



CITY OF WESTFIELD, IN
BoardofZoningAppeals_Meeting_Agenda_05_11_2021

Tuesday, May 11, 2021 at 07:00 PM

BOARD OR COMMISSION: Board of Zoning Appeals (BZA)

MEETING DATE: Tuesday, May 11, 2021 at 07:00 PM

MEETING PLACE: Westfield City Hall- Assembly Room

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

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

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

OPENING OF REGULAR MEETING

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

Note the presence of a quorum

Approval of Minutes

March 9, 2021

Documents: [BZA Minutes - March 9, 2021](#)

Review Rules & Procedures

ITEMS OF BUSINESS:

2105-SE-01 & 2105-VS-12 [PUBLIC HEARING]

17319 Joliet Road

The Chris Center

The Petitioner requests a Special Exception to permit an Agritourism Use and a Variance of Development Standard to exempt the Development Plan Requirement for a proposed Agritourism Facility on 6.62 acres +/- in the AG-SF1: Agriculture/Single-family Rural District (Articles 4.2(J) and 13.2)

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

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

2105-VS-13 [PUBLIC HEARING]

E 169th Street Ol Building

Patch Development, LLC

The Petitioner requests Variances of Development Standard to encroach fifty (50) feet into the one hundred (100) foot Minimum Front Yard Setback, to encroach twenty (20) feet into the forty (40) foot Minimum Rear Yard Setback, to not require building offsets and to utilize split-face concrete block in-lieu of Masonry Materials on 5.85 acres +/- in Ol: Open Industrial District (Articles 4.25(E)(1)(a), 4.25(E)(3), 6.3(G)(2)(a)(i) and 6.3(G)(2)(a)(ii)).

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

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Site Plan](#) | [Exhibit 4: Site Plan With Aerial](#) | [Exhibit 5: Illustrative Character Exhibits](#)

2105-VS-14 [PUBLIC HEARING]

NWC 175th Street & Wheeler Road

City of Westfield

The Petitioner requests a Variance of Development Standard to permit an Electronic Sign in the Right-of-way of the Monon Trail at the SR 32 Trailhead (Article 6.17)

(Planner: Kevin Todd - ktodd@westfield.in.gov)

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Proposed Kiosk Location](#) | [Exhibit 4: Proposed Kiosk Design](#) | [Exhibit 5: Application](#)

2105-VS-15 [PUBLIC HEARING]

525 David Brown Drive

Tom Roush, Inc.

The Petitioner requests a Variance of Development Standard from the Architectural Standards to permit refacing on an existing Auto Dealership on 8 acres +/- in the GB-PD: General Business/Planned Development District and US Highway 31 Overlay District (Article 6.3(F)).

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

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Existing Site Plan](#) | [Exhibit 4: Proposed Elevations](#) | [Exhibit 5: Mazda Architectural Package](#) | [Exhibit 6: Application](#)

2105-VS-17 [PUBLIC HEARING]

1820 Bastian Court

Circle City Lighting, Inc.

The Petitioner requests Variances of Development Standard to modify Circulation Sign Standards from two (2) square feet of Sign Area to sixteen (16) square feet double-sided as well as the Maximum Sign Height for Circulation Signs from three (3) feet to five (5) feet six (6) inches on 20 acres +/- in the Northpoint PUD District (Article 6.17(H)(3)(a) and (b)).

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

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Proposed Circulation Sign](#) | [Exhibit 4: Proposed Sign Location](#) | [Exhibit 5: Application](#)

2105-VS-18 [PUBLIC HEARING]

18843 Abigail Drive

Kurt and Patricia Lang

The Petitioners request a Variance of Development Standard to encroach three and one half (3.5) feet into the seven and one half (7.5) foot Side Yard Setback on 0.23 acres +/- in the Andover North PUD District (Ord. 06-12, Section 7(A)).

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

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

ITEMS CONTINUED TO A FUTURE MEETING:

No Continued Items

REPORTS/COMMENTS:

ADJOURNMENT



Westfield–Washington Township Board of Zoning Appeals (BZA)
Minutes of the March 9, 2021 BZA Meeting
Presented for approval: April 13, 2021

The Westfield-Washington Township Board of Zoning Appeals (BZA)
met both in-person and virtually at 7:00 p.m. on Thursday, March 9, 2021.

OPENING OF MEETING: 7:00 PM

ROLL CALL

Members Present: Jeff Boller, Jeannine Fortier, Ken Kingshill, Victor McCarty, and Dave Schmitz.

Members Absent: All present.

City staff present: Kevin Todd, Director; Pam Howard, Senior Planner; Daine Crabtree, Associate Planner; Christopher Larsen, Director of IT; and Beth Copeland, Legal Counsel.

REVIEW RULES AND PROCEDURES

Crabtree reviewed BZA rules and procedures.

SUSPENSION OF BZA RULE OF PROCEDURE ARTICLE 9, 1B

Todd explained the reasoning behind of removal of this article for administering oaths to speakers before the BZA.

Kingshill motioned to suspend the rule.

McCarty seconded. Motion passed. Vote 5-0.

APPROVAL OF MINUTES

Kingshill motioned to approve the February 9, 2021 Minutes.

Fortier seconded. Motion passed. Vote 5-0.

INTRODUCTION

New BZA Member, Mr. Jeff Boller

ITEMS OF BUSINESS:

2103-VS-03

[PUBLIC HEARING]

2150 E. Greyhound Pass (Menards)

Menard, Inc.

The Petitioner requests an amendment to a previously approved Variance of Development Standard to encroach fifteen (15) feet into the fifteen (15) foot Side Yard (east) Setback; and additional Variances of Development Standard to encroach thirty-one (31) feet into the sixty (60) foot Front Yard (south) Setback, and to exempt the proposed development from the Architectural Standards, Landscaping Standards, and Outside Storage and Display Standards of the UDO (Articles 4.22(B), 6.3(F), 6.8, & 6.12(C)).

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

Howard overviewed this request for an amendment to a previously approved Variance of Development Standard.

Tyler Edwards, with Menard, Inc. located at 5101 Menard Drive, Eau Claire, WI summarized the request to accommodate the change in outdoor storage.

Public Hearing for 2103-VS-03 opened at 7:16 p.m.

No public comments.

Public Hearing for 2103-VS-03 closed at 7:18 p.m.

Boller asked if this would impact 147th Street.

- Howard replied no.

McCarty asked for clarification on entrances.

- The Petitioner agreed with McCarty's view of the entrances.

Schmitz asked for clarification on height.

- Edwards explained the design of the roof.

Kingshill asked Staff if this project had gone through TAC.

- Howard said it had.

McCarty motioned to approve 2103-VS-03 with the following six Staff conditions:

- That the Setback Variances only apply to the proposed Accessory Building, as depicted on the Site Plan (Exhibit 3).
- The Architectural Standards, Landscaping Standards, and Outside Storage and Display variances only apply to the improvements being reviewed under APC docket 2103-DDP-09, which is partially represented by Exhibit 3 and Exhibit 4.
- That the Accessory Building be constructed in substantial compliance with the Proposed Elevations (Exhibit 4).
- That the addition to the Principal Building be constructed in substantial compliance with the Proposed Elevations (Exhibit 4).
- That the landscaping be installed in substantial compliance with the Site Plan (Exhibit 3).
- That the Petitioner shall record an acknowledgement of this approval with the Hamilton County Recorder's Office and return a copy of the recorded instrument to the Community Development Department.

McCarty seconded. Motion passed. Vote 5-0

Schmitz motioned to adopt Staff's Findings of Fact for 2103-VS-03.

Kingshill seconded. Motion passed. Vote 5-0.

2103-VS-05
[PUBLIC HEARING]

15823 Nocturne Way

Joe Pohrer

The Petitioner requests a Variance of Development Standard to encroach five (5) feet into the twenty (20) foot Minimum Rear Yard Setback to accommodate a retractable pergola and deck on 0.26 acres +/- in the Davis PUD.

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

Crabtree overviewed this request for a Variance of Development Standard. He said that the HOA had approved the plan and that Staff had received no comments.

No Petitioner presentation.

Public Hearing for 2103-VS-05 opened at 7:25 p.m.

No public comments.

Public Hearing for 2103-VS-05 closed at 7:27 p.m.

Schmitz asked about the report that addressed the Findings of Fact.
Kingshill stated that the HOA approval should suffice.

Fortier motioned to approve 2103-VS-05 with the following Staff condition:

- That the variances shall only be applicable to the Property if it is developed in substantial compliance with the Site Plan (Exhibit 3) as determined by the Director of the Westfield Community Development Department

Boller seconded. Motion passed. Vote 5-0

Schmitz motioned to adopt Staff's Findings of Fact for 2103-VS-05.
McCarty seconded. Motion passed. Vote 5-0.

2103-VS-06
[PUBLIC HEARING]

124 E. Main Street
Ben Hoffman

The Petitioner requests a Variance of Development Standard to exempt the Architectural Standards of the UDO for a Temporary Structure on 0.20 acres in the LB-H: Local Business / Historical District (Article 6.3(F)).
(Planner: Caleb Ernest – cernest@westfield.in.gov)

Ernest overviewed this request for a Variance of Development Standard. He said Staff had received no comments. He said that this project had received a letter of support from the Grand Junction Task Group (GJTG).

The Petitioner, Ben Hoffman, summarized the plan to accommodate a trailer for a smoker for BBQ. He said that the business was growing and additional smokers would be needed and be enclosed in the new temporary structure as also mentioned by the GJTG.

Kingshill asked about future plans based on growth.

- Hoffman said he was in discussion with the property owner.

Fortier asked about the type of dining service.

- Hoffman said pick-up, carry out, and limited sit-down outside.

Fortier and Schmitz asked about the Petitioner's knowledge of the condition of approval for an expiration of the variance.

- Hoffman said he understood.

Public Hearing for 2103-VS-06 opened at 7:37 p.m.

No public comments.

Public Hearing for 2103-VS-06 closed at 7:39 p.m.

McCarty said he appreciated the Petitioner's business.

McCarty motioned to approve 2101-VU-01 with the following five Staff conditions:

- That the approval of this Variance shall expire on December 31, 2024;
- That any request to extend the time limit for this Variance shall be reviewed and approved by the Board of Zoning Appeals prior to December 31, 2024;
- That a new application shall be submitted by June 30, 2024 to the Community Development Department if an extension to the time limit for the Variance is requested;
- That the building installed on the Property shall be substantially compliant with Exhibit 3 as determined by the Director of the Community Development Department;
- 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.

Fortier seconded. Motion passed. Vote 5-0

Schmitz motioned to adopt Staff's Findings of Fact for 2101-VU-01.

Fortier seconded. Motion passed. Vote 5-0.

2103-VS-07
[PUBLIC HEARING]

140 E. 161st Street

James Meyer

The Petitioner requests a Variance of Development Standard to encroach two (2) feet into the thirty (30) foot Side Yard Setback on 1.65 acres in the AGSF1: Agriculture / Single-family Rural District (Article 4.2(E)(2)).

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

Ernest overviewed this request for a Variance of Development Standard. He said that Staff had received comments regarding this request and those comments were forwarded to the BZA members at this time.

The Petitioner, James Meyer, summarized his plan to add a chimney to an accessory building. He said it would be all brick and used for wood burning.

Kingshill referenced letters from the neighbors. He asked the Petitioner about the location of the proposed building and the chimney.

- The Petitioner replied the building was approved.

Fortier asked if the building was one-story or two-story and how tall would the chimney stand.

- The Petitioner said the building was one-story (17-feet tall) and that the chimney would stand 31-feet tall.

Public Hearing for 2103-VS-07 opened at 7:47 p.m.

Several public comments were forwarded to the BZA members.

Three comments were received and also forwarded to the BZA members.

Kingshill asked if the chimney's use and height would be functional.

- Ernest said that the chimney is a permitted use and a chimney is exempt from height standards.

Boller asked about the size of the firebox and the nature of what would be burned.

- The Petitioner replied the size of the fire box was 2 x 6, and that only wood would be burned.

Public Hearing for 2103-VS-07 closed at 7:58 p.m.

Schmitz explained following three elements on the application.

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

Kingshill motioned to approve 2103-VS-07 with the following Staff conditions:

- That the approval of this Variance shall only apply to the proposed Accessory Structure.
- 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.

McCarty seconded. Motion passed. Vote 5-0

Schmitz motioned to adopt Staff's Findings of Fact for 2103-VS-07.

Fortier seconded. Motion passed. Vote 5-0.

2103-VS-08

[PUBLIC HEARING]

17684 Commerce Drive

Zanik Corporation by Coots, Henke & Wheeler, P.C.

The Petitioner requests Variances of Development Standard to permit Outside Storage in an Established Front Yard and perimeter access into said Outside Storage area to be oriented towards a Front Yard on 2.31 acres +/- in the Alpha Tau PUD District (Article 6.12(C)(1)(b)(iii) and 6.12(C)(1)(c)(iii)).
(Planner: Daine Crabtree – dcrabtree@westfield.in.gov)

Crabtree overviewed this request for a Variances of Development Standard. He said no comments had been received by Staff.

No Petitioner presentation.

Public Hearing for 2103-VS-08 opened at 8:04 p.m.

No public comments.

Public Hearing for 2103-VS-08 closed at 8:07 p.m.

Dave Coots, on behalf of the Petitioner, responded to Schmitz's questions about the wall in Exhibit 4 by affirming the design of the wall.

Schmitz motioned to approve 2103-VS-08 with the following Staff conditions:

- That the variance shall only be applicable to the Property if it is developed in substantial compliance with the Site Plan (Exhibit 3) and outside storage (Exhibit 4 – called the "Outside Storage Wall Exhibit" on agenda) and as determined by the Director of the Westfield Department of Community Development.

Kingshill seconded. Motion passed. Vote 5-0

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

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

Schmitz motioned to adopt Staff's Findings of Fact for 2103-VS-08.
McCarty seconded. Motion passed. Vote 5-0.

2103-VS-10
[PUBLIC HEARING]

306 Penn Street
GPG Properties

The Petitioner requests Variances of Development Standard to modify the Minimum Lot Area and Minimum Setback Standards in order for an existing nonconforming lot and structure on 0.18 acres +/- in the SF4: Single Family High-Density District to become compliant in order to improve the Property (Article 4.7(B) & Article 4.7(D)).
(Planner: Daine Crabtree – dcrabtree@westfield.in.gov)

Crabtree overviewed this request for a Variances of Development Standard. He said no comments had been received by Staff.

The Petitioner, George Sanburn, summarized the need for the variances for a remodeled home.

Public Hearing for 2103-VS-10 opened at 8:21 p.m.

No public comments.

Public Hearing for 2103-VS-10 closed at 8:23 p.m.

Boller motioned to approve 2103-VS-10 with the following Staff condition:

- That the variances shall only be applicable to the Property if it is developed in substantial compliance with the Site Plan (Exhibit 4) and Site Plan with Setbacks (Exhibit 5) as determined by the Director of the Westfield Department of Community Development.

McCarty seconded. Motion passed. Vote 5-0

Schmitz motioned to adopt Staff's Findings of Fact for 2103-VS-10.
Kingshill seconded. Motion passed. Vote 5-0.

2103-VS-11
[PUBLIC HEARING]

16814 Hawk Creek Circle
Christie L. Clements

The Petitioner requests a Variance of Development Standard to encroach eleven (11) feet into the thirty (30) foot Minimum Rear Yard Setback in the SF2: Single-Family Low-Density District to accommodate a swimming pool and deck (Article 4.5(E)(3)(a)).
(Planner: Daine Crabtree – dcrabtree@westfield.in.gov)

Crabtree overviewed this request for a Variances of Development Standard. He said the HOA had approved this plan. He said no comments had been received by Staff.

Public Hearing for 2103-VS-11 opened at 8:26 p.m.

No public comments.

Public Hearing for 2103-VS-11 closed at 8:28 p.m.

Kingshill motioned to approve 2103-VS-11 with the following Staff condition:

- That the variance shall only be applicable to the Property if it is developed in substantial compliance with the Site Plan (Exhibit 3) as determined by the Director of the Westfield Department of Community Development.

McCarty seconded. Motion passed. Vote 5-0

Schmitz motioned to adopt Staff's Findings of Fact for 2103-VS-11.

Boller seconded. Motion passed. Vote 5-0.

ITEMS CONTINUED TO A FUTURE MEETING

2103-VS-04

[PUBLIC HEARING]

237 Old Ashbury Road

Brian Templeman

The Petitioner requests a Variance of Development Standard to encroach twelve (12) feet into the twenty-five and a half (25.5) foot Minimum Rear Yard Setback on 0.35 acres +/- in the Chatham Hills PUD District to accommodate a swimming pool and deck.

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

REPORTS/COMMENTS:

- Plan Commission Liaison
- Community Development Department

ADJOURNMENT

Kingshill motioned to adjourn the meeting.

Fortier seconded. Motion passed. Vote 5-0.

The meeting adjourned at 8:30 p.m.

Chairperson
Dave Schmitz

Secretary
Kevin M. Todd, AICP
Director



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

May 11, 2021
2105-VS-17
Exhibit 1

Petition Number: 2105-VS-17

Subject Site Address: 1820 Bastian Court (the "Property")

Petitioner: Circle City Lighting, Inc. (the "Petitioner")

Request: The Petitioner is requesting a Variance of Development Standard to modify the Circulation Sign Standards from two (2) square feet of Sign Area to sixteen (16) square feet double-sided and a Maximum Height from three (3) feet to five (5) feet six (6) inches on 20.00 acres +/- in the Northpoint PUD District (Article 6.17(H)(3)(a) and (b)).

Current Zoning: Northpoint PUD District

Current Land Use: Industrial

Approximate Acreage: 20.00 acres +/-

Exhibits:

1. Staff Report
2. Location Map
3. Proposed Circulation Sign
4. Proposed Sign Location
5. Application

Staff Reviewer: Caleb Ernest, Associate Planner

OVERVIEW

Location: The subject property is 20.00 acres +/- in size and located at 1820 Bastian Court (see **Exhibit 2**). The Property is zoned the Northpoint PUD District. The adjacent properties to the north, east and south are also zoned the Northpoint PUD District. The property to the west is zoned the GB: General Business District.

Variance Request: The Petitioner is requesting a Variance of Development Standard to modify the Circulation Sign Standards for sign area and height.

SUMMARY OF VARIANCE

The Petitioner is requesting a Variance of Development Standard to modify the Circulation Sign Standards from two (2) square feet of Sign Area to sixteen (16) square feet double-sided and a Maximum Height from three (3) feet to five (5) feet six (6) inches (**Exhibit 3**).

COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan identifies this Property within the “Business Park”¹ land use classification. Desired land uses in Business Park include manufacturing, subordinate offices, retail, and services, research and development and warehousing.

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of the Variance of Development Standard. This petition is scheduled to receive its public hearing at the May 11, 2021, 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 the variance as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject Lot or upon public facilities and services. Such conditions shall be expressly set forth in the order granting the variance.

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

Variance of Development Standard: The Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the underlying zoning ordinance. 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;

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

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

³ Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.

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 conditions and findings:

Recommended Conditions for Approval:

1. That the approval of this Variance shall only apply to the Property as shown on **Exhibit 4**;
2. 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 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 because the proposed sign will not be located in a way that would block the view of drivers. The proposed sign will assist those entering the Property to find the correct entrance quickly, not hindering traffic flow. Otherwise, the Property will operate and comply with all other standards of the Unified Development Ordinance (UDO).

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

Finding: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The increased size of the sign will improve the ability to read the sign which can help improve overall traffic flow to and from the Property. The Property otherwise fully complies with the zoning district.

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 increase the circulation sign's area and height. The lettering would otherwise be too small to read and provide the inability to easily navigate the site and to the main entrance.

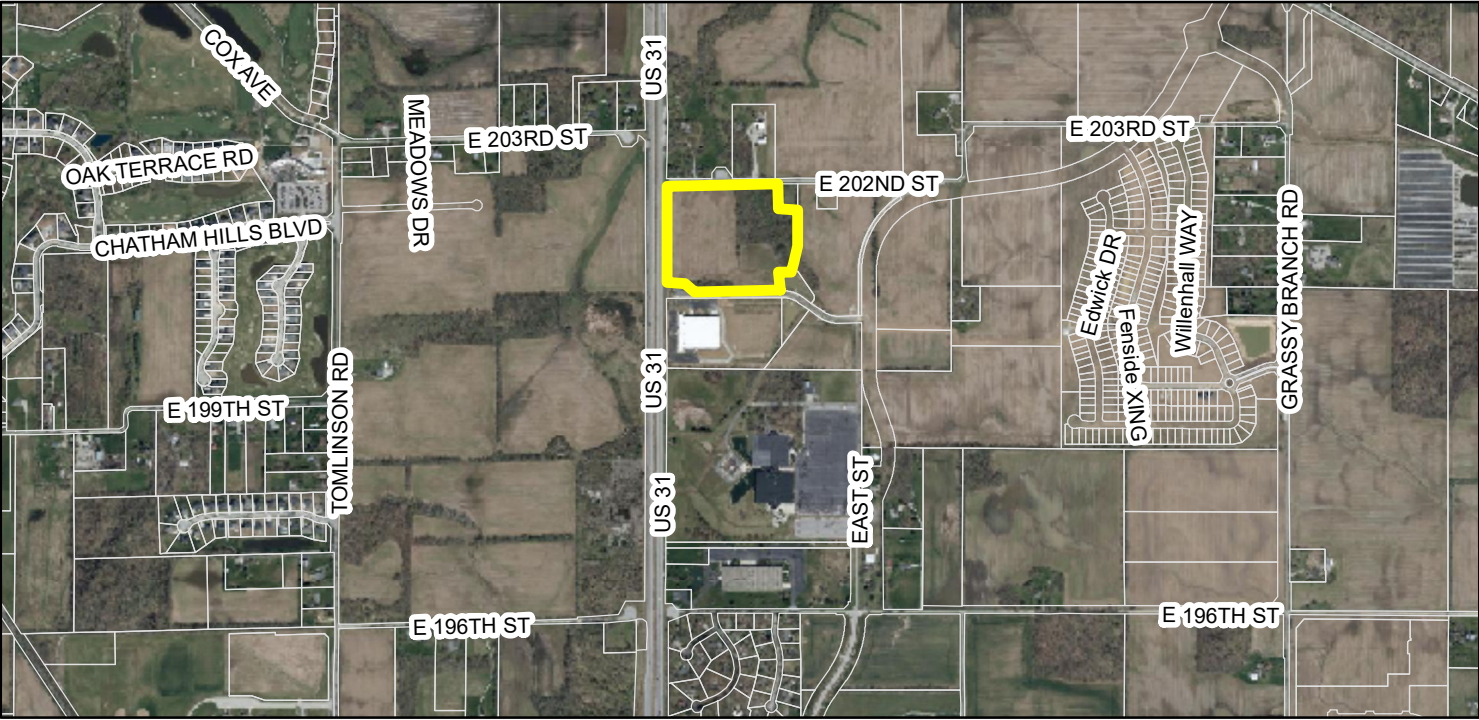
Denial: If the Board is inclined to deny either of the requested variances, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings consistent with the public hearing evidence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



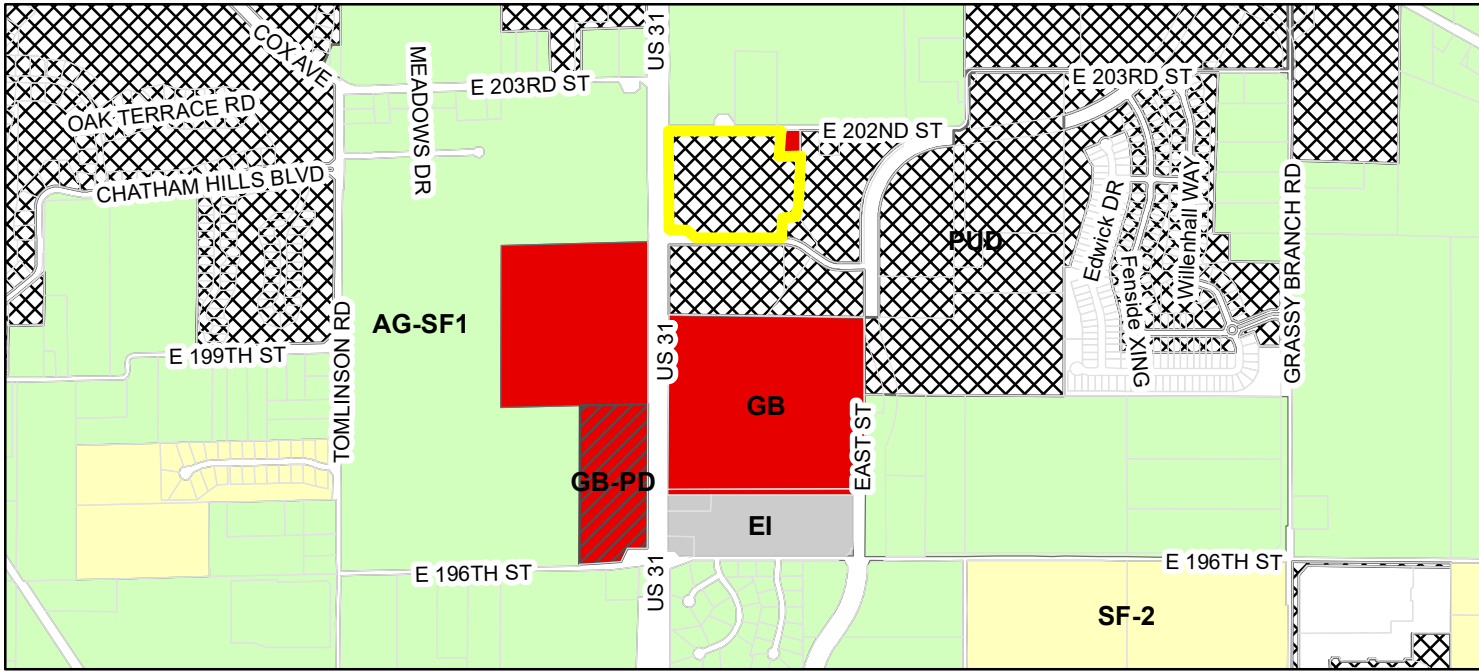
Property Location Map
1820 Bastian Court
Variance of Development Standard
2105-VS-17



Aerial Location Map



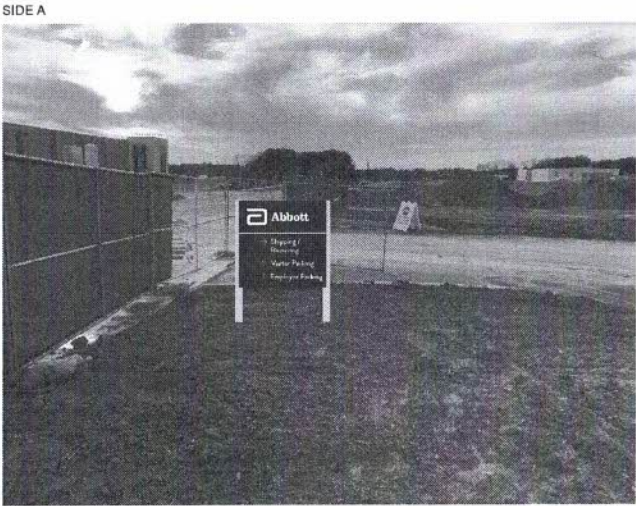
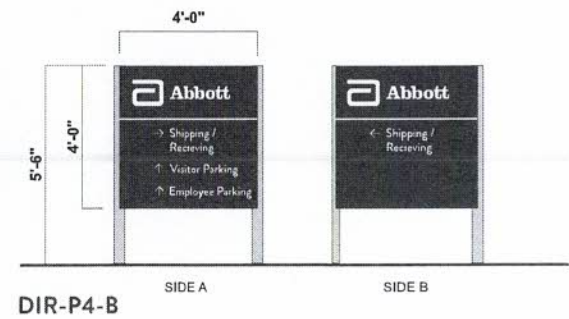
Zoning Map



- Parcel
- Zoning - All**
- Zoning**
- AG-SF1 (Agriculture - Single Family - 1)
 - EI (Enclosed Industrial)
 - GB (General Business)
 - GB-PD (General Business - Planned Development)
 - PUD (Planned Unit Development)
 - SF-2 (Single Family - 2)

