



CITY OF WESTFIELD, IN
BoardofZoningAppeals_Meeting_Agenda_05_10_2022

Tuesday, May 10, 2022 at 07:00 PM

BOARD OR COMMISSION: Board of Zoning Appeals (BZA)

MEETING DATE: Tuesday, May 10, 2022 at 07:00 PM

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

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

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

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

OPENING OF REGULAR MEETING

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

Note the presence of a quorum

Approval of Minutes

April 12, 2022

Documents: [April 12, 2022 BZA Minutes](#)

Review Rules & Procedures

ITEMS OF BUSINESS:

2205-VS-18 [PUBLIC HEARING]

833 East Tournament Trail

Star Financial Bank by Sign Art, LLC

The Petitioner requests a Variance of Development Standard to increase the maximum allowable sign area from one (1) square foot of sign area per (1) linear foot of building fronting a public Right-of-Way to 2.3 square feet within the Wheeler Landing PUD District.

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

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

[Exhibit 4: Building Elevations](#) | [Exhibit 5: Monument Sign Elevation](#) | [Exhibit 6: Application](#)

2205-VS-15 [PUBLIC HEARING]

14621 Parkhurst Drive

Elizabeth Lehr Stetzer

The Petitioner requests a Variance of Development Standard to encroach six (6) feet into the twenty-five (25) foot Minimum Rear Yard Setback on 0.27 acres +/- in the Centennial South PUD District to accommodate a swimming pool and deck.

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

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Site Plan](#) | [Exhibit 4: Pool Rendering](#) | [Exhibit 5: HOA Approval](#)

2205-VS-16 [PUBLIC HEARING]

223 Genesis Drive

Angelica Galtier-Ross

The Petitioner requests a Variance of Development Standard to encroach ten (10) feet into the thirty (30) foot Minimum Rear Yard Setback on 0.34 acres +/- in the SF2: Single-Family Low-Density District to accommodate a swimming pool and deck.

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

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

2205-VU-08 [PUBLIC HEARING]

17821 Joliet Road

Matthew Schiller

The Petitioner requests a Variance of Use to permit a private athletic training facility on 6.62 acres +/- in the AG-SF1: Agriculture/Single-Family Rural District (Article 13.2)

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

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Site Plan](#) | [Exhibit 4: Internal Building Layout](#) | [Exhibit 5: Building Renderings](#)

2204-VU-05 & 2204-VS-14 [PUBLIC HEARING]

North of 193rd Street, approximately 700 feet east of Centennial Road

Custom Concrete by Gordon D. Byers

The Petitioner requests a Variance of Use and a Variance of Development Standard to permit the outdoor storage of gravel and associated materials on 4.85 acres +/- in the AG-SF1: Agriculture/Single-Family Rural District (Article 13.2 and Article 6.12)

(Planner: Rachel Riemenschneider - rriemenschneider@westfield.in.gov)

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

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Petitioner Proposed Conditions & Proposed Site Plan](#) | [Exhibit 4: Current Aerial](#) | [Exhibit 5: Administrative Determination \(2205-AD-04\)](#) | [Exhibit 5: Administrative Determination \(recorded 5/6/2022\)](#) | [Exhibit 6: Previous Variance \(91-V-19\)](#) | [Exhibit 7: BZA Minutes October 21, 1991](#) | [Exhibit 8: Application](#) | [Petitioner's Presentation - Powerpoint](#) | [Petitioner's Presentation - .pdf](#)

ITEMS CONTINUED TO A FUTURE MEETING:

2202-VU-02 [TABLED]

2907 W SR 32

Alan Hodgeson

The Petitioner requests a Variance of Use to permit a temporary Very High Intensity Retail (used vehicle sales) use on 1.50 acres +/- in the AG-SF1: Agriculture/Single-Family Rural District.

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

REPORTS/COMMENTS:

Plan Commission Liaison

Community Development Department

ADJOURNMENT



Petition Number: 2205-VU-08

Subject Site Address: 17281 Joliet Road (The "Property")

Petitioner: CM Boys LLC / Matt Schiller (The "Petitioner")

Request: The Petitioner is requesting a Variance of Use to permit a private athletic training facility on 6.62 acres +/- in the AG-SF1: Agricultural / Single-family Residential District (Article 13.2).

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

Current Land Use: Vacant / Agricultural

Approximate Acreage: 6.62 acres +/-

Exhibits:

1. Staff Report
2. Location Map
3. Site Plan
4. Site Layout
5. Building Renderings

Staff Reviewer: Ryan Collingwood, Associate Planner

OVERVIEW

Location: The subject Property is 6.62 acres +/- and is located at 17281 Joliet Road (see **Exhibit 2**). The current use of the Property is Vacant / Agricultural. The Property is surrounded on all sides by AG-SF1 zoning, with SF5 zoning designation to the northwest not adjacent to the site.

Variance Request: The Petitioner is requesting to permit a private athletic training facility.

SUMMARY OF VARIANCE

The Petitioner is requesting a Variance of Use to permit a private athletic training facility on the Property.

The structure will be used for the Petitioner's children to be able to utilize recreational facilities year-round that will be located inside the building. The proposed structure would be built to look similar to a barn to fit the style of the geographical area and would only be used for personal use and not open to the public.

COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan: The Land Use Plan contemplates the Property as "Existing Rural".

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

The Existing Rural development policies encourages:

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

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of the Variance of Use. This petition is scheduled to receive its public hearing at the May 10, 2022, BZA meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

Conditions: The UDO¹ and Indiana law provide that the Board of Zoning Appeals may impose reasonable conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of the UDO upon any Lot benefited by a variance as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject Lot or upon public facilities and services. Such conditions shall be expressly set forth in the order granting the variance.

Acknowledgement of Variance: If the Board of Zoning Appeals approves this petition, then the UDO² requires that the approval of the variance shall be memorialized in an acknowledgement of variance instrument prepared by the Department. The acknowledgement shall: (i) specify the granted variance and any commitments made or conditions imposed in granting of the variance; (ii) be signed by the Director, Property Owner and Applicant (if Applicant is different than Property Owner); and (iii) be recorded against the subject property in the Office of the Recorder of Hamilton County, Indiana. A copy of the recorded acknowledgement shall be provided to the Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

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

¹ Article 10.14(I) Processes and Permits; Variances; Conditions of the UDO.

² Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.

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

DEPARTMENT COMMENTS

Approval: If the Board is inclined to approve the Variance of Use (2205-VU-08), then the Department recommends approval with the following conditions:

- The private athletic training facility use shall operate in substantial compliance with the Site Plan and Building Renderings provided (**Exhibit 3 & Exhibit 5**) as determined by the Director of the Community Development Department;
- That the private athletic facility be used in a manner that commercialization or general public use shall be prohibited and only be used in a private manner;
- That all previous variances and special exceptions associated with the property be rescinded and will no longer be applicable to the property;
- 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.

In addition, the Department recommends the following written findings of fact related to the Variance of Use:

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 the approval will be injurious to the public health, safety, morals, and general welfare of the community, because the use of the Property as a private athletic facility will not impact other properties other than the proposed site location. The activities will be housed entirely indoors not impacting the public health, safety, morals, and the general welfare of the overall community.

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

FINDING: It is 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 proposed variance will be tied to the Petitioner's Site Plan & Renderings, which limits the proposed use to be entirely indoors, shielded from adjacent properties. The use will not substantially impact the use and value of the adjacent properties.

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

FINDING: The Variance of Use is required in order to establish the Property for the use of a private athletic facility, otherwise not permitted in the AG-SF1: Agricultural / Single-family Rural District.

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

FINDING: Strict application of the zoning ordinance would cause practical difficulties in regards to the use not being permitted in the current zoning ordinance. The application of the zoning ordinance would prevent the petitioner from carrying out the project on this lot, hence resulting in having to move sites to permit the proposal.

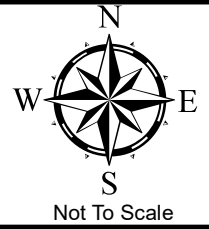
- 5) *The approval does not interfere substantially with the comprehensive plan:*

FINDING: This use does not substantially interfere with the Comprehensive Plan, because the contemplated uses in the Comprehensive Plan suggests conservation-heavy development, which includes development with a rural feel and considerable open space as a key developmental piece of the Existing Rural designation. The request does not substantially interfere with the Comprehensive Plan.

