finding all the details and history is complicated. He said the front build line is in excess of what is required and the Petitioner has a practical difficulty in the rear due to the previous rail road property.

Raines expressed some concerns about the available size to build upon. He said he agrees with previous BZA comments.

Lauer stated that this property is a true gem of property and is the reason the Petitioner wished to build. He addressed the size of the floodplain property and added that the approval of this variance would not be incompatible with future mix of uses. He also addressed the single access resulting from the previous closure of Gurley Street.

Zaiger asked if any other comments had been received regarding this petition.

Howard replied no.

Schmitz inquired if this petition would need to go to TAC for the opportunity of input from the City. He said that if the City had concerns he felt that the BZA would have heard them.

Howard said this, as a Single-family home, did not go to TAC.

McCarty asked if the Petitioner owns the adjacent lots.

John Long, the Petitioner, replied that they do not own the adjacent lots. He said that the City responded to him that they had no interest in the real estate; he added the only interest in the property came from home builders. He discussed how this project could create a very nice neighborhood, similar to other areas in Westfield. He addressed the design of the 1950's home designs and how it differs from today.

McCarty thanked the Petitioner but would really like to see all the lots developed at once.

Todd said that he has no knowledge of the City's discussion about to the City's response about purchasing the real estate. He said that he feels Single-family homes are probably not the vision of the City.

Schmitz said he would like to hear input from the City's position for the record.

Kingshill said he might argue that the GJTG is a stand-in for the City in making its testimony about this request. He said that the City relies on the GJTG for ideas and input.

Zaiger commented on Kingshill's statement regarding the GJTG standing in for the City with its comments and added that he wouldn't go so far as to agree on that position. He said the city looks to the GJTG, as a recognized task group, for advice and opinions. He said the GJTG's comments are those of that organization. He added that Todd's comment addressed the concerns of the Administration.

Raines asked if this is a zoned residential property.

Todd replied yes; however, he said he was not able to answer that residential building could take place here without a variance.

Schmitz said his concern was with the findings. He said he wondered if additional input from the City would be warranted. He said that this feels like the requested variance should perhaps be a rezone.

Zaiger added that given the method that the meeting is being conducted, that the request for more information would be within the BZA's discretion,

McCarty agreed with Zaiger and said he would prefer more information, and feels that would be a worthwhile direction to take.

Kingshill said that he feels the Petitioner may not have met their burden in regard to the findings such as adverse impact to neighboring properties.

Lauer responded that they feel that the Petitioner has met the burden in that finding that neighboring property values would not be adversely affected, but would instead increase property values.

Todd clarified the grounds of the findings.

Lauer said that they noticed the City for this petition.

The Petitioner said he did not hear back from the City in regard to its interest in this property. Todd responded that he received a comment from the Mayor that he is not supportive of this petition.

Kingshill motioned to deny 2004-VS-06.

Schmitz seconded. Motion fails. Vote 3-2. (Raines, McCarty, Fortier)

Schmitz motioned to table this consideration next BZA meeting.

McCarty. Motion passed. Vote 4-1 (Kingshill voted no).

ITEMS CONTINUED TO A FUTURE MEETING:

No Continued Items

REPORTS/COMMENTS:

- Departmental reports tabled
- Raines extended kudos to all involved in resolving the recent power outage.

ADJOURNMENT

Schmitz motioned to adjourn the meeting.

Raines seconded. Motion passed. Vote 5-0.

The meeting adjourned at 8:39 p.m.

Chairperson
Dave Schmitz

Secretary
Kevin M. Todd, AICP
Director



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

April 14, 2020
2004-VS-06
Exhibit 1

Petition Number: 2004-VS-06

Subject Site Address: 345 E Park Street (the "Property")

Petitioner: John Long (the "Petitioner")

Request: The Petitioner is requesting Variances of Development Standard to reduce the minimum Side and Rear Yard Setback and minimum Lot Area in the SF3: Single-family Medium Density District (Article 4.6(C), (E)(2) and (3)).

Current Zoning: SF3: Single-family Medium Density District

Current Land Use: Vacant

Approximate Acreage: 0.15 acres +/-

Exhibits:

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

Staff Reviewer: Caleb Ernest, Associate Planner

OVERVIEW

Location: The subject property is 0.15 acres +/- in size and located at 345 E Park Street (see **Exhibit 2**). The Property is zoned the SF3: Single-family Medium Density District. The adjacent properties to the north, west and east are also zoned the SF3 District. The adjacent property to the south is zoned the MF2: Multi-family Medium Density District.

Variance Requests: The Petitioner is requesting Variances of Development Standard to reduce the minimum Side and Rear Yard Setback and minimum Lot Area in order to build a new residential home.

SUMMARY OF VARIANCE

The Petitioner is requesting Variances of Development Standard as further described below:

- to reduce the minimum Rear Yard¹ Setback from thirty (30) feet to seven and one half (7 ½) feet;

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

- to reduce the minimum Side Yard² Setback from ten (10) feet to five (5) feet;
- to reduce the minimum Lot Size from twelve thousand (12,000) square feet to six thousand five hundred (6,500) square feet.

COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan identifies this Property within the “Downtown”³ land use classification. The Downtown area was further studied in 2008 after the formation of the Grand Junction Task Group (the “GJTG”). The study resulted in an amendment to the Comprehensive Plan known as the Grand Junction Master Plan and Addendum, adopted in 2009, and then subsequently the adoption of the Grand Junction Implementation Plan (the “Implementation Plan”), an amendment to the Comprehensive Plan adopted in 2013 (collectively, the “Grand Junction Plan”).