Sign 3
Sign Description:
DIR-P4-B

Double face post & panel directional





2035 Lakeside Centre Dr, Suite 250
Knoxville, TN 37922
T+865 692 4058 F+865 692 4104

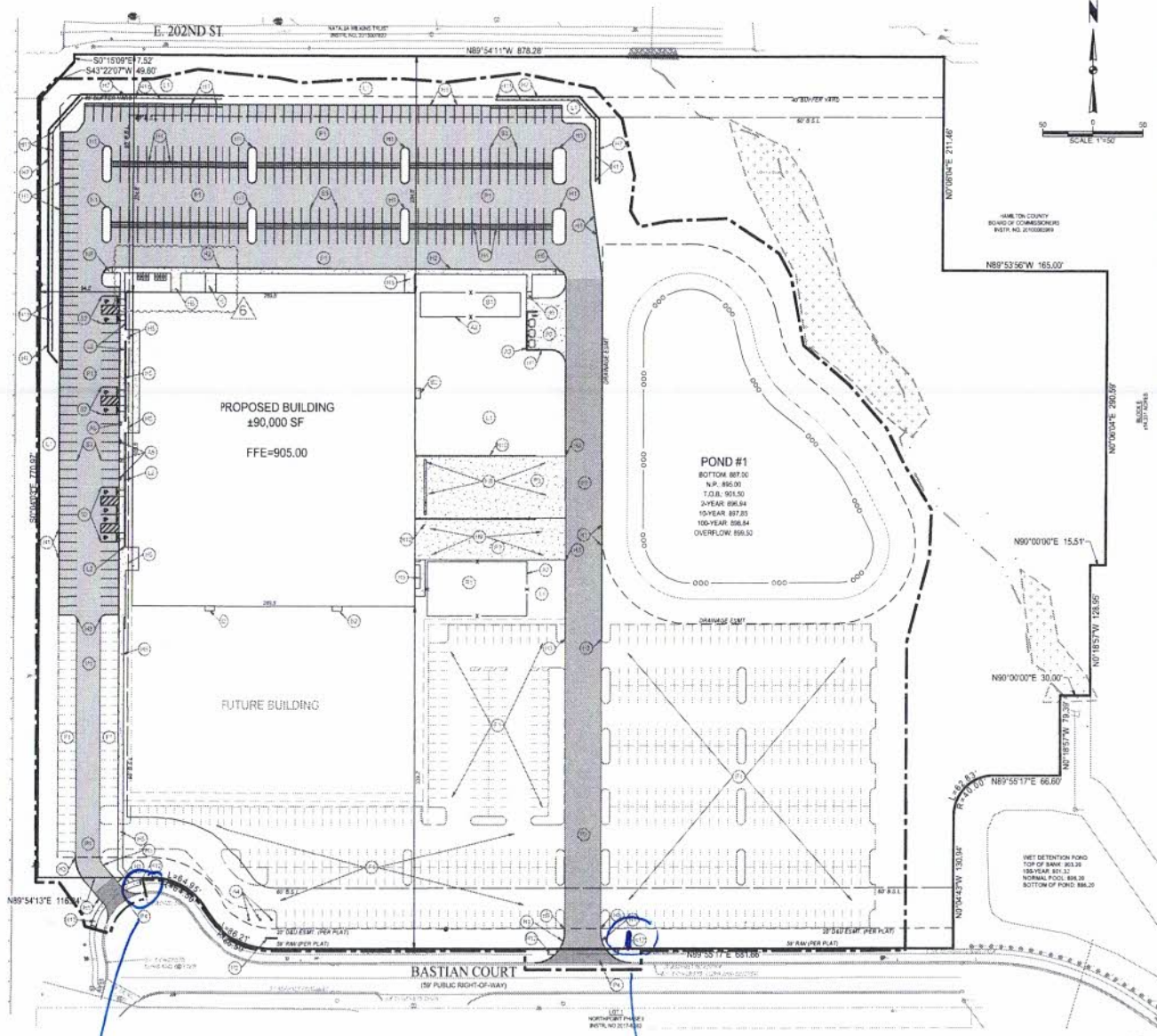
Revision notes:



		Drawn by:	RSF
Client:	Abbott	Checked by:	-
Project:	AB200016	Scale:	NTS
Title:	Westfield, IN	Revision:	4
Date:	12/16/20	Page:	

US HIGHWAY 31
(PUBLIC RIGHT-OF-WAY)

US HIGHWAY 31
(PUBLIC RIGHT-OF-WAY)



KEYNOTES

PAVEMENT

- (P1) LIGHT DUTY ASPHALT PAVING
- (P2) HEAVY DUTY ASPHALT PAVING
- (P3) HEAVY DUTY CONCRETE PAVING
- (P4) BEST CLASS DRAINAGE APPROACH

HARDSCAPE

- (H1) 4" STANDING CURB
- (H2) INTERIOR WALK AND CURB
- (H3) CURB TAPER WITHIN 2'
- (H4) CONCRETE HAVING BARRIER
- (H5) CONCRETE SIDEWALK
- (H6) ADA ACCESSIBLE RAMP
- (H7) KEYSTONE BLOCK RETAINING. REFER TO GRADING PLAN AND DETAILS ON SHEET C04
- (H8) 4" BELOW GRADE LOADING DOCK
- (H9) AT GRADE LOADING DOCK
- (H10) CONCRETE RETAINING WALL. REFER TO FOUNDATION PLAN
- (H11) GUARDRAIL BARRIER. REFER TO TYPICAL DETAIL ON SHEET C04
- (H12) CONTRACTOR TO REMOVE AND REPLACE SIDEWALK AS NEEDED TO CONSTRUCT DRAINAGE CHANGES

LANDSCAPE

- (L1) LANDSCAPING GREEN AREAS
- (L2) BRICK (ORIGINAL AND DETAIL) REFER TO ARCHITECTURAL PLANS

BUILDING ACCESSORIES

- (B1) MECHANICAL UTILITY AREA
- (B2) CONCRETE STUMP

ACCESSORIES

- (A1) BIKE RACK
- (A2) FENCING CHAIN LINK
- (A3) DUMPSTER ENCLOSURE. REFER TO ARCHITECTURE DRAWINGS FOR DETAILS
- (A4) 3-PLAS POLES. REFER TO ARCHITECTURE DRAWINGS FOR DETAILS
- (A5) 4-CAR CHARGING STATIONS. COORDINATE WITH ELECTRICAL DRAWINGS

SIGNAGE & MARKINGS

- (S1) ADA PARKING SIGN
- (S2) ADA ACCESSIBLE PARKING SPACE
- (S3) 4" WHITE SOLID LINES

FUTURE

- (F1) FUTURE PARKING
- (F2) FUTURE SIGN

SITE PLAN GENERAL NOTES

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING OR VERIFYING THAT ALL PERMITS AND APPROVALS ARE OBTAINED FROM THE RESPECTIVE CITY, COUNTY, AND STATE AGENCIES PRIOR TO STARTING CONSTRUCTION.
2. ALL QUANTITIES GIVEN ON THESE PRINTS, VERBALLY OR IN THE SCOPE OF WORK SECTION, ARE ESTIMATES AND SHALL BE CONFIRMED BY THE BIDDING CONTRACTORS.
3. OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) STANDARDS FOR EXCAVATIONS, FINAL RULE 29 CFR PART 1926, SUBPART PP, APPLIES TO ALL EXCAVATIONS EXCEEDING FIVE FEET IN DEPTH. IN ADDITION, EXCAVATION EXCEEDING TWENTY FEET IN DEPTH SHALL BE THE USE OF A FRANCH SAFETY SYSTEM BY A REGISTERED PROFESSIONAL ENGINEER.
4. IT SHALL BE THE RESPONSIBILITY OF THE DEVELOPER AND CONTRACTOR TO MAINTAIN QUALITY CONTROL THROUGHOUT THIS PROJECT.
5. TEMPORARY TRAFFIC CONTROL DURING CONSTRUCTION TO CONFORM TO APPLICABLE LOCAL ORDINANCES.
6. BEARING DIMENSIONS AND EASEMENTS ARE SHOWN FOR REFERENCE ONLY. SEE RECORD SURVEYS AND PLATS FOR EXACT INFORMATION.
7. THE ENGINEER AND/OR OWNER DECLINE ANY ROLE IN THE CONSTRUCTION MEANS AND METHODS ASSOCIATED WITH THE PROJECT.
8. ALL DIMENSIONS ARE BASED ON FACE OF CURB OR BACK OF ROLL CURB OR FACE OF BUILDING.
9. SEE ARCHITECTURAL PLANS FOR DETAILS OF BUILDING, BUILDING DIMENSIONS AND CURBLINE SPECIFICATIONS. DO NOT SCALE BUILDING FROM THESE PLANS.
10. COORDINATE CONSTRUCTION ACTIVITIES WITH ADJACENT WORK IF APPLICABLE. VERIFY EXISTENCE OF ADJACENT WORK AND COORDINATE AS NECESSARY.
11. FIELD VERIFY EXISTING CURBS AND TAPER PROPOSED VERTICAL CURBS TO MATCH WITHIN A MIN. OF THREE (3) FEET.
12. DIMENSIONS INDICATE FIELD DIMENSION ADJUSTMENT AREA BASED ON ACTUAL FIELD POINT COORDINATES.
13. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS IN THE FIELD PRIOR TO START OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL FIELD DIMENSIONS. IF ANY DISCREPANCIES ARE FOUND IN THESE PLANS FROM ACTUAL FIELD CONDITIONS, THE CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY.
14. PROVIDE SMOOTH TRANSITION FROM NEWLY PAVED AREAS TO EXISTING AREAS AS NECESSARY. ALL AREAS WHERE PROPOSED PAVEMENT MEETS EXISTING PAVEMENT, THE EXISTING EDGE OF PAVEMENT SHALL BE PAVED OF ALL LOOSE DEBRIS. THE EDGE OF EXISTING ASPHALT PAVEMENT SHALL BE PROPERLY SEALED WITH A TACK COAT MATERIAL IN ALL AREAS WHERE NEW ASPHALT PAVEMENT IS ADJACENT TO EXISTING PAVEMENT.
15. RESURFACE OR RECONSTRUCT AT LEAST TO ORIGINAL CONDITIONS ALL AREAS WHERE THE EXISTING PAVEMENT OR LAIRS ARE DAMAGED DURING CONSTRUCTION FROM TRAFFIC BY CONTRACTORS, SUBCONTRACTORS, OR SUPPLIERS AFTER CONSTRUCTION WORK IS COMPLETE.
16. THE CONTRACTOR SHALL PROTECT AND NOT DESTROY THE PROPERTY CORNER MONUMENTS DURING CONSTRUCTION.
17. REFER TO ARCHITECTURAL PLANS FOR BUILDING ACCESSORY DETAILS.
18. REFER TO CROSS SHEET SERIES FOR SITE PLAN DETAILS UNLESS OTHERWISE NOTED.

SITE DATA TABLE

SITE AREA	
SITE AREA	20.6 ACRES
BUILDING AREA	190,000 SF (PHASE I) 454,500 SF (FUTURE)
SITE INFRASTRUCTURE AREA	0.5 ACRES
SITE ZONING	
MINIMUM FRONT YARD	20 FT
LOT AREA (MIN.)	31,000 SF
ALL OTHER LOTS	80 FT
MINIMUM SIDE YARD	10 FT
MINIMUM REAR YARD	10 FT
MINIMUM BUILDING SETBACK	10 FT
MINIMUM PARKING LOT SETBACK	25 FT
LANDSCAPE BUFFER YARD	40 FT
PARKING REQUIRED	
PARKING REQUIRED	300 SPACES, 8 ADA SPACES
PARKING PROVIDED	8 + 19
PARKING PROVIDED	1 SPACES (SEE VEHICULAR SPACES)
PARKING PROVIDED	
STANDARD SPACES	327
ADA SPACES	8 TOTAL, 2 (ADA ACCESSIBLE)
TOTAL SPACES	335
BKE PARKING SPACES	19

ABBREVIATIONS

SYM.	RIGHT OF WAY
B.S.L.	BUILDING SETBACK LINE
ENT. EMT.	EASEMENT
F.F.E.	FRESH FLOOR ELEVATION

CB BURKE
CHRISTOPHER B. BURKE ENGINEERING, LLC
PNC Center, Suite 1368 South
115 West Washington Street
Indianapolis, Indiana 46204
(317) 286-8000 FAX: (317) 632-3306

Abbott
PROJECT HEARTLAND
(FORMERLY PROJECT WHOLEHEARTEDLY)
WESTFIELD, INDIANA

6	3/28/20	PRJ001	ATM	DSN	ATM	CERTIFIED	12/25/2019
7	3/28/20	PRJ001	ATM	DWN	ATM		
8	1/24/20	CD CORP + SHELL PACKAGE	ATM	CHD	ATM		
9	1/24/20	CD CORP + SHELL - PRM FOR CONSTRUCTION	ATM	CHD	JAL		
10	1/24/20	FAC COMMENTS - NOV 2019 SUBMITTAL	ATM	SCALE	AS NOTED		
11	1/24/20	FAC COMMENTS - OCT 4TH SUBMITTAL	CHD	DATE	3/5/2020		
NO	DATE	NATURE OF REVISION					
FILE NAME	R:\2019\19-0236.00000\CD\19023600000_C200-C202 - SITE LAYOUT PLAN						

SITE LAYOUT PLAN (OVERALL)
PROJECT NO. 19-0236.00000
SHEET 5 OF 49
DRAWING NO. C200

Proposed Location of main monument Sign.

Proposed Location of Subject Sign.

VARIANCE APPLICATION

OFFICE USE ONLY

DOCKET #: 2105-VS-17

FILING DATE: 4/20/21

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

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: _____ (STAFF NAME) DATE: _____

PRIOR OR RELATED DOCKET NUMBERS

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

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

APPLICANT INFORMATION

APPLICANT'S NAME: Circle City Lighting, Inc.

ADDRESS: 8237 Indy Lane, Indianapolis, IN 46214

TELEPHONE: 317-209-1177

EMAIL: bdurr@circlecitylighting.com

PROPERTY OWNER'S NAME: Abbott Laboratories, Inc.

ADDRESS: 200 Abbott Pk Rd, D315 Bldg AP52, Abbott Pk, IL 60064

TELEPHONE: 312-292-0208

EMAIL: doreen.miller@abbott.com

REPRESENTATIVE'S NAME: Bryan Durr

COMPANY: Circle City Lighting, Inc.

ADDRESS: 8237 Indy Lane, Indianapolis, IN 46214

TELEPHONE: 317-209-1177

EMAIL: bdurr@circlecitylighting.com

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 1820 Bastion Ct., Westfield, IN 46074

COUNTY PARCEL ID #(S): 08-06-19-00-02-005.000

EXISTING ZONING DISTRICT(S): 015 EXISTING LAND USE(S): 400 Com Vac Land

PROPERTY AND PROJECT INFORMATION

☐ VARIANCE OF LAND USE CODE CITATION: _____

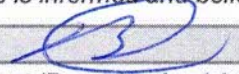
☒ VARIANCE OF DEVELOPMENT STANDARD(S) CODE CITATION: 6.17-H 3a and 6.17 H 3b

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

STATEMENT OF INTENT (EXPLANATION OF REQUEST - ATTACH SEPARATE SHEET IF NECESSARY): Abbott Laboratories, Inc. requests a variance to the ordinance governing this property that currently states Interior Circulation Signage shall have a maximum sign area of 2 square feet and a maximum height of 3 feet. Abbott Laboratories, Inc. is requesting approval to install a double faced circulation sign that 16 square feet on each side, and stands at a total height of 5 feet 6 inches.

APPLICANT AFFIDAVIT

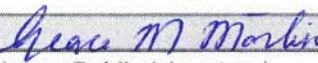
IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says that above information is true and correct as he/she is informed and believes and that Applicant owns or controls the property involved in this application.


Applicant/Representative (signature)

Bryan Durr, Circle City Lighting, Inc.
Applicant/Representative (printed)

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

Witness my hand and Notarial Seal this 2nd day of April, 2021
State of Indiana, County of Hendricks, SS: _____


Notary Public (signature)

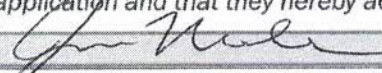
Grace M Martin
Notary Public (printed)



GRACE M. MARTIN
Notary Public
State of Indiana
Commission No. NP0730312
My Commission Expires
December 3, 2028

PROPERTY OWNER AFFIDAVIT

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


Property Owner (signature)*

Jesse McQuiston
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 _____ day of _____, 20____
State of _____, County of _____, SS: _____

Notary Public (signature)

Notary Public (printed)

PLEASE SEE ATTACHED
ACKNOWLEDGEMENT/JURAT
FROM NOTARY PUBLIC

*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.

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

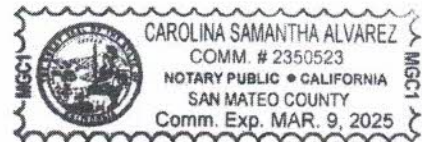
State of California
County of San Mateo

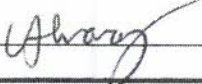
On 04/01/2021 before me, Carolina Samantha Alvarez, Notary Public
(insert name and title of the officer)

personally appeared Jesse McQuiston
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature  (Seal)

FINDINGS OF FACT (VARIANCE OF DEVELOPMENT STANDARD)

APPLICANT: Circle City Lighting, Inc.

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: _____

Abbott Laboratories does not believe that increasing the circulation sign face size to 16 sq ft per side and increasing the height to 5'6"

will create a safety hazard given its intended location on the property.

The company does not believe the sign in question will block the view of drivers on Bastion Court.

The company believes the increased size of the sign will assist those entering Abbott property

to find the correct entrance quickly, and improve traffic flow.

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: _____

Abbott Laboratories does not believe that increasing the size of the sign in question as requested will adversely

affect the use and value of adjacent commercial properties. The increase in letter size allowed by this variance request will improve the readability of the sign in question, in turn, improving traffic flow.

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

Incoming traffic on Bastion Court will generally be traveling west. The circulation sign in question will be east of the company's monument sign

which is located at the company's main entrance. Because traffic comes to the circulation sign first, and because

other businesses are located on Bastion Court, the company believes it will be beneficial to commercial drivers and visitors to have their name on the circulation sign. The company also believes the lettering on the sign should be large enough to be read easily.

They do not believe the existing maximum of 2 square feet allows for inclusion of their company name and full directions.



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

May 11, 2021
2105-VS-18
Exhibit 1

Petition Number: 2105-VS-18

Subject Site Address: 18843 Abigail Circle (the "Property")

Petitioner: Kurt and Patricia Lang (the "Petitioner")

Request: The Petitioner is requesting a Variance of Development Standard to encroach three and one half (3.5) feet into the seven and one half (7.5) foot Side Yard Setback on 0.23 acres +/- in the Andover North PUD District (Ord. 06-12, Section 7(A)).

Current Zoning: Andover North PUD District

Current Land Use: Residential

Approximate Acreage: 0.23 acres +/-

Exhibits:

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

Staff Reviewer: Caleb Ernest, Associate Planner

OVERVIEW

Location: The subject property is 0.23 acres +/- in size and located at 18843 Abigail Circle (see **Exhibit 2**). The Property is zoned the Andover North PUD District. All adjacent properties are also zoned the Andover North PUD District.

Variance Request: The Petitioner is requesting a Variance of Development Standard to encroach three and one half (3.5) feet into the seven and one half (7.5) foot Side Yard Setback.

SUMMARY OF VARIANCE

The Petitioner is requesting a Variance of Development Standard to encroach into the Side Yard Setback for a building addition (sunroom) added to the north façade of the building (**Exhibit 3**).

COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan identifies this Property within the “New Suburban”¹ land use classification. Desired land uses in New Suburban include detached dwellings, attached dwellings, institutional uses, recreational uses, artisan farms and equestrian uses.

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of the Variance of Development Standard. This petition is scheduled to receive its public hearing at the May 11, 2021, 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 the variance as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject Lot or upon public facilities and services. Such conditions shall be expressly set forth in the order granting the variance.

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

Variance of Development Standard: The Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the underlying zoning ordinance. 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

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

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

³ Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.

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 conditions and findings:

Recommended Conditions for Approval:

1. That the approval of this Variance shall only apply to the north Side Yard Setback;
2. 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 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 because the sunroom addition is on the north side of the home. The north side of the home faces away from and is not visible to neighbors. Additionally, the home is adjacent to common area and the existing pond. Otherwise, the Property currently operates and complies with all other standards of the Unified Development Ordinance (UDO).

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

Finding: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The windows, siding and trim of the sunroom will match the home's materials and will improve the quality of the Lot with this home addition. The Property otherwise fully complies with the PUD district.

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 add a sunroom on the north side of the Property.

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



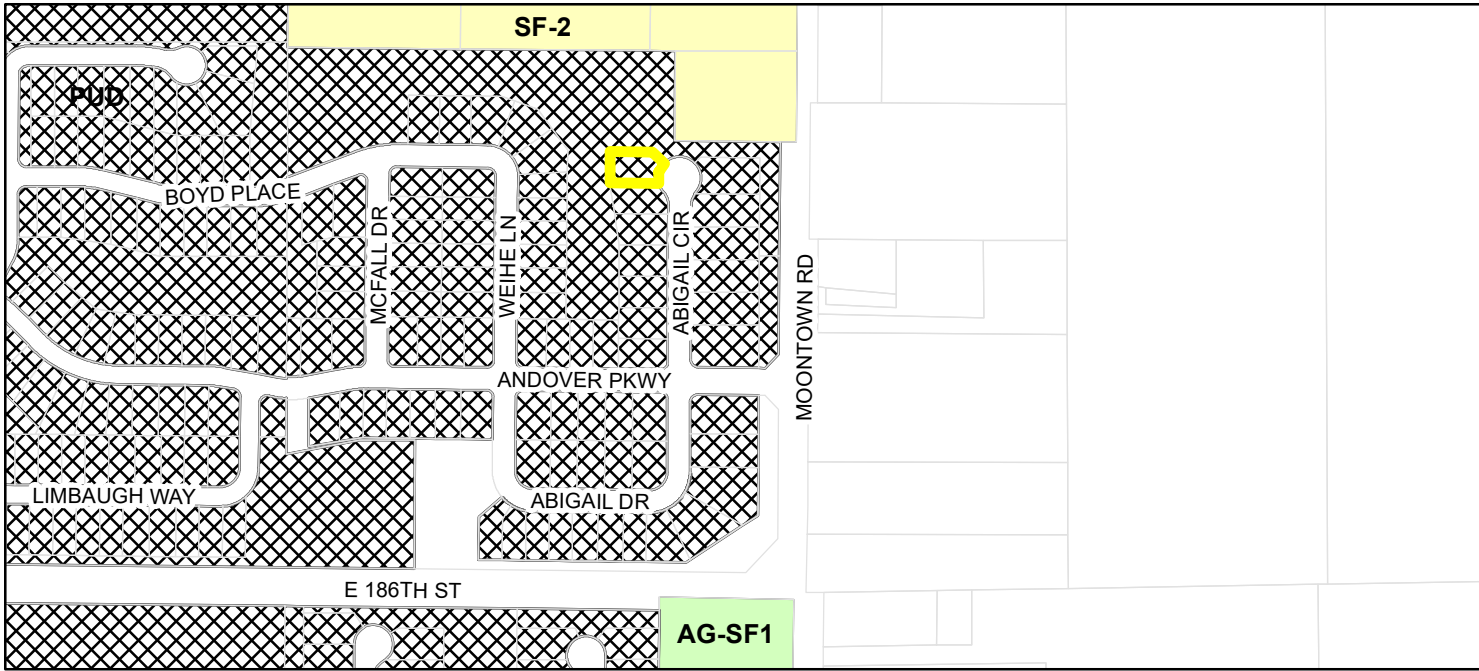
Property Location Map
18843 Abigail Circlet
Variance of Development Standard
2105-VS-18



Aerial Location Map

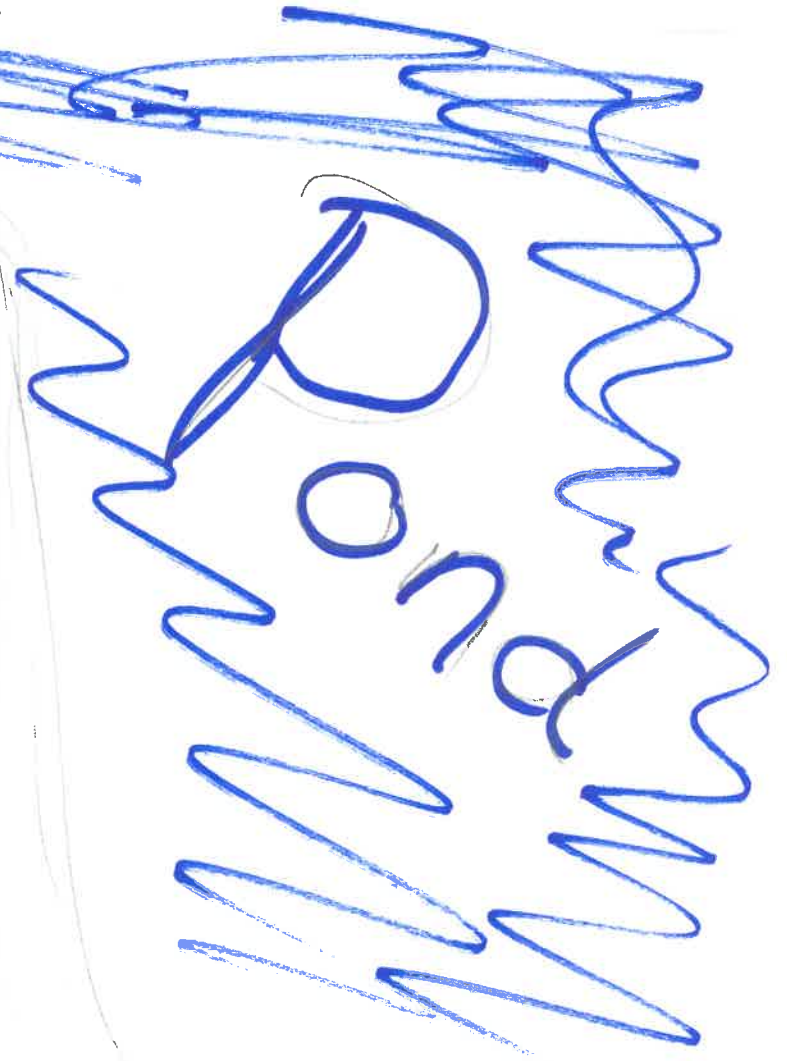
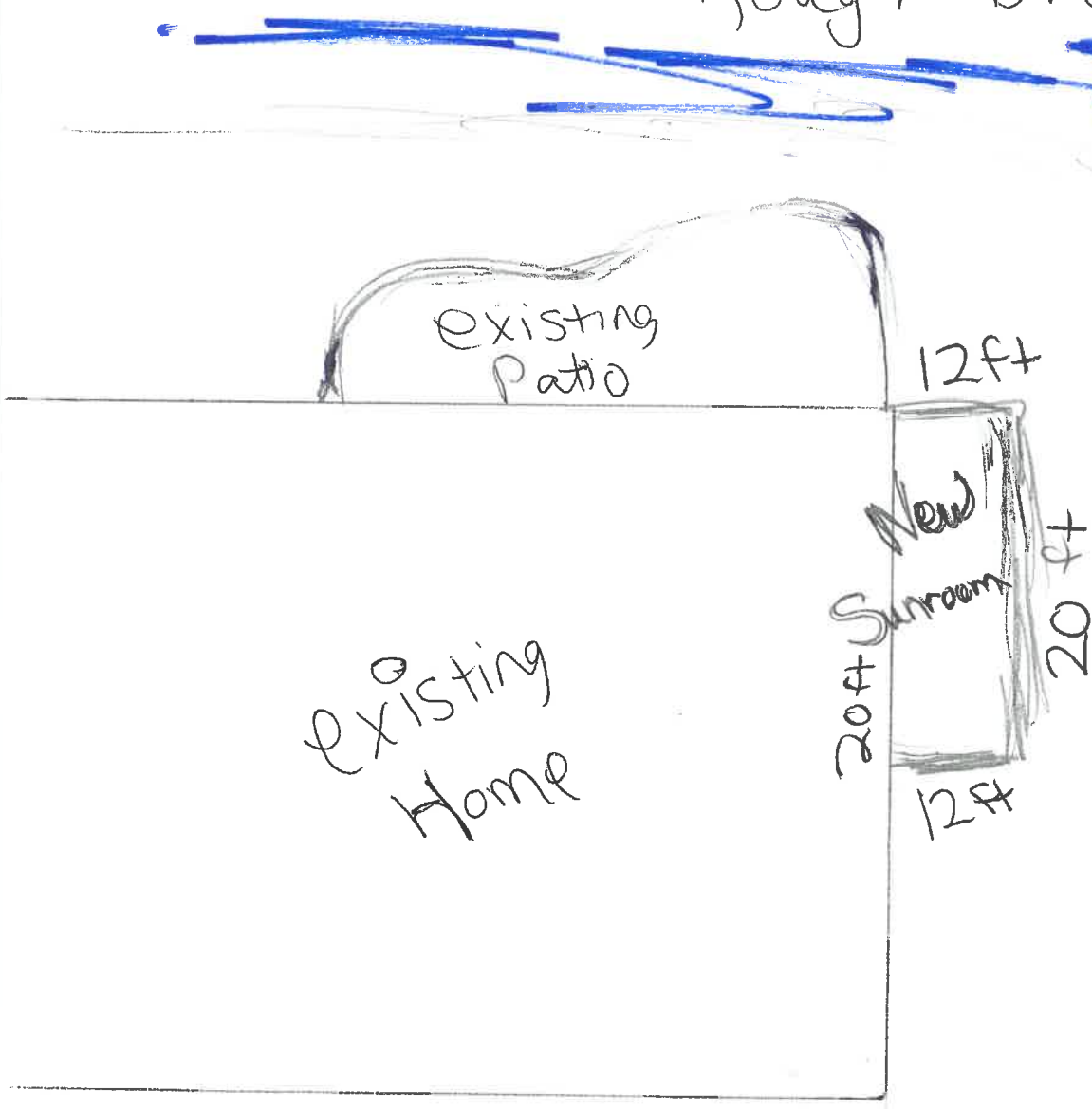


Zoning Map



- Parcel Zoning
- Zoning - All
- AG-SF1 (Agriculture - Single Family - 1)
 - PUD (Planned Unit Development)
 - SF-2 (Single Family - 2)

Rough Draft



Common
Area
of Ashford Place



STOEPPELWERTH

ALWAYS ON

7965 East 106th Street, Fishers, IN 46038-2505
phone: 317.849.5935 fax: 317.849.5942

JOB ID: ASHFP2.209

CONTROL# 80062 CAL

18843 ABIGAIL CIRCLE
WESTFIELD, IN 46062

1" = 30'

LOT AREA: 10,184 Sq. Ft.

LOT COVERAGE: 24.2%

M.F.F. = 864.60

LEGEND:

XXX

PROPOSED GRADE PER PLAN

XX.XAB

AS BUILT GRADE

S.S.D. SUB-SURFACE DRAIN
SANITARY SEWER
STORM SEWER
W WATER MAIN
W 3/4" WATER CONNECTION
SWALE



SANITARY MANHOLE



STORM MANHOLE



CURB INLET



FIRE HYDRANT



BLOW OFF



END SECTION

B.L.
D.U.E.
D.U.&L.E.