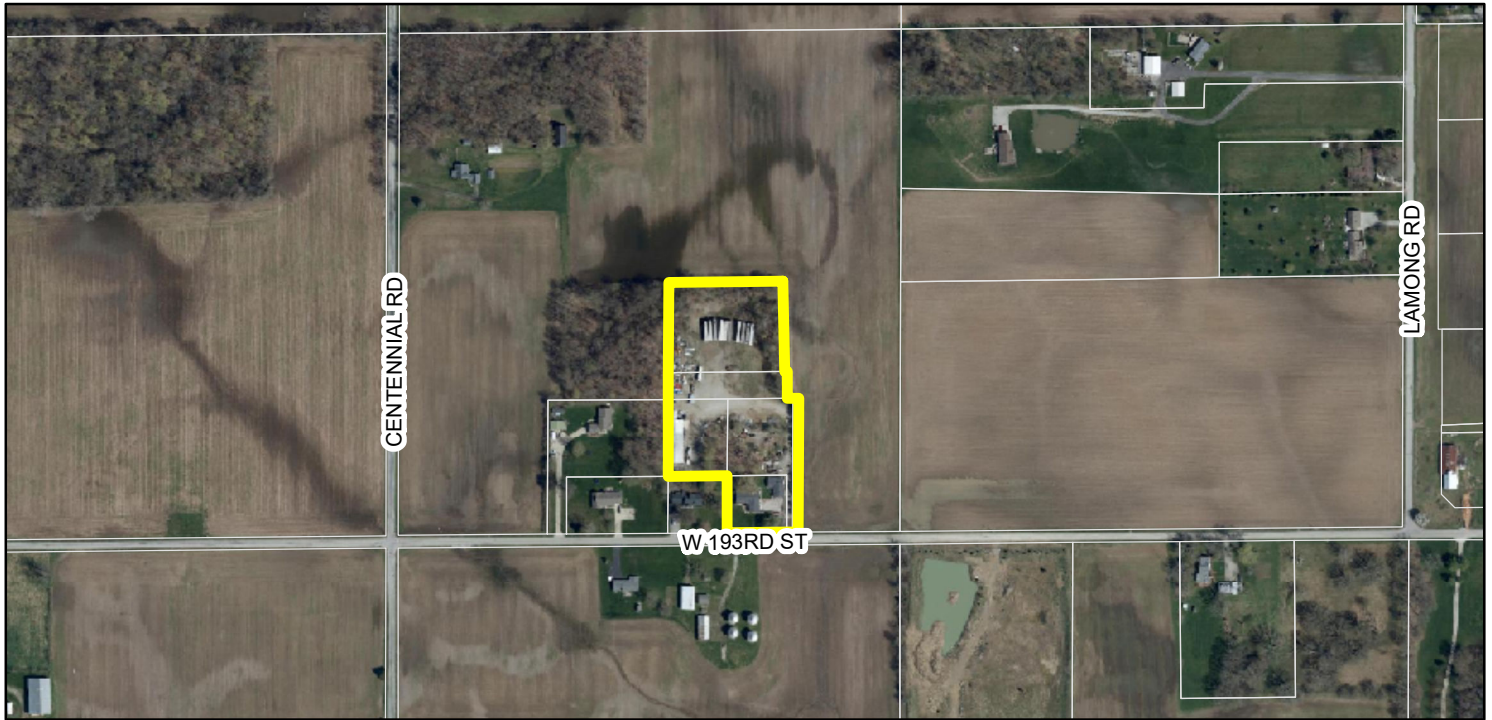
Denial: If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.



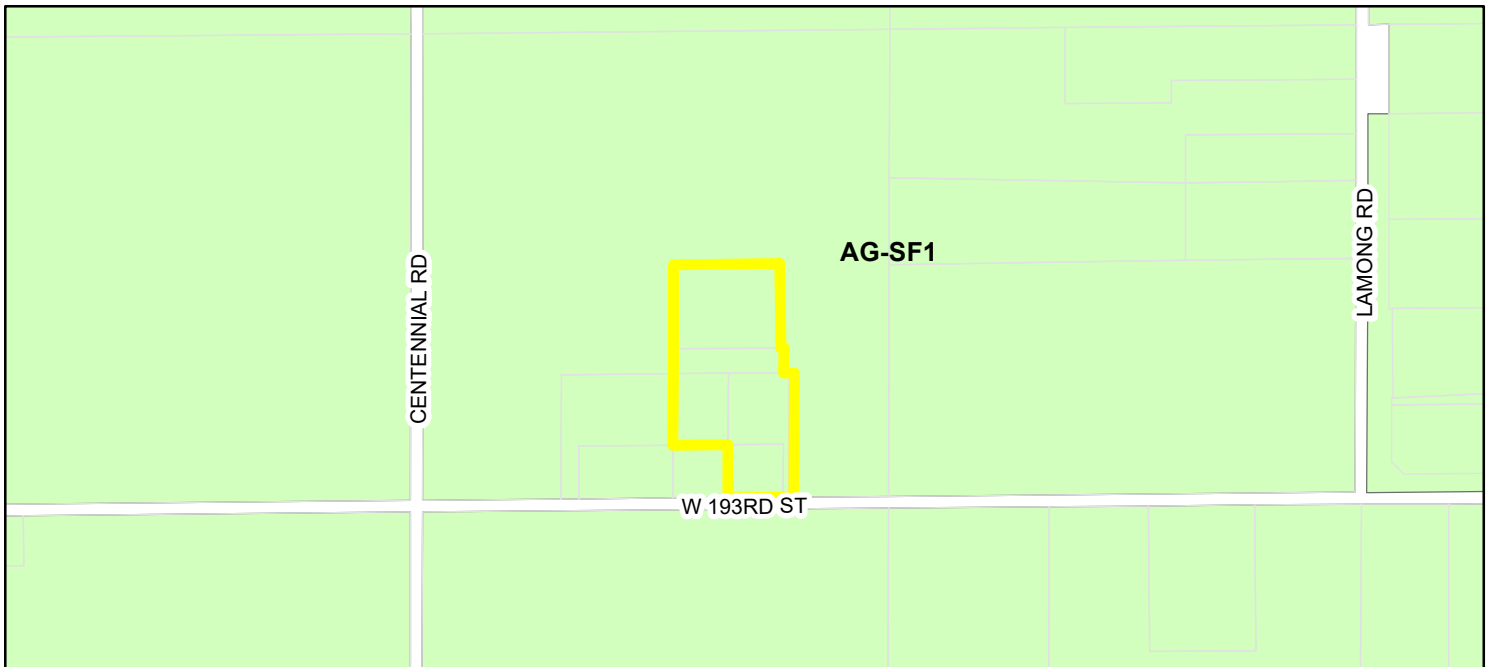
Property Location Map
Custom Concrete
2204-VU-05 & 2204-VS-14



Aerial Location Map



Zoning Map



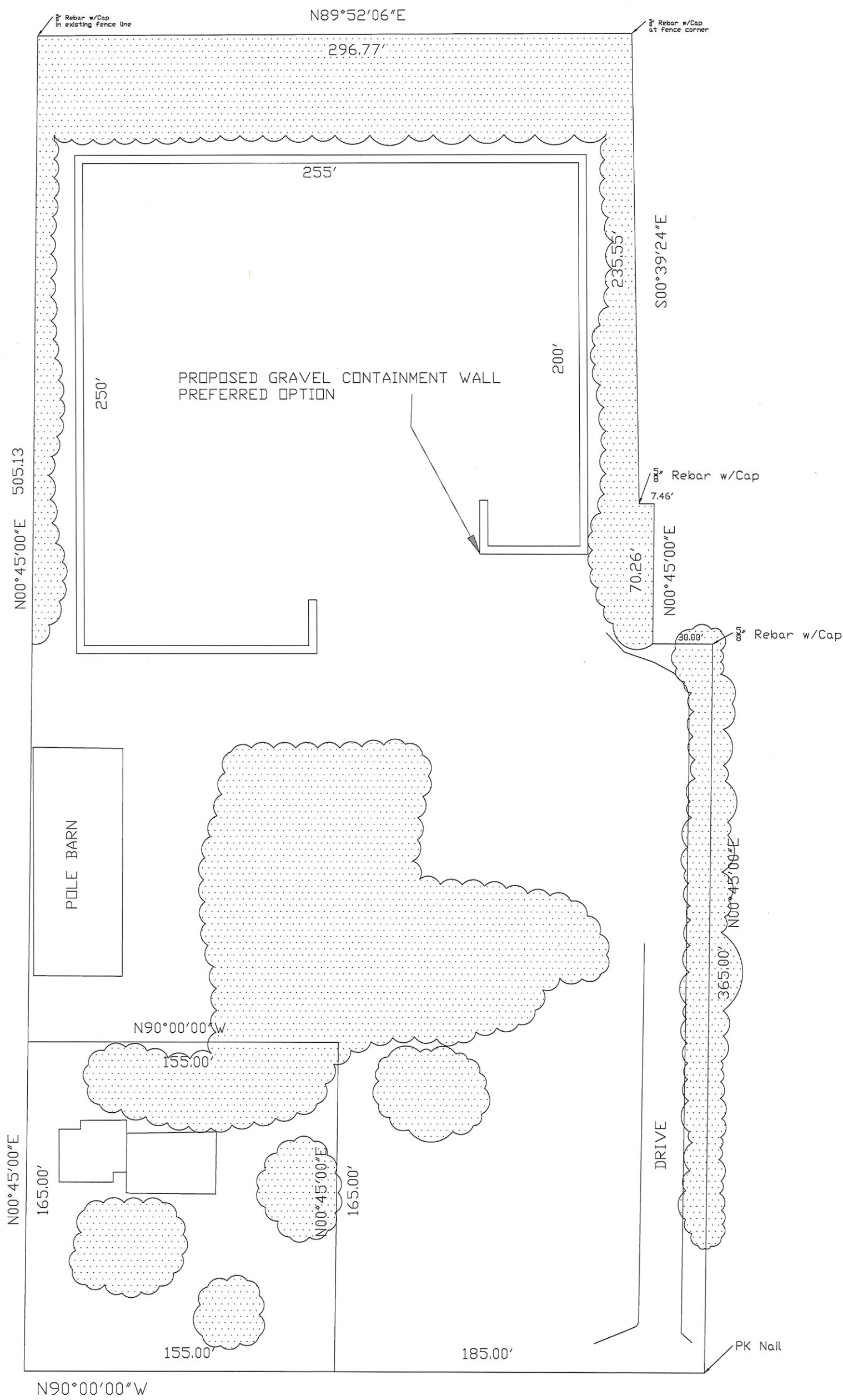
 Site **Zoning**  AG-SF1 (Agriculture - Single Family - 1)
 Parcel

Custom Concrete Co., Inc.

Voluntary Commitments

- 1. 60 months in duration.**
- 2. Hours of operation: 6:00 a.m. to 7:00 p.m. (6 days per week)**

Site plan.