The Grand Junction Plan identifies a long-term vision as well as land use and financial investment goals for the intermediate and short terms. The centerpiece of the Grand Junction Plan includes creating public gathering spaces with key public investments opportunities to include: Grand Junction Plaza, new civic facilities, extended trail system and street network, enhanced stormwater management, and signature gateway developments.

The studied land use component of the Grand Junction Plan identified several sub-districts. The Property falls within the area identified as the “Junction Sub-District”⁴, characterized as follows within the Implementation Plan⁵:

The Junction Sub-district centers on Union Street and Main Street. The sub-district extends from just north of Penn Street to just south of the future Mill Street extension and Midland Trace Trail; and then extends from Poplar Street/Shamrock Boulevard to just east of East Street.

The vision for the Junction Sub-District is to accommodate future mixed-use development and redevelopment within the core of downtown. Within the Junction Sub-District, there are inherently different sub-areas that currently do and will continue to vary from each other both in form and function. The Property falls within the Grassy Branch Quadrant sub-area⁶.

The Grassy Branch Quadrant includes the southeast quadrant of the Junction Sub-District and is traversed through the center by the Anna Kendall drain / Grassy Branch Creek and anchored along the south edge by the Midland Trace Trail. A large portion of this subarea is floodplain and contains mature vegetation.

² Chapter 12 of the UDO Defines “Side Yard” as “A Yard extending across the full depth of the Lot, the depth of which is the least distance between the Side Lot Line and the Side Yard Building Setback Line.”

³ Westfield-Washington Township Comprehensive Plan, Land Use Concept Map (p. 24).

⁴ 2013 Grand Junction Implementation Plan; Grand Junction Sub-Districts Map (p. 24).

⁵ 2013 Grand Junction Implementation Plan (p. 18).

⁶ 2013 Grand Junction Implementation Plan (p. 23).

The vision for the Grassy Branch Quadrant includes land uses primarily of higher density residential uses (e.g., apartments, townhouses) with three or more stories in height, and the potential for municipal uses. Development south of the Grassy Branch Creek should be sensitive to the existing single-family neighborhood to the east (Timberbrook Run) with respect to buffering and transitioning (e.g., uses, design). While this sub-district should include an eclectic mix of uses to accommodate both the community's residents and as a goal to attract visitors, a balance of land uses include: office, trail-oriented, neighborhood, cultural and entertainment, residential, municipal, parking, automobile-oriented and public spaces (amenities).

The Department, in coordination with the GJTG, is currently working on the prioritized objectives of the Implementation plan; however, the specific objectives noted above for the Sub-District are still in progress. As a result, the Department encouraged the petitioner to meet with the GJTG. The GJTG has provided a letter as a result of their meeting with the petitioner, which will be distributed at the public hearing meeting.

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of the Variances of Development Standard. This petition is scheduled to receive its public hearing at the April 14, 2020, 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 UDO⁷ and Indiana law provide that the Board of Zoning Appeals may impose reasonable conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of the UDO upon any Lot benefited by the variances 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 variances.

Acknowledgement of Variances: If the Board of Zoning Appeals approves this petition, then the UDO⁸ requires that the approval of the variances shall be memorialized in an acknowledgement of variances instrument prepared by the Department. The acknowledgement shall: (i) specify the granted variances and any commitments made or conditions imposed in granting of the variances; (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 variances.

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

⁷ Article 10.14(I) Processes and Permits; Variances; Conditions of the UDO.

⁸ Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.

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

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

DEPARTMENT COMMENTS

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

Recommended Condition:

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

Recommended Findings for Approval of the Variance of Development Standard:

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

Finding: It is unlikely that approving the requested variance would be injurious to the public health, safety, morals, and general welfare of the community as the property complies with all other standards of the Unified Development Ordinance (UDO). This Property complies with the Zoning District's permitted use of a residential use and is in line with surrounding property's uses.

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

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

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

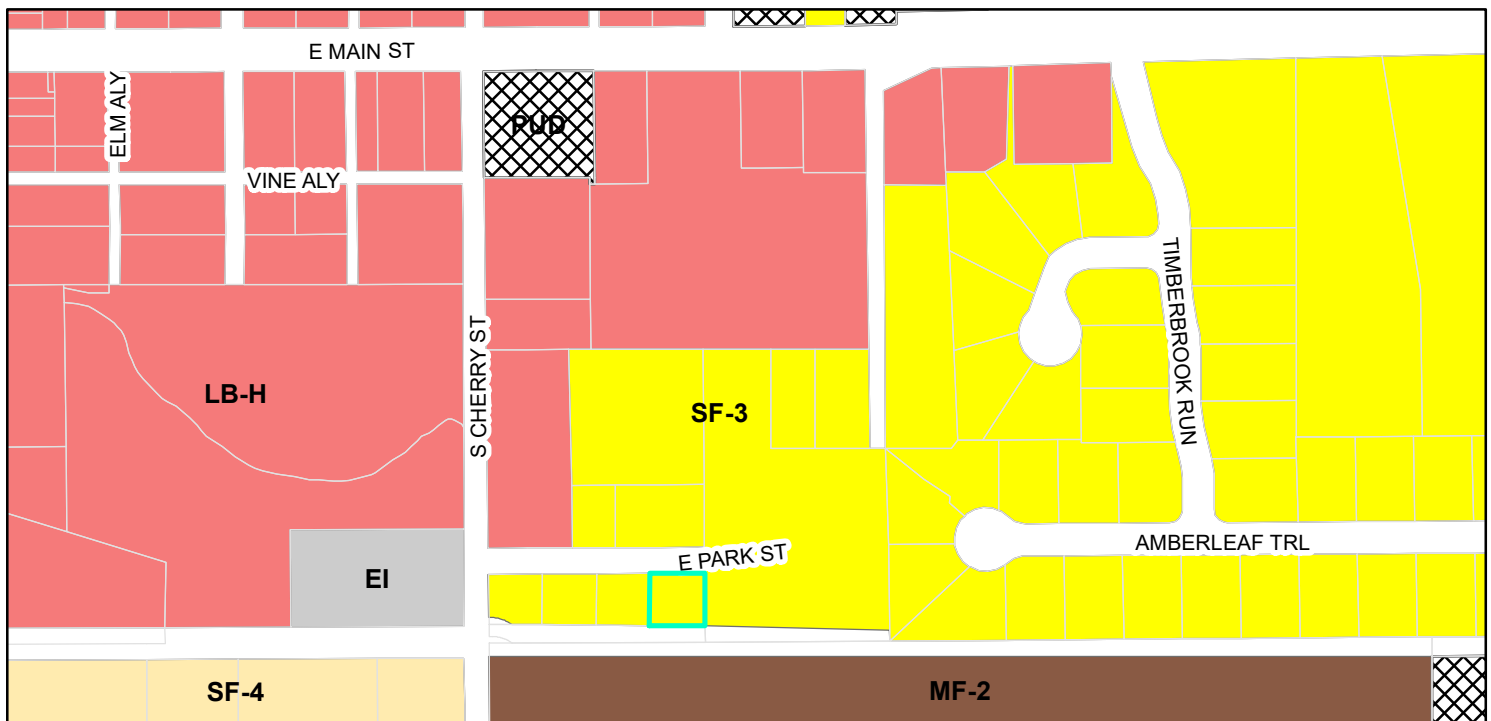
Finding: Strict adherence to the zoning ordinance would result in the new residential home not being built on the property due to existing site conditions per the UDO.