BUILDING LINE
DRAINAGE & UTILITY EASEMENT
DRAINAGE UTILITY &
LANDSCAPE EASEMENT
NON ACCESS EASEMENT
DRAINAGE EASEMENT
SANITARY SEWER
VARIABLE
COMMON AREA
MINIMUM FINISH FLOOR
ELEVATION

ALL UNDERGROUND SEWERS AND UTILITIES
SHOWN ARE PLOTTED BY SCALE FROM
DESIGN PLANS FURNISHED BY ENGINEER
THE ACTUAL FIELD LOCATION MAY VARY.

T.C. = 864.11
AS BUILT

ABIGAIL
CIRCLE

BENCHMARK

TOP OF CASTING = 862.69

LOT 209
ASHFORD PLACE
SECTION 2

INST. #2017036726

P.C. #5. SLIDE #711

7.5' MINIMUM LEFT SIDE YARD

7.5' MINIMUM RIGHT SIDE YARD

15' MINIMUM BETWEEN STRUCTURE

25' MINIMUM FRONT YARD

25' MINIMUM REAR YARD

35% MAXIMUM LOT COVERAGE

SOD: 213 ± Sq. Yd.
SEEDING: 5,718 ± Sq. Ft.
SEED IN EASEMENT: 1,200 ± Sq. Ft.
CONC. DRIVEWAY: 650 ± Sq. Ft.
PRIVATE WALK: 58 ± Sq. Ft.
PUBLIC WALK: 172 ± Sq. Ft.
APRON: 242 ± Sq. Ft.
ADDITIONAL SOD: 502 ± Sq. Yd.
TO REAR EASEMENT

David J. Stoepelwerth

NOTE: THIS DRAWING IS NOT INTENDED TO BE
REPRESENTED AS A RETRACEMENT OR ORIGINAL
BOUNDARY SURVEY. A ROUTE SURVEY OF A
SURVEYOR LOCATION REPORT

SIGNATURE:

DATE:

2ND REV CHG W/RE
08/15/17 JDS
1ST REV ADD REAR WALK
08/22/17 JDS
08/22/17 JDS



Circled
is our
home



VARIANCE APPLICATION

DOCKET #: 2105-VS-18

FILING DATE: 4/21/21

OFFICE USE ONLY

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

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: Caleb Earnest (STAFF NAME) DATE: 4/21/2021

PRIOR OR RELATED DOCKET NUMBERS

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

APPLICANT INFORMATION

APPLICANT'S NAME: Kurt and Patricia Lang
ADDRESS: 18843 Abigail Circle
PROPERTY OWNER'S NAME: (Same) Westfield, IN
ADDRESS: 46062

TELEPHONE: (765) 480-0077
EMAIL: pat.reese@hotmail.com

TELEPHONE: _____
EMAIL: _____

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

TELEPHONE: _____
EMAIL: _____

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 18843 Abigail Circle Westfield
COUNTY PARCEL ID #(S): 08-06-29-00-05-034.000
EXISTING ZONING DISTRICT(S): _____ EXISTING LAND USE(S): _____

PROPERTY AND PROJECT INFORMATION

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

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

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

We are wanting to build a 20ft. by 12ft Sunroom on the north side of our home facing the pond and common area. We have 16 ft but there is a requirement of a minimum of 7 1/2 ft side yard. So if the Sunroom extends 12 ft, we would be overextending 3 1/2 ft.



CITY OF
Westfield
INDIANA

Westfield Community Development
2728 E. 171st Street | Westfield, IN 46074
317.804.3170 | nwoerner@westfield.in.gov

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.

Patricia Lang
Applicant/Representative (signature)

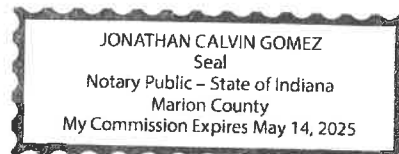
Patricia Lang
Applicant/Representative (printed)

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 21st day of April, 2021
State of IN, County of Hamilton, SS: _____

Jonathan Gomez
Notary Public (signature)

Jonathan Gomez
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.

Patricia Lang
Property Owner (signature)*

Patricia Lang
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 21st day of April, 2021
State of IN, County of Hamilton, SS: _____

Jonathan Gomez
Notary Public (signature)

Jonathan Gomez
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.

X Burt Lang
Applicant/Representative (signature)

X BURT LANG
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 21st day of April, 2021
State of IN, County of Hamilton, SS: _____

Jonathan Gomez
Notary Public (signature)

Jonathan Gomez
Notary Public (printed)

JONATHAN CALVIN GOMEZ
Seal
Notary Public - State of Indiana
Marion County
My Commission Expires May 14, 2025

PROPERTY OWNER AFFIDAVIT

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

X Burt Lang
Property Owner (signature)*

X BURT LANG
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 _____ day of _____, 20__.

APPLICANT AFFIDAVIT

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

Applicant/Representative (signature)

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: _____

Kurt Lang
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.

Kurt Lang
Property Owner (signature)

Kurt Lang
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 21st day of April, 2021

State of IN, County of Hamilton, SS: _____

Jonathan Gomez
Notary Public (signature)

Jonathan Gomez
Notary Public (printed)



*A signature from each party having interest in the property involved in this application is required. If the Property Owner's signature cannot be obtained on the application, then a notarized statement by each Property Owner acknowledging and consenting to the filing of this application is required with the application.

FINDINGS OF FACT (VARIANCE OF USE)

APPLICANT: _____

DOCKET #: _____

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

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

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

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

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

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

FINDINGS OF FACT (VARIANCE OF DEVELOPMENT STANDARD)

APPLICANT: Kurt and Patricia Lang

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 sunroom is not visible to our neighbors because it will be on the north side of our home and it will be adjacent to the common area and to the pond

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 sunroom is not visible to our neighbors and the windows, siding, and trim will match our current home — the adjacent property is the common area and pond

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

Of the ruling of a minimum of a 7½ ft side yard — we have 16 ft and the sunroom would be 12 ft out — therefore we would not meet the minimum of 7½ ft.



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

May 11, 2021

2105-VS-13

Exhibit 1

Petition Number: 2105-VS-13

Subject Site Address: North Side of 169th Street, Approx. 500 Feet East of Oak Ridge Road ("the Property")

Petitioner: Patch Development, LLC ("the Petitioner")

Request: The Petitioner requests Variances of Development Standard to encroach fifty (50) feet into the one hundred (100) foot Minimum Front Yard Setback, to encroach twenty (20) feet into the forty (40) foot Minimum Rear Yard Setback, to not require building offsets, and to utilize split-face concrete block in-lieu of Masonry Materials on 5.85 acres +/- in OI: Open Industrial District (Articles 4.25(E)(1)(a), 4.25(E)(3)(a), 6.3(G)(2)(a)(i), and 6.3(G)(2)(a)(ii))

Current Zoning: OI: Open Industrial

Current Land Use: Vacant

Approximate Acreage: 5.85 acres +/-

Exhibits:

1. Staff Report
2. Location Map
3. Proposed Site Plan
4. Proposed Site Plan With Aerial
5. Illustrative Character Exhibits

Staff Reviewer: Daine Crabtree, Associate Planner

OVERVIEW

Location: The subject property is 5.85 acres +/- in size (the "Property") and located on the north side of 169th Street approximately 500 feet east of Oak Ridge Road (see **Exhibit 2**). The Property is zoned OI: Enclosed Industrial. Adjacent properties are also zoned OI: Enclosed Industrial (Custom Cast Stone to the west, Storage Solutions to the east)

Property History: The Property has never been platted or developed.

Requested Variances: The petitioner is requesting four (4) Variances of Development Standard. They are as follows:

- 1) To encroach fifty (50) feet into the one hundred (100) foot Minimum Front Yard Setback
- 2) To encroach twenty (20) feet into the forty (40) foot Minimum Rear Yard Setback
- 3) To not require building offsets



- 4) To utilize split-face concrete block in-lieu of Masonry Materials

SUMMARY OF VARIANCE

The Property is currently subject to the OI: Enclosed Industrial¹ zoning set forth by the Westfield-Washington Township Unified Development Ordinance (the "UDO").

The Petitioner is requesting four (4) Variances of Development Standard – two (2) in regards to the Minimum Building Setbacks and two (2) in regards to architectural requirements.

- 1) Request to encroach fifty (50) feet into the one-hundred (100) foot Minimum Front Yard Setback
- 2) Request to encroach twenty (20) feet into the forty (40) foot Minimum Rear Yard Setback
- 3) Request to not require building offsets
- 4) Request to utilize split-face concrete in-lieu of Masonry Materials

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 11, 2021, 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

¹ Article 4.24: EI: Enclosed Industrial District

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

³ Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

May 11, 2021
2105-VS-13
Exhibit 1

of Hamilton County, Indiana. A copy of the recorded acknowledgement shall be provided to the Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

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

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

DEPARTMENT COMMENTS:

Recommended Findings for Approval: If the Board is inclined to approve the Variance of Development Standards (2105-VS-13), then the Department recommends the following written findings of fact and condition:

- 1) **Criteria:** 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 OI: Outside Industrial District.

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

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

- 3) **Criteria:** 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 require building offsets resulting in the reduction of usable industrial space. Regarding required building materials, because the Property is the last undeveloped property on the north side of 169th Street between Oak



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

May 11, 2021

2105-VS-13

Exhibit 1

Ridge Road and Westfield Park Road, many of the adjacent buildings were developed prior to an increase in architectural requirements for industrial buildings. Strict adherence to the zoning ordinance would result in building facades that differ significantly from those that currently exist along the north side of 169th Street. Regarding the proposed setback encroachments, the proposed use for the Property necessitates Outdoor Storage which is permitted. The cumulative total for setbacks on the Property is 140 feet which is approximately 40% of the entire depth of the Property. Strict adherence to the Setback requirements of the zoning ordinance renders it difficult for even moderately-sized industrial buildings that require associated outdoor storage to operate seamlessly on the Property.

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 Economic and Community Development Department.

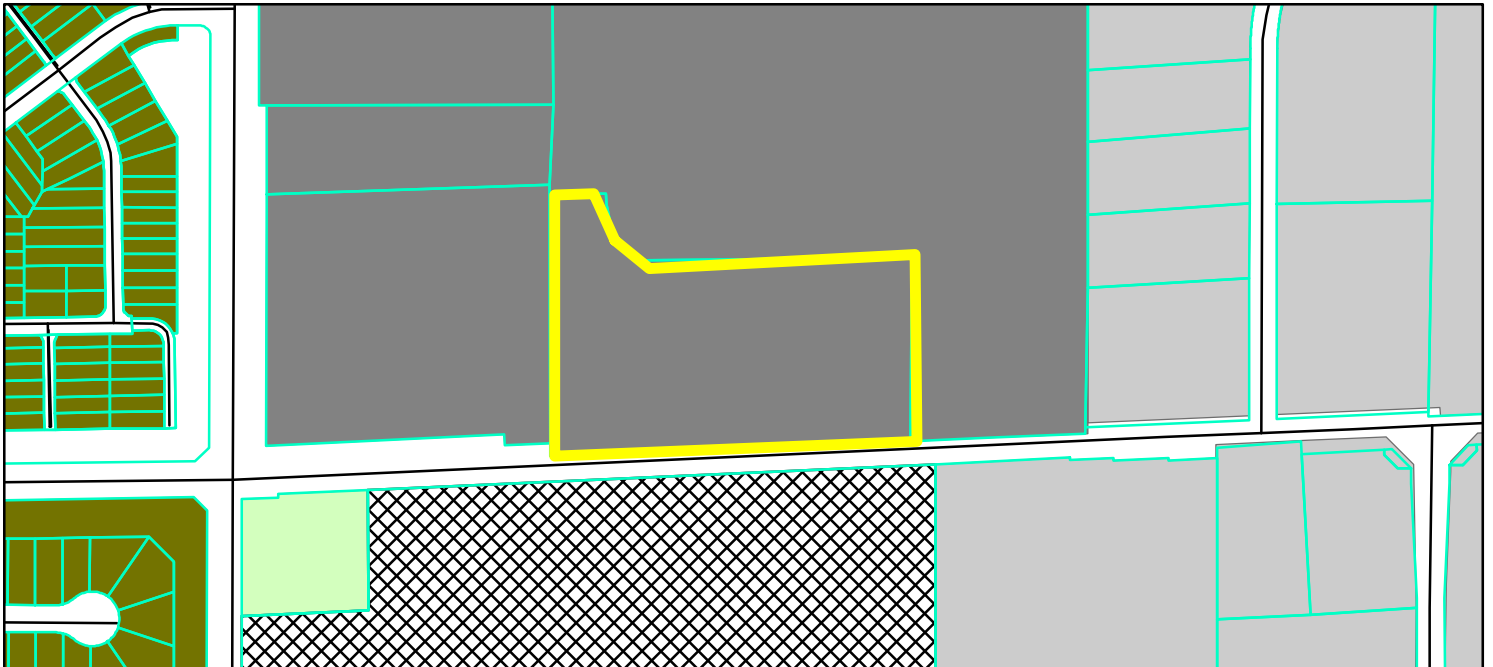
Denial: If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.

Aerial Location Map

 Site



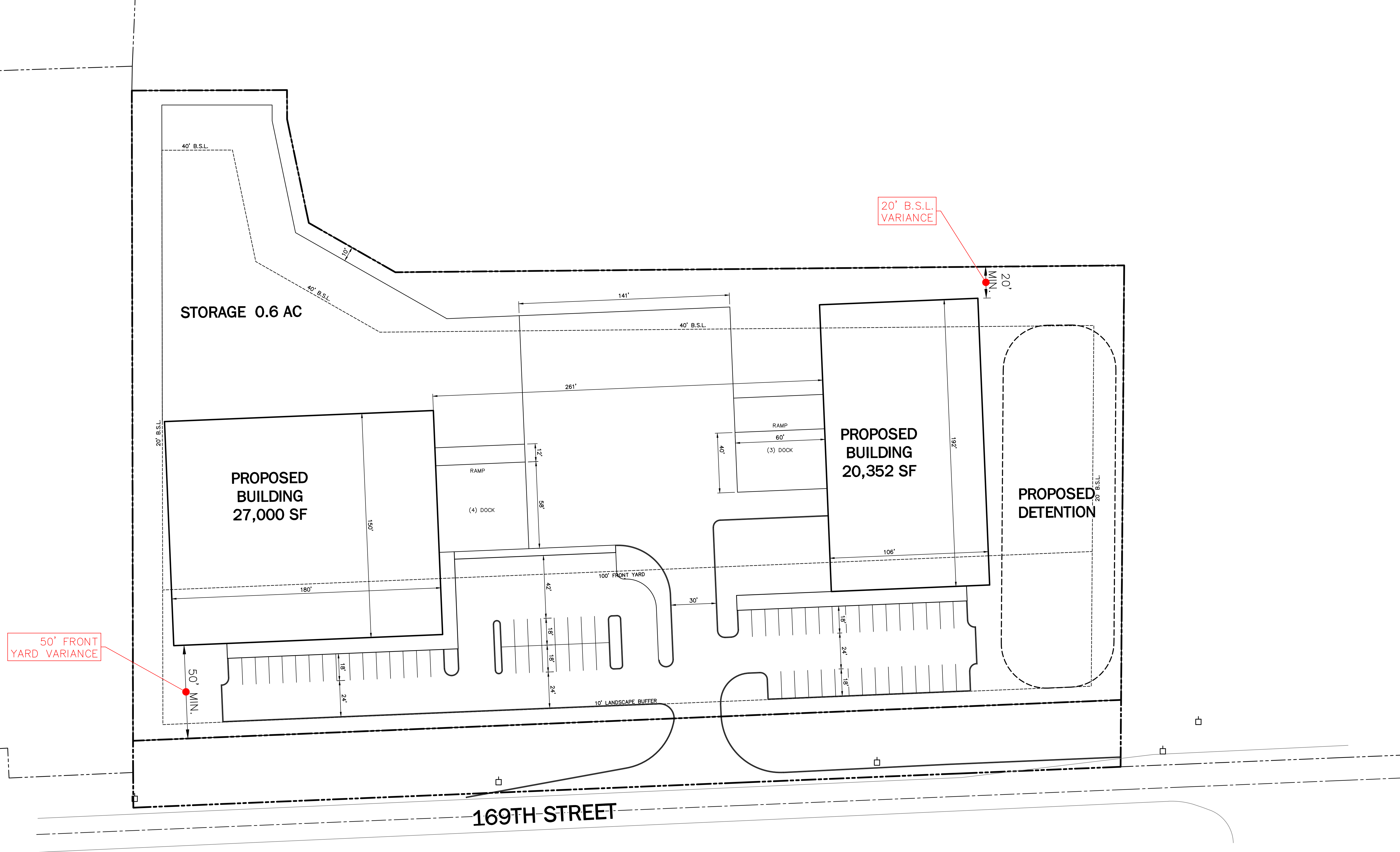
Zoning Map



 Parcel
 GIS.DBO.PW_Streets
Zoning - All
Zoning
 AG-SF1 (Agriculture - Single Family - 1)
 EI (Enclosed Industrial)
 OI (Open Industrial)
 PUD (Planned Unit Development)
 SF-3 Cluster

0 0.045 0.09
 Miles













WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

May 11, 2021
2105-SE-01 & 2105-VS-12
Exhibit 1

Petition Number: 2105-SE-01 & 2105-VS-12

Subject Site Address: 17319 Joliet Road (the "Property")

Petitioner: The Chris Center (the "Petitioner")

Request: The petitioner is requesting a Special Exception to permit an Agritourism Use and a Variance of Development Standard to exempt the Development Plan Requirement for a proposed Agritourism Facility, to allow the use to be regulated as an Agricultural Use, on 6.62 acres +/- in the AG-SF1: Agriculture / Single-Family Rural District.

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

Current Land Use: Agriculture / Rural Residential

Approximate Acreage: 6.62 acres +/-

Exhibits:

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

Staff Reviewer: Pam Howard, Senior Planner

OVERVIEW

Location: The subject property is 6.62 acres +/- in size and located at 17319 Joliet Road (see **Exhibit 2**). The Property is zoned the AG-SF1: Agriculture / Single-Family Rural District (the "AG-SF1 District"). The Property is currently undeveloped. The surrounding properties include residential and agricultural uses.

Request: The petitioner is requesting a Special Exception to permit an Agritourism Use and a Variance of Development Standard to exempt the Development Plan Requirement for a proposed Agritourism Facility, to allow the use to be regulated as an Agricultural Use, on 6.62 acres +/- in the AG-SF1: Agriculture / Single-Family Rural District.

SPECIAL EXCEPTIONS: PROCESS AND ANALYSIS

Definition: Chapter 12 (Definitions) of the Unified Development Ordinance (the "UDO") defines a "Special Exception" as "[a] use that requires a greater degree of scrutiny and review because of its potential adverse impact upon the immediate neighborhood and the community that is reviewed by the Board of Zoning Appeals for its characteristics and impacts to determine its suitability in a given location for the Zoning District in which it is permitted."

Use Table: Chapter 13 (Use Table) of the UDO provides that "[a] Special Exception designation is not meant to imply that the use will be disallowed, but that the use requires a greater degree of scrutiny and



review because of its potential adverse impact upon the immediate neighborhood and the community. The Board of Zoning Appeals reviews a Special Exception and its characteristics and impacts to determine its suitability in a given location for those Zoning Districts in which it is permitted. The determination of whether the Special Exception may be approved shall be subject to a public hearing by the Board of Zoning Appeals and review in accordance with Article 10.11 Special Exceptions.”

Purpose: Article 10.11(B) (Processes and Permits; Special Exceptions; Purpose) of the UDO states “[a] Special Exception is a use that requires a greater degree of scrutiny and review because of its potential adverse impact upon the immediate neighborhood and the community. The Board reviews a Special Exception and its characteristics and impacts to determine its suitability in a given location for the Zoning District in which it is permitted. The determination of whether the Special Exception is approved shall be contingent upon: (i) the Special Exception meeting the standards of this Ordinance and those standards as set forth in this Article; and (ii) the Board weighing, in each case, the public need and benefit against the local impact, giving effect to the proposals of the Applicant for ameliorating adverse impacts through special site planning and development techniques and contributions to the provisions of public improvements, sites, right-of-way and services.”

Proposed Use: As summarized in the Application Packet (see **Exhibit 5**) and depicted on the Proposed Site Plan and Proposed Building exhibit (see **Exhibits 3 & 4**) the Petitioner intends to open a non-profit operational farm where enrolled teens would participate in gardening and caring for the livestock. This could also include educational programs, field trip visits from local schools or organizations, fundraising events, a farmer’s market and produce stand, and summer enrichment programs.

The UDO does not contain a defined use that perfectly aligned with the proposal. The Department has determined that Agritourism¹ is the closest option, which is permitted as a Special Exception within the AG-SF1 District. The UDO² provides that the purpose of the AG-SF1 District is to “accommodate agricultural land uses and large-lot Single-family Dwellings.” The AG-SF1 District currently permits uses such as: farms and farm buildings, churches, golf courses, nurseries and greenhouses, schools, stables and single-family dwellings. In addition to Agritourism, other Special Exception uses contemplated in the AG-SF1 District include: Kennels, large animal hospitals, private clubs and lodges, schools with dormitories, stockyards, riding stables, and zoos.

¹ The UDO defines Use, Agritourism as “[a]n agriculturally-based operation or activity that brings visitors to an operational farm, and that may include, but is not limited to, Uses and activities such as: pumpkin patches, Christmas tree sales, animal interaction exhibits (i.e., petting zoo, pony rides), apple or strawberry picking, seasonal or holiday activities (i.e., corn mazes, hay or wagon rides, straw piles, haunted houses), family-oriented activities (i.e., bounce houses, pedal cars, kiddie rides), creamery, vineyards, breweries, educational experiences or tours, limited retail sales of products not produced on-site (i.e., country store, activity ticket sales), related beverage or food sales (i.e., tasting facilities, lunch counters, dairy bar, refreshment or specialty food stands), and related ancillary Uses and buildings.

² Article 4.2(A): AG-SF1: Agriculture / Single-Family Rural District; Purpose and Intent.



ANALYSIS OF VARIANCE REQUEST

The UDO requires Development Plan Review for all projects not exempt under the below standard.

Article 4.2(J) AG-SF1-Agriculture / Single-family Rural District; Development Plan Review:
Required except for Single-family Dwellings, Agricultural Uses³ and associated Accessory Uses⁴.

The proposed project does not fall under this exemption as Agritourism Use is separately defined in the UDO, as opposed to being considered an Agricultural Use with associated Accessory Uses. Approval of this variance would allow the project to be processed as an Agricultural Use meaning that it would go straight to the Improvement Location Permit.

COMPREHENSIVE PLAN

The Westfield-Washington Township [Comprehensive Plan](#) identifies this Property within the “Existing Rural Southwest” area within the “Rural Residential” land use classification.

Development policies of this land use classification include⁵: (i) Encourage artisan farms and equestrian uses to maintain the rural, country-like atmosphere; (ii) protect and enhance the Eagle Creek Trail as a recreational amenity; (iii) allow the continuation of the historic rural patterns (single-family houses on large parcels); (iv) utilize subdivision street standards for new development that are appropriate to the rural context (open ditches, no curb and gutter); and (v) preserve historically significant buildings and resources (barns, houses, etc.). A sub-point is included for the last policy that states:

“Recognize that the southwestern area of the township identified as rural on the map is unique relative to the other rural areas. Specifically, the character and pattern of development in this area is committed to small-scale equestrian-oriented and related rural uses, as contrasted with the large-scale agricultural patterns in the northwest. As such, the policy of this plan is that the character of the southwest rural area should remain essentially unchanged. New growth and development in this area should be reviewed with the intent of ensuring that it is compatible both from a use and density perspective, with minimal impact on the natural and visual environment.”

The Comprehensive Plan identifies appropriate land uses in this land use classification to include: (i) Single-family detached houses on large lots or in a Rural or Conservation Subdivision; (ii) Accessory Dwellings; (iii) Equestrian Uses; and (iv) Agriculture, including artisan farms⁶.

³ The UDO defines Use, Agricultural as “[t]he use of land for farming, including plowing, tilling, cropping, installation of best management practices, seeding, cultivating, or harvesting for the production of food and fiber products (except commercial logging and timber harvesting operations); the grazing or raising of Livestock (except in confined feed yards); dairy farming; sod production; horticulture; orchards; tree farms; and related building (e.g., barns, Stables, sheds, feeding bins).”

⁴ The UDO defines Use, Accessory as “[a] Use incidental to and customarily associated with a Use otherwise permitted and located on the same Lot or parcel.”

⁵ Westfield-Washington Township Comprehensive Plan, pages 25-30.

⁶ Appendix A of the Westfield-Washington Township Comprehensive Plan defines “Artisan Farm” as “[a] small farm with owners living on site that produces goods or services for the local table market (not the commodity market).



PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Special Exception or Variance. This petition is scheduled to receive its public hearing at the May 11, 2021, 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 on a Special Exception: The UDO⁷ and Indiana law provide that the Board of Zoning Appeals in granting a Special Exception, may prescribe conditions and limitations concerning the use, construction, character, location, landscaping, screening, parking and other matters relating to the purposes and objectives of this Ordinance upon the premises benefited by a Special Exception as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property or upon public facilities and services. Any conditions prescribed by the Board shall be recorded in the Office of the Recorder of Hamilton County, Indiana. Violation of any such condition or limitation shall be a violation of this Ordinance and shall constitute grounds for revocation of the Special Exception or related Improvement Location Permit, pursuant to Chapter 11: Enforcement & Penalties.

Conditions on a Variance: The UDO 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.

Review Criteria for Special Exceptions: The Board of Zoning Appeals may approve a Special Exception only upon a determination that the Special Exception at the proposed location meets the following⁸:

1. The establishment, maintenance, or operation of the Special Exception will not be detrimental to or endanger the public health, safety, morals, or general welfare.
2. The Special Exception will be designed, constructed, operated, and maintained so as to: (i) not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted; (ii) not substantially diminish and impair property value within the neighborhood; (iii) be harmonious and appropriate in appearance with the existing or intended character of the immediate vicinity; and (iv) not change the essential character of the area.
3. The establishment of the Special Exception will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the Zoning District.
4. Adequate public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools have been or are being provided and the Special Exception will not result in excessive additional requirements at public expense for such public facilities and services.

This term includes but is not limited to orchards, tree nurseries, hay, vegetables, and the raising of limited numbers of animals such as horses, llamas, alpacas, sheep, goats, and chickens.

⁷ Article 10.11(I) Processes and Permits; Special Exceptions; Conditions of the UDO.

⁸ Article 10.11 Processes and Permits; Special Exceptions; Review Criteria of the UDO.



5. Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion and have vehicular approaches are designed as not to create an interference with traffic on surrounding rights-of-way.
6. The Special Exception will be harmonious with and in accordance with the objectives of the Comprehensive Plan.
7. The Special Exception will be located in a Zoning District where such use is permitted and that all other requirements of the Zoning District and this Ordinance, and as may be applicable to such use, will be met.

Review Criteria for 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

Special Exception: If the Board is inclined to approve the Special Exception, then the Department Recommends the following conditions and Review Criteria findings:

Recommended Condition:

1. That the approval be limited to the operations as described in the Application Packet (**Exhibit 5**).
2. 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.

Review Criteria:

Criteria #1: The establishment, maintenance, or operation of the Special Exception will not be detrimental to or endanger the public health, safety, morals, or general welfare.

Finding: It is unlikely that approving the requested Special Exception would be injurious to the public health, safety, morals, and general welfare of the community because the use as proposed is agricultural in nature and the number of animals kept on site is less than a traditional livestock operation.



Criteria #2: The Special Exception will be designed, constructed, operated, and maintained so as to: (i) not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted; (ii) not substantially diminish and impair property value within the neighborhood; (iii) be harmonious and appropriate in appearance with the existing or intended character of the immediate vicinity; and (iv) not change the essential character of the area.

Finding: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner because: (i) the proposed use is agriculturally based; (ii) the operation and design of the use should not impact surrounding properties; (iii) the design of the proposed structure is consistent with other agricultural buildings, and (iv) the development of the site would otherwise comply with applicable regulations.

Criteria #3: The establishment of the Special Exception will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the Zoning District.

Finding: The Unified Development Ordinance contemplates the proposed use within the AG-SF1 District. The proposed operation and design of the use should not impact surrounding properties and will not impede the use and development of adjacent properties. The property will continue to maintain its agricultural character and the proposed Special Exception would be compatible with other permitted uses of the AG-SF1 District. Potential conflicts resulting from other future and adjacent uses should be diminutive.

Criteria #4: Adequate public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools have been or are being provided and the Special Exception will not result in excessive additional requirements at public expense for such public facilities and services.

Finding: The proposed use would be required to comply with any county and state requirements related to the project.

Criteria #5: Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion and have vehicular approaches are designed as not to create an interference with traffic on surrounding rights-of-way.

Finding: The proposed facility would not be open to the general public on an ongoing basis. The primary use of the facility would be limited to enrolled students. A gravel parking area will be provided. The project would be required to comply with any county requirements regarding any necessary adjacent roadway improvements.

Criteria #6: The Special Exception will be harmonious with and in accordance with the objectives of the Comprehensive Plan.

Finding: As summarized in the Comprehensive Plan section of this report, the Special Exception is generally consistent with the goals and objectives of the Comprehensive Plan.



Criteria #7: The Special Exception will be located in a Zoning District where such use is permitted and that all other requirements of the Zoning District and the Unified Development Ordinance, and as may be applicable to such use, will be met.

Finding: The Unified Development Ordinance contemplates the use within the AG-SF1 District. The use and property will otherwise comply with or exceed the applicable standards of the AG-SF1 District.