COMMUNITY DEVELOPMENT
ADMINISTRATIVE DETERMINATION

May 4, 2022
2205-AD-04

ADMINISTRATIVE DETERMINATION

Cross Referenced to Instrument No.

2020005296; Book 277, Page 557; 1986004739 (Book 354, Page 849); 1994026131

FILE NUMBER:

2205-AD-04

DESCRIPTION:

This administrative determination pertains to a requested Variance of Use and Variance of Standard (2204-VU-05 & 2204-VS-14) requested for Custom Concrete at 2814 W 193rd St, Westfield, Indiana (Parcel Nos. 08-05-29-00-00-009.000, 08-05-29-00-00-008.000, 08-05-29-00-00-007.000, 08-05-29-00-00-003.002, 08-05-29-00-00-003.001, 08-05-29-00-00-003.003) (the "Property").

The parcels that make up the Property are nonconforming – some of them legal and some of them illegal. Typically, nonconforming parcels would be addressed during a variance process. However, while the parcels are nonconforming and remain nonconforming until properly remedied, a variance is not the appropriate method of remedy at this time due to the uncertain future of the property.

ANALYSIS:

The parcels involved in this variance request are nonconforming (see Article 9 of the Unified Development Ordinance). Three of the parcels (08-05-29-00-00-009.000, 08-05-29-00-00-008.000, 08-05-29-00-00-007.000) were created prior to the adoption of a zoning ordinance in 1977, making them legal nonconforming. One parcel (08-05-29-00-00-003.001) was created between 1974 and 1985, and could be legal or illegal nonconforming depending on the exact date of its creation. The other parcels (08-05-29-00-00-003.002, 08-05-29-00-00-003.003) were created after 1977 and are illegal nonconforming.

The Property is zoned AG-SF1: Agriculture Single Family. Each parcel lacks the Minimum Lot Frontage requirement of 250 feet and the Minimum Lot Area of three (3) acres. Other nonconformities, including failing to meet the Minimum Lot Width (100 feet) and Minimum Building Setbacks, are also present.

Typically, nonconformities are addressed during a variance process. However, for this particular variance, addressing the nonconforming parcels was not recommended by staff due to the uncertain future of the property.

DETERMINATION:

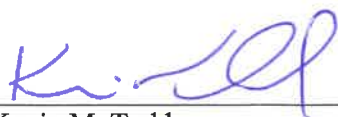
The Community Development director (the "Director") hereby determines that:

1. The parcels that comprise the Property are nonconforming.
2. The nonconformities of the parcels will not be addressed in the current variance process (2204-VU-05 & 2204-VS-14).
3. If the parcels are developed in the future, they will need to be brought into conformity with the current zoning standards.

APPEAL:

This Administrative Determination may be appealed to the Westfield-Washington Township Board of Zoning Appeals within thirty (30) days of this Administrative Determination.

BY:



Kevin M. Todd
Community Development Department Director
City of Westfield, Indiana

The above signatory hereby certifies that the information contained in and accompanying this document is true and correct.

STATE OF INDIANA)

) SS:

COUNTY OF HAMILTON)

Before me, a Notary Public in and for said County and State, personally appeared Kevin M. Todd, the Community Development Director for the City of Westfield, who having been duly sworn upon his/her oath acknowledged this Administrative Determination as described herein.

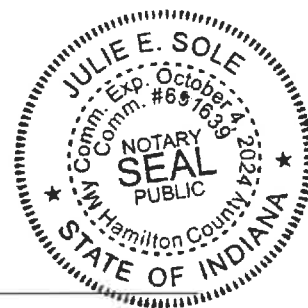
Witness my hand and Notary Seal this 4th day of May, 2022.



Signature of Notary Public

Julie Sole

Printed Name of Notary Public



My County of Residence: Hamilton

My Commission Expires: 10/4/22

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

Prepared by Rachel Riemenschneider, City of Westfield, 2728 East 171st Street, Westfield, IN 46074, 463-231-6649.

Application Number V - 91-V-19
Date of Application _____

RECEIVED SEP 17 1991

APPLICATION FOR VARIANCE
WESTFIELD-WASHINGTON BOARD OF ZONING APPEALS

This application must be completed and accompanied by the information specified below and the necessary filing fee, and filed at the Town Hall of Westfield, Indiana, at least Thirty (30) days prior to the Board of Zoning Appeals meeting at which Applicant wishes to make his oral presentation.

1. Applicant's Name Custom Concrete Company, Inc.
Address 2816 West 193rd Street
Westfield, Indiana 46074
2. Landowner's Name Joe L. and Betty Carr
Address 2814 West 193rd Street
Westfield, Indiana 46074
Telephone Number _____
3. Attorney Eugene G Ziobron
(if represented) 3390 West 86th St., Ste B-1
Indianapolis, IN. 46268
872-4227
4. Common description of property (address, location, etc.):
2816 West 193rd Street, Westfield, IN. 46074

5. Legal description of property (list below, or attach):
Part of the Northeast, Northeast Section 29 Township 19
Range 3. SEE ATTACHED. 865

6. Complete description of the nature of the Variance applied for:
Variance of use of existing facilities including
a proposed addition to the current office.

7. Plans drawn to scale must accompany this application and must show at least the following: (a) The shape and dimensions of the land involved; (b) the location and dimensions of any existing buildings; (c) the location and dimensions of any proposed buildings or proposed alterations; and (d) all topographic, natural, or other unusual characteristics of the land involved.

8. No Variance in the application of the Provisions of the Comprehensive Zoning Ordinance of Westfield-Washington shall be granted unless the Board of Zoning Appeals shall find each of the following (thus the Applicant must complete and establish at the hearing that each of the following is true in order to obtain a favorable determination of his variance application):

- (a) That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to the other property or class or use in the same vicinity and district:

(a) Custom Concrete Co., Inc has conducted its business for the last 18 years at the subject property. It is a major employer in the Westfield-Washington area employing about 100 individuals and families. Its continued use of the subject site for its business is essential for the continued welfare of its employees and their families as well as for itself, a long-standing and significant member of the community.

-
- (b) That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and district, but which is denied to the property in question:

(b) Current zoning restricts the use of the subject property to AG-SF1, Agri-single family rural. A grant of variance is necessary to preserve the property rights of the petitioner and property owners in the vicinity, as well insure the livelihood and enjoyment of the corporation, its employees and their families upon whom they are financially dependant.

-
- (c) That the granting of such variance will not be materially detrimental to the public welfare or injurious to the

RECEIVED SEP 17 1991

property or improvements in such vicinity and district in which the property is located:

(c) The subject property where Custom Concrete Co., Inc has conducted its business also serves as the residence of its owners, Joe and Betty Carr. Throughout the 18 years at this location there has been no detriment to the public welfare nor injury to property or improvements but rather the promotion of public morals and general welfare as well as improvements to the subject property. There is every indication and intention for the continued good of public welfare to be promoted by Custom Concrete Co and Joe and Betty Carr.

(d) That the granting of such variance will not alter the land use characteristics of the vicinity and district, diminish the marketable value of adjacent land and improvements, or increase the congestion in the public streets:

(d) During the time Custom Concrete Co, Inc has operated its business at the subject property the market values of adjacent land has incremented and not diminished, without congestion of public streets. The grant of variance will not alter the land use characteristics of the vicinity in derogation of such market values or the vicinity generally.

The Applicant hereby certifies that the information contained in and accompanying this application is true and correct.

Custom Concrete Co, Inc.
Joe Carr, Pres
Applicant

SUBSCRIBED AND SWORN TO BEFORE ME THIS 16th day of

September, 1991.

Miguel Zohar
Notary Public

My Commission Expires:

11-21-93

NOTICE

The Applicant is responsible for giving appropriate notice of his variance application and hearing thereon. Notice must be published twice in a daily newspaper of general circulation

RECEIVED SEP 17 1991

in Hamilton County, with the first publication being at least thirty days prior to the hearing and the second publication being one week later. Proof of publication must be delivered to the Town Hall of Westfield at least five days prior to the hearing. Every contiguous landowner must receive notice by certified mail and returned receipts shall be delivered to the Town Hall of Westfield at least five days prior to the hearing.

The Applicant hereby certifies that every contiguous landowner was appropriately notified by certified mail of his variance application and hearing thereon and return receipts from such certified mailings are hereby delivered to the Town Hall of Westfield.

Eugene Ziebar atty for
Applicant
Petitioner.