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

Aerial Location Map



Zoning Map

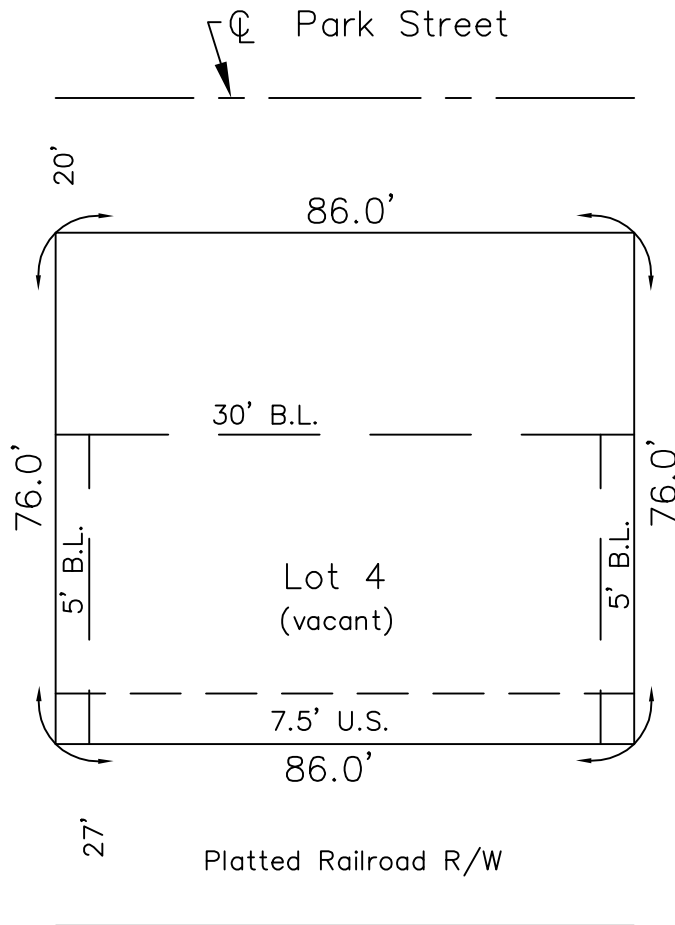


Zoning

- | | |
|------------------------------------|--------------------------|
| LB-H (Local Business - Historical) | SF-3 (Single Family - 3) |
| EI (Enclosed Industrial) | SF-4 (Single Family - 4) |
| MF-2 (Multiple Family - 2) | |
| PUD (Planned Unit Development) | |

SURVEYOR LOCATION REPORT

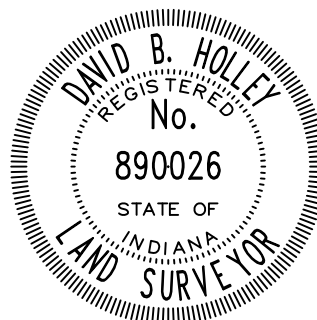
I hereby certify to the parties named above that the real estate described herein was inspected under my supervision on the date indicated and that to the best of my knowledge, this report conforms with the requirements contained in Sections 27 through 29 of 865 IAC 1-12 for a SURVEYOR LOCATION REPORT.



Scale: 1" = 30'