Variance of Development Standard: If the Board is inclined to approve the Variance of Development Standard, then the Department recommends the following conditions and findings:

Recommended Conditions:

1. That the approval shall be limited to the use permitted by Special Exception 2105-SE-01.
2. That the approval be limited to:
 - a. The building shown in the Proposed Building exhibit (**Exhibit 3**);
 - b. Any future non-vertical improvements for the use permitted by Special Exception 2105-SE-01;
 - c. Any future Accessory Buildings⁹, as defined in the Unified Development Ordinance, for the use permitted by Special Exception 2105-SE-01.
3. That this approval shall not apply to any future Principal Buildings¹⁰, as defined in the Unified Development Ordinance.
4. That the Petitioner comply with the Lighting Standards of the Unified Development Ordinance (Article 6.9, inclusively).
5. That the Petitioner obtain any and all necessary approvals from applicable City and County Departments; including but not limited to Westfield Fire Department, Westfield Public Work Department, Hamilton County Surveyors Office, Hamilton County Highway Department, and Hamilton County Health Department; prior to the issuance of any Improvement Location Permit for the Property.
6. 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.

⁹ The UDO defines Building, Accessory as "[a] subordinate building or structure, the Use of which is incidental to and customary in connection with the Principal Building or Use and which is located on the same Lot with such Principal Building or Use and is under the same ownership. Buildings which are portable and do not have permanent foundations are also classified as Accessory Buildings, but shall not require an Improvement Location Permit."

¹⁰ The UDO defines Building, Principal as "[a] building in which is conducted the main or primary Use of the Lot on which said building is located. Where a substantial portion of an ancillary building is attached to the Principal Building in a substantial manner, as by a roof, then such ancillary building shall be counted as a part of the Principal Building and not as an Accessory Building."



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 proposed use of the property is agricultural in nature and the number of animals kept on site is less than a traditional livestock operation.

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 because: (i) the proposed use is agriculturally based; (ii) the operation and design of the use should not impact surrounding properties; (iii) the design of the proposed structure is consistent with other agricultural buildings, and (iv) the development of the site would otherwise comply with applicable regulations.

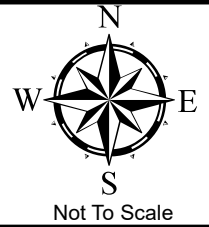
3. *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:*

Finding: Strict adherence to the zoning ordinance would result in the inability to improve the property in a manner that is consistent with surrounding properties.

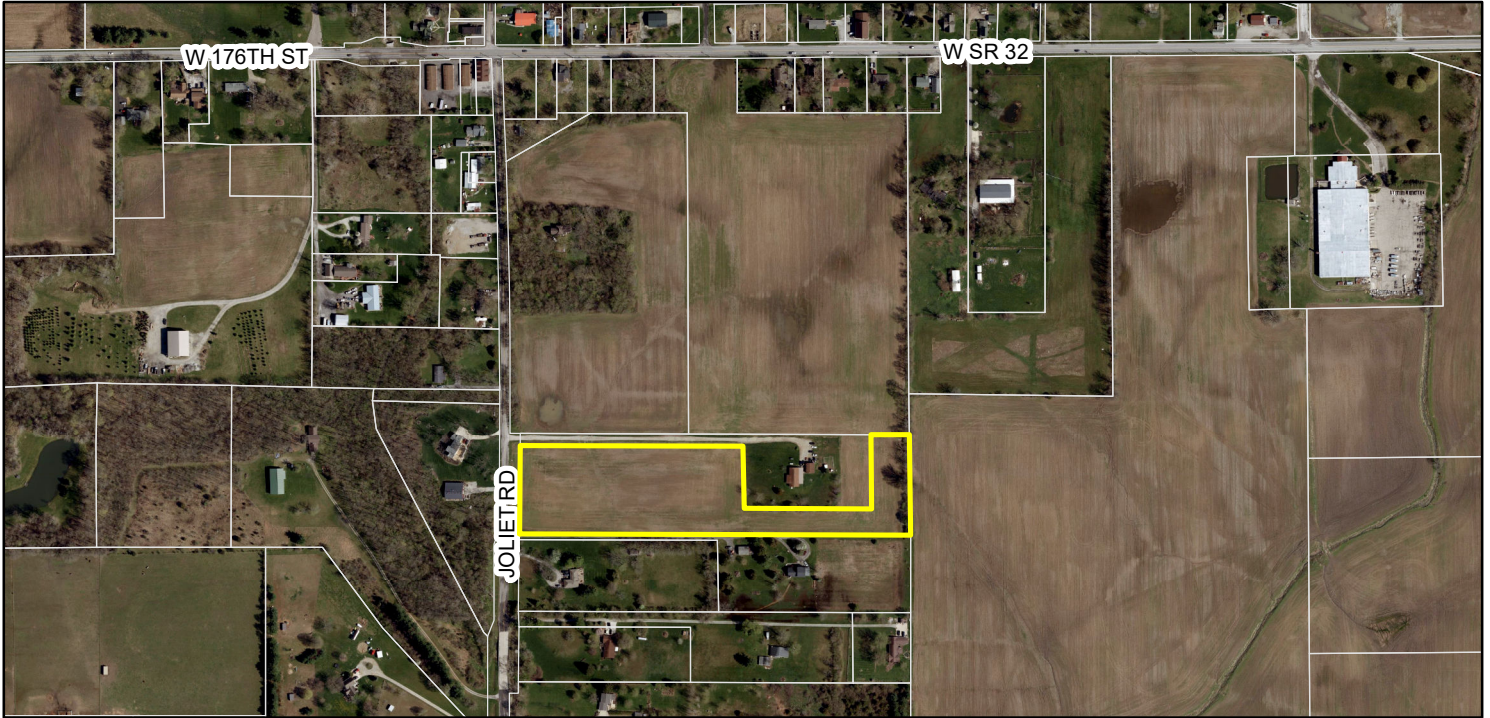
Denial: If the Board is inclined to reject or deny the Special Exception and/or Variance of Development Standard, then the Department recommends denying the Special Exception, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings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



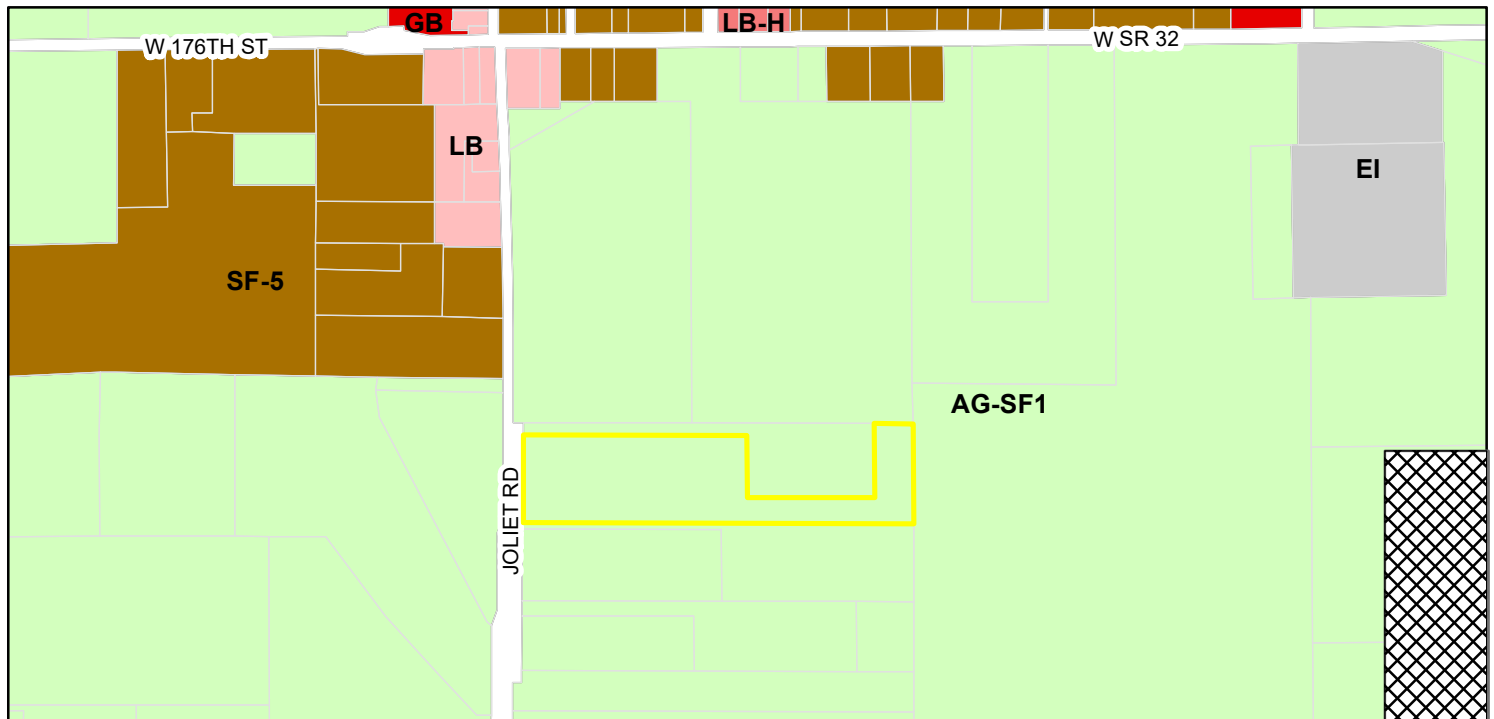
Property Location Map
The Chris Center
2105-SE-01 & 2105-VS-12



Aerial Location Map

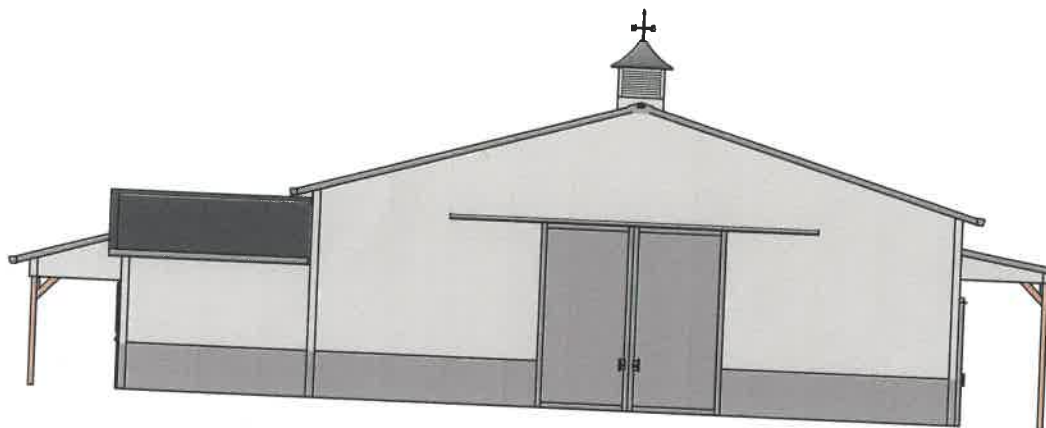


Zoning Map



Zoning

- | | |
|--|------------------------------------|
| AG-SF1 (Agriculture - Single Family - 1) | LB (Local Business) |
| EI (Enclosed Industrial) | LB-H (Local Business - Historical) |
| SF-5 (Single Family - 5) | GB (General Business) |



END ELEVATION



SIDE ELEVATION

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

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

Martin Beckner
17319 Joliet Rd
Westfield, IN, 46074

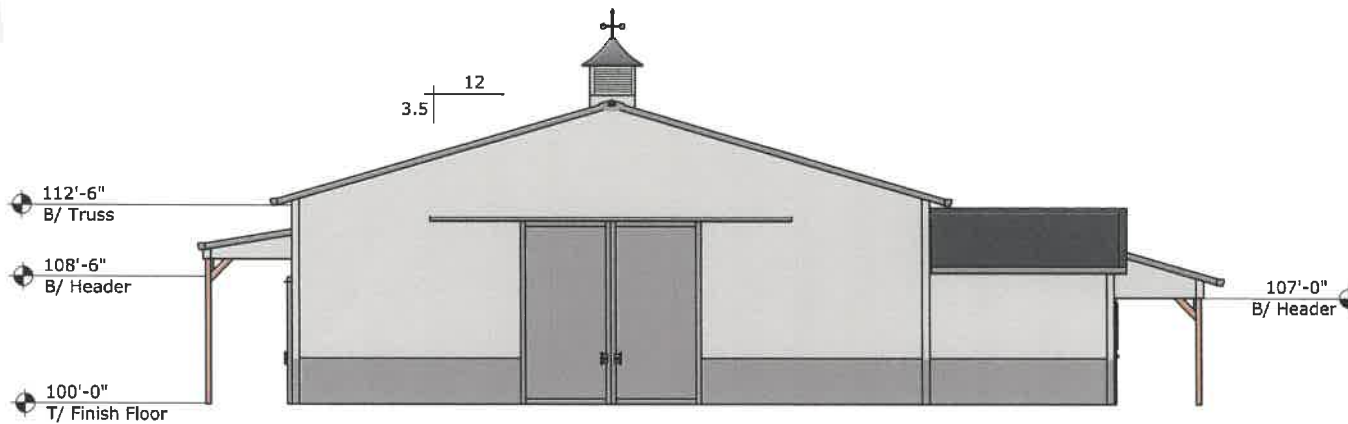
Elevation Plan

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Remington, IN 47977
219-261-2157
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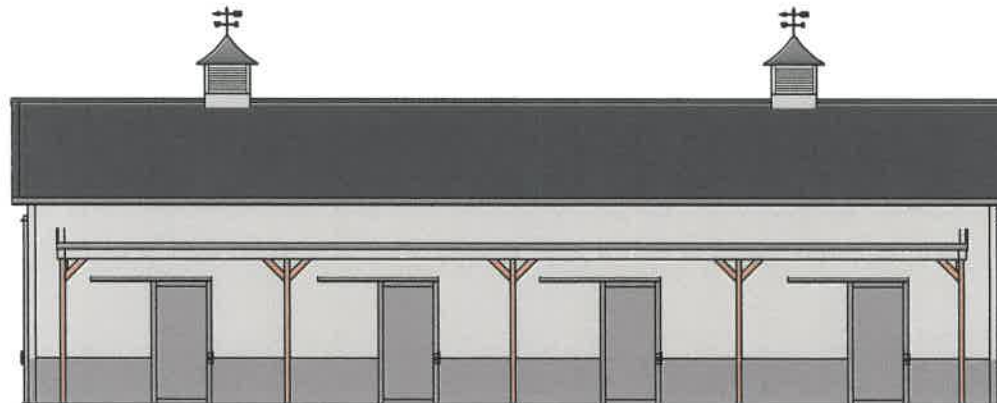
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WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM
SPECIAL EXCEPTION APPLICATION



OFFICE
USE ONLY

DOCKET #: _____
FILING FEE: \$ _____

FILING DATE: _____

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: Pamela Howard (STAFF NAME) DATE: 3/25/21

PRIOR OR RELATED DOCKET NUMBERS

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

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

APPLICANT INFORMATION

APPLICANT'S NAME: The Chris Center, INC TELEPHONE: 630-363-1400
ADDRESS: 1721 Wood Valley Dr. Carmel EMAIL: ntombs78@gmail.com
PROPERTY OWNER'S NAME: Renee C. Beckner TELEPHONE: 317-217-9911
ADDRESS: 15340 Shelbourne Rd Westfield EMAIL: m.beckner44@gmail.com
REPRESENTATIVE'S NAME: Nancy Elbert TELEPHONE: 630-363-1400
COMPANY: The Chris Center, INC EMAIL: ntombs78@gmail.com
ADDRESS: 1721 Wood Valley Dr. Carmel, IN 46032

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 17319 Juliet Rd Westfield, IN 46074
COUNTY PARCEL ID #(S): 08-09-06-00-00-001
EXISTING ZONING DISTRICT(S): AG-SF1 Agriculture EXISTING LAND USE(S): Farm Ground

SPECIAL EXCEPTION REQUEST

CODE CITATION: _____ FINDINGS OF FACT: _____ (PLEASE SEE ATTACHED)

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

See attachment - A

FINDINGS OF FACT (SPECIAL EXCEPTION)

APPLICANT: The Chris Center, Inc DOCKET #: _____

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

- A. The establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health safety morals or general welfare because: See Attachment A
- B. The special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property value within the neighborhood because: See Attachment A
- C. The establishment of the special exception will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district because: See Attachment A
- D. Adequate utilities, streets drainage and other necessary facilities have been or are being improved: See Attachment A
- E. Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion: See Attachment A
- F. The special exception will be located in a district where such use is permitted and that all other requirements set forth, applicable to such special exception, will be met: See Attachment A

WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM

SPECIAL EXCEPTION APPLICATIONS



GENERAL INSTRUCTIONS

- A. **Pre-Filing Conference:** A pre-filing conference is required for all petitions. An appointment must be made with the Economic and Community Development Department (the "Department") to discuss a petition prior to filing. An application will not be considered filed until a pre-filing conference has occurred. Applicants are encouraged to incorporate the Department's comments into the application prior to filing.
- B. **Filing Petition:** A petition shall be filed with the Department by the filing deadline in accordance with the Schedule of Meeting and Filing Dates. In order to be deemed a complete petition, a petition shall include the following:
- | | |
|---|---|
| ☒ Completed Application | ☒ Legal Description |
| ☒ Draft Public Notice | ☒ List of Adjoining Property Owners (as provided by County) |
| ☒ Property Owner Consent | ☒ TAC Delivery Affidavit (if TAC is determined to be necessary) |
| ☒ Site Plan (to scale) | ☒ Vicinity Map (including property within 500 feet) |
| ☒ Statement of Intent | ☒ Covenants and commitments (if any) <i>NONE</i> |
| ☒ Copy of Property Deed | |
| ☒ Elevations, photographs, service reports or other supporting information necessary to explain the nature of the special exception use | |
- 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. 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 special exception 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.

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)

Nancy Elbert
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 29 day of MARCH, 2021.

State of Indiana County of Hamilton ss:

BONNIE M. RILEY
Notary Public, State of Indiana
Hamilton County State of Indiana
Commission Number 0673871
My Commission Expires October 23, 2023

[Signature]
Notary Public Signature
Bonnie M. Riley
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.

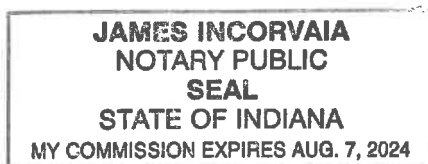
[Signature]
Property Owner (signature)*

Renee C. Beckner
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 30 day of March, 2021.

State of IN County of Hamilton ss:



[Signature]
Notary Public Signature
James Incorvaia
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.

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: 4/16/21

PRIOR OR RELATED DOCKET NUMBERS

CHANGE OF ZONING:

AMENDMENTS:

DEVELOPMENT PLAN:

PRIMARY PLAT:

SECONDARY PLAT:

VARIANCE(S): Special Exception

APPLICANT INFORMATION

APPLICANT'S NAME: Nancy Elbert

ADDRESS: 1721 Wood Valley Dr. Carmel 46032

TELEPHONE: 630-363-1400

EMAIL: n.toombs78@gmail.com

PROPERTY OWNER'S NAME: Renee Beckner

ADDRESS: 15340 Shelbourne Rd Westfield

TELEPHONE: 317-216-9911

EMAIL: m.beckner44@gmail.com

REPRESENTATIVE'S NAME: Nancy Elbert

COMPANY: The Chas Center

TELEPHONE: 630-363-1400

ADDRESS: 1721 Wood Valley Dr Carmel, IN 46032

EMAIL: n.toombs78@gmail.com

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 17319 Juliet Rd Westfield, IN 46074

COUNTY PARCEL ID #(S): 08-09-06-00-00-001

EXISTING ZONING DISTRICT(S): AG-SFI agriculture

EXISTING LAND USE(S): Farm Ground

PROPERTY AND PROJECT INFORMATION

☒ VARIANCE OF LAND USE

CODE CITATION: 4.2.J

☐ VARIANCE OF DEVELOPMENT STANDARD(S)

CODE CITATION:

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

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

See Attached Exhibit
SAMEAS Special Exception

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)

Nancy Elbert
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 19th day of April, 2021

State of Indiana County of Hamilton SS:

[Signature]
Notary Public (signature)

Bonnie M. Riley
Notary Public (printed)

BONNIE M. RILEY
Notary Public, State of Indiana
Hamilton County State of Indiana
Commission Number 0673871
My Commission Expires October 23, 2023

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)*

Renee E. Beckner
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 _____ 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.

DONT DO

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: _____

See Attached

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: _____

GENERAL INSTRUCTIONS

- A. **Pre-Filing Conference:** A pre-filing conference is required for all petitions. An appointment must be made with the Community Development Department (the "Department") to discuss a petition prior to filing. An application will not be considered filed until a pre-filing conference has occurred. Applicants are encouraged to incorporate the Department's comments into the application prior to filing.
- B. **Filing Petition:** A petition shall be filed with the Department by the filing deadline in accordance with the Schedule of Meeting and Filing Dates. In order to be deemed a complete petition, a petition shall include the following:
- | | |
|--|--|
| ☒ Completed Application | ☒ Legal Description |
| ☒ Draft Public Notice | ☒ List of Adjoining Property Owners (as provided by County) |
| ☒ Property Owner Consent | ☒ TAC Delivery Affidavit (if TAC is determined to be necessary) |
| ☒ Site Plan (to scale) | ☒ Copy of Property Deed |
| ☒ Statement of Intent | Elevations, photographs or other supporting information necessary to explain the nature of the requested variance(s) |
- C. **Filing Fee Check:** After the filing of an application, the Department will advise the applicant of the applicable filing fee amount, which is due and payable (checks made out to "City of Westfield") within two (2) weeks of filing.
- D. **Technical Advisory Committee (TAC):** The applicant is responsible for submitting a copy of the application and related information to Technical Advisory Committee members prior to filing, if determined by the Department to be necessary. An affidavit confirming delivery of information is required to be completed and signed by the applicant and submitted with the petition. Technical Advisory Committee meetings are held in the City Services Building (2728 East 171st Street, Westfield, IN 46074) in accordance with the Schedule of Meeting and Filing Dates. A representative must be present at this meeting.
- E. **Public Hearing and Notice:** All variance petitions require a public hearing by the Board of Zoning Appeals. The public hearing is held at City Hall, 130 Penn Street, Westfield, Indiana, in accordance with the Schedule of Meeting and Filing Dates. Notice of the hearing is required in accordance with the Board's Rules of Procedure:
1. **Newspaper Publication:** Notice of the hearing will be published in the Hamilton County Reporter and The Times. The Department will handle the newspaper publication requirement.
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- 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.

Application for Special Exception Info:

Parcel # 08-09-06-00-00-016-001

Existing Zoning AG-SF1 Agriculture

Explanation for request: The initial Ag Barn and other ag related structures will be used by the Chris Center to acquire, raise, house and display domestic farm animals to accomplish the stated mission of the Chris Center. Enrolled students of the Chris Center will participate with proper instruction in the raising, feeding and caring for the animals. All of the above activities would be included in the present Zoning (AG-F1) except the Chris Center has requested the Agritourism Special Variance in order to conduct fundraising functions several time a year. As noted the Chris Center is a not-for-profit and supported by student fees and Charitable donations. The Chris Center may also allow various school and youth groups to tour the facilities from time to time. This facility will not be open to the public and will be attended by enrolled students. The Chris Center will have an operational farm with raising of crops as well as livestock. The operational farm will sell crops and possibly animals to help sustain the organization.

Please see the attachment hereto which explains the mission and purpose of the Chris Center.

Finding of facts:

- A. All activities as to the AG structures will conform to all state and county rules and regulations. The AG barns will house considerably less animals than a traditional livestock operation that is already allowed in this Zoning area. There is adequate acres in the tract to spread all manure produced in the operation. All animals will be contained in the Barns or in fenced areas. The additional traffic on Joliet Road should be negligible in that The Chris Center anticipates only 10-12 students per day using the facility.
- B. As can be seen from the arial view of the tract, the Ag Structures will be place in a location that is not close to any residence or subdivision. Any odor from the activities should be very minimal if any.

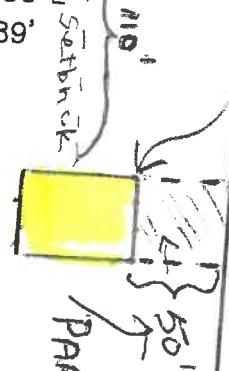
- C. This use should not preclude any development since it is zoned Agriculture and will be used as such. There are no existing subdivisions in close proximity and there is no development real estate close by.
- D. This tract has complete road frontage and accessible electric service. A septic and well will be used for water and the structures will be placed so as not to interfere with the natural ground water drainage.
- E. The requested Special Exception (Agritourism) is permitted in the SG-F1 area.

JOLIET ROAD
WEST LINE OF THE NORTHEAST QUARTER
OF SEC. 6-T18N-R3E
N 00°21'30" W 2440.98'
N00°21'30"W 327.89'

P.O.B.

R/W 16,394.5 sqft
0.38 ACRES

S00°21'30"E
287.89'



64' x 42' Pole Ag Building

See
attached
plan to
scale

LOT 2
288,347 sqft
6.62 ACRES

S89°34'15"E 734.00'

N89°34'15"W 1151.79'

1328.89'

S89°34'15"E 1278.46'

30' DUE

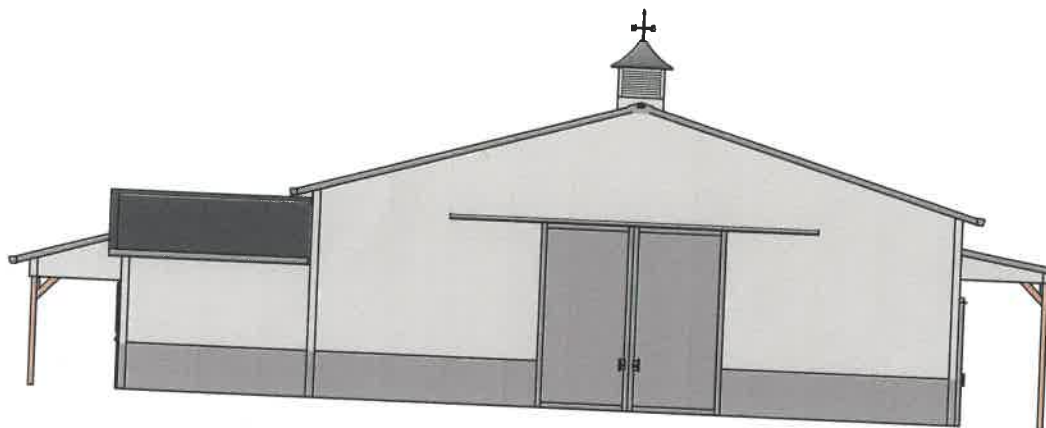
S00°21'30"E
203.00'

GRASS LINE

LOT 1
130,871 sq
3.00 ACRE
148.79'

S89°34'15"

EXISTING
HOUSE



END ELEVATION



SIDE ELEVATION

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

X: Purchaser Approval Date
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Drawing #

Martin Beckner
17319 Joliet Rd
Westfield, IN, 46074

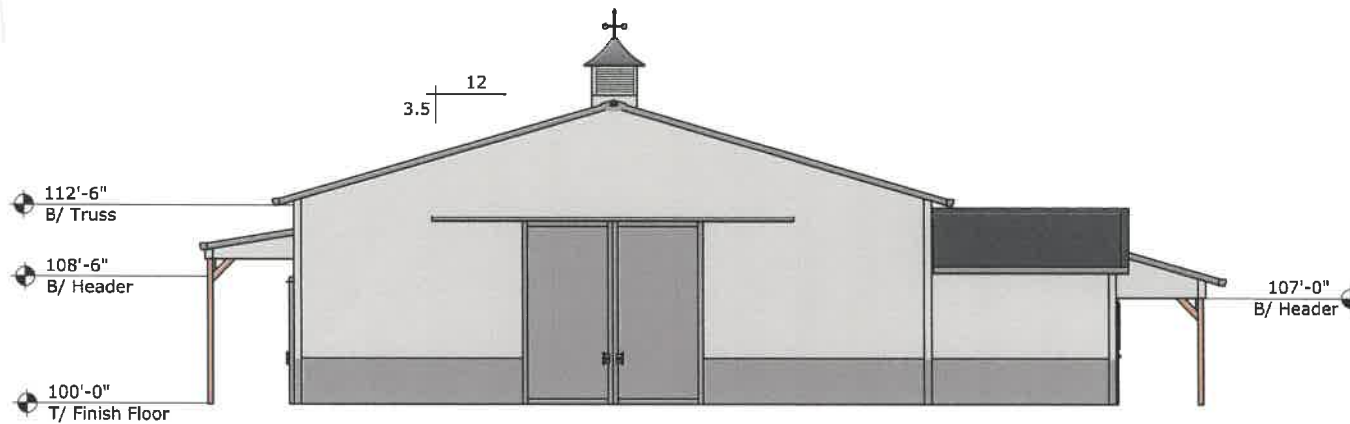
Elevation Plan

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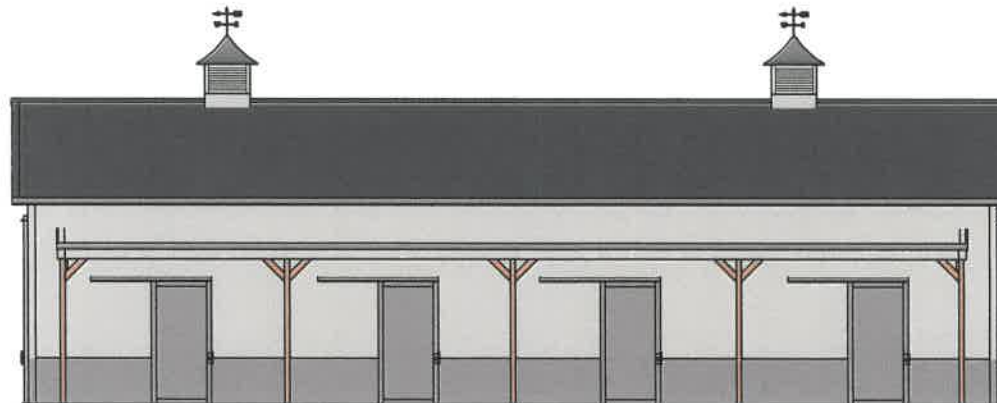
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Name: XXX
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A-202



END ELEVATION



SIDE ELEVATION

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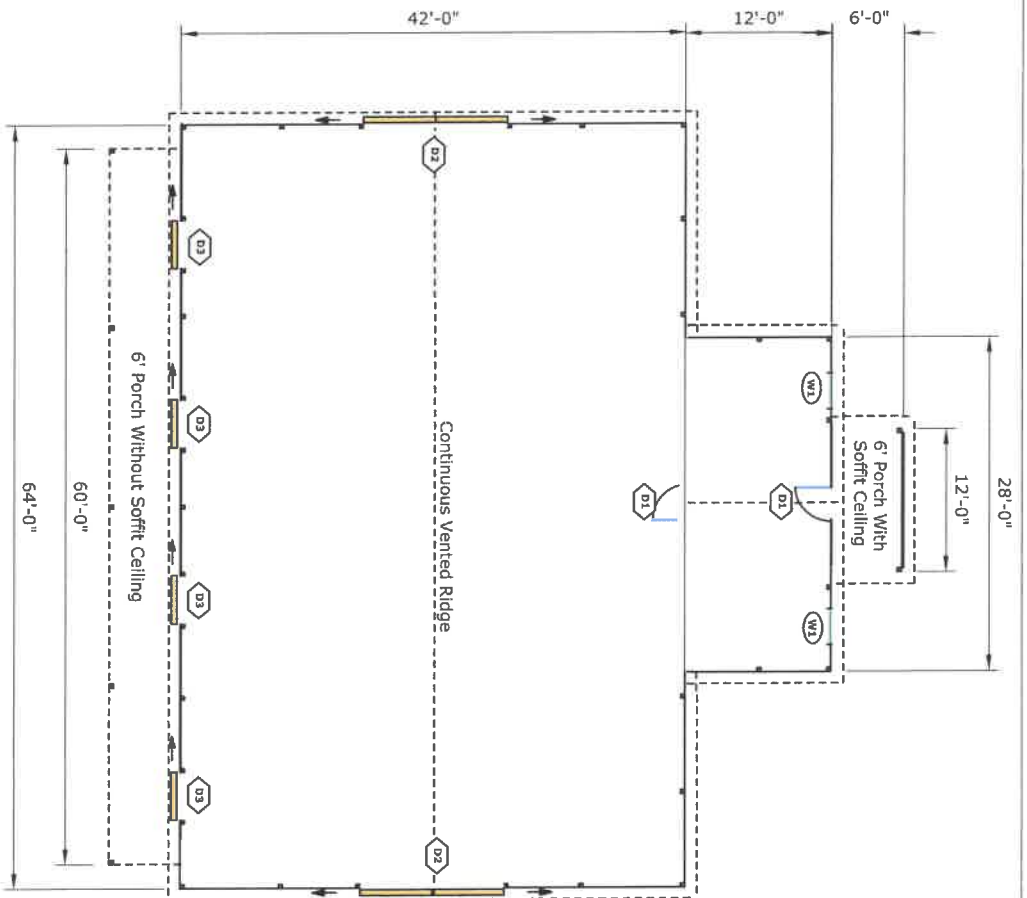
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Name: XXX
Rev 0

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A-201



FLOOR PLAN

FBI Building 42' x 64' x 12' I.C. w/28' x 12' x 8' Office addition

Sidewall Columns & Trusses Space at 8' O.C. Designed for 20 psf Ground Snow Load

General Notes:

Gutters - 6"

Building may not be shown to scale.