Date Proof of Publication received: RECEIVED OCT 8 1991

Date return receipts received: RECEIVED OCT 21 1991

Date fee paid: RECEIVED OCT 8 1991

Received by: JW

(Signature)

RECEIVED SEP 17 1991

LEGAL DESCRIPTION

2814 W 143' 51"
WESTFIELD
59A T 437A
EAST SECTION

Part of the North Half of the Northeast Quarter of Section Twenty-nine (29), Township Nineteen (19) North, Range Three (3) East in Hamilton County, Indiana, described as follows:

Beginning at a point on the South line of the North Half of the Northeast Quarter of Section 29, Township 19 North, Range 3 East which is 873.0 feet North 90 degrees 00 minutes East (assumed bearing) of the Southwest corner of said North Half, thence North 00 degrees 45 minutes East 165.0 feet, thence North 90 degrees 00 minutes East 155.0 feet, thence South 00 degrees 45 minutes West 165.0 feet to the South line of said North Half, thence South 90 degrees 00 minutes West on and along aforesaid South line 155.0 feet to the place of beginning. 009

ALSO: Part of the North Half of the Northeast Quarter of Section 29, Township 19 North, Range 3 East in Hamilton County, Indiana and being more particularly described as follows:

Commencing at the Southwest corner of the North Half of the Northeast Quarter of Section 29, Township 19 North, Range 3 East, thence N 90 degrees 00 minutes 00 seconds E (assumed bearing) over and along the South line of said Half Quarter a distance of 873.00 feet, thence N 00 degrees 45 minutes 00 seconds E a distance of 165.00 feet to a point, said point being the place of beginning of this description, thence N 00 degrees 45 minutes 00 seconds E a distance of 200.00 feet, thence N 90 degrees 00 minutes 00 seconds E and parallel to the South line of said Half Quarter a distance of 170.00 feet, thence S 00 degrees 45 minutes 00 seconds W a distance of 365.00 feet to a point on the South line of said Half Quarter, thence N 90 degrees 00 minutes 00 seconds W over and along said South line a distance of 15.00 feet, thence N 00 degrees 45 minutes 00 seconds E a distance of 165.00 feet, thence N 90 degrees 00 minutes 00 seconds W and parallel to the South line of said Half Quarter a distance of 155.00 feet to the place of beginning. 008

Part of the North Half of the Northeast Quarter of Section 29, Township 19 North, Range 3 East in Hamilton County, Indiana, described as follows:

2816 W. 193RD ST
WESTFIELD
S.W. CORNER

Beginning at a point on the South line of the North Half of the Northeast Quarter of Section 29, Township 19 North, Range 3 East which is 718.0 feet North 90 degrees 00 minutes East (assumed bearing) of the Southwest corner of said North Half; thence North 00 degrees 45 minutes East 165.0 feet; thence North 90 degrees 00 minutes East 155.0 feet; thence South 00 degrees 45 minutes West 165.0 feet to the South line of said North Half; thence South 90 degrees 00 minutes West on and along aforesaid South line 155.0 feet to the place of beginning, containing 0.59 acre, more or less. Subject to all legal easements and rights-of-way.

006

2. The estate or interest referred to herein is at Date of Policy vested in

2816 W. 193RD ST
WESTFIELD
N. and ADJACENT
TO S.W. SECTION

JOE L. CARR and BETTY CARR, husband and wife

3. The land referred to in this Policy is described as follows:

A part of the North half of the Northeast quarter of Section 29, Township 19 North, Range 3 East in Hamilton County, Indiana, and being more particularly described as follows:

Commencing at the Southwest corner of the North half of the Northeast quarter of Section 29, Township 19 North, Range 3 East, thence N 90° 00' 00" E (assumed bearing) over and along the South line of said half quarter a distance of 718.00 feet, thence N 00° 45' 00" E a distance of 165.00 feet to a point, said point being the place of beginning of this description, thence N 00° 45' 00" E a distance of 200.00 feet, thence N 90° 00' 00" E and parallel to the South line of said half quarter a distance of 155.00 feet, thence S 00° 45' 00" W a distance of 200.00 feet, thence N 90° 00' 00" W and parallel to the South line of said half quarter a distance of 155.00 feet to the place of beginning and containing 0.712 acres.

007

Conveyed to insured by Warranty Deed from Floyd D. Millikan and Blanche O. Millikan, dated November 12, 1974 and recorded November 13, 1974 in Deed Record 277 page 557 in the office of the Recorder of Hamilton County, Indiana.

Hamilton County, in the State of Indiana:

5A N. 0th
2816 W. 193RD ST
WESTFIELD

A part of the north half of the Northeast Quarter of Section 29, Township 19 North, Range 3 East in Hamilton County, Indiana, and being more particularly described as follows:

Commencing at the Southwest corner of the North half of the Northeast Quarter of Section 29, Township 19 North, Range 3 East, thence 90 degree 00 minutes 00 seconds E (assumed bearing) over and along the south line of said half Quarter a distance of 718.00 feet, thence N 00 degree 45 minutes 00 seconds E a distance of 365.00 feet to a point, said point being the place of beginning of this description, thence N 00 degrees 45 minutes 00 seconds E a distance of 70.26 feet, thence N 90 degrees 00 minutes 00 seconds E and parallel to the South line of said half Quarter a distance of 310.00 feet, thence S 00 degrees 45 minutes 00 seconds W a distance of 70.26 feet, thence N 90 degrees 00 minutes 00 seconds W and parallel to the South line of said half Quarter a distance of 310.00 feet to the place of beginning, subject to all legal easements and rights of way of record.

008

003 08
007 08

PROOF OF PUBLICATION

State of Indiana,

ss:

County of Hamilton,

Before me, a Notary Public in and for the County of Hamilton and State of Indiana, personally appeared.....Michael L. Stauffer.....who being

Westfield Washington Township Board of Zoning Appeals

The Board will hold a Public Hearing on 91-V-19 on the 21st day of October 1991 at 7:30 p.m. at the Westfield City Building. The application submitted by Custom Concrete Company, Inc. requests that zoning variance of use of existing facilities including a proposed addition to the current office be granted for the property located at 2816 W. 193rd Street, more particularly as follows:

LEGAL DESCRIPTION

Part of the North Half of the Northeast Quarter of Section Twenty-nine (29), Township Nineteen (19) North, Range Three (3) East in Hamilton County, Indiana, described as follows:

Beginning at a point on the South line of the North Half of the Northeast Quarter of Section 29, Township 19 North, Range 3 East which is 873.0 feet North 90 degrees 00 minutes East (assumed bearing) of the Southwest corner of said North Half, thence North 00 degrees 45 minutes East 165.0 feet, thence North 90 degrees 00 minutes East 155.0 feet, thence South 00 degrees 45 minutes West 165.0 feet to the South line of said North Half, thence South 90 degrees 00 minutes West on and along aforesaid South line 155.0 feet to the place of beginning.

ALSO: Part of the North Half of the Northeast Quarter of Section 29, Township 19 North, Range 3 East in Hamilton County, Indiana and being more particularly described as follows:

Commencing at the Southwest corner of the North Half of the Northeast Quarter of Section 29, Township 19 North, Range 3 East, thence N 90 degrees 00 minutes 00 seconds E (assumed bearing) over and along the South line of said Half Quarter a distance of 873.00 feet, thence N 00 degrees 45 minutes 00 seconds E a distance of 165.00 feet to a point, said point being the place of beginning of this description, thence N 00 degrees 45 minutes 00 seconds E a distance of 200.00 feet, thence N 90 degrees 00 minutes 00 seconds W and parallel to the South line of said Half Quarter a distance of 170.00 feet, thence S 00 degrees 45 minutes 00 seconds W a distance of 365.00 feet to a point on the South line of said Half Quarter, thence N 90 degrees 00 minutes 00 seconds W over and along said South line a distance of 15.00 feet, thence N 00 degrees 45 minutes 00 seconds E a distance of 165.00 feet, thence N 90 degrees 00 minutes 00 seconds W and parallel to the South line of said Half Quarter a distance of 155.00 feet to the place of beginning.

Custom Concrete Co.

Part of the North Half of the Northeast Quarter of Section 29, Township 19 North, Range 3 East in Hamilton County, Indiana, described as follows:

Beginning at a point on the South line of the North Half of the Northeast Quarter of Section 29, Township 19 North, Range 3 East which is 718.0 feet North 90 degrees 00 minutes East (assumed bearing) of the Southwest corner of said North Half, thence North 00 degrees 45 minutes East 165.0 feet; thence North 90 degrees 00 minutes East 155.0 feet; thence South 00 degrees 45 minutes West 165.0 feet to the South line of said North Half; thence South 90 degrees 00 minutes West on and along aforesaid South line 155.0 feet to the place of beginning, containing 0.59 acre, more or less. Subject to all legal easements and rights-of-way.

A part of the North half of the Northeast quarter of Section 29, Township 19 North, Range 3 East in Hamilton County, Indiana, and being more particularly described as follows:

Commencing at the Southwest corner of the North half of the Northeast quarter of Section 29, Township 19 North, Range 3 East,

thence N 90° 00' 00" E (assumed bearing) over and along the South line of said half quarter a distance of 718.00 feet, thence N 00° 45' 00" E a distance of 165.00 feet to a point, said point being the place of beginning of this description, thence N 00° 45' 00" E a distance of 200.00 feet, thence N 90° 00' 00" E and parallel to the South line of said half quarter a distance of 155.00 feet, thence S 00° 45' 00" W a distance of 200.00 feet, thence N 90° 00' 00" W and parallel to the South line of said half quarter a distance of 155.00 feet to the place of beginning and containing 0.172 acres.

A part of the north half of the Northeast Quarter of Section 29, Township 19 North, Range 3 East in Hamilton County, Indiana, and being more particularly described as follows:

Commencing at the Southwest corner of the North half of the Northeast Quarter of Section 29, Township 19 North, Range 3 East, thence 90 degree 00 minutes 00 seconds E (assumed bearing) over and along the south line of said half Quarter a distance of 718.00 feet, thence N 00 degrees 45 minutes 00 seconds E a distance of 365.00 feet to a point, said point being the place of beginning of this description, thence N 00 degrees 45 minutes 00 seconds E a distance of 70.26 feet, thence N 90 degrees 00 minutes 00 seconds E and parallel to the South line of said half Quarter a distance of 310.00 feet, thence S 00 degrees 45 minutes 00 seconds W a distance of 70.26 feet, thence N 90 degrees 00 minutes 00 seconds W and parallel to the South line of said half quarter a distance of 310.00 feet to the place of beginning, subject to all legal easements and rights of way of record.

Written suggestions or objections relative to the Application may be filed with the Department of Planning and Development, at or before such meeting and will be heard by the Board of Zoning Appeals at the time and place specified. Interested persons desiring to present their views upon the variance either in writing or verbally, will be given the opportunity to be heard at the above mentioned time and place.