P&H
ENGINEERING/SURVEYING LLC

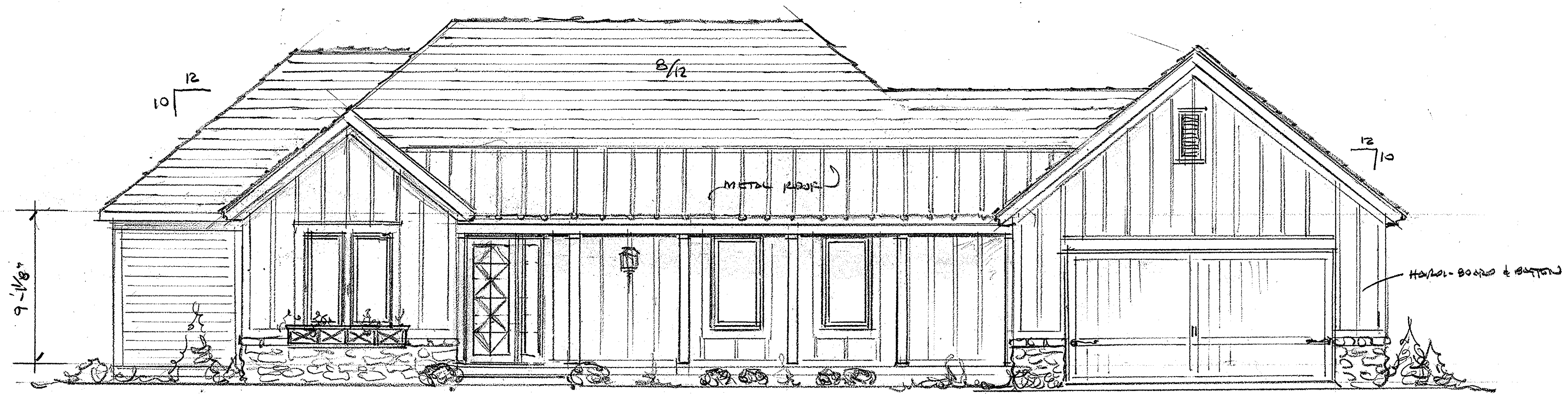
5251 S. East Street #1
INDIANAPOLIS, IN 46227
PHONE: (317) 974-5555
FAX: (317) 974-5570