(Colors shown may not match actual colors.

Refer to color samples for actual colors.)

Door Schedule:

D1 - 3' x 6'-8" Steel Insulated Walk Door

D2 - 12' x 12' Split Sliding Door

D3 - 4' x 8' Solid Sliding Door

Window Schedule:

W1 - 4' x 3' Insulated Sliding Window With Screen

North

Martin Beckner
17319 Joliet Rd
Westfield, IN, 46074

Floor Plan

X: Purchaser Approval _____ Date _____

X: Seller Approval _____ Date _____

Drawing # _____

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Date : 00/00/00
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A-101



San Diego

Enter Address or Parcel No...



County

General

Viewer

Joliet Rd

BECHNER
ESTATES



0 200 400ft

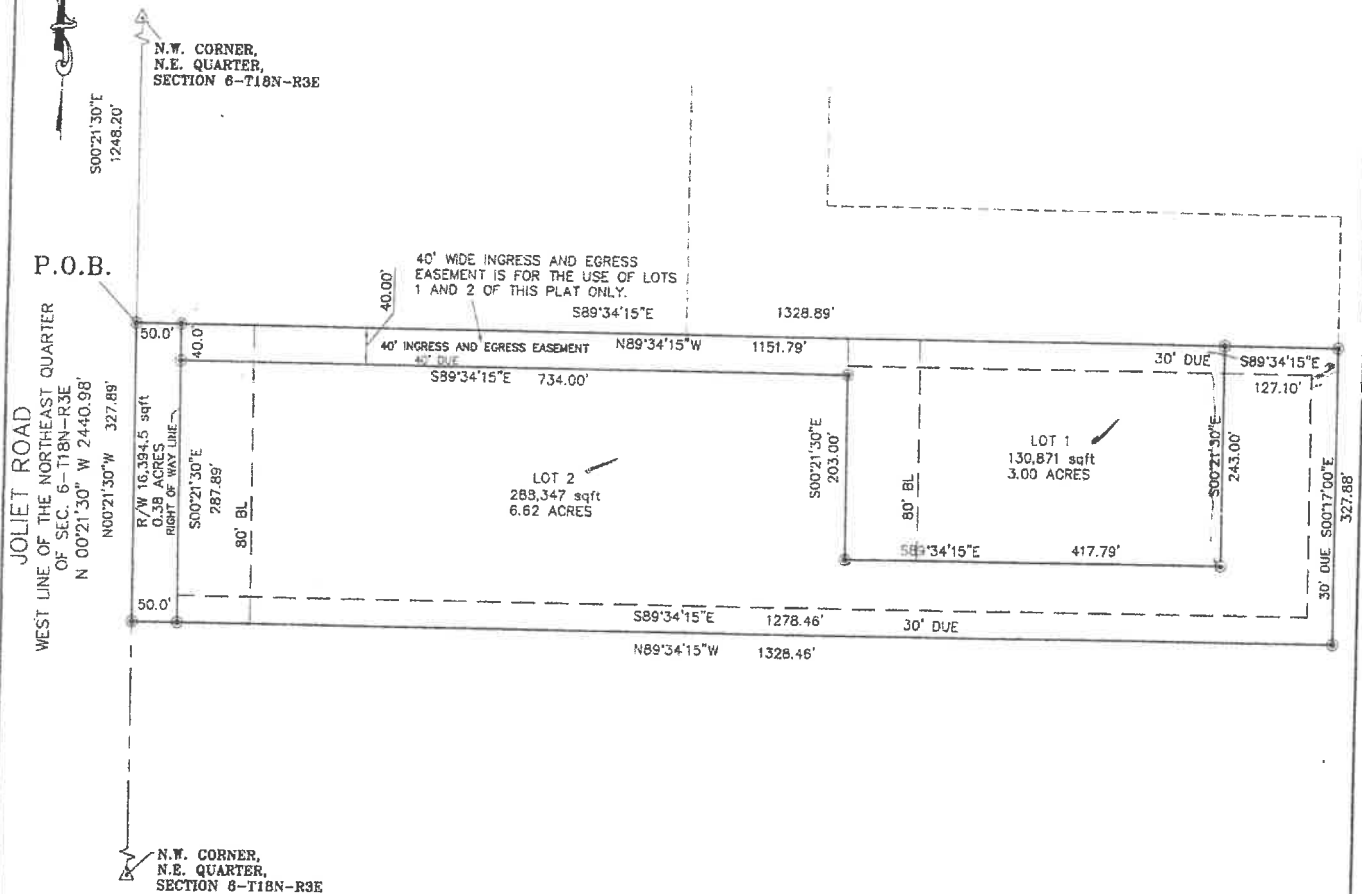


MINOR PLAT
BECKNER ESTATES

PART OF THE N.E. QUARTER, SECTION 6, TOWNSHIP 18 NORTH, RANGE 3 EAST
WASHINGTON RIVER TOWNSHIP, HAMILTON COUNTY, INDIANA

2018037777 PLAT
08/15/2018 01:45:54P \$30.00
Jennifer Hayden
HAMILTON County Recorder IN
Recorded as Presented

DUTY ENTERED FOR TAXATION
Subject to final acceptance for transfer
15 Aug 19 18
Robert M. Thibault
Parcel #



SOURCE OF TITLE

RENEE C BECKNER
INSTRUMENT No. 2010003855

THIS INSTRUMENT PREPARED BY:
K. NATHAN ALTHOUSE
MILLER SURVEYING, INC.
948 CONNER STREET
NOBLESVILLE, IND. 46060
Ph 773-2844 Fx 773-2694
DATE: MARCH 14, 2018
Job No. B37666

OWNER / SUBDIVIDER /
DEVELOPER

Beckner, Renee C
15340 Shelborne Rd
Westfield, IN 46074

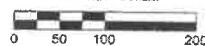
SURVEYOR

MILLER SURVEYING, INC.
948 CONNER STREET
NOBLESVILLE, INDIANA
PH: (317) 773-2644

ZONE

AG-SF1
Decorative signs, sprinkler systems, trees, landscaping mounds, fences, light poles or other such amenities are not permitted within the R/W.

GRAPHIC SCALE



SCALE : 1" = 100' PAGE 1 OF 2

WITNESS MY SIGNATURE THIS 26TH DAY OF MARCH 2018


K. NATHAN ALTHOUSE, PLS
PROFESSIONAL LAND SURVEYOR No. LS 20400007
STATE OF INDIANA

I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THE DOCUMENT, UNLESS REQUIRED BY LAW. (KEITH NATHAN ALTHOUSE)

MINOR PLAT
BECKNER ESTATES

PART OF THE N.E. QUARTER, SECTION 6, TOWNSHIP 18 NORTH, RANGE 3 EAST
WASHINGTON RIVER TOWNSHIP, HAMILTON COUNTY, INDIANA

2016037777 PLAT \$30.00
08/15/2018 01:45:54P 2 PGS
Jennifer Hayden
HAMILTON County Recorder IN
Recorded as Presented

LAND DESCRIPTION

DESCRIPTION OF REAL ESTATE:

PART OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 18 NORTH, RANGE 3 EAST IN HAMILTON COUNTY, INDIANA, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 18 NORTH, RANGE 3 EAST; THENCE ON THE WEST LINE OF SAID NORTHEAST QUARTER SOUTH 00 DEGREES 21 MINUTES 30 SECONDS EAST (ASSUMED BEARING) 1248.20 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION;

THENCE SOUTH 89 DEGREES 34 MINUTES 15 SECONDS EAST 1328.89 FEET TO THE EAST LINE OF THE WEST HALF OF SAID NORTHEAST QUARTER; THENCE ON SAID EAST LINE SOUTH 00 DEGREES 17 MINUTES 00 SECONDS EAST 327.88 FEET; THENCE NORTH 89 DEGREES 34 MINUTES 15 SECONDS WEST 1328.46 FEET TO THE WEST LINE SAID NORTHEAST QUARTER; THENCE ON SAID WEST LINE NORTH 00 DEGREES 21 MINUTES 30 SECONDS WEST 327.89 FEET TO THE POINT OF BEGINNING, CONTAINING 10.00 ACRES, MORE OR LESS.

CERTIFICATE OF SURVEY

THIS SUBDIVISION CONSISTS OF 2 LOTS NUMBERED LOT 1, AND 2.

THE SIZE OF LOTS AND WIDTH OF STREET ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.

I, K. NATHAN ALTHOUSE, THE UNDERSIGNED CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA AND THAT THE WITHIN PLAT REPRESENTS A SUBDIVISION OF THE LANDS SURVEYED WITHIN THE CROSS REFERENCED SURVEY PLAT, AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THERE HAS BEEN NO CHANGE FROM THE MATTERS OF THE SURVEY REVEALED BY THE CROSS-REFERENCE SURVEY AND ANY LINES THAT ARE COMMON WITH THE NEW SUBDIVISION.

WITNESS MY SIGNATURE THIS 26TH DAY OF MARCH 2018.

K. Nathan Althouse

K. NATHAN ALTHOUSE, PLS
PROFESSIONAL LAND SURVEYOR No. LS 20400007
STATE OF INDIANA



SOURCE OF TITLE

RENEE C BECKNER
INSTRUMENT No. 2010003855

THIS INSTRUMENT PREPARED BY:
K. NATHAN ALTHOUSE
MILLER SURVEYING, INC.
948 CONNER STREET
NOBLESVILLE, IND. 46060
PH 773-2844 Fx 773-2894
DATE: MARCH 14, 2018
Job No. B37666

OWNER / SUBDIVIDER /
DEVELOPER

Beckner, Renee C
15340 Shelburne Rd
Westfield, IN 46074

SURVEYOR

MILLER SURVEYING, INC.
948 CONNER STREET
NOBLESVILLE, INDIANA
PH: (317) 773-2844

DEED OF CERTIFICATE

THE UNDERSIGNED RENEE C BECKNER, OWNER OF THE REAL ESTATE SHOWN HEREIN AND RECORDED IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA AS INSTRUMENT No. 2010003855, DO HEREBY CERTIFY THAT WE HAVE LAID OFF, PLATTED AND SUBDIVIDED AND DO HEREBY LAY OFF, PLAT AND SUBDIVIDE SAID REAL ESTATE IN ACCORDANCE WITH THE WITHIN PLAT.

THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS BECKNER ESTATES

ALL RIGHT OF WAYS SHOWN AND NOT HEREFOR DEDICATED, ARE HEREBY DEDICATED TO THE PUBLIC.

IN TESTIMONY WHEREOF, WITNESS THE SIGNATURES OF OWNER AND DECLARANT

THIS 24 DAY OF May 2018.

RENEE C BECKNER

Renee C Beckner
RENEE C BECKNER

STATE OF INDIANA }
COUNTY OF HAMILTON } SS

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED AND ACKNOWLEDGED THE EXECUTION OF THE INSTRUMENT AS HIS VOLUNTARY ACT AND DEED AND AFFIX HIS SIGNATURE THERETO.

WITNESS MY SIGNATURE AND SEAL THIS 24 DAY OF May 2018

Kyra Miller
NOTARY PUBLIC
Kyra Miller
PRINTED NAME

COUNTY OF RESIDENCE: Madison
MY COMMISSION EXPIRES: 3-11-2026



PLAN COMMISSION CERTIFICATE

UNDER AUTHORITY PROVIDED BY I.C. 36-7, ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA, AND ALL ACTS AMENDATORY THERETO, AND AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF WESTFIELD, HAMILTON COUNTY, INDIANA, THIS PLAT WAS GIVEN APPROVAL BY THE WESTFIELD-WASHINGTON TOWNSHIP ADVISORY PLAN COMMISSION, AS FOLLOWS:

APPROVED BY THE DIRECTOR OF THE ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT OF THE CITY OF WESTFIELD, HAMILTON COUNTY, INDIANA, PURSUANT TO THE WESTFIELD-WASHINGTON TOWNSHIP UNIFIED DEVELOPMENT ORDINANCE, ON THE 30th DAY OF July 2018.

WESTFIELD-WASHINGTON TOWNSHIP PLAN COMMISSION

BY: *Matt Skelton*
MATT SKELTON, DIRECTOR
ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT

COUNTY COMMISSIONERS CERTIFICATE:

"UNDER AUTHORITY PROVIDED BY INDIANA CODE 36-7-3, AS AMENDED, THIS PLAT WAS GIVEN APPROVAL BY THE BOARD OF COMMISSIONERS FOR THE COUNTY OF HAMILTON, STATE OF INDIANA, AT A MEETING HELD ON THE 19th DAY OF August 2018."

Yvonne H. Brickett
PRESIDENT
Alvin Althouse
MEMBER

L. O. Dillinger
VICE PRESIDENT
Robin M. Mills
AUDITOR ROBIN M. MILLS

AFFIDAVIT OF NOTICE OF PUBLIC HEARING

DOCKET #: _____

PUBLIC HEARING DATE: May 11, 2021APPLICANT'S NAME: The Chris Center, INCREPRESENTATIVE'S NAME: Nancy Elbert COMPANY: The Chris Center, INCPROJECT TO BE KNOWN AS: The Chris Center, INC.APPLICATION TYPE: ☐ CHANGE OF ZONING ☐ TEXT AMENDMENT ☐ COMMITMENTS ☐ PRIMARY PLAT☐ DEVELOPMENT PLAN (SITE PLAN) ☒ BOARD OF ZONING APPEALS (VARIANCE, SPECIAL EXCEPTION)

PUBLIC NOTICE AFFIDAVIT

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath does hereby certify that notice of public hearing to consider above petition was sent by certified, registered or first class mail to the last known address of each of the following persons, as attached hereto as **Exhibit A**, they being all persons to whom notice was required to be sent by the Plan Commission or Board of Zoning Appeals' Rules of Procedure (as applicable), and that said notices were postmarked on the 29th day of March, 2021, being at least ten (10) days prior the scheduled public hearing.

I (We) further certify that the notice required to be posted on the subject property described in the above petition was posted on the subject property in accordance with the Plan Commission's or Board of Zoning Appeals' Rules of Procedures (as applicable) on the 29th day of March, 2021, being at least ten (10) days prior the scheduled public hearing.

[Signature]
Applicant/Representative (signature)*

Nancy Elbert
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 instrument.

Witness my hand and Notarial Seal this 29th day of March, 2021.

State of Indiana County of Hamilton SS: _____

BONNIE M. RILEY
Notary Public, State of Indiana
Hamilton County State of Indiana
Commission Number 0673871
My Commission Expires October 23, 2023

[Signature]
Notary Public Signature

Bonnie M. Riley
Notary Public (printed)

September 2020

WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM
TECHNICAL ADVISORY COMMITTEE



DOCKET #: _____ FILING DATE: 4/1/21

APPLICANT'S NAME: The Chris Center INC TELEPHONE: 630-363-1400

REPRESENTATIVE'S NAME: Nancy Elbert TELEPHONE: 630-363-1400

PROJECT TO BE KNOWN AS: The Chris Center INC

ADDRESS OR PROPERTY LOCATION: 17319 Juliet Rd, Westfield 46074

APPLICATION TYPE: ☐ STANDARD ZONING DISTRICT ☐ PLANNED UNIT DEVELOPMENT DISTRICT ☐ TEXT AMENDMENT
☐ PRIMARY PLAT ☐ SECONDARY PLAT ☐ DEVELOPMENT PLAN ☒ BOARD OF ZONING APPEALS

DELIVERY AFFIDAVIT

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath certifies that on behalf of the above application, that I caused copies of said application and supporting plans and materials to be delivered electronically or in hardcopy on the 29th day of March, 2021 to the members of the Westfield-Washington Township Technical Advisory Committee members as set forth in the attached.

Nancy Elbert
Applicant/Representative (signature)*

Nancy Elbert
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 instrument.

Witness my hand and Notarial Seal, this 29th day of March, 2021.

State of Indiana County of Hamilton SS:

BONNIE M. RILEY
Notary Public, State of Indiana
Hamilton County State of Indiana
Commission Number 0673871
My Commission Expires October 23, 2023

Bonnie M. Riley
Notary Public Signature

Bonnie M. Riley
Notary Public (printed)

WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM
TECHNICAL ADVISORY COMMITTEE MEMBERS



SERVICE PROVIDERS (CONT.)

Duke Energy (Noblesville Office) (C) 100 South Mill Creek Road Noblesville, Indiana 46062 Bill Oldham (317) 776-5331 / (317) 617-9099 (cell) william.oldham@duke-energy.com	Duke Energy (Carmel Office) (H) (C) 16475 Southpark Drive Westfield, Indiana 46074 Matt Dayhuff (317) 896-6704 matt.dayhuff@duke-energy.com	Duke Energy: Asset Protection (H) (C) WF500 / 2727 Central Avenue Columbus, Indiana 47201 Ryan Daugherty (812) 375-2021 ryan.daugherty@duke-energy.com
Panhandle Eastern Pipeline Company 9371 Zionsville Road Indianapolis, Indiana 46268 Troy Yackle (317) 733-3213 troy.yackle@energytransfer.com Mark Wood (317) 733-3232 mark.wood@energytransfer.com	Indiana Gas / Vectren (P) (C) P.O. Box 1700 Noblesville, Indiana 46061 Chad Miller (317) 776-5590 crmiller@vectren.com	Comcast Cable 5330 East 65th Street Indianapolis, Indiana 46220 Earl Small, Jr (317) 982-1161 Earl.Small@cable.comcast.com
Level 3 Communications 1902 South East Street Indianapolis, Indiana 46225 Dewayne Hamilton (317) 916-2708 dewayne.hamilton@level3.com	Spectrum 3030 Roosevelt Avenue Indianapolis, Indiana 46218 Matt Filson (317) 713-3899 / (317) 618.2822 (cell) Mathew.Filson@charter.com	Buckeye Partners, L.P. 5521 W Lincoln Highway, Suite 305 Crown Point, Indiana 46307 Jana Olthoff (219) 796-8226 / (219) 741-0201 (cell) jolthoff@buckeye.com
Marathon Pipeline LLC 10722 East County Road 300 North Indianapolis, Indiana 46234 Brian Phillips (317) 291-9460 BrPhillips@marathonpetroleum.com	Frontier Communication 20905 Hague Road Noblesville, Indiana 46060 Steve Costlow (317) 984-9010 steve.costlow@ftr.com	AT&T 240 North Meridian Street Indianapolis, Indiana 46204 Brian Wente (317) 610-5440 / (317) 525-4894 (cell) Bw1917@att.com
Zayo Group 5200 East 64th Street Indianapolis, Indiana 46220 Waylon Higgins (765) 341-1199 waylon.higgins@zayo.com	Indiana Fiber Network 722 North High School Road Indianapolis, Indiana 46214 Shawn Wright (317) 777-7119 / (317) 605-2564 (cell) swright@intelligentfiber.com	MetroNet (C) 12415 Old Meridian Street Carmel, Indiana 46032 Marc Hill (317) 670-7995 Marc.Hill@metronetinc.com

(H) = agencies/departments that require hardcopies of plans; otherwise electronic copies of plans suffice.
(C) = denotes agencies/departments that require CAD files of plans.
(P) = PDF

WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM
TECHNICAL ADVISORY COMMITTEE



DOCKET #: _____ FILING DATE: 4/1/21
APPLICANT'S NAME: The Chris Center, INC TELEPHONE: 630-363-7400
REPRESENTATIVE'S NAME: Nancy Elbert TELEPHONE: 630-363-1400
PROJECT TO BE KNOWN AS: The Chris Center, INC
ADDRESS OR PROPERTY LOCATION: 17319 Joliet Rd, Westfield 46074
APPLICATION TYPE: ☐ STANDARD ZONING DISTRICT ☐ PLANNED UNIT DEVELOPMENT DISTRICT ☐ TEXT AMENDMENT
☐ PRIMARY PLAT ☐ SECONDARY PLAT ☐ DEVELOPMENT PLAN ☒ BOARD OF ZONING APPEALS

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Nancy Elbert
Applicant/Representative (signature)*

Nancy Elbert
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 instrument.

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State of Indiana County of Hamilton SS:

BONNIE M. RILEY
Notary Public, State of Indiana
Hamilton County State of Indiana
Commission Number 0673871
My Commission Expires October 23, 2023

Bonnie M. Riley
Notary Public Signature

Bonnie M. Riley
Notary Public (printed)

"Exhibit A"



A Place for Paws at The Chris Center, Inc.

Our mission at The Chris Center, Inc. is to promote the mental and emotional wellness of teenagers. We recognize the severity of the teen mental health epidemic and are passionate about providing innovative solutions to support teen wellness. We are working to launch our care farm, A Place for Paws, as a unique wellness resource to support teens in Hamilton County, IN.

The idea behind a care farm is that mental and emotional well-being can be improved by connecting to nature, interacting with animals, and participating in farm activities. This concept is well-accepted in Europe, and research supports the mental health benefits associated with care farming. Our goal is to bring this care farm model to adolescents in our own community.

Our vision is to provide a safe, supportive community where teens can take a pause from the stressors of their everyday lives, connect to nature, and experience the healing power of human-animal interaction.

Key Activities and Services:

- Teens will participate in basic farm activities such as gardening and animal care (feeding, grooming, and nurturing animals such as miniature donkeys, goats, rabbits, and guinea pigs)
- Educational programs and wellness classes (examples include mindfulness classes, goat yoga, arts and crafts)
- Field trips and tours (schools, girl/boy scout troops, community centers)
- Fundraising events may take place on site
- Farmers market and produce stand (selling flowers and produce to help support nonprofit mission)
- Summer enrichment programs



Nancy Elbert, Founder and CEO

630-363-1400

Chriscenterpaws.com

aplaceforpaws4@gmail.com

A PLACE FOR PAWS

AT THE CHRIS CENTER, INC.

WHERE TEENS FIND PEACE AND
WELLNESS THROUGH NATURE

A PLACE FOR PAWS

A CARE FARM FOR TEENS

Mission: To promote mental and emotional wellness in teenagers

The Care Farm Model:

- Improving wellness through participation in farm activities
- Connecting to nature and interacting with animals
- Proven track record in Europe

Vision: To provide a safe, supportive community where teens can take a pause from their everyday lives, connect to nature, and experience the healing power of human-animal interaction



THE OPPORTUNITY TO MAKE A DIFFERENCE IN THE TEEN MENTAL HEALTH EPIDEMIC

- Increasing incidence of anxiety and depression among adolescents in the US
- Research shows that animal-assisted activities:
 - Decrease symptoms of anxiety and depression
 - Support people during times of crisis
- Our care farm can support the mental health of teens in our community



■ Anxiety



■ Depression



■ Suicidal Ideation



THE PROBLEM:
Teens with anxiety and depression are not getting the help they need

Perceived stigma of mental illness

Long wait times for mental health providers

Lack of affordable treatment options



THE SOLUTION:
A care farm that promotes teen
wellness

Overcomes the stigma

Accessible

Affordable



HOW A CARE FARM WORKS

Members participate in routine farm activities:

- Feeding, grooming, nurturing animals
- Land care and gardening



Benefits of care farming:

- Decreased symptoms of anxiety and depression
- Improved self-esteem and mood
- Increased social contact and sense of belonging
- Acquisition of new skills and personal achievement

WHO WE SERVE

- SERVING TEENS (12-19 YEARS OLD)
 - Symptoms of anxiety or depression
 - No formal diagnosis required
 - May or may not be receiving counseling or medical treatment
- PROVIDING HOPE FOR PARENTS
 - Worried about their struggling teens
 - Frustrated by barriers to mental health resources
 - Searching for an additional resource to help their children



PROGRESS TO DATE

Formed
executive
team
11/20

Located
7-acre
site
12/20

Filed articles
of
incorporation
1/21

Filed for
501c3
status
2/21

Tentative
1st Board
Meeting
3/21

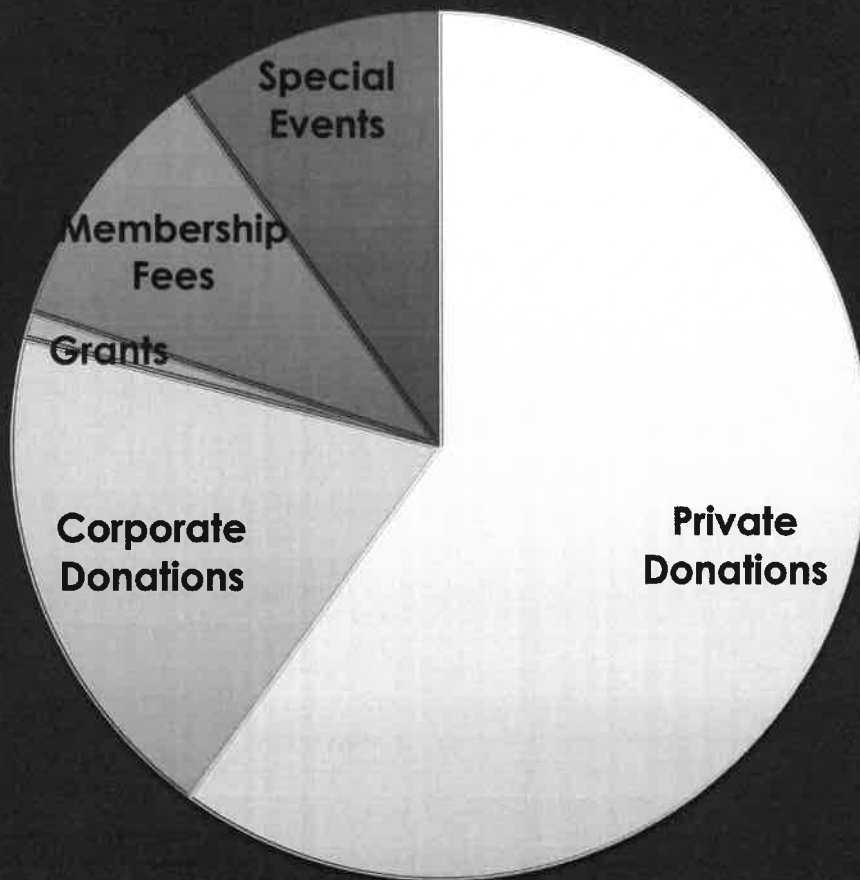
Case
Study
12/20

Formed
initial
Board of
Directors
12/20

Drafted
Bylaws
1/21

Secured
website
domain
2/21

REVENUE SOURCES



Startup Costs: \$125,000

Monthly Membership Fees:

- \$50-100/ month for charter members
- Reassess after pilot period

OTHERS IN THIS SPACE

**Counseling
&
Medication**

**Equine
Therapy**

**Crisis
Centers &
Hotlines**

**Petting Zoos
and Pet
Stores**

- **No other organization in Hamilton County supports teen mental wellness through animal activities.**
- **A Place for Paws is a nonclinical resource that can complement traditional therapies such as counseling and medication**

FOUNDING TEAM



Nancy Elbert
Chief Executive
Officer,
Advocate of the
Non-profit World



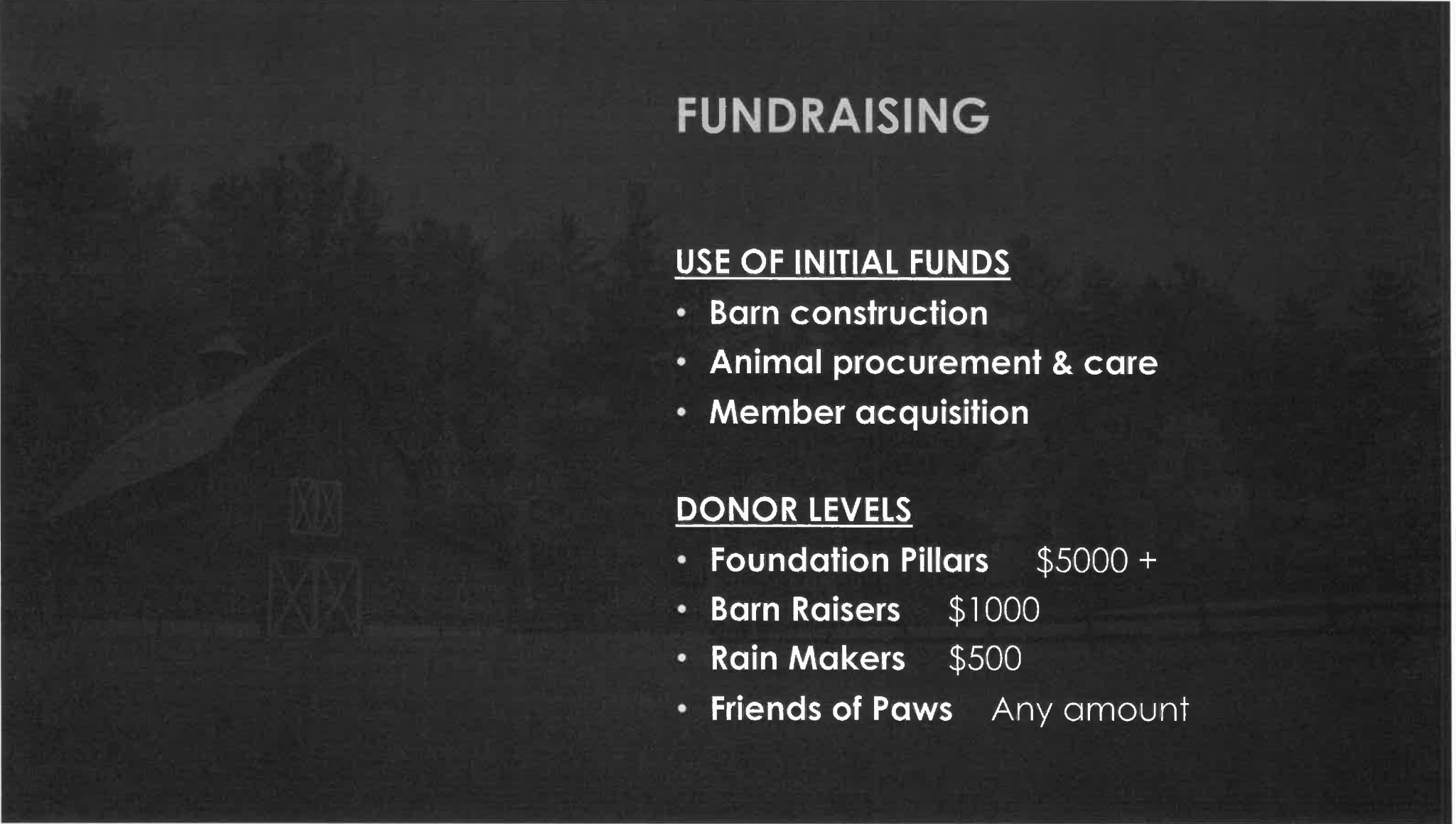
Sandra Moreira, MD
Chief Strategy
Officer,
Animal Aficionado



Janet Witzman
Chief Operating
Officer,
Organizing
Wizard



Jill Zaniker
VP of
Development,
Event Magician



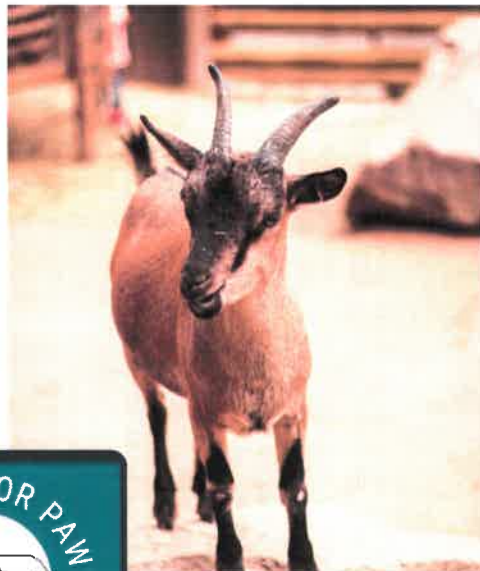
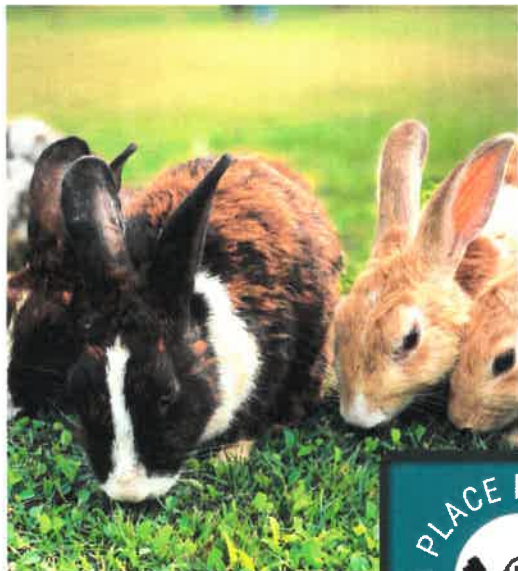
FUNDRAISING

USE OF INITIAL FUNDS

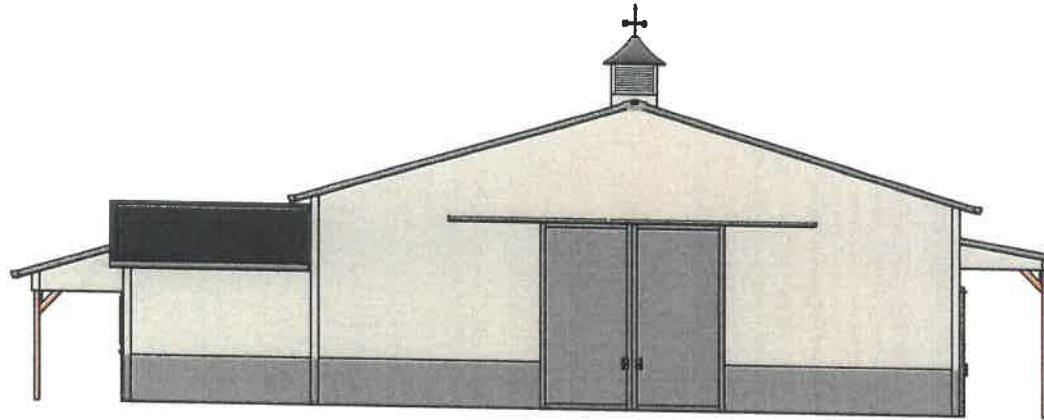
- Barn construction
- Animal procurement & care
- Member acquisition

DONOR LEVELS

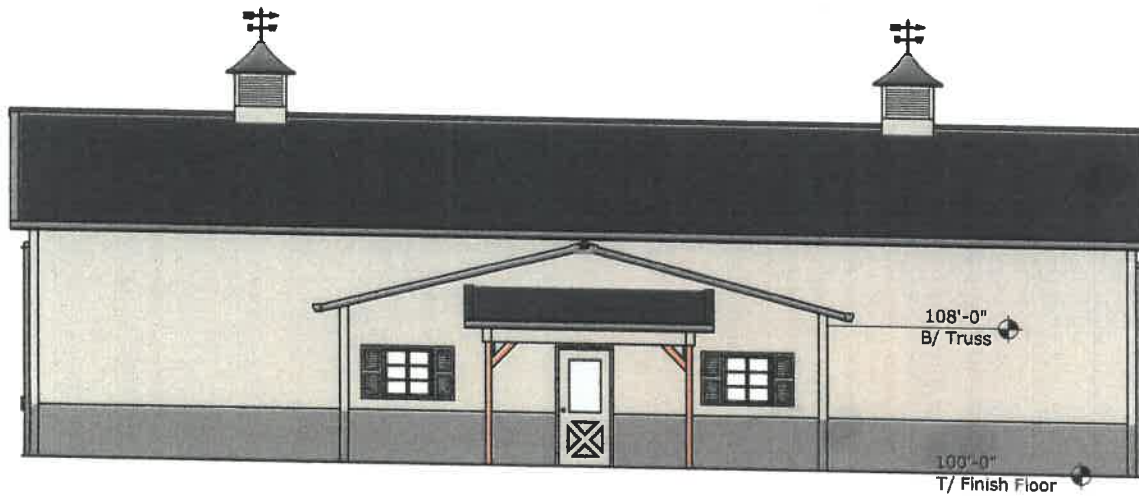
- **Foundation Pillars** \$5000 +
- **Barn Raisers** \$1000
- **Rain Makers** \$500
- **Friends of Paws** Any amount



THANK YOU



END ELEVATION



SIDE ELEVATION

Copyright:
FBI Buildings, Inc.

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

XC: Purchaser Approval	Date
XC: Seller Approval	Date
Drawing #	

Martin Beckner
17319 Joliet Rd
Westfield, IN, 46074

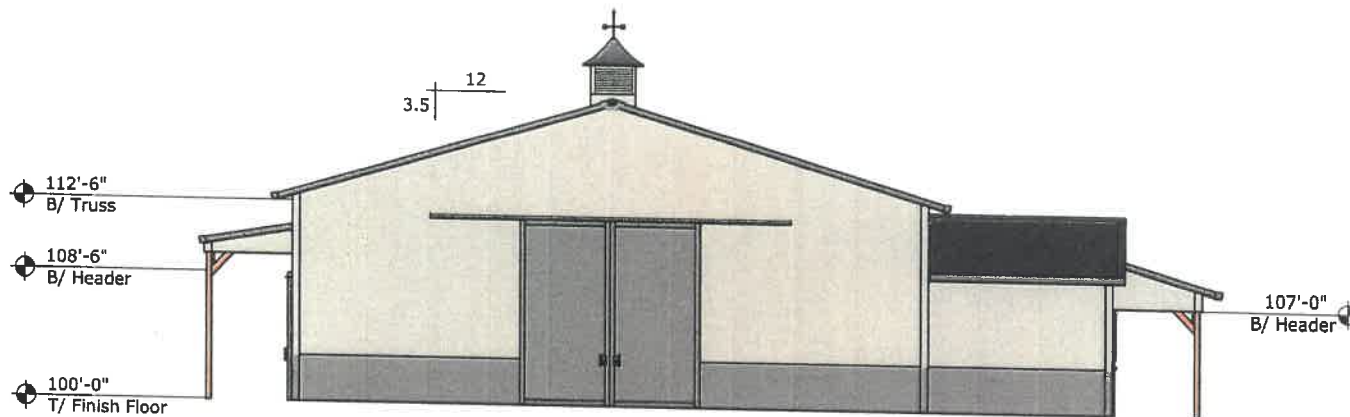
Elevation Plan

FBI
FBI Buildings, Inc.
3823 W 1800 S
Remington, IN 47977
219-261-2157
www.fbibuildings.com

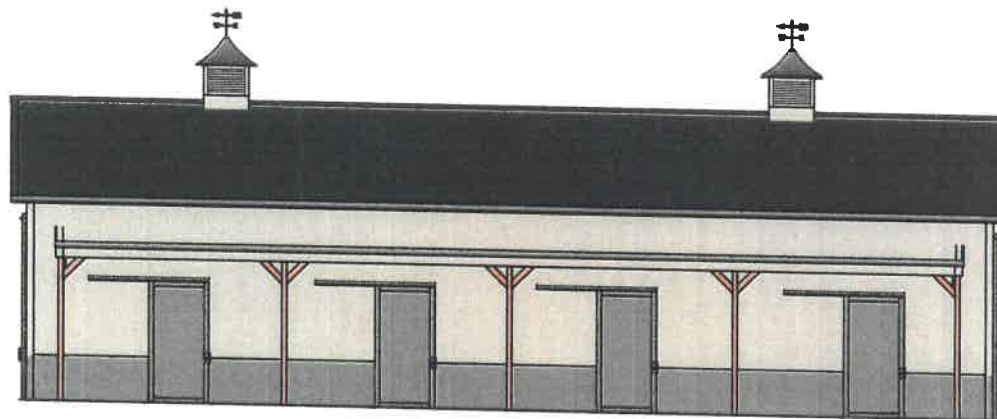
Date : 00/00/00
Name: XXX
Rev 0

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

A-202



END ELEVATION



SIDE ELEVATION

Copyright:
FBI Buildings, Inc.

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

Purchase Approval	Date
Seller Approval	Date
Drawing #	

Martin Beckner 17319 Joliet Rd Westfield, IN, 46074	Elevation Plan
--	----------------

FBI
 FBI Buildings, Inc.
 3823 W 1800 S
 Remington, IN 47977
 219-261-2157
www.fbibuildings.com

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

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

A-201

April 14, 2021

Pamela Howard
Senior Planner
Community Development
Westfield, IN 46704

Re: Additional Information for File-The Chris center, Inc.

Under the present zoning for the subject real estate (AG-SF1) Agriculture, the owner is permitted by definition Chapter 12.1 to the " use of land for farming, including plowing, tilling, cropping----seeding, cultivating or harvesting of crops-----the grazing or raising of livestock". The Chris Center, Inc. intends to operate a small agriculture farm within the 12.1 definition including the raising of livestock and the growing of crops. The Farm will be operated for a profit which will be used for charitable purpose in line with the established goals outline in filed materials. The main limitation for livestock would be that the Chris could not operate a Confined Feeding Operation that would come under the jurisdiction of IDEM. Chris will in no times be close to being considered a CFO in that all categories of livestock shall not exceed the number of 600 in any category whether that be sheep, goats, horses, donkeys, mini-mules, chickens or other domesticated farm animals. Of course, this small operational farm would be subject to all rules and regulation as any Indiana farm- that being the Indiana Board of Animal Health (developing care standards for all Indiana Livestock including health and disease), the Office of the State Chemist (OISC) is charged with ensuring that fertilizers and livestock manure are "handled and applied in a manner that will help ensure protection of our environment (OISC 2013). The Chris Center, Inc. is aware of all regulations governing the raising of livestock and growing of crops and will comply.

As stated in the materials submitted to the Planning Division, Chris intends to also cultivate garden plots and other crops. Bedding will be via straw or wood chips with no manure pits. The minimal amount of manure produced will be incorporated into the soil according to required practices in order not to contaminate ground or surface water according to the rules of the OISC.

The present zoning allows Chris to operate everything above described. We have asked for the Special Exception of Agritourism so that we may share our farm experience with various school and Church groups. The Chris center will not be open to the public. Also, since the Chris Center will be receiving donations from corporations and citizens, we would like our donors to visit the farm for fund raising events occasionally. The Chris Center, Inc. has asked for the Agritourism Special Exception for this purpose.

Also, pursuant to Chapter 4.2 (J) a Development Pan review is not required. Question-Do we need to complete Variance Application and then site the Code where Agricultural and Ag uses are exempt?

Thanks

Martin Beckner
President of Board of Directors, The Chris Center

JOLIET ROAD
WEST LINE OF THE NORTHEAST QUARTER
OF SEC. 6-T18N-R3E
N 00°21'30" W 2440.98'
N00°21'30"W 327.89'

P.O.B.

R/W 16,394.5 sqft
0.38 ACRES

S00°21'30"E
287.89'



Parking

LOT 2
288,347 sqft
6.62 ACRES

S89°34'15"E 1278.46'
N89°34'15"W 1328.46'

30' DUE

S00°21'30"E
203.00'

GRASS LINE

LOT 1
130,871 sq
3.00 ACRE
148.79'

EXISTING HOUSE

See attached plan to scale
64' x 42' Pole Ag Building
FBI Building

S89°34'15"E 734.00'
N89°34'15"W 1151.79'

1328.89'

S89°34'15"



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

May 11, 2021
2105-VS-15
Exhibit 1

Petition Number: 2105-VS-15

Subject Site Address: 525 David Brown Drive (The "Property")

Petitioner: Tom Roush, Inc. (The "Petitioner")

Request: The Petitioner requests a Variance of Development Standard from the Architectural Standards to permit refacing on an existing Auto Dealership on 8 acres +/- in the GB-PD: General Business/Planned Development District and US Highway 31 Overlay District (Article 6.3(F)).

Current Zoning: GB-PD: General Business/Planned Development District
US Highway 31 Overlay District

Current Land Use: Commercial

Approximate Acreage: 8 acres+/-

Exhibits:

1. Staff Report
2. Location Map
3. Existing Site Plan
4. Proposed Elevations
5. Mazda Architectural Package
6. Application

Staff Reviewer: Pam Howard, Senior Planner

OVERVIEW

Location: The subject Property is 15.76 acres +/- in size and is located at 525 David Brown Drive (see **Exhibit 2**). The Property is currently zoned GB-PD: General Business / Planned Development and is also located within the US Highway 31 Overlay District (the "Overlay"). The adjoining property to the south and east is also zoned GB-PD, the property to the north is zoned Grand Millennium PUD, and the property to the west is zoned EI: Enclosed Industrial.

Property History: The current business is a Legal Nonconforming¹ Use² in both the GB-PD District and the Overlay. The Property has received four previous Variances of Standard (82-V-9, 83-V-6, 98-V-27, and 1202-VS-01), all related to signage.

¹ UDO Article 9.2(B) states "Legal nonconforming is different than illegal nonconforming because a legal nonconforming property is caused by an amendment to this Ordinance, not as a result of a change to the property, that has resulted in the property no longer conforming to the policies and standards of the applicable Zoning District. When this situation occurs, then the property is deemed legal nonconforming and shall be subject to the terms of this Article..."

² The UDO defines Nonconforming Use as "[a] use which does not conform to the regulations of the Zoning District in which it is located."



Variance Request: The Petitioner requests a Variance of Development Standard from the Architectural Standards to permit refacing on an existing Auto Dealership on 8 acres +/- in the GB-PD: General Business/Planned Development District and US Highway 31 Overlay District (Article 6.3(F)).

SUMMARY OF VARIANCE

Architectural Standards: The Property is subject to the UDO's Architectural Standards for Business Districts (Article 6.3(F)). As it exists today, the building is Legal Nonconforming. However, the proposed change to the architecture of the building would require compliance with current standard, as they related to the proposed changes.

Article 6.3(F)(2)(b) Architectural Standards; Business Districts; Building Materials; External Façades: Each Building Façade visible from a Street, oriented to an adjoining Residential District, or oriented to an alternative transportation corridor bearing a designation on the Thoroughfare Plan (collectively, "External Façade"), shall comply with the following:

- i. Shall be one hundred percent (100%) Masonry Materials, excluding window, door, roofing, fascia and soffit materials; or
- ii. Shall incorporate two (2) or more building materials, excluding window, display window, door and roofing materials; provided, however, that a minimum of sixty percent (60%) of the Building Façade shall be Masonry Materials.

Article 6.3(F)(2)(b) Architectural Standards; Business Districts; Building Materials; All Other Façades: No more than twenty-five percent (25%) of all other Building Façades, exclusive of windows (including faux windows and glazing), doors and loading berths, may be covered with metal, Fiber Cement Siding, Polymeric Cladding, E.I.F.S., stucco, or vinyl exterior building materials.

Article 6.3(F)(3) Architectural Standards; Business Districts, Architectural Theme: Buildings and structures within a single development shall have complementary architectural themes.

Article 6.3(F)(4) Architectural Standards; Business Districts, Four-sided Architecture: All Building Façades visible from an adjacent Lot or Street shall be constructed with the same building material quality and level of architectural detail on all Building Façades (e.g., 360 degree architecture).

Article 6.3(F)(5)(a) Architectural Standards; Business Districts; Building Elevations; Horizontal Design: All Building Façades shall have a defined base or foundation, a middle or modulated wall, and a top formed by a pitched roof or articulated, cornice or moulding.



COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan identifies the “Employment Corridor” land use as the appropriate land use for the Property; the Employment Corridor land use is described in detail in the Highway Corridors section. The Highway Corridors section proposes office and service uses, research and development, and retail and institutional uses that are subordinate to and supportive of the office and service uses. Development Policies for Highway Corridors are located on p. 53 of the [Comprehensive Plan](#). The Comprehensive Plan is not law; rather, it is intended to serve as a guide in making land use decisions.

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Standard. This petition is scheduled to receive its public hearing at the May 11, 2021, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals’ Rules of Procedure.

Conditions: The UDO³ and Indiana law provide that the Board of Zoning Appeals may impose reasonable conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of the UDO upon any Lot benefited by a variance as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject Lot or upon public facilities and services. Such conditions shall be expressly set forth in the order granting the variance.

Acknowledgement of Variance: If the Board of Zoning Appeals approves this petition, then the UDO⁴ requires that the approval of the variance shall be memorialized in an acknowledgement of variance instrument prepared by the Department. The acknowledgement shall: (i) specify the granted variance and any commitments made or conditions imposed in granting of the variance; (ii) be signed by the Director, Property Owner and Applicant (if Applicant is different than Property Owner); and (iii) be recorded against the subject property in the Office of the Recorder of Hamilton County, Indiana. A copy of the recorded acknowledgement shall be provided to the Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

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

³ 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.



DEPARTMENT COMMENTS

Approval: The Department recommends approval of the Variances of Standard (2103-VS-03), then the Department recommends the conditions and findings as set forth below:

Recommended Conditions of Approval:

1. That the Variance only applies to the improvements being reviewed under Improvement Location Permit 21-CRM-009-562.
2. That the Building be constructed in substantial compliance with the Proposed Elevations (**Exhibit 4**).
3. That the Petitioner shall record an acknowledgement of this approval with the Hamilton County Recorder's Office and return a copy of the recorded instrument to the Community Development Department.

Recommended Findings for Approval:

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

Finding: It is unlikely that approving the requested variance would be injurious to the public health, safety, morals, and general welfare of the community because use of the Property will not change.

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

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

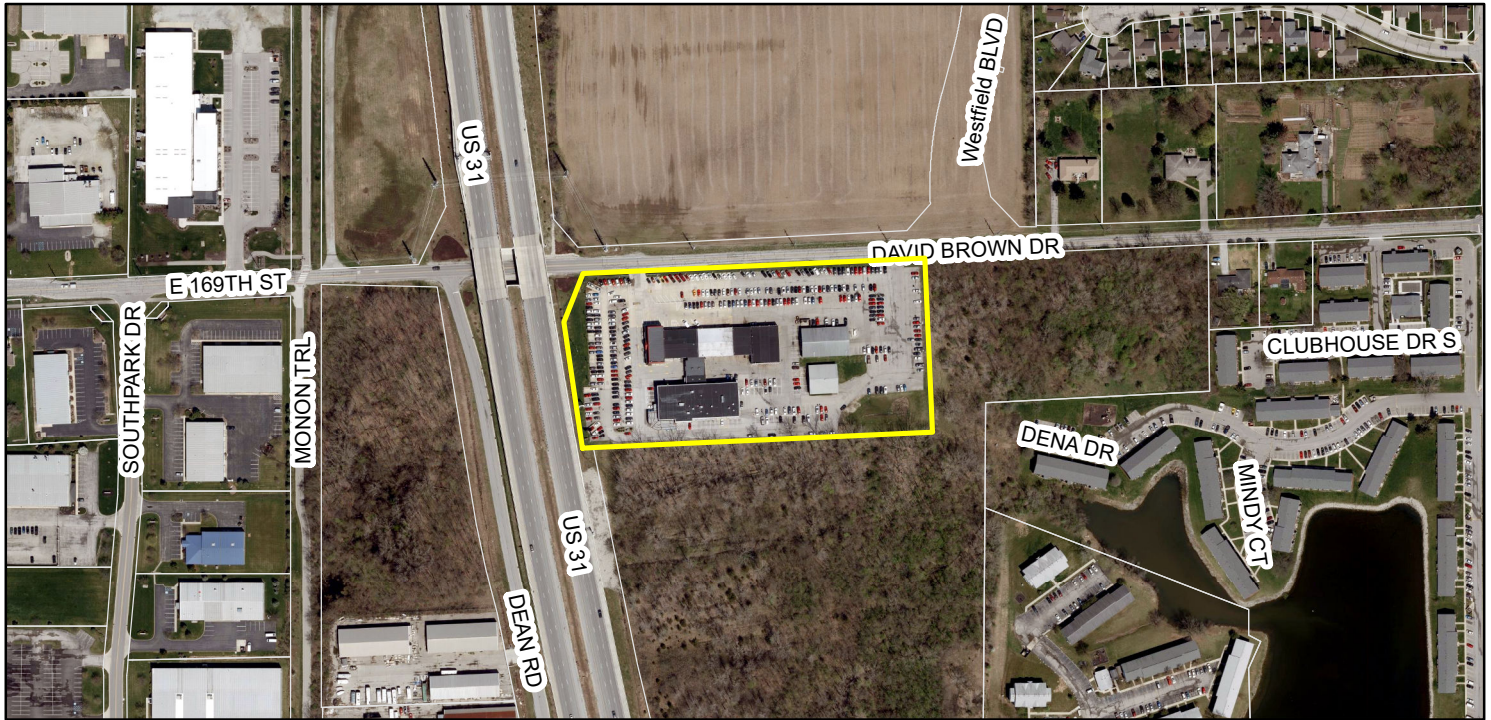
- 3) *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:*

Finding: Strict adherence to the zoning ordinance would result in the inability to improve the property in compliance with the Mazda franchise agreement.

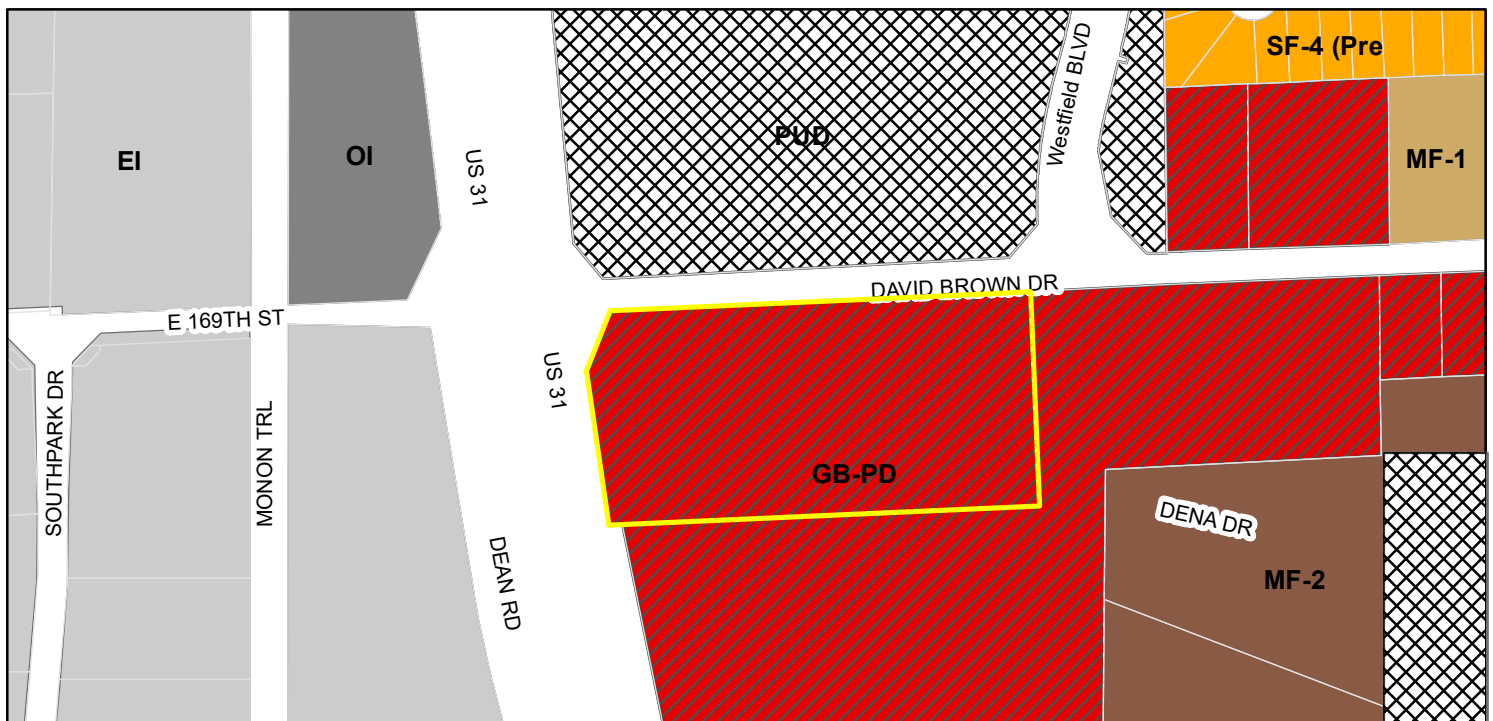
Denial: If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.