Board of Zoning Appeals
Westfield, Indiana
By Custom Concrete Company, Inc.,
Petitioner
C/O Eugene G. Ziobron, Attorney
3390 W. 86th St., Ste. B-1
Indianapolis, IN 46268
(317) 872-4227
NDL-Sept. 19, 26

duly sworn upon his oath, deposes and says, that he is General Manager of the Noblesville Daily Ledger, A Topics Suburban Newspaper, a newspaper of general circulation in Hamilton County, State of Indiana, printed in the English language and printed and published daily/weekly in the city of Noblesville, Hamilton County, State of Indiana, and that said Noblesville Daily Ledger has been published continuously for more than three years last past, in said county and state; that the Notice of publication, a true copy of which is hereto annexed was duly published in said newspaper, for 2 weeks (insertions, successively) which publications were made as follows:

September 19, 1991
September 26, 1991

And that all of said publications were made in full compliance with the law.

Michael L. Stauffer
Subscribed and sworn to before me
this 26 day of September, 1991
Nancy J. Watson
Nancy J. Dotson Notary Public
(Seal.)

RECEIVED OCT 8 1991

My commission expires 11-28-93

Publisher's Fee, \$ 193.92

Resident of Hamilton County

U.S. Postal Service
CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:

Custom Concrete Co.

Postage

\$.34

Certified Fee

1.90

Return Receipt Fee
(Endorsement Required)

1.50

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees

\$ 3.74

Postmark
Here

Matt Skelton

Name (Please Print Clearly) (to be completed by mailer)

Street, Apt. No.; or PO Box No.

City, State, ZIP+4

7099 3400 0000 2000 2E25 6373

Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A signature upon delivery
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may **ONLY** be combined with First-Class Mail or Priority Mail.
- Certified Mail is *not* available for any class of international mail.
- **NO INSURANCE COVERAGE IS PROVIDED** with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Custom Concrete Co.
Attn: Joe & Betty Carr
2816 W. 193rd Street
Westfield, IN 46074

2. Article Number (Copy from service label)

7099 3400 0007 5232 6373

PS Form 3811, July 1999

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

Branda Tudor

B. Date of Delivery

3/5/01 CW

C. Signature

X

Branda Tudor

☐ Agent☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☐ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

RECEIVED MAR 22 2001
102595-00-M-0952

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

- Sender: Please print your name, address, and ZIP+4 in this box •

TOWN OF WESTFIELD
130 PENN STREET
WESTFIELD, IN 46074

Matt

03



● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

Mr. + Mrs. Tony Vieck
2834 W. 193rd Street
Westfield, IN 46074

4. Article Number

651573143

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☒ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee

X

6. Signature — Agent

X

7. Date of Delivery

9-19 P.S.

8. Addressee's Address (ONLY if requested and fee paid)

RECEIVED OCT 12 1 1991

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS



SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



PENALTY FOR PRIVATE
USE, \$300

RETURN
TO



Print Sender's name, address, and ZIP Code in the space below.

Eugene J. Lickson
3390 W. 86TH ST. STE. B-1
Indianapolis, IN
46268

- **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery
(Extra charge) (Extra charge)

3. Article Addressed to:

Mr. + Mrs. Brad Kubilis
2836 W. 193rd Street
Westfield, IN 46074

4. Article Number

656573140

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☒ Return Receipt
for Merchandise

Always obtain signature of addressee
or agent and DATE DELIVERED.

5. Signature — Addressee

X

6. Signature — Agent

X

7. Date of Delivery

9-21-91

8. Addressee's Address (ONLY if
requested and fee paid)

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS



SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



PENALTY FOR PRIVATE
USE, \$300

RETURN
TO



Print Sender's name, address, and ZIP Code in the space below.

Eugene J. Ziobron
3390 W. 86TH St B-1
Indianapolis, IN.
46268

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

Mr. Lloyd Millikan
19551 Centennial Road
Sheridan, IN 46069

4. Article Number

651573 141

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☒ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee

X Lloyd D. Millikan

6. Signature — Agent

X

7. Date of Delivery

8. Addressee's Address (ONLY if requested and fee paid)



RECEIVED OCT 21 1991

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS



SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE
USE, \$300

RETURN
TO



Print Sender's name, address, and ZIP Code in the space below.

Eugene H. Ziobron
3390 W. 86TH St. Ste B-1
Indianapolis, IN.
46268

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

Mrs. Elizabeth Collett
2823 W. 193rd Street
Westfield, IN 46074

4. Article Number

651573 142

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☒ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee

X *[Signature]*

6. Signature - Agent

X

7. Date of Delivery

9-20-91 *[Signature]*

8. Addressee's Address (ONLY if requested and fee paid)

RECEIVED OCT 23 1991
[Signature]

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



PENALTY FOR PRIVATE
USE, \$300

RETURN
TO



Print Sender's name, address, and ZIP Code in the space below.

Eugene H. Ziobron
3390 W. 86TH St. Ste. B-1
Indianapolis, IN. :

46268

TOWN OF WESTFIELD



COMMUNITY SERVICES

WESTFIELD WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS
ZONING ENFORCEMENT
PLAN COMMISSION

BUILDING COMMISSIONER
JOHN C. (JACK) WHITE

March 20, 2001

Custom Concrete Company, Inc.
Attn: Joe and Betty Carr
2816 West 193rd Street
Westfield, IN 46074

Dear Mr. And Mrs. Carr:

This letter is being provided as a reminder to you that a temporary variance of use (91-V-19) granted by the Westfield – Washington Township Board of Zoning Appeals on October 21, 1991, to permit the operation of a concrete business on property located at 2816 West 193rd Street, Westfield, Indiana, will expire on October 21, 2001 at 4:30 p.m.

You must pursue one of the following alternatives prior to such time to avoid non-compliance with applicable zoning standards:

- (1) Cease all uses on the subject property which do not comply with the standards set forth in the AG-SF1 (agriculture – single-family 1) zoning district. This would involve terminating the existing commercial use currently conducted on the subject property; or
- (2) Obtain an administrative remedy which allows the existing commercial use to continue. This may include the acquisition of variances and/or the rezoning of property. If you intend to pursue this alternative, it is suggested that you begin investigating your options well in advance of the October 21, 2001 expiration date. The procedures associated with variances, development plan approvals, and the rezoning of land can take several months to complete.

Again, this letter is being provided as a reminder to help avoid any unpleasant surprises as we near the expiration date of variance 91-V-19. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Al Salzman".

Al Salzman
Assistant Planner

Cc: Kevin G. Buchheit, AICP – Director
Matthew S. Skelton, AICP – Senior Planner
File # 91-V-19

TOWN OF WESTFIELD



COMMUNITY SERVICE

WESTFIELD WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS
ZONING ENFORCEMENT
PLAN COMMISSION

BUILDING COMMISSION
JOHN C. (JACK) WHITNEY

March 20, 2001

Custom Concrete Company, Inc.
Attn: Joe and Betty Carr
2816 West 193rd Street
Westfield, IN 46074

Dear Mr. And Mrs. Carr:

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Again, this letter is being provided as a reminder to help avoid any unpleasant surprises as we near the expiration date of variance 91-V-19. Thank you for your attention to this matter.

Sincerely,

Al Salzman
Assistant Planner

Cc: Kevin G. Buchheit, AICP – Director
Matthew S. Skelton, AICP – Senior Planner
File # 91-V-19

**Westfield-Washington Township
Plan Commission**

* * * * *

Board of Zoning Appeals

130 Penn Street
P.O. Box 322
Westfield, Indiana 46074
896-5577

October 23, 1991

Custom Concrete Co., Inc.
2816 W. 193rd Street
Westfield, IN 46074

RE: 91-V-19

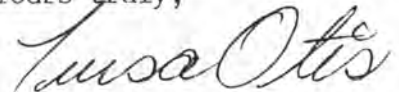
Dear Mr. Carr:

The Westfield-Washington Board of Zoning Appeals met October 21, 1991 at the Westfield City Building. After reviewing your case, a temporary variance of use for the existing facilities including an addition to the current office, was granted with the following conditions:

1. Approval of the Hamilton County Health Department for the present, required sanitary facilities needed.
2. Approval of the Indiana Fire and Building Services needs to be obtained for the construction of commercial buildings.
3. The temporary variance will pertain only to the petitioner.
4. The business must move from the present location in a maximum of ten (10) years.

You may now come into the office to obtain your building permit. If we may be of further assistance to, do not hesitate to contact our staff at 896-5577.

Yours truly,



Teresa Otis, Secretary
Westfield-Washington
Board of Zoning Appeals

cc: File
Eugene G. Ziobron
encl: Rezoning Application

2816 West 193rd Street. A variance of use of existing facilities including a proposed addition to the current office, as per plans filed, is requested by Custom Concrete Company, Inc.

COMMENTS

1. The subject property is comprised of five parcels:

- (1) #08-05-29-00-00-003.001 (.50 acre) - No improvements are listed with the assessor's office.
- (2) #08-05-29-00-00-006 (.59 acre) - Single family residence was built in 1974 containing 1,032 square feet on each of two stories & a 24' x 29' detached garage.
- (3) #08-05-29-00-00-007 (.712 acre) - Two (2) connected pole barns were built in 1981. One contains 1440 square feet; the other contains 3120 square feet. (At this time, the Hamilton County Assessor's office shows 1991-92 construction of a basement at this location.)
- (4) #08-05-29-00-00-008 (.837 acre) - No improvements are listed with the assessor's office.
- (5) #08-05-29-00-00-009 (.59 acre) - No improvements are listed with the assessor's office.

The parcels are zoned AG-SF1.; together they contain approximately 3.229 acres.