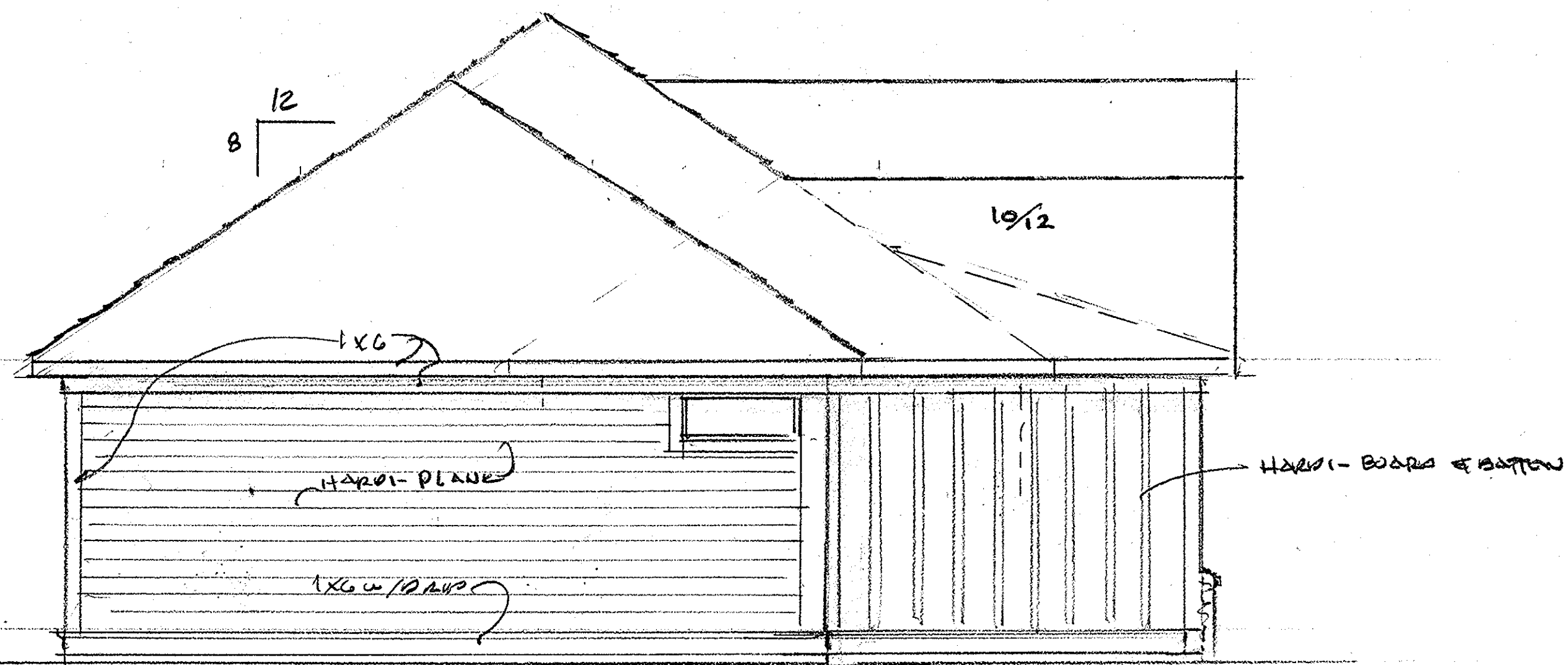
CERTIFIED: 01/07/2020

David B. Holley
David B. Holley
Professional Surveyor,

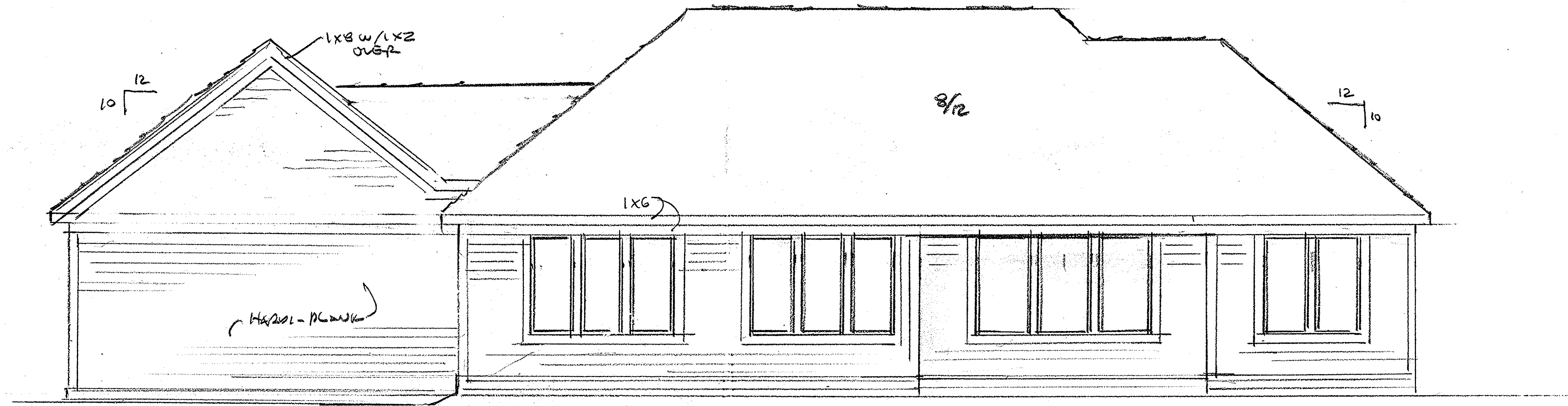
Indiana #890026
Job No.: 20011006
Sheet 2 of 2



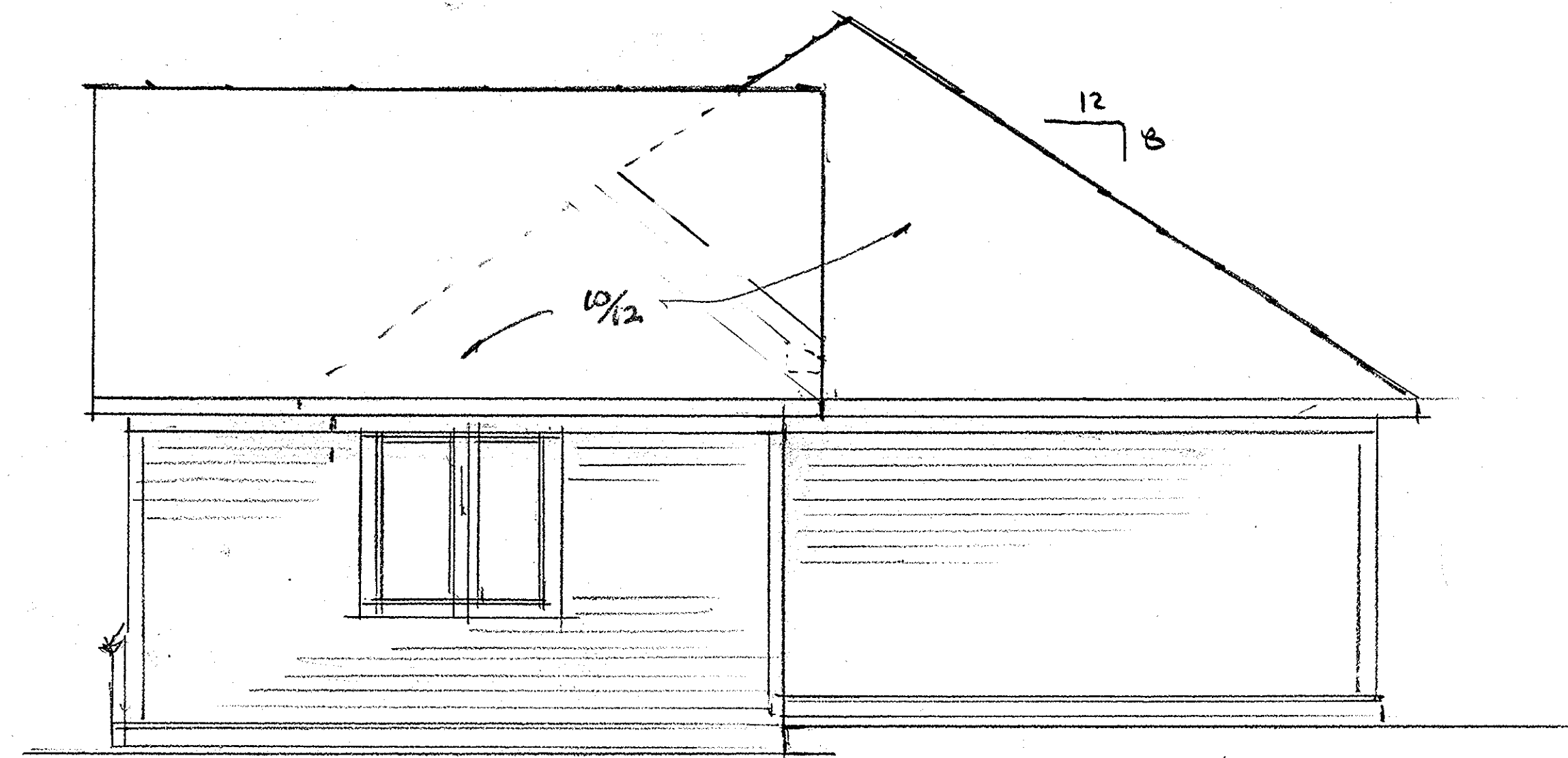
FRONT ELEVATION
SCALE = 1/4" = 1'-0"



LEFT END
1/4" = 1'-0"



REAR ELEVATION
 SCALE = 1/4" = 1'-0"

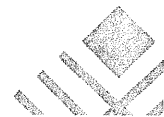


RIGHT END
 1/4" = 1'-0"