Aerial Location Map

 Site



Zoning Map



Zoning

- | | |
|---|--|
|  EI (Enclosed Industrial) |  MF-2 (Multiple Family - 2) |
|  GB-PD (General Business - Planned Development) |  PUD (Planned Unit Development) |
|  MF-1 (Multiple Family - 1) |  SF-4 Pre-1994 (Single Family - 4 Pre-1994) |

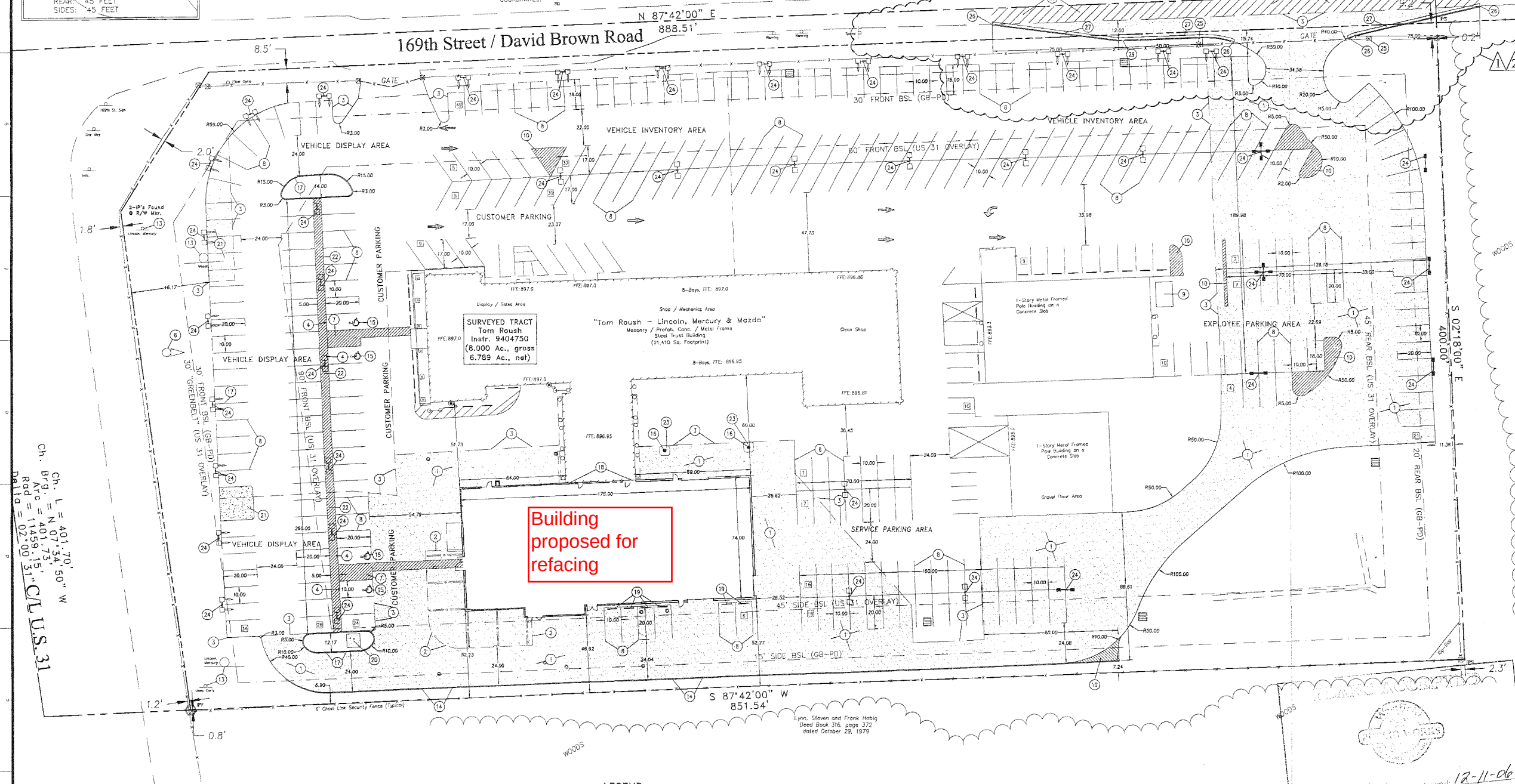
-PARKING SUMMARY-
DISPLAY = 60
INVENTORY = 132
SERVICE = 71
CUSTOMER = 37 (+ 4HC)
EMPLOYEE = 42

TOTAL PARKING = 346 SPACES

GENERAL PLAN NOTES

1. RADIUS ARE 5.0' UNLESS OTHERWISE NOTED.
2. SEE ARCHITECTURAL PLANS FOR DETAILS OF BUILDING AND BUILDING DIMENSIONS. DO NOT STAKE BUILDING FROM THESE PLANS.
3. ± DIMENSIONS INDICATE FIELD DIMENSION ADJUSTMENT AREA BASED ON ACTUAL FIELD LAYOUT COORDINATES.

THE PROPOSED NORTHEAST
ENTRANCE SHOULD BE THE
ONLY AREA REVIEWED FOR
THIS DPR/TAC SUBMITTAL



GENERAL NOTES:

- 1) THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING, OR VERIFYING THAT ALL PERMITS AND APPROVALS ARE OBTAINED FROM THE RESPECTIVE CITY, COUNTY, AND STATE AGENCIES PRIOR TO STARTING CONSTRUCTION.
- 2) IT SHALL BE THE CONTRACTORS RESPONSIBILITY TO DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES IN THE VICINITY OF THE CONSTRUCTION AREA PRIOR TO STARTING CONSTRUCTION.
- 3) IT SHALL BE THE CONTRACTORS RESPONSIBILITY TO NOTIFY AND COORDINATE CONSTRUCTION WITH ALL RESPECTIVE UTILITIES.
- 4) ALL QUANTITIES GIVEN ON THESE PRICES, VERBALLY OR IN THE SCOPE OF WORK SECTION ARE ESTIMATES AND SHALL BE CONFIRMED BY THE BIDDING CONTRACTORS.
- 5) OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) STANDARDS FOR EXCAVATIONS; FINAL RULE 29 CFR PART 1926, SUBPART "P" APPLIES TO ALL EXCAVATIONS EXCEEDING FIVE (5) FEET IN DEPTH.
- 6) IN ADDITION, EXCAVATION EXCEEDING TWENTY (20) FEET IN DEPTH REQUIRE THE DESIGN OF A TRENCH SAFETY SYSTEM BY A REGISTERED PROFESSIONAL ENGINEER.
- 7) IT SHALL BE THE RESPONSIBILITY OF THE DEVELOPER AND CONTRACTOR TO MAINTAIN QUALITY CONTROL THROUGHOUT THE PROJECT.
- 8) TEMPORARY TRAFFIC CONTROL DURING CONSTRUCTION TO CONFORM TO APPLICABLE LOCAL STANDARDS.
- 9) BEARINGS, DIMENSIONS, AND EASEMENTS ARE SHOWN FOR REFERENCE ONLY. SEE RECORD SURVEYS AND PLATS FOR EXACT INFORMATION.
- 10) ANY FILL TILES ENCOUNTERED DURING EXCAVATION SHALL BE REPAIRED AND POSITIVE DRAINAGE PROVIDED.
- 11) THE ENGINEER AND/OR OWNER DISCLAIM ANY ROLE IN THE CONSTRUCTION MEANS AND METHODS ASSOCIATED WITH THE PROJECT.
- 12) THE LOWEST FLOOR ELEVATION RECEIVING GRAVITY SEWER MUST BE A MINIMUM OF ONE (1) FOOT ABOVE THE LOWEST CASTING INLET NEAREST SANITARY SEWER MANHOLE, OR A GRINDER PUMP SHALL BE REQUIRED.
- 13) ALL DIMENSIONS ARE BASED ON FACE OF CURB OR BACK OF ROLL CURB OR FACE OF BUILDING.
- 14) SEE ARCHITECTURAL PLANS FOR DETAILS OF BUILDING, BUILDING DIMENSIONS, AT RELATED DETAILS, AND SIGNAGE SPECIFICATIONS. DO NOT STATE BUILDING FROM THESE PLANS.
- 15) COORDINATE CONSTRUCTION ACTIVITIES WITH ADJOINING WORK. VERIFY EXIST OF ADJOINING WORK AND COORDINATE RECORDS.
- 16) FIELD VERIFY EXISTING CURBS AND TAPER PROPOSED VERTICAL CURBS TO MATCH WITHIN A MIN. OF THREE (3) FEET.

LEGEND

- | | | | |
|--|--|--|-------------------|
| | EXIST. FIRE HYDRANT | | RIGHT-OF-WAY L. |
| | EXIST. WATER METER/WAVE | | PROPOSED STORM |
| | EXIST. SIGN | | PROPOSED SIDEWALK |
| | EXIST. MANHOLE WELL | | PROPOSED PIPE |
| | EXIST. IRON PIN & OR OIL PIT (SET/FOUND) | | PROPOSED MANHOLE |
| | EXIST. GAS METER | | PROPOSED CONTOUR |
| | EXIST. GAS VALVE | | DRAINAGE FLOW |
| | EXIST. STORM INLET | | WATER LINE |
| | EXIST. STORM/SEWER/INLET MANHOLE | | GAS LINE |
| | EXIST. ELECTRIC METER | | F.F.E. |
| | EXIST. POWER POLE/POWER POLE # / LIGHT | | INV |
| | EXIST. GUY ANCHOR | | R.C.P. |
| | EXIST. TELEPHONE PEDestal | | CMP |
| | HVAC UNIT | | S.T.R. |
| | EXIST. CLEANOUT | | M.E.G. |
| | MAILBOX | | SSD |
| | EXIST. LIGHT | | TOC |
| | EXIST. BOLLARD | | GUTTER |
| | EXIST. SANITARY SEWER LINE | | O.U.L. |
| | EXIST. STORM SEWER LINE | | T |
| | EXIST. CONTOURS | | T.B.M. |
| | CONCRETE END SECTION (C.E.S.) | | E |
| | GATE POST | | V.C. |
| | TRANSFORMER | | |

PLAN NOTES:

- | | | | |
|----|---|----|--|
| 1 | ASPHALT PAVING PER DETAIL ON SHEET C201 | 18 | NYOPLAST DRAIN STRUCTURE, REFER TO DETAIL ON SHEET C201 |
| 2 | BUILDING CANOPY, REFER TO ARCHITECTURAL DRAWINGS | 19 | 8" CONCRETE CURB; SEE DETAIL ON SHEET C201 |
| 3 | MATCH EXISTING PAVEMENT | 20 | COORDINATE PROPOSED BUILDING ADDITION CONNECTION TO EXISTING BUILDING WITH ARCHITECTURAL DRAWINGS |
| 4 | ADA PARKING SIGN - 1 VAN ACCESSIBLE REQUIRED (TYP) | 21 | PARKING BARRIER; SEE DETAIL ON SHEET C201 |
| 5 | CONCRETE SIDEWALK; SEE DETAIL ON SHEET C201 | 22 | PROPOSED TRANSFORMER PAD LOCATION |
| 6 | EXISTING FLAGPOLE | 23 | CONCRETE PAVING PER DETAIL ON SHEET C201 |
| 7 | PAINTED BLUE ADA ACCESSIBLE AISLE - 1'-5" WIDE, 1-8' WIDE (TYP) | 24 | PAINTED PARKING AISLE |
| 8 | PAINTED WHITE 4" PARKING LINES | 25 | CONCRETE PAVING AROUND NYOPLAST DRAIN STRUCTURE |
| 9 | PROPOSED FUEL STATION (10'x15') | 26 | PROPOSED LIGHT POLE AND BASE |
| 10 | PAINTED PARKING ISLAND | 27 | PROPOSED GATE - REFER TO OWNER/ARCHITECT FOR DETAILS. IF GATE IS TO BE LOCKED, A KNOX BOX FOR FIRE DEPARTMENT ACCESS MUST BE PROVIDED ON OUTSIDE OF GATE |
| 11 | EXISTING GRAVEL TO REMAIN | 28 | TAPER CURB WITHIN 3 FEET |
| 12 | PROPOSED GRAVEL, MATCH EXISTING | 29 | 6" CONCRETE CURB AND GUTTER. REFER TO DETAIL ON SHEET C201 |
| 13 | EXISTING SIGN | 30 | 1" MILL AND OVERLAY, PER INDOT SPECIFICATIONS, FROM EDGE OF PAVEMENT TO CENTERLINE OF ROAD |
| 14 | RETAINING WALL. REFER TO SHEET C103 FOR ELEVATIONS DESIGN OF WALL BY OTHERS | 31 | CURB TURNOUT; REFER TO DETAIL ON SHEET C201 |
| 15 | PAINTED ADA PARKING SYMBOL; WHITE WITH BLUE BACKGROUND (TYP) | | |

Call 1-800-382-5544
2 WORKING DAYS
BEFORE YOU DIG.



"IT'S THE LAW

CAUTION!!

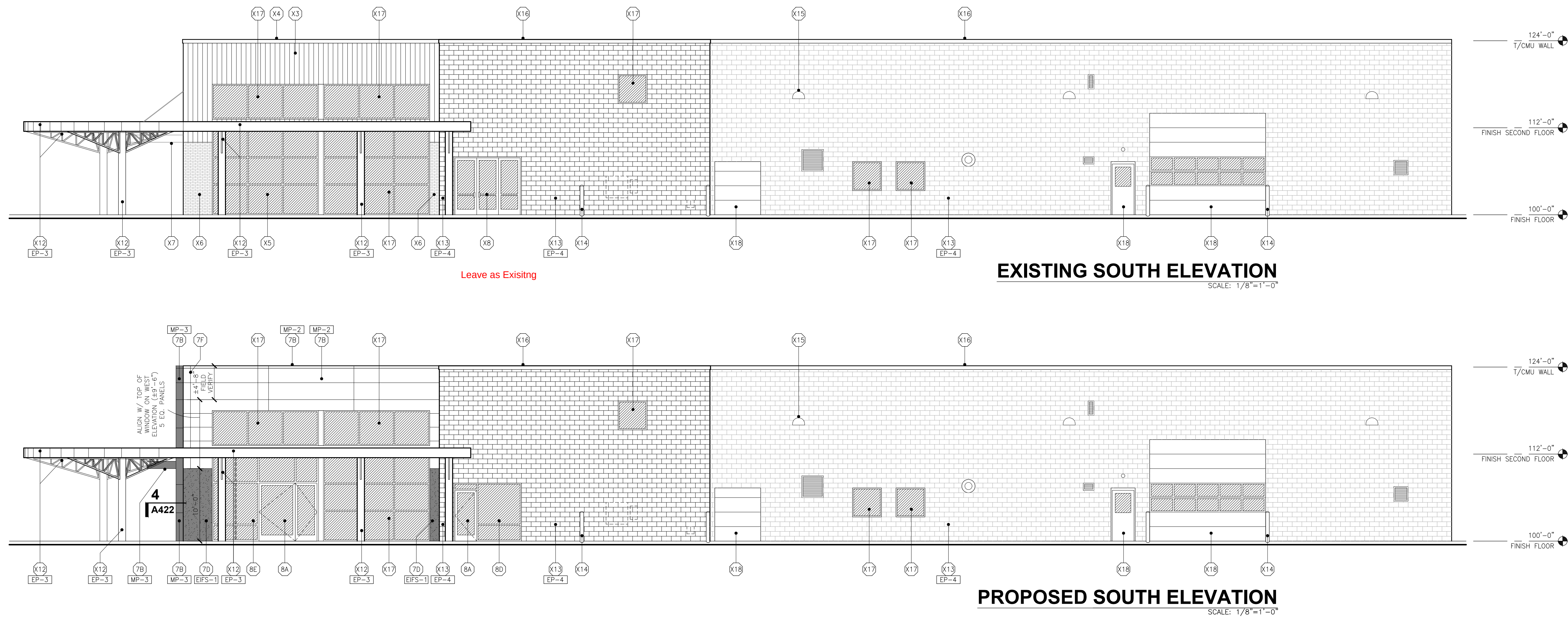
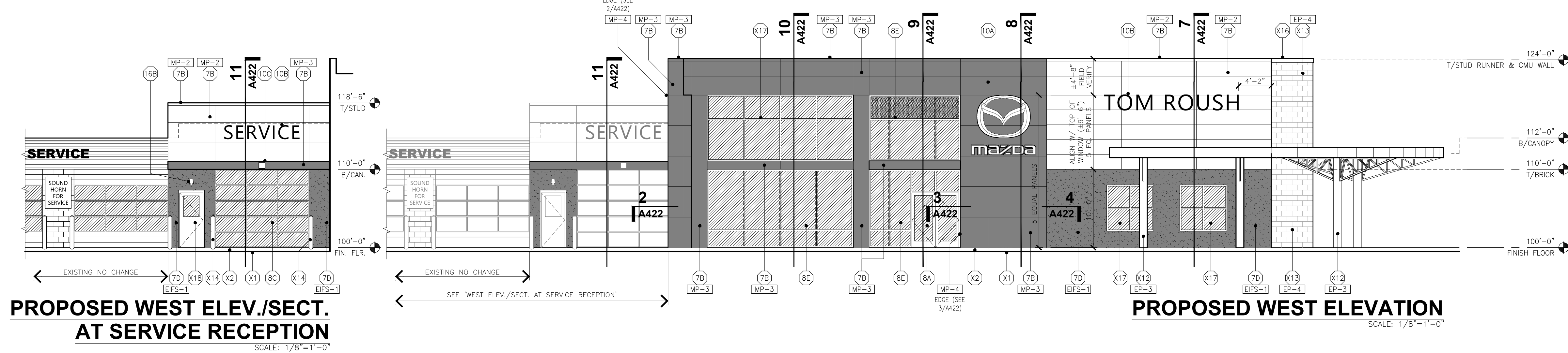
THE LOCATIONS OF ALL EXISTING UNDERGROUND UTILITIES SHOWN ON THIS PLAN ARE BASED UPON ABOVE GROUND EVIDENCE (INCLUDING, BUT NOT LIMITED TO, MANHOLES, INLETS, VALVES, AND MARKS MADE UPON THE GROUND BY OTHER) AND ARE SPECULATIVE IN NATURE. THERE MAY ALSO BE OTHER EXISTING UNDERGROUND UTILITIES FOR WHICH THERE IS NO ABOVE GROUND EVIDENCE OR FOR WHICH NO ABOVE GROUND EVIDENCE HAS BEEN OBSERVED. THE EXACT LOCATIONS OF SAID EXISTING UNDERGROUND UTILITIES SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO ANY AND ALL CONSTRUCTION.

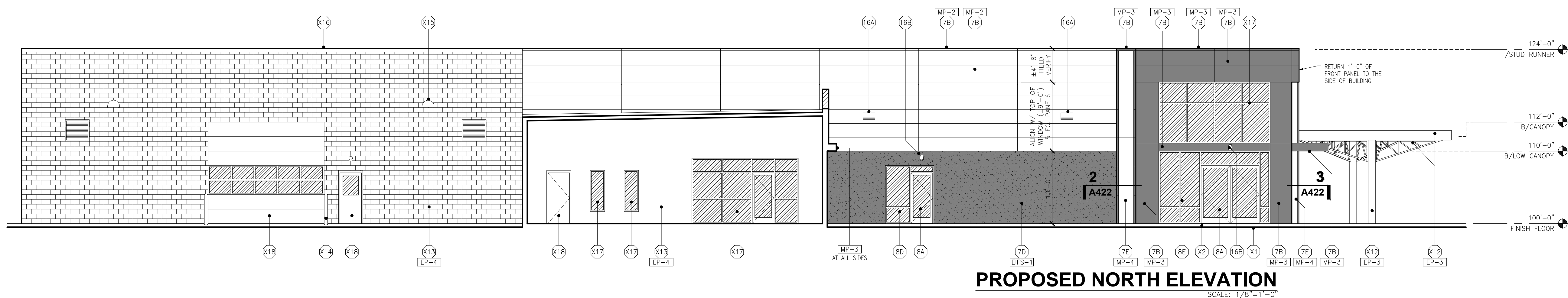
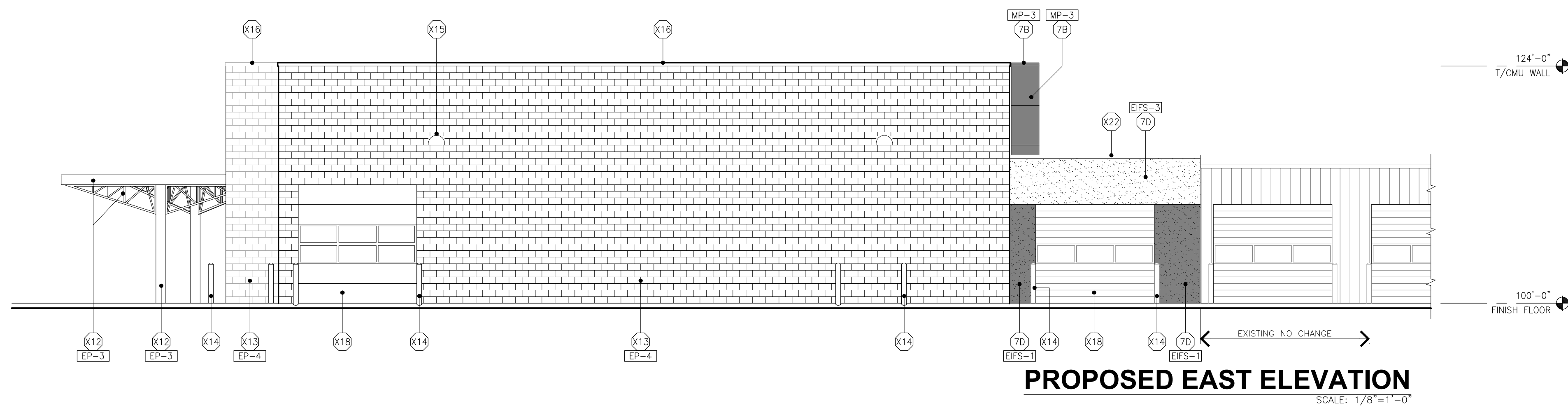
PLEASE CALL "HOLEY MOLEY"
1-800-382-5544

WEIHE ENGINEERS INC.
317846 6611
6505 NORTH COLLEGE AVENUE
NORTSARASOTTA, INDIANA 46280
WWW.WEIHENET
FAX 317843 0546
TOLL FREE 800.452.6408
ALLAN H. WEIHE, P.E., P.L.S. - PRESIDENT

PROJECT NO.: W06.0191	DWG NAME: 60191-c102.dwg	DESIGNED BY: com. team	DRAWN BY: com. team	CHECKED BY: jcs
--------------------------	-----------------------------	---------------------------	------------------------	--------------------

PROJECT NO.	SHEET NO.	PREPARED FOR:
w06.0191	C102	TOM ROUSH MAZDA
525 DAVID BROWN DRIVE, WESTFIELD, INDIANA 46074 SITE 1 ACCOUNT DI ANI		

[illegible]



(MC)	METAL PLATE (EXTERIOR FACED) MANUFACTURER: REYNOLDS COLOR: ANODIC CLEAR ALUMINUM DIMENSION: 62"x196"
(MC)	METAL PLATE (EXTERIOR FACED) MANUFACTURER: REYNOLDS COLOR: BY JOINT SYSTEM COLOR: COLORWELD 500, R4BCAAN ANODIC CL
ALTERNATE APPROVED VENDOR: CONTACT (ALUCORUMB): MICK CALDWELL, 3A COMPOSITES USA, INC. (770) 882-5822; MICK.CALDWELL@3ACOMPOSITES.COM MP-1; CADT GREY (PWF-2) MP-2; HHH BO WHITE (19420075) MP-3; CLOUTIER BLACK (PWF-2 / GLOSS 30) MP-4; ANODIC CLEAR WICA (PWF-2 / GLOSS 30) CONTACT (ALPOLIC MATERIALS): DAVE HEARNEY, ALPOLIC MATERIALS (757) 388-5724; DAVE.HEARNEY@ALPOLIC-CHEM.COM DAVE.HEARNEY@ALPOLIC.COM MP-1; AGT GREY MP-2; SAW WHITE (3MMAS5V5 / 3MM THICK) MP-3; AGT BLACK (3MMAS5V5 / 3MM THICK) MP-4; MIC MILK CLR (4MMAMNCS5 / 4MM THICK)	
BLAIR COMPANIES ACN (865) 544-4388 (ALTERNATE ACM PROVIDED BY CHANGCUP) MP-1; AGT GREY	

01. ALL MATERIALS, FINISHES, ATTACHMENTS, ETC. MUST BE TESTED & APPROVED TO MEET ALL REQUIREMENTS OF THE APPLICABLE LOCAL JURISDICTIONS.

02. IMPORTANT, MOST OF THE INDICATED FINISH TYPE CODES (e.g., EP-1, T-7, ETC.), ARE TAKEN DIRECTLY FROM THE MAZDA RETAIL EVOLUTION LINE PROGRAM DESIGN CENTER. PLEASE CHECK WITH US BY CHANGIAP. THIS INFORMATION CAN BE OBTAINED DIRECTLY FROM THE OWNER OR OWNER'S REPRESENTATIVE. ALL FINISHES ARE TO BE SELECTED/COORDINATED WITH OWNER PRIOR TO INSTALLATION/ APPLICATION.

03. CONTACT PANEL MFR'S, LISTED TO OBTAIN COMPLETE SPECIFICATIONS, PART GRADES & PRICERS MAY VARY DEPENDING ON THE SUBSTRATE TO WHICH THEY ARE APPLIED.

04. CONTACT INFORMATION IS LISTED ONLY ONCE FOR EACH MANUFACTURER.

05. SEE WALL SECTIONS FOR ADDITIONAL INFORMATION.

06. SEE SIGN DRAWINGS BY SIGNAGE CONTRACTOR FOR ALL INDICATED DRAWING SIGNS.

07. GC/ARCHITECT TO PROVIDE CAN PANELS SHOW DRAWINGS FOR CHANGE UP TO REVIEW PRIOR TO RELEASE FOR FABRICATION.

08. GC TO COORDINATE POWER FOR EXTERIOR SIGNAGE W/

X1	APPROX. LINE OF EXISTING/NEW SITE CONC., SLOPE, UPRIGHT OR GRADE. SEE CIV. DRAWINGS
X2	EXISTING NEW CONC. SIDEWALK, APRON, OR STOP. SEE DETAILS & SITE PLANS
X3	REMOVE EXISTING METAL WALL PANEL SYSTEM
X4	REMOVE EXISTING METAL COPING SYSTEM
X5	REMOVE EXISTING ALUMINUM STOREFRONT SYSTEM
X6	REMOVE EXISTING BRICK VENEER SYSTEM
X7	REMOVE EXISTING CANYON SYSTEM
X8	REMOVE EXISTING ALUMINUM STOREFRONT ENTRY SYSTEM
X9	REMOVE EXISTING OVERHEAD DOOR & TRACK SYSTEM
X10	REMOVE EXISTING WALL AS REQUIRED FOR NEW CONSTRUCTION
X11	REMOVE EXISTING SIGNAGE SYSTEM
X12	EXISTING CANOPY, CULMINAS, FRAMING, SPOFF, ETC. TO BE PAINTED "FP-3"
X13	EXISTING CONCRETE BLOCK. TO BE PAINTED
X14	EXISTING STEEL GUARDPOST. TO BE PAINTED, COLOR T.B.D.
X15	EXISTING LIGHT FIXTURE
X16	EXISTING METAL COPING SYSTEM. TO BE PAINTED TO MATCH COLOR OF ADJACENT SURFACE/WALL
X17	EXISTING GLAZING SYSTEM, MULLIONS/FRAMES TO BE PAINTED BLACK
X18	EXISTING DOOR(S) & FRAME. TO BE PAINTED TO MATCH COLOR OF ADJACENT SURFACE/WALL
X19	EXISTING H-M WINDOW SYSTEM. FRAME TO BE PAINTED TO MATCH COLOR OF ADJACENT WALL
X20	EXISTING LOUVER. TO BE PAINTED TO MATCH COLOR OF ADJACENT SURFACE/WALL
X21	REMOVE EXISTING LIGHT FIXTURE
X22	EXISTING GUTTER & DOWNSPOUT (NOT SHOWN) TO REMAIN
7A	REMOVE METAL COPING SYSTEM. MATCH COLOR OF ADJACENT WALL
7B	ALUMINUM COMPOSITE MATERIAL, (ACM/PM) DRY JOINT BUILDING PANEL SYSTEM WITH ACM COPING (COMPONENT OF ACM SYSTEM)
7C	GUTTER & DOWNSPOUT - PAINT TO MATCH WALL COLOR
7D	EXTERIOR INSULATION & FINISH SYSTEM (E.I.F.S.) OF 2" RIGID INSULATION APPLIED DIRECTLY TO CMU WALL
7E	ADJACENT PANEL. SEE DETAIL ??
7F	RETURN FROM ACM PANEL, 1'-0" TO SIDE OF BUILDING
8A	ALUMINUM FRAME STOREFRONT DOOR(S). SEE PLANS & X55X SHEETS
8B	HOLLOW METAL DOOR. SEE PLANS & X55X SHEETS
8C	OVERHEAD SECTIONAL DOOR. SEE PLANS & X55X SHEETS
8D	ALUMINUM FRAME STOREFRONT SYSTEM W/ 1" INSULATED, LOW-E GLASS. (SEE PLANS & X55X SHEETS)
8E	ALUMINUM CURTAIN WALL SYSTEM W/ 1" INSULATED, LOW-E GLASS. (SEE PLANS & X55X SHEETS)
10A	MAZDA LOGO TO ALIGN W/ TOP OF WINDOW. SEE A181 FOR ADDITIONAL INFORMATION.
10B	LOGO. SEE A181 FOR ADDITIONAL INFORMATION.
10C	DIRECTIONAL LIGHT. SEE ELECTRICAL PLANS
16A	WALL MOUNTED LIGHT FIXTURE. SEE ELECTRICAL PLANS
16B	WALL MOUNTED EMERGENCY EGRESS LIGHT. SEE ELECTRICAL PLANS

MAZDA HAS NATIONAL ACCOUNTS OPENED W/ SUPPLIERS W/ LOCKED FAIR PRICES FOR ALL MAZDA DEALERSHIPS.