2. Township records show that construction and permits filed include the following:

- (a) The single family residence was constructed in 1973 (per submitted plot plan) at 2816 West 193rd Street.
- (b) A single family residence was constructed approximately 1974-75 by William P. Dougherty (per submitted plot plan); it is known as 2814 West 193rd Street and is currently used as an office building.
- (c) A garage addition was constructed with a valid permit in 1981 at the 2814 West 193rd Street address. At the time of application (81-IP-60), no mention was made of a business usage for this property by Dougherty.
- (d) Prior to this current application, no permits have been applied for, or issued for, the additional structures located on these parcels.

Two pole barn structures (joined together) and a pole barn addition appear to have been constructed without proper permits.

3. The property is not served by municipal water and sewer services.
4. The plot plan provided with the variance application does not appear to be drawn to scale; thus, determination of the size relationships of buildings to lot size may not be possible with this drawing.
5. The Secretary of State's office shows that Custom Concrete Co., Inc. incorporated on July 3, 1986 (per Ann). It is my understanding that Custom Waterproofing Company is also operating at this location.
6. At the September 15, 1977 effective date of the Comprehensive Zoning Ordinance, specific parcels comprising the subject property may have qualified for grandfather rights if a business was located on them. (However, no such evidence has been presented to date to substantiate the presence of either Custom Concrete or Custom Waterproofing Company on one or more of these parcels.) Furthermore since a variance would be required in order to conduct a new business, similarly **any** expansion of a grandfathered business is required to obtain a variance of use and improvement location permits for the expansion and construction of buildings. The increases in the number of employees, number of vehicles, amount of storage, etc. required a variance.
7. Title 16, Chapter 4, Section 16.04.150 of the Basic Code of Ordinances of the Town of Westfield, Indiana states:

"The lawful use of a building or premises, existing at the time of passage of this ordinance, may be continued although such use does not conform to all the provisions of this ordinance, subject to the following conditions:

- A. A non-conforming use may be extended throughout a building provided the size of the structure is not increased.
- B. A non-conforming use may be changed to another non-conforming use of the same or greater restrictions, provided the size of the structure is not increased.

.....

- D. No building shall be erected upon any premises devoted to a non-conforming use, except in conformance with the provisions of this ordinance." (page 87)

8. The operation of these businesses does not meet the requirements of the AG-SF1 zoning classification under the Title 16, Chapter 4, Section 16.04.180, Figures of the Basic Code of Ordinances of the Town of Westfield, Indiana.

Similar uses are shown on Figure 2 with the following zoning classifications:

"Concrete Contractors - Heavy Commercial" requires a Enclosed Industrial (Special Exception). (page 103)

"General Construction Company" requires a General Business (Special Exception), Enclosed Industrial (Special Exception), or Open Industrial. (page 104)

"Trucking Companies" require Enclosed Industrial or Open Industrial. (page 110)

9. The surrounding farm properties are zoned AG-SF1. There are no other businesses in the immediate area.
10. The property, located on 193rd Street, is accessible by Centennial Road on the west and Lamong Road on the east; 193rd Street is a minor collector road for Washington Township.
11. The application shows that the business currently employs approximately 100 people. Employees park their cars at the property during the day in addition to the presence of commercial vehicles. The number of commercial vehicles owned and stored on the premises has been difficult to calculate; however, twenty-eight (28) commercial vehicles were present at the April 29, 1991 inspection of the property in addition to employee vehicles. During a recent visit to the property, an employee stated that the two firms own approximately 69 trucks; however, some of these are take-home vehicles. He stated that about 30-40 vehicles are parked overnight usually.

RECOMMENDATIONS

1. Staff recommends that a temporary variance be granted with conditions. Due to the financial burden and difficulty of moving this business, a five to ten year temporary variance of use may be considered; however, the continued growth of this business, and its precedence in an AG-SF1 zoning district, needs to be considered.
2. If a variance of use is granted the following issues should be considered:
 - (1) # of commercial vehicles present on the property;
 - (2) weight loads carried and their impact on the surrounding roads;
 - (3) # of employees' vehicles parked daily on the property;
 - (4) lack of plans filed drawn to scale (these are needed in order to form a relationship between buildings and lot sizes);

- (5) lack of building permits for some of the structures;
 - (6) lack of a landscaping plan;
 - (7) lack of a drainage plan;
 - (8) the issue and/or limitation of the amount of outside storage;
 - (9) the types of chemicals, buildings materials, etc. stored on the property;
 - (10) # of employees (laborers and office help); and,
 - (11) signage.
- 3. Variance of use should pertain to the petitioner only.
 - 4. Approval of the Hamilton County Health Department for the present/required sanitary facilities is needed.
 - 5. Approval of the Indiana Fire and Building Services needs to be obtained for the construction of commercial buildings.

DETERMINATION: POSSIBLE MOTIONS

Grant approval of the plans, as filed.

or

Grant approval of the plans, as filed
subject to conditions (list conditions).

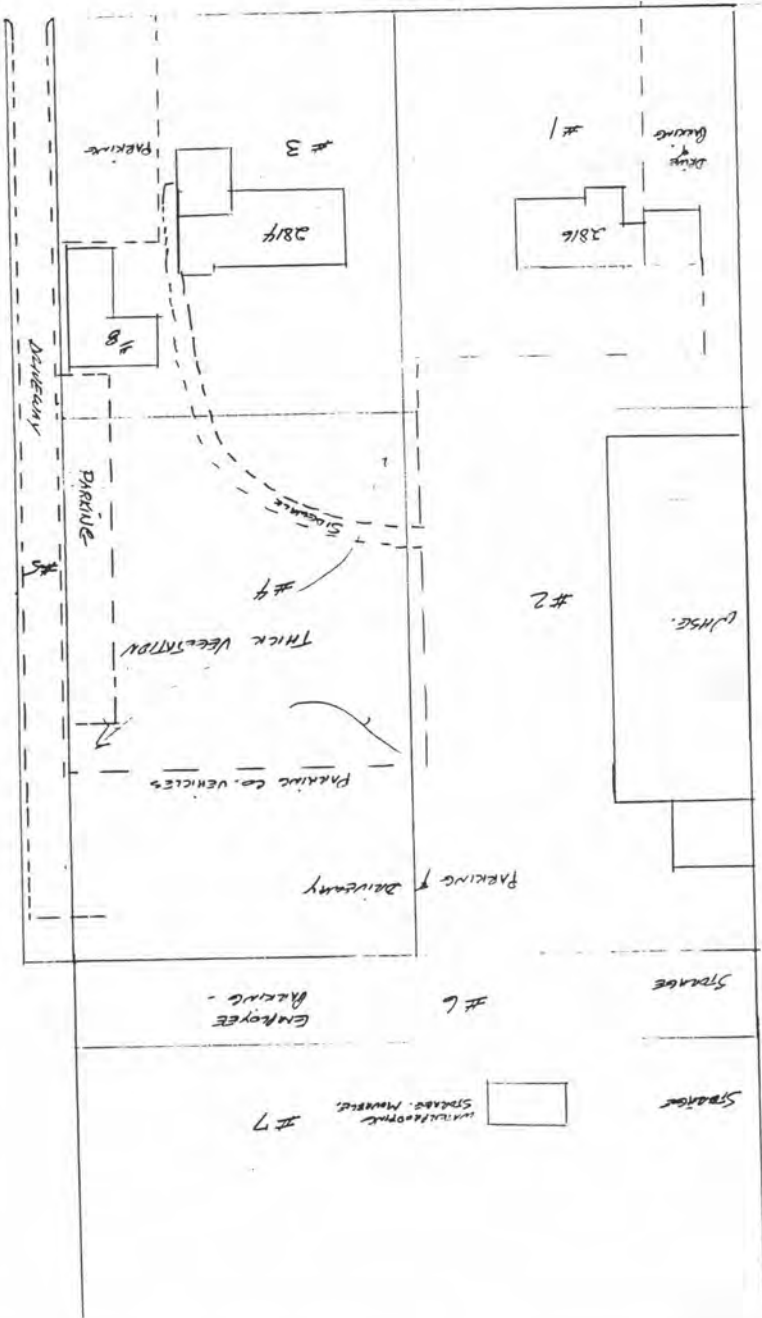
or

The following changes must be made or considered before
approval will be given (list changes).

ANY AND ALL LIMITATIONS OR CONDITIONS MUST BE MADE PART OF A MOTION
TO APPROVE IN ORDER FOR THE LIMITATION OR CONDITION TO BECOME PART
OF THE ACTION.

As for Joe & Betty Case & Facilities for Cuban Concrete Co., Inc.

193 ST



- #1 RESIDENTIAL HOME. 1973
2. WAREHOUSE & STORAGE. 1978
3. OFFICE
4. VEGETATION FOR SCAPED & PARKING.
5. 15' WIDE ACCESS.
6. APPROX & ACCESS FOR PRELIM.
7. PARKING & STORAGE.
8. GARAGE

LEND

EUGENE G. ZIOBRON

ATTORNEY AT LAW

3390 WEST 86TH STREET, SUITE B-1
PARK PLAZA
INDIANAPOLIS, INDIANA 46268
TELEPHONE: (317) 872-4227

October 7, 1991

Mr. John C. White, Planning Director
Westfield-Washington Township
City Building
130 Penn Street
Westfield, IN 46074

RE: Custom Concrete Company, Inc.
Petition for Variance, 91-V-19

Dear Mr. White:

In reference to the above captioned matter, please find enclosed herewith a proof of publication and a check in the sum of \$300.00 as fees for this Petition.

If you have any questions please advise me.

Thank you.