2650 RANCH

MIKE & HEATHER REEVE
 DRAWN BY: DENNIS VESSELS
 JOB 56 (PUEBLO) 3-6-20

VARIANCE APPLICATION

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

PRE-FILING CONFERENCE

 PRE-FILING CONFERENCE WITH: Caleb Ernest (STAFF NAME) DATE: 2/26/2020

PRIOR OR RELATED DOCKET NUMBERS

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

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

APPLICANT INFORMATION

 APPLICANT'S NAME: John Long TELEPHONE: (317) 750-9698

 ADDRESS: 1002 S. Quiet Bay Circle, Cicero, IN, 46034 EMAIL: john.long@coldwellbanker.com

 PROPERTY OWNER'S NAME: KBC Group LLC TELEPHONE: (317) 750-9698

 ADDRESS: 1002 S. Quiet Bay Circle, Cicero, IN, 46034 EMAIL: john.long@coldwellbanker.com

 REPRESENTATIVE'S NAME: Jeffrey Lauer TELEPHONE: (317) 775-0007

 COMPANY: Polis Collaborative LLC EMAIL: jeffrey@poliscollaborative.com

 ADDRESS: 12401 Old Meridian Street, Carmel, IN 46032

PROPERTY AND PROJECT INFORMATION

 ADDRESS OR PROPERTY LOCATION: 345 E Park St, Westfield, IN 46074

 COUNTY PARCEL ID #(S): 09-10-06-01-02-010.000

 EXISTING ZONING DISTRICT(S): SF-3: Single-Family Medium Density District EXISTING LAND USE(S): Vacant Lot

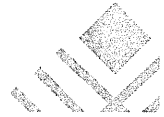
VARIANCE REQUEST

☐ VARIANCE OF LAND USE CODE CITATION: _____

☒ VARIANCE OF DEVELOPMENT STANDARD(S) CODE CITATION: Article 4.6(C); Article 4.6(E)(2); Article 4.6(E)(3)

 FINDINGS OF FACT: (PLEASE SEE ATTACHED)

 STATEMENT OF INTENT (EXPLANATION OF REQUEST - ATTACH SEPARATE SHEET IF NECESSARY): With this petition, the property owner is requesting a series of Variances of Development Standard in order to legitimate the extant conditions of the property located at 345 E Park Street which is part of the Watson Plat, a plat which was filed, approved and recorded legally back in the 1950s; however, the lot conditions do not comply with the current City of Westfield-Washington Township UDO (the "UDO").

**APPLICANT AFFIDAVIT**

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says that above information is true and correct as he/she is informed and believes and that Applicant owns or controls the property involved in this application.

[Signature]
Applicant/Representative (signature)

Jeffrey Lauer
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 28TH day of FEBRUARY, 2020.

State of INDIANA, County of HAMILTON SS:



[Signature]
Notary Public Signature
VICKI L. SHAW
Notary Public (printed)

PROPERTY OWNER AFFIDAVIT

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

[Signature]
Property Owner (signature)*

John Long member of KBC Group, LLC
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 28TH day of FEBRUARY, 2020.

State of INDIANA, County of HAMILTON SS:



[Signature]
Notary Public Signature
VICKI L. SHAW
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.