 NATIONAL ACCOUNTS, CONTACT: 877-556-5728;
MAZDA@DALTE.COM

 NATIONAL ACCOUNTS, CONTACT: PERSON &/OR MFR. LISTED

[illegible]



THE MAZDA RETAIL EVOLUTION DESIGN

1



2

2

THE MAZDA RETAIL EVOLUTION DESIGN

EXTERIOR HIGHLIGHTS

- A Jewel Box with wood accent wall and the use of smooth black and white metal panels provides a premium look.
- Customers will be drawn in by the engaging nine screen Mazda display which hangs over reception, but can be seen from outside.
- Mazda's exterior signage package includes a chrome stacked Mazda logo and letterset, as well as black channel letters for the dealer name and service letterset.



3

3



4

4

WALSER POLAR MAZDA – WHITE BEAR LAKE, MN



66

66

JEFF WYLER MAZDA – BATAVIA, OH



67

67

BRUNSWICK MAZDA – BRUNSWICK, OH



68

68

HOLIDAY MAZDA – FOND DU LAC, WI



69

69

OXMOOR MAZDA – LOUISVILLE, KY



70

70

WILKINS MAZDA – ELMHURST, IL



71

71

OAK LAWN MAZDA – OAK LAWN, IL



72

72

SCHAUMBURG MAZDA – SCHAUMBURG, IL



73

73

NAPLETON MAZDA OF LIBERTYVILLE –
LIBERTYVILLE, IL



74

74

CLASSIC MAZDA – MENTOR, OH



75

75

LOU FUSZ MAZDA – ST. LOUIS, MO



76

76

LUTHER BROOKDALE MAZDA – MINNEAPOLIS, MN



77

77

JAKE SWEENEY MAZDA – CINCINNATI, OH



78

78

KINGS MAZDA – CINCINNATI, OH



79

79

RUSS DARROW GREENFIELD MAZDA – GREENFIELD, WI



88

88

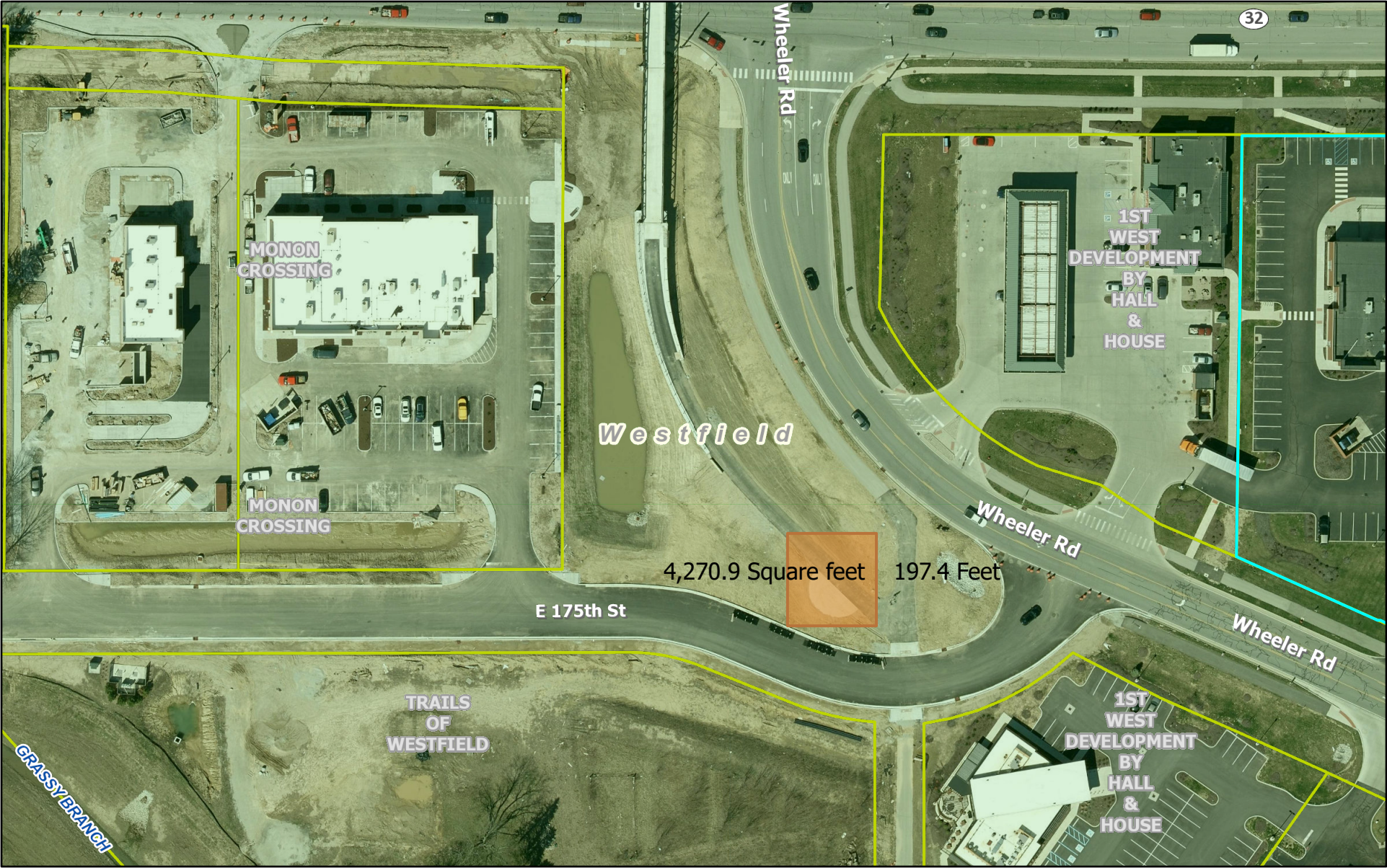
EICH MAZDA– ST. CLOUD, MN



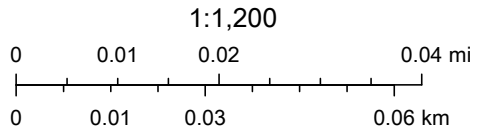
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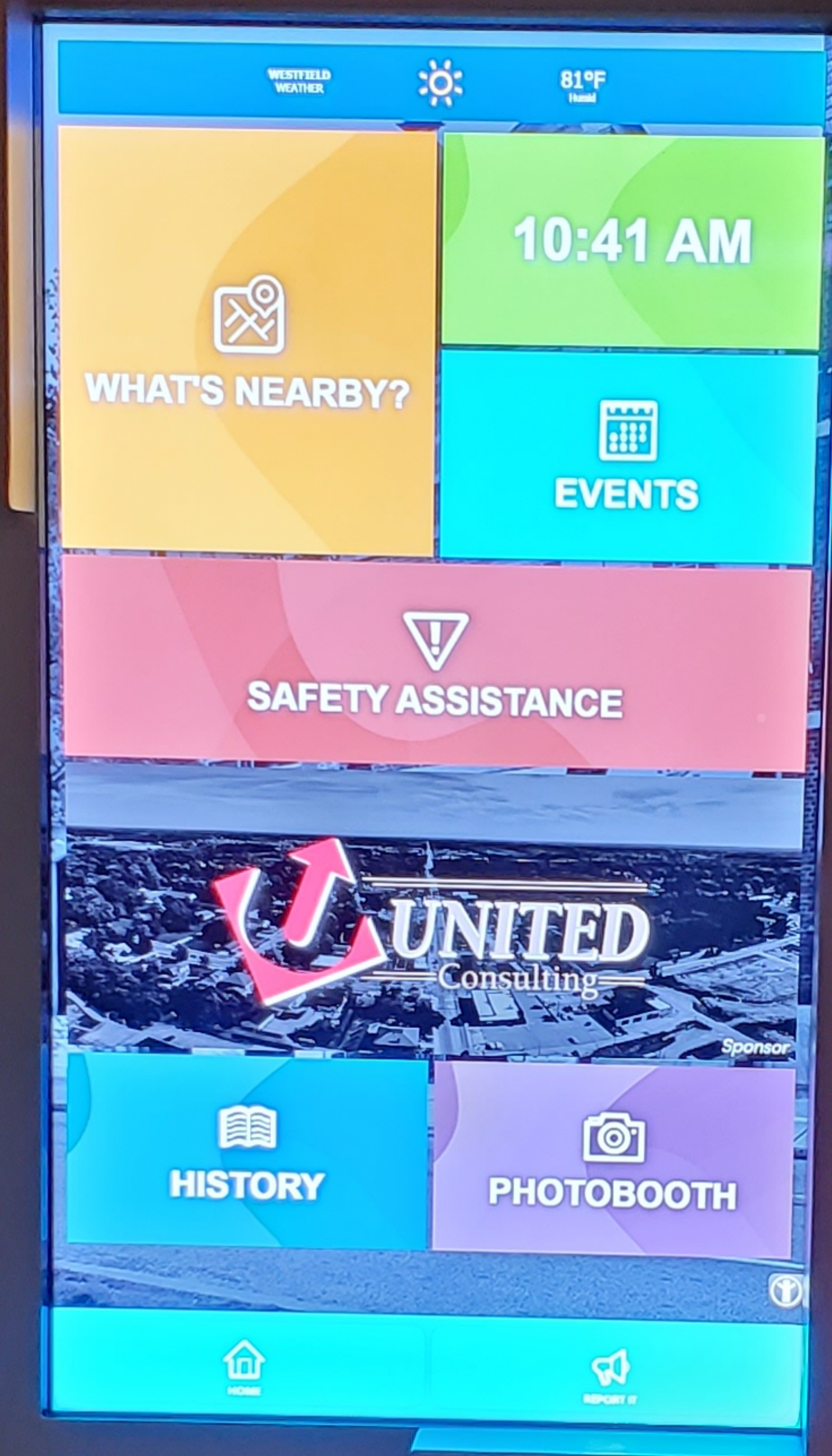
89

Kiosk Location



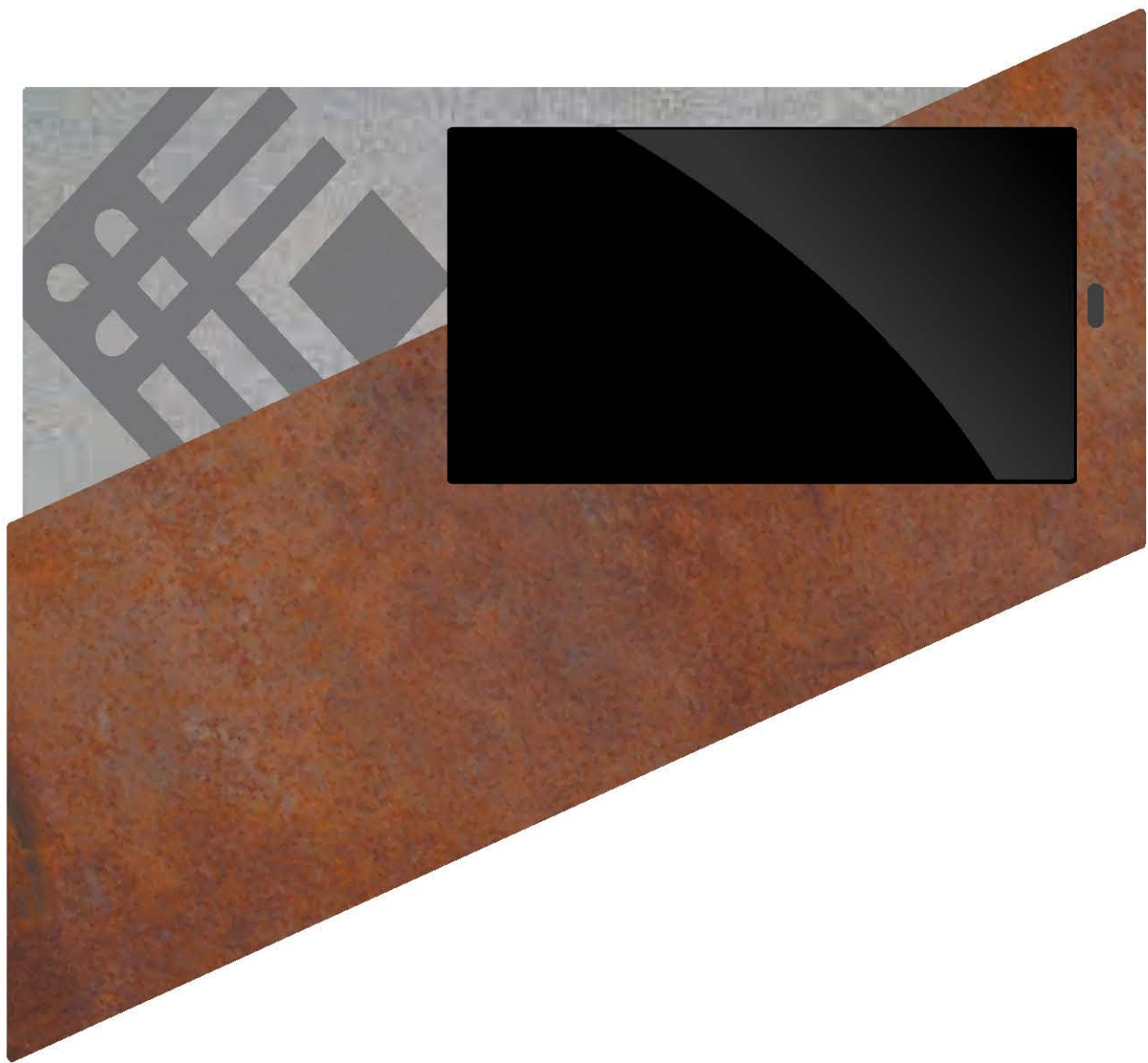
April 6, 2021





Westfield & MONON





Westfield  **MONON**

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: 04/01/2021

PRIOR OR RELATED DOCKET NUMBERS

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

APPLICANT INFORMATION

APPLICANT'S NAME: City of Westfield Informatics Department TELEPHONE: 317-804-3000
ADDRESS: 2728 E 171st Street, Westfield, IN 46074 EMAIL: clarsen@westfield.in.gov
PROPERTY OWNER'S NAME: City of Westfield, Indiana TELEPHONE: 317-804-3000
ADDRESS: 2728 E 171st Street, Westfield, IN 46074 EMAIL: _____
REPRESENTATIVE'S NAME: _____ TELEPHONE: _____
COMPANY: _____ EMAIL: _____
ADDRESS: _____

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: Southern landing of US 32 Monon trail bridge
COUNTY PARCEL ID #(S): N/A - Trail ROW
EXISTING ZONING DISTRICT(S): _____ EXISTING LAND USE(S): _____

PROPERTY AND PROJECT INFORMATION

☐ VARIANCE OF LAND USE CODE CITATION: _____
☒ VARIANCE OF DEVELOPMENT STANDARD(S) CODE CITATION: 6.17

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

STATEMENT OF INTENT (EXPLANATION OF REQUEST - ATTACH SEPARATE SHEET IF NECESSARY): See attached

APPLICANT AFFIDAVIT

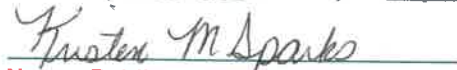
IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says that above information is true and correct as he/she is informed and believes and that Applicant owns or controls the property involved in this application.


Applicant/Representative (signature)

Christopher S. Larsen
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 6th day of May, 2021.
State of Indiana, County of Hamilton, SS: _____


Notary Public (signature)

Kristen M Sparks
Notary Public (printed)



PROPERTY OWNER AFFIDAVIT

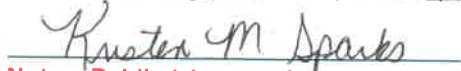
IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says they are the owners of the property involved in this application and that they hereby acknowledge and consent to the foregoing Application.


Property Owner (signature)*

Todd Burton
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 6th day of May, 2021.
State of Indiana, County of Hamilton, SS: _____


Notary Public (signature)

Kristen M 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.

Statement of Intent

The purpose of the kiosk is to provide security monitoring and information services to the trail users. Here are the general uses of the kiosk:

- The kiosk shall provide security services that will enable our authorities with enhanced security, and real-time analytics.
- The kiosk will enable trail users access to emergency services such as AED's and first aid, for cardiac arrest incidents, with the assistance of 911 dispatch.
- The kiosk shall be able to emit emergency alerts in audible and visual form such as but not limited to: amber alerts, silver alerts, presidential alerts, weather related alerts, and all other life safety pertinent information
- Kiosk shall provide information and wayfinding for visitors by means of but not limited to: mapping, GIS, GPS services, and other location based technology
- Kiosk shall provide local business advertising with the form of but not limited to: digital coupons, social media, SMS, MMS, messages, and other forms of strategic marketing
- The City reserves the right to use Kiosk user data for marketing and advertising purposes. Use of the kiosk by an individual agrees to share this data.
- Kiosk Shall provide an interactive touchscreen that will be set on a time zone, and the digital screen will only be operational during open trail hours and emit a very low light message at night stating the trail is closed.
- The Kiosk shall provide minimal assistance services with dispatch and camera security features after hours. All other features will be disabled until the park/trail is within operating hours.
- The kiosk is set to only be on public right away property and or trail easement property. No personal property is defined at this time.

Location defined but not limited to:

- SR 32 and Wheeler on the southern side of the pedestrian bridge



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

May 1, 2021
Exhibit 1

Petition Number: 2105-VS-14

Subject Site Address: NWC of 175th Street and Wheeler Road (the "Property")

Petitioner: City of Westfield (the "Petitioner")

Request: The petitioner is requesting a Variance of Standard to permit an Electronic Sign in the Right-of-Way of the Monon Trail at the SR 32 Trailhead (Article 6.17).

Current Zoning: Right-of-way

Current Land Use: Recreational

Approximate Acreage: 1.8 acres +/-

Exhibits:

1. Staff Report
2. Location Map
3. Proposed Kiosk Location
4. Proposed Kiosk Design
5. Application

Staff Reviewer: Pam Howard, Senior Planner

OVERVIEW

Location: The subject property is 1.8 acres +/- in size and located at the Greyhound Pass Trailhead at the Monon Trail (see **Exhibit 2**). The Property is located within the Right-of-Way¹ of the Monon Trail, and currently contains benches for trail users. All directly adjacent property is commercial in use. Adjacent zoning districts include: Hall & House PUD to the east and south, The Trail PUD to the south, Monon Crossing PUD to the west, Wheeler landing PUD and GB: General Business to the north.

Variance Request: The petitioner is requesting a Variance of Standard to permit an Electronic Sign² in the Right-of-Way of the Monon Trail at the SR 32 Trailhead, as generally illustrated on the Proposed Kiosk Location Exhibit (see **Exhibit 3**) and Proposed Kiosk Design Exhibit (see **Exhibit 4**).

¹ Chapter 12 of the UDO defines "Right-of-way" as "[a]n area of land not on a Lot for public or private use to accommodate a transportation system and necessary public utility infrastructure (including but not limited to water lines, sewer lines, power lines, and gas lines) that is dedicated or deeded to a governmental entity and under the control of a public agency for public use."

² Chapter 12 of the UDO defines "Sign, Electronic" as "[a] Sign or Sign component with a fixed or changeable display composed of a series of lights, including but not limited to light emitting diode (LED), that may be changed through electronic means."

SUMMARY OF VARIANCE

The Petitioner is requesting this variance to permit an Electronic Sign, in the form of a Kiosk, in the Right-of-Way of the Monon Trail at the SR 32 Trailhead, as generally described in the statement of intent (see **Exhibit 5**), and illustrated on the Proposed Kiosk Location Exhibit (see **Exhibit 3**) and Proposed Kiosk Design Exhibit (see **Exhibit 4**). The UDO³ prohibits Signs⁴ in the Right-of-Way. Further, the Sign Standards do not contemplate this type of signage and therefore no standards are included for regulation. For this reason, the petitioner is asking that Article 6.17 Sign Standards, of the UDO, not apply.

COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan identifies this property within the “Suburban Residential” land use classification. Additionally, the Monon Trail is included as a named trail on the Alternate Transportation Plan included in the Thoroughfare Plan.

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 11, 2021, 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 UDO⁵ 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 UDO⁶ 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

³ Article 6.17(E) Sign Standards; Prohibitions

⁴ Chapter 12 of the UDO defines “Sign” as “[a]ny display or device placed on a property in any fashion which is designed, intended, or used to convey any identification, message or information other than an address number.”

⁵ 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.

Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

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

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

DEPARTMENT COMMENTS

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

Recommended Findings for Approval:

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

Finding: It is unlikely that approving the requested variance(s) would be injurious to the public health, safety, morals, and general welfare of the community. The purpose of the kiosk is to provide security monitoring and information services to the trail users.

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

Finding: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The proposed variance should not have a negative impact on surrounding properties because: (i) the proposed kiosk will be placed on City right-of-way and not personal property; (ii) the proposed kiosk is intended to improve the safety of the trail; and (iii) the approval of the variance will allow for the continued use and improvement of the property in a manner substantially consistent with the quality and character of the surrounding area and Comprehensive Plan.

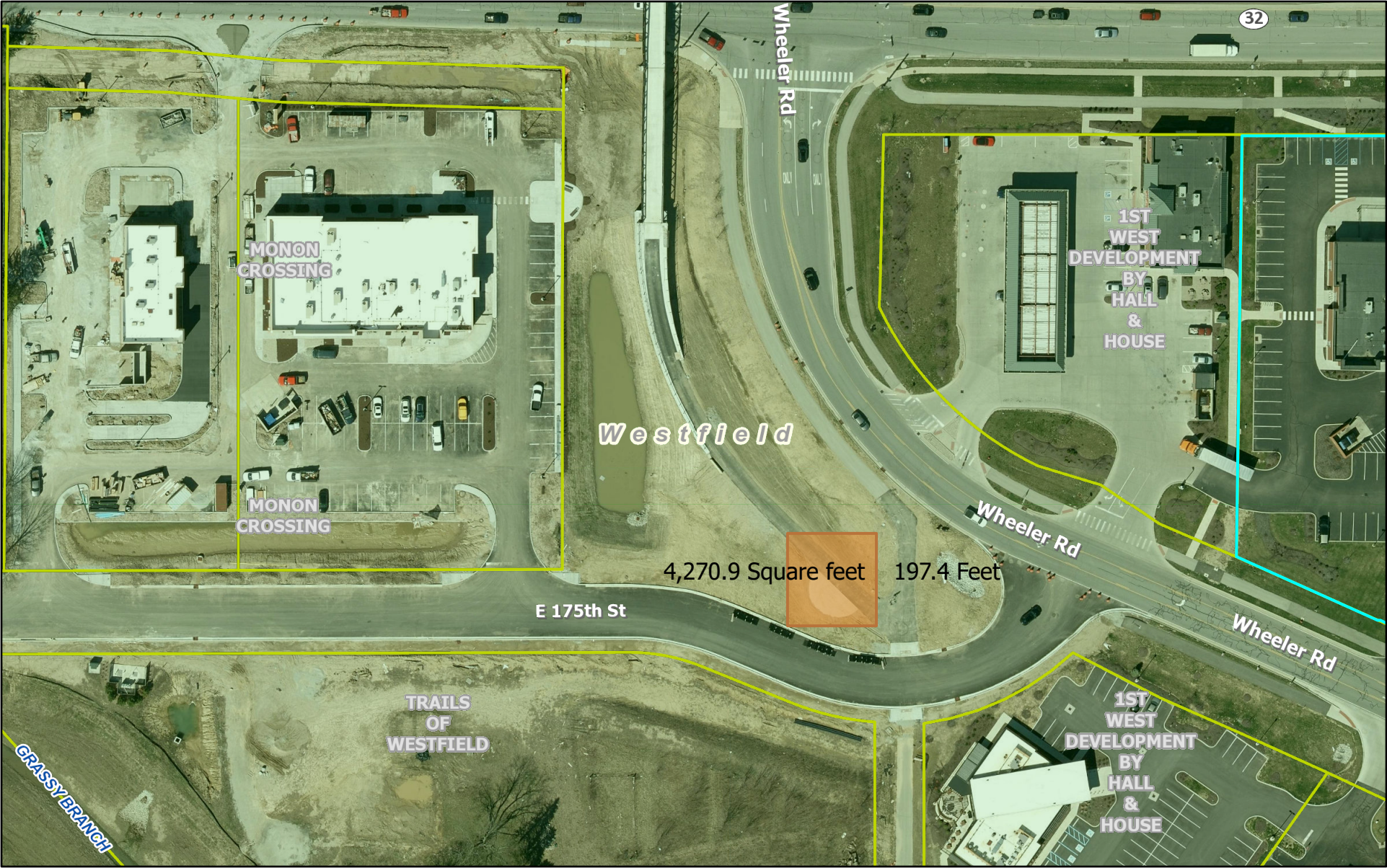
3. **The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.**

Finding: Strict adherence to the zoning ordinance would result in the inability to improve the property, as proposed, in accordance with the Unified Development Ordinance.

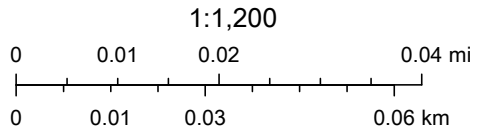
Denial: If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's

next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.

Kiosk Location



April 6, 2021



VARIANCE APPLICATION

OFFICE USE ONLY

DOCKET #: 2105-VS-15

FILING DATE: 4/20/21

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

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: Pamela Howard

(STAFF NAME)

DATE: 4/13/21

PRIOR OR RELATED DOCKET NUMBERS

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

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

APPLICANT INFORMATION

APPLICANT'S NAME: Tom Roush Inc.

ADDRESS: 525 David Brown Dr, Westfield, IN, 46074

TELEPHONE: 317-867-9225

EMAIL: jroush@tomroush.com

PROPERTY OWNER'S NAME: Roush Real Estate LLC

ADDRESS: 525 David Brown Dr, Westfield, IN 46074

TELEPHONE: 317-867-9255

EMAIL: tomroush@tomroush.com

REPRESENTATIVE'S NAME: Steve Reynolds

COMPANY: Tom Roush Inc.

ADDRESS: 525 David Brown Dr, Westfield, IN 46074

TELEPHONE: 317-867-9262

EMAIL: sreynolds@tomroush.com

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 525 David Brown Dr. Westfield, IN 46074

COUNTY PARCEL ID #(S): 09-09-01-00-00-012.000

EXISTING ZONING DISTRICT(S): _____ EXISTING LAND USE(S): Automobile Dealership

PROPERTY AND PROJECT INFORMATION

☐ VARIANCE OF LAND USE

CODE CITATION: _____

☒ VARIANCE OF DEVELOPMENT STANDARD(S)

CODE CITATION: Article 6.3 (F) (2)

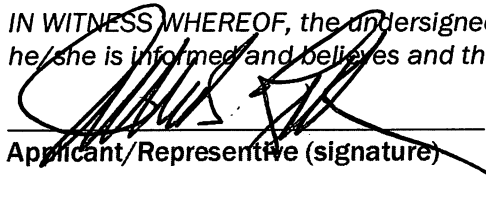
FINDINGS OF FACT: (PLEASE SEE ATTACHED)

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

We are suffering a hardship due to requirements of the Mazda franchise agreement, that requires us to build this exact design. The materials and colors are prescribed by the new Image Program.

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)

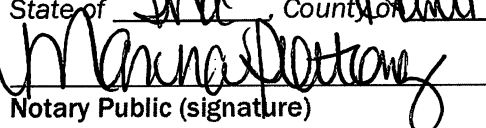
Jeffery Roush

Applicant/Representative (printed)

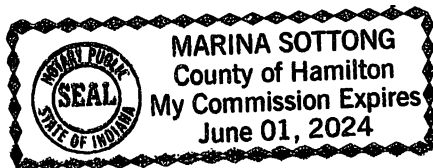
Before me the undersigned, a Notary Public in and for said County and State, personally appeared the above party, who having been duly sworn acknowledged the execution of the foregoing Application.

Witness my hand and Notarial Seal this 19 day of April, 2021

State of Ind, County of Hamilton, SS: Hamilton

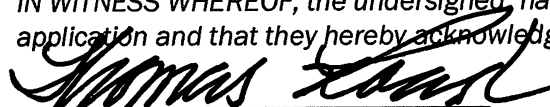

Notary Public (signature)

Marina Sottong
Notary Public (printed)



PROPERTY OWNER AFFIDAVIT

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


Property Owner (signature)*

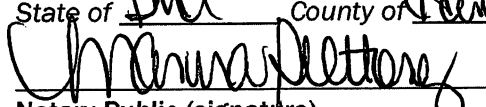
Thomas Roush

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 19 day of April, 2021

State of Ind, County of Hamilton, SS: Hamilton


Notary Public (signature)

Marina Sottong
Notary Public (printed)



*A signature from each party having interest in the property involved in this application is required. If the Property Owner's signature cannot be obtained on the application, then a notarized statement by each Property Owner acknowledging and consenting to the filing of this application is required with the application.

FINDINGS OF FACT (VARIANCE OF DEVELOPMENT STANDARD)

APPLICANT: Tom Roush Inc.

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 project consists of exterior facade renovation that will be limited to within the property limits. No morals or general welfare will be imposed on and the construction will be carried out safely.

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: All scope of work is limited to the Mazda dealership only.
There is no change of use included with this project and will not impact the adjacent areas.

C. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property because:
The Mazda Franchise is requiring the exterior renovation and dealership upgrades to in order to remain a certified Mazda branch/dealership.
We will loose standing and funding from Mazda if we cannot complete the renovation as shown.

GENERAL INSTRUCTIONS

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