Very truly yours,


Eugene G. Ziobron

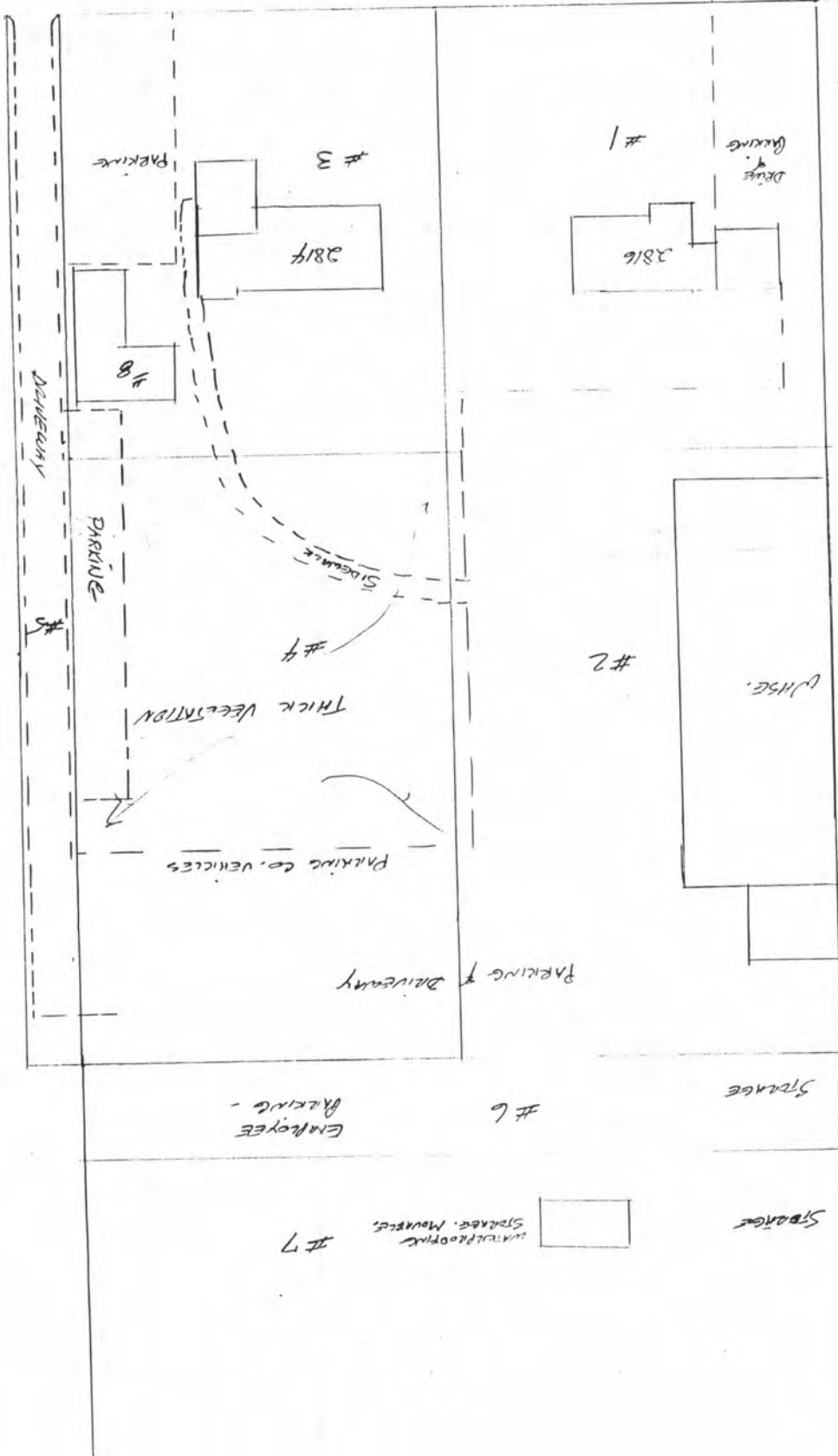
EGZ/amr

CC: Custom Concrete Co., Inc.

RECEIVED OCT 8 1991

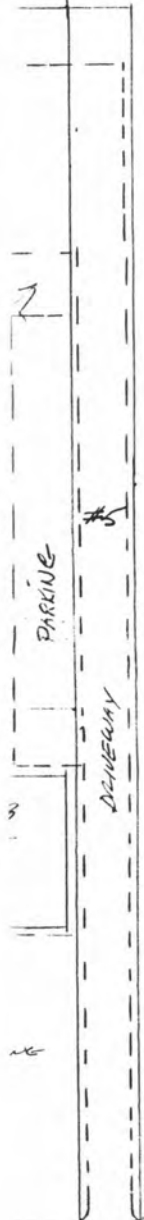
Res for Joe & Betty Clark & Facilities for

193 ST



LEGEND

- #1 PERSONAL HOME. 1973
2. WAREHOUSE & STORAGE. 1978
3. OFFICE 1974-75?
4. VEGETATION FOR SCREEN & PARKING.
5. 15' WIDE ACCESS.
6. APPROX 1/2 ACRE FOR PARKING.
7. PARKING & STORAGE.
8. GARAGE



FACILITIES FOR CUSTOM CONCRETE CO., INC.

RECEIVED SEP 17 1991

2816 West 193rd Street. A variance of use of existing facilities including a proposed addition to the current office, as per plans filed, is requested by Custom Concrete Company, Inc.

COMMENTS

1. The subject property is comprised of five parcels:

- (1) #08-05-29-00-00-003.001 (.50 acre) - No improvements are listed with the assessor's office.
- (2) #08-05-29-00-00-006 (.59 acre) - Single family residence was built in 1974 containing 1,032 square feet on each of two stories & a 24' x 29' detached garage.
- (3) #08-05-29-00-00-007 (.712 acre) - Two (2) connected pole barns were built in 1981. One contains 1440 square feet; the other contains 3120 square feet. (At this time, the Hamilton County Assessor's office shows 1991-92 construction of a basement at this location.)
- (4) #08-05-29-00-00-008 (.837 acre) - No improvements are listed with the assessor's office.
- (5) #08-05-29-00-00-009 (.59 acre) - No improvements are listed with the assessor's office.

The parcels are zoned AG-SF1.; together they contain approximately 3.229 acres.

2. Township records show that construction and permits filed include the following:

- (a) The single family residence was constructed in 1973 (per submitted plot plan) at 2816 West 193rd Street.
- (b) A single family residence was constructed approximately 1974-75 by William P. Dougherty (per submitted plot plan); it is known as 2814 West 193rd Street and is currently used as an office building.
- (c) A garage addition was constructed with a valid permit in 1981 at the 2814 West 193rd Street address. At the time of application (81-IP-60), no mention was made of a business usage for this property by Dougherty.
- (d) Prior to this current application, no permits have been applied for, or issued for, the additional structures located on these parcels.

Two pole barn structures (joined together) and a pole barn addition appear to have been constructed without proper permits.

3. The property is not served by municipal water and sewer services.
4. The plot plan provided with the variance application does not appear to be drawn to scale; thus, determination of the size relationships of buildings to lot size may not be possible with this drawing.
5. The Secretary of State's office shows that Custom Concrete Co., Inc. incorporated on July 3, 1986 (per Ann). It is my understanding that Custom Waterproofing Company is also operating at this location.
6. At the September 15, 1977 effective date of the Comprehensive Zoning Ordinance, specific parcels comprising the subject property may have qualified for grandfather rights if a business was located on them. (However, no such evidence has been presented to date to substantiate the presence of either Custom Concrete or Custom Waterproofing Company on one or more of these parcels.) Furthermore since a variance would be required in order to conduct a new business, similarly any expansion of a grandfathered business is required to obtain a variance of use and improvement location permits for the expansion and construction of buildings. The increases in the number of employees, number of vehicles, amount of storage, etc. required a variance.
7. Title 16, Chapter 4, Section 16.04.150 of the Basic Code of Ordinances of the Town of Westfield, Indiana states:

"The lawful use of a building or premises, existing at the time of passage of this ordinance, may be continued although such use does not conform to all the provisions of this ordinance, subject to the following conditions:

- A. A non-conforming use may be extended throughout a building provided the size of the structure is not increased.
- B. A non-conforming use may be changed to another non-conforming use of the same or greater restrictions, provided the size of the structure is not increased.
-
- D. No building shall be erected upon any premises devoted to a non-conforming use, except in conformance with the provisions of this ordinance." (page 87)

8. The operation of these businesses does not meet the requirements of the AG-SF1 zoning classification under the Title 16, Chapter 4, Section 16.04.180, Figures of the Basic Code of Ordinances of the Town of Westfield, Indiana.

Similar uses are shown on Figure 2 with the following zoning classifications:

"Concrete Contractors - Heavy Commercial" requires a Enclosed Industrial (Special Exception). (page 103)

"General Construction Company" requires a General Business (Special Exception), Enclosed Industrial (Special Exception), or Open Industrial. (page 104)

"Trucking Companies" require Enclosed Industrial or Open Industrial. (page 110)

9. The surrounding farm properties are zoned AG-SF1. There are no other businesses in the immediate area.
10. The property, located on 193rd Street, is accessible by Centennial Road on the west and Lamong Road on the east; 193rd Street is a minor collector road for Washington Township.
11. The application shows that the business currently employs approximately 100 people. Employees park their cars at the property during the day in addition to the presence of commercial vehicles. The number of commercial vehicles owned and stored on the premises has been difficult to calculate; however, twenty-eight (28) commercial vehicles were present at the April 29, 1991 inspection of the property in addition to employee vehicles. During a recent visit to the property, an employee stated that the two firms own approximately 69 trucks; however, some of these are take-home vehicles. He stated that about 30-40 vehicles are parked overnight usually.