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



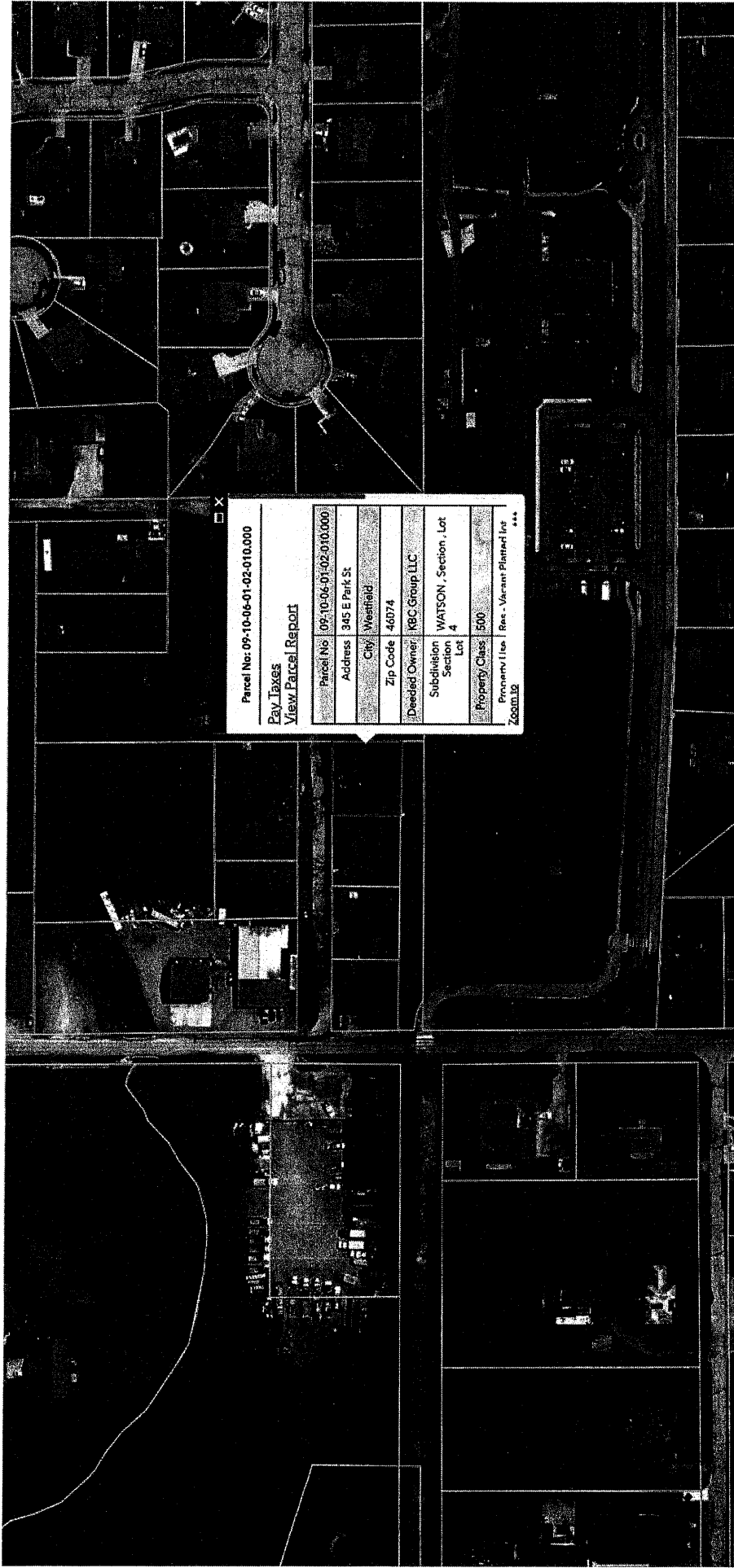
APPLICANT: Jeffrey Lauer

DOCKET #: _____

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

- A. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because: _____
this property is already zoned as a residential lot (SF-3: Single-Family Medium Density District) and was legally platted to permit home construction; however, the restrictions of the Watson's Subdivision Plat (the "Subdivision") and the current UDO have prohibited home construction. Approval of the requested Variances of Development Standard would not change the zoning, but rather allow the property to development as envisioned by the City of Westfield-Washington Township Comprehensive Plan.
- _____
- _____
- _____
- B. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because: _____
this property is currently vacant and legal non-conforming. Approval of the requested Variances of Development Standard would permit the construction of a new home on the property thereby increasing the assessed value of the property and lifting property values in the immediate area, all of which is residential and bordered by a Rails-to-Trails corridor on the south (the Midland Trace Trail).
- _____
- _____
- _____
- C. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property because: _____
although the property was legally platted as the Subdivision back in the 1950s the standards of the current UDO restricts the buildable envelope to +/- 20' (north-south) due to the 30' Front Yard setback platted as part of the Subdivision and the 30' Rear Yard setback required by the UDO. Therefore, strict application of the UDO in conjunction with the Subdivision would prohibit the construction of any contemporary and marketable home on the property.
- _____
- _____
- _____

Aerial Exhibit



SURVEYOR LOCATION REPORT

This report was prepared only for:

JOHN LONG, OWNER

THIS REPORT IS DESIGNED FOR USE BY A TITLE INSURANCE COMPANY WITH RESIDENTIAL LOAN POLICIES. NO CORNER MARKERS WERE SET AND THE LOCATION DATA HEREIN IS BASED ON LIMITED ACCURACY MEASUREMENTS. THEREFORE, NO LIABILITY WILL BE ASSUMED FOR ANY USE OF THIS DATA FOR CONSTRUCTION OF NEW IMPROVEMENTS OR FENCES. THIS REPORT IS NOT INTENDED TO REPRESENT A SURVEY, NOR IS IT INTENDED TO BE USED BY AND/OR BENEFIT THE BORROWER(S).



PROPERTY ADDRESS: 345 E. Park Street

PROPERTY DESCRIPTION: Lot 4 in WATSON'S SUB-DIVISION to the Town of Westfield, Indiana, the plat of which is recorded in Plat Book 2, pages 80-81, in the Office of the Recorder of Hamilton County, Indiana.

This is to certify that the subject property does not lie within that Special Flood Hazard Area Zone "A". The accuracy is subject to map scale uncertainty and to any other uncertainty in location or elevation on Community Panel Number 18057C0136G of the Flood Insurance Rate Maps, effective date 11/19/2014.

BORROWER(S): John Long

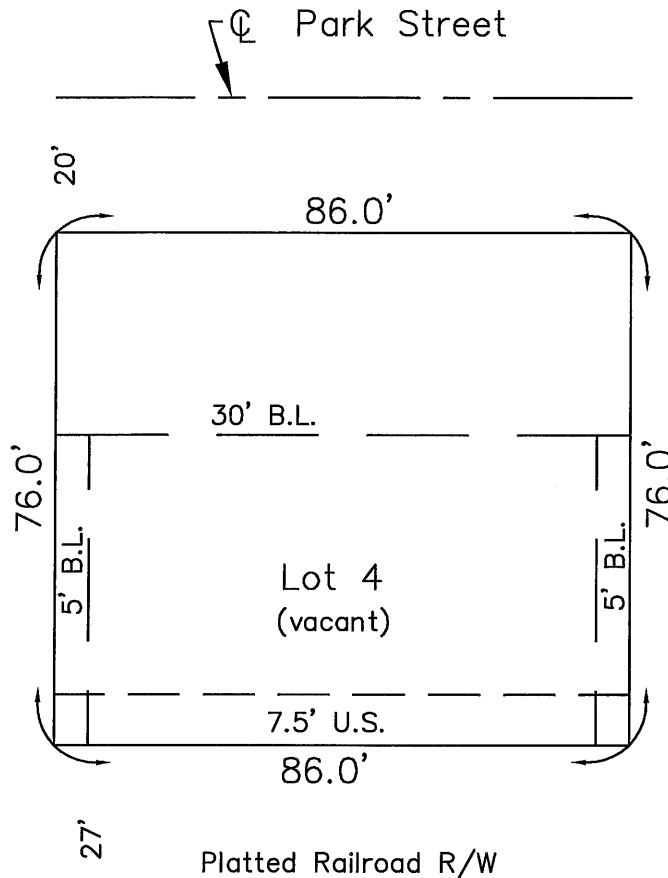
P&H
ENGINEERING/SURVEYING LLC

5251 S. East Street #1
INDIANAPOLIS, IN 46227
PHONE: (317) 974-5555
FAX: (317) 974-5570

Job No.: 20011006
Sheet 1 of 2

SURVEYOR LOCATION REPORT

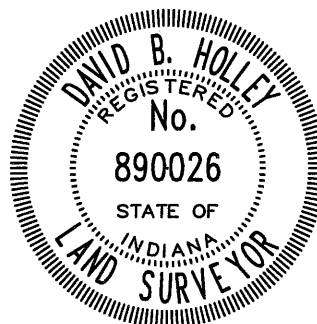
I hereby certify to the parties named above that the real estate described herein was inspected under my supervision on the date indicated and that to the best of my knowledge, this report conforms with the requirements contained in Sections 27 through 29 of 865 IAC 1-12 for a SURVEYOR LOCATION REPORT.



Scale: 1" = 30'

P&H
ENGINEERING/SURVEYING LLC

5251 S. East Street #1
INDIANAPOLIS, IN 46227
PHONE: (317) 974-5555
FAX: (317) 974-5570



CERTIFIED: 01/07/2020

David B. Holley
David B. Holley
Professional Surveyor,

Indiana #890026
Job No.: 20011006
Sheet 2 of 2

WRITTEN PUBLIC COMMENTS

Docket Number: 2004-VS-06
Petitioner: John Long
Request: Petitioner requests Variances of Development Standard to reduce the minimum Side and Rear Yard Setback and minimum Lot Area in the SF3: Single-family Medium Density District (Article 4.6(C), (E)(2) and (3)).

Enclosed Attachments:

April 14, 2020 Public Hearing

- | | | |
|------------------------------|----------------------|------------|
| 1. Grand Junction Task Group | | (04/03/20) |
| 2. Bryan Plantenga | 422 East Park Street | (04/09/20) |
| 3. Grand Junction Task Group | | (04/13/20) |

From: [Teresa Skelton](#)
To: [Jeffrey Lauer](#); [John Long](#)
Cc: [Teresa Skelton](#)
Subject: Fwd: GJTG
Date: Friday, April 3, 2020 3:11:33 PM

Warning: This external email is from teresa.otis.skelton@gmail.com. Do not click on unexpected or untrusted links and attachments.

From: 345 East Park Street.

Jeffrey,

This is the opinion of the group.

There were 30 contacted as our group. Among those were Mayor Cook, Joe Edwards and 4 City Staff members. They for obvious reasons would not have responded and I have excluded our two members that serve on the BZA. This leaves us with 22 for responses as we treat it in a regular face to face meeting.

I have received 13 responses.

Here are the opinions of the group:

8 opinions were that it was an under utilization of that space.

7 opinions were with the unknown of what the City has planned with the adjacent area making it difficult for this group to consider this at this time.

5 opinions felt that this property, along with the city's property and other adjacent properties could be packaged as a commercial development. This would be along the same lines as the under utilization In a broader sense.

So in a nutshell out of the 13 responses or as we would count a meeting with all sharing opinions:

2 wanted to support with no concerns.

9 was not in support and that it was an under utilization of that property.

2 would support this as long as it did not interfere with city infrastructure or city's adjacent property.

This will be the opinions supplied to Community Development.

Teresa Otis Skelton, DWA, GJTG
317 508 3392

Sent from my iPhone

From: [the Plantenga 4](#)
To: [Economic Development](#)
Cc: jeffery@poliscollaborative.com; Caleb Ernest
Subject: April 14 hearing
Date: Thursday, April 9, 2020 12:12:13 PM

Warning: This external email is from theplantenga4@gmail.com. Do not click on unexpected or untrusted links and attachments.

To: Board of Zoning Appeals, Westfield, IN
Re: Hearing April 14, 2020

To whom it may concern,

As the home owner of [422 East Park Street](#), I am writing concerning the parcel [345 East Park Street](#).

I have no objection to the reduction of side and rear yard set backs and the future construction of the single family home.

I have reached out to Jeffrey Lauer of Polis Collaborative and spoke with him about the project. I was assured the residents of East Park Street will be informed and treated with respect during the process and construction.

Sincerely,
Bryan Plantenga
[422 East Park Street](#)
[Westfield, IN 46074](#)

BryanP
Sent from the B's iPhone

From: [Teresa Skelton](#)
To: [Teresa Skelton](#)
Cc: [Kevin M. Todd, AICP](#); [Caleb Ernest](#); [Jeremy Lollar](#)
Subject: GJTG meeting 345 East Park Street
Date: Monday, April 13, 2020 10:43:03 AM

Warning: This external email is from teresa.otis.skelton@gmail.com. Do not click on unexpected or untrusted links and attachments.

The GJTG met via email (social distancing) March 30th. There were 12 members present.

In reference to this Variance request in regard to set back requirements made for building standards the opinion of the GJTG was that this would be an under utilization of the property.

- 1). There is no infrastructure to support the development (sidewalk or proper street with right away). This has been a problem in the past.
- 2). If granted this could diminish adjacent property values including the future planning of City's property.
- 3). This could result in practical difficulties in the use of not only 345 East Park Street but adjacent properties.

Although the BZA does not consider the comprehensive plan for Downtown our GJTG does and this could affect what is planned.

As always feel free to contact me with any questions you may have.

We are asking that you do NOT grant this Variance application for 345 East Park Street based on the opinions and the Variance of Development Standards.

Thank you!
Teresa Otis Skelton DWA, GJTG
317 508 3392

Sent from my iPhone