RECOMMENDATIONS

1. Staff recommends that a temporary variance be granted with conditions. Due to the financial burden and difficulty of moving this business, a five to ten year temporary variance of use may be considered; however, the continued growth of this business, and its precedence in an AG-SF1 zoning district, needs to be considered.
2. If a variance of use is granted the following issues should be considered:
 - (1) # of commercial vehicles present on the property;
 - (2) weight loads carried and their impact on the surrounding roads;
 - (3) # of employees' vehicles parked daily on the property;
 - (4) lack of plans filed drawn to scale (these are needed in order to form a relationship between buildings and lot sizes);

- (5) lack of building permits for some of the structures;
 - (6) lack of a landscaping plan;
 - (7) lack of a drainage plan;
 - (8) the issue and/or limitation of the amount of outside storage;
 - (9) the types of chemicals, buildings materials, etc. stored on the property;
 - (10) # of employees (laborers and office help); and,
 - (11) signage.
- 3. Variance of use should pertain to the petitioner only.
 - 4. Approval of the Hamilton County Health Department for the present/required sanitary facilities is needed.
 - 5. Approval of the Indiana Fire and Building Services needs to be obtained for the construction of commercial buildings.

DETERMINATION: POSSIBLE MOTIONS

Grant approval of the plans, as filed.

or

Grant approval of the plans, as filed
subject to conditions (list conditions).

or

The following changes must be made or considered before
approval will be given (list changes).

ANY AND ALL LIMITATIONS OR CONDITIONS MUST BE MADE PART OF A MOTION
TO APPROVE IN ORDER FOR THE LIMITATION OR CONDITION TO BECOME PART
OF THE ACTION.

STATION #7



STATION #6

EMPLOYEE PARKING

STATION

PARKING & DRIVEWAY

PARKING CO. VEHICLES

THICK VEGETATION

#2

W.H.G.

PARKING

DRIVEWAY

#8

PARKING

#3

#1

DRIVEWAY

193 ST

LEGEND

- #1 REMOVAL HOME - 1978
2. WHEREABOUTS OF STATION - 1978-75?
3. OFFICE
4. VEGETATION FOR SCREEN & PARKING
5. 15' WIDE ACCESS
6. APPROX 1/2 ACRES FOR PARKING
7. PARKING & STATION
8. GARAGE

ards from the Indiana Main Street Council this week.
the Adoptive Re-Use Project award for turning the former
an Church into a downtown Noblesville office building in

received the Design of Downtown Public Improvements
Streetscape project. The project, primarily constructed
included the upgrading of underground items plus the
of Star brick-lined concrete sidewalks, Victorian era
and park benches.

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chairwoman Judy O'Bannon said in a news release, "Mr.
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ows that through careful planning and quality design,
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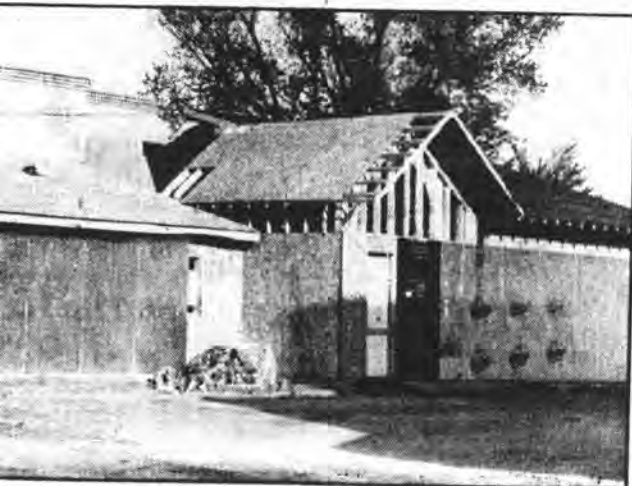
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Indiana Main Street Program coordinator, said: "The
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town, viable business districts. We applaud the hundreds
of hours that downtown businesspeople, historic preserva-
tion officials and community residents donate to invigorate
our towns."

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Tourism and Heritage Preservation: A Profitable

Street Program operates through the Indiana Depart-
ment of Commerce's Community Development Division. The
city project offers technical assistance and training to
business owners wishing to preserve, revitalize and manage growth in
their towns.

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Ledger photo by Christine La Vigne

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ral Election, 3 p.m. to 5 p.m. Sunday at the Community Center

meal was actually beer and vegetables.

Zoners approve addition to Custom Concrete facility

By LISA M. HULLINGER

Ledger staff writer

A large audience sat through a lengthy discussion on a request for a variance at the Westfield Board of Zoning Appeals meeting.

Eugene Zlobron, the attorney representing Joe and Betty Carr, asked the board to permit the use of existing facilities at 2816 W. 193rd St., including a proposed addition to the current office of Custom Concrete Co. Inc.

Upon a 3-1 vote, Carr received approval for the plans as filed.

Zlobron discussed the business in great detail, explaining that it was a major employer in Westfield with "100 individuals or families in the peak season."

He pointed out that Custom Concrete also is a great contributor to the community as it provides a living for many residents.

"It is essential for the business to continue at that location," he said. The property was purchased before 1977 — when the zoning ordinances went into effect; therefore, it is frozen as is — any changes require a variance.

The Carrs, founders of the busi-

ness, also reside at the address. Zlobron explained that their philosophy is "to employ people who might not be employed elsewhere." They even help some fill out their applications for employment.

"There's no detrimental affect to the public welfare. The property values have increased over a period of time. There are no hazardous materials or odors," he said.

Telling the board that the business has operated at the location for the past 18 years, Zlobron noted that there is "no congestion of public streets."

It was pointed out to Zlobron that the site plans were drawn as schematics, not to scale as required. He assured the board that an at-scale representation could be submitted.

There are two residences on the property — one is used as an office and the other as the Carr home. Approximately 50 employee vehicles are parked in the lot. Carr explained that all but six (three secretaries and three mechanics) work off-site. Currently, there are 70 employees.

Zoners approve pub expansion

By CHRISTINE La VIGNE

Ledger staff writer

A downtown Fishers building owner received permission to continue with expansion and renovation plans at Wednesday night's Board of Zoning Appeals meeting.

Richard Lux sought a variance to continue enlarging the former Mickey's Pub, 8654 E. 116th Street, to include handicap-accessible restrooms and to enclose a mechanical area. The renovations will not affect the dining or kitchen areas.

The BZA unanimously approved the variance.

The restaurant is immediately

east of the railroad tracks and across the street from Archer's Grocery. The building has been closed for more than two years.

According to Development Director Michael Dellinger, Lux originally presented a site plan which did not show building expansion, although construction plans showed the restroom expansion. Apparently Fishers staff failed to detect the omission.

There was some question about whether Lux was even required to make the restrooms handicap-accessible as he was directed to do by staff.

See PUB page A8

"The Noblesville Daily Ledger", 10/25/91, pg 1

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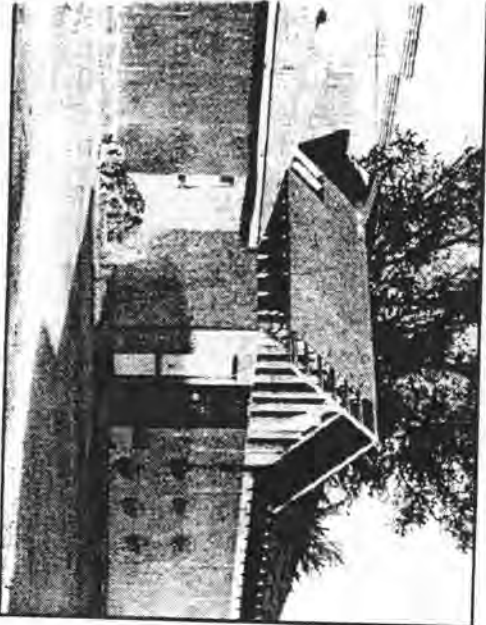
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See PUB page A8

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"The Noblesville Daily Ledger", 10/25/91, pp. 1

Public Notices

Westfield Washington Township Board of Zoning Appeals

The Board will hold a Public Hearing on 91-V-19 on the 21st day of October 1991 at 7:30 p.m. at the Westfield City Building. The application submitted by Custom Concrete Company, Inc. requests that zoning variance of use of existing facilities including a proposed addition to the current office be granted for the property located at 2816 W. 193rd Street, more particularly as follows:

LEGAL DESCRIPTION

Part of the North Half of the Northeast Quarter of Section Twenty-nine (29), Township Nineteen (19) North, Range Three (3) East in Hamilton County, Indiana, described as follows:

Beginning at a point on the South line of the North Half of the Northeast Quarter of Section 29, Township 19 North, Range 3 East which is 873.0 feet North 90 degrees 00 minutes East (assumed bearing) of the Southwest corner of said North Half, thence North 00 degrees 45 minutes East 165.0 feet, thence North 90 degrees 00 minutes East 155.0 feet, thence South 00 degrees 45 minutes West 165.0 feet to the South line of said North Half, thence South 90 degrees 00 minutes West on and along aforesaid South line 155.0 feet to the place of beginning.

ALSO: Part of the North Half of the Northeast Quarter of Section 29, Township 19 North, Range 3 East in Hamilton County, Indiana and being more particularly described as follows:

Commencing at the Southwest corner of the North Half of the Northeast Quarter of Section 29, Township 19 North, Range 3 East, thence N 90 degrees 00 minutes 00 seconds E (assumed bearing) over and along the South line of said Half Quarter a distance of 873.00 feet, thence N 00 degrees 45 minutes 00 seconds E a distance of 165.00 feet to a point, said point being the place of beginning of this description, thence N 00 degrees 45 minutes 00 second E a distance of 200.00 feet, thence N 90 degrees 00 minutes 00 seconds E and parallel to the South line of said Half Quarter a distance of 170.00 feet, thence S 00 degrees 45 minutes 00 seconds W a distance of 365.00 feet to a point on the South line of said Half Quarter, thence N 90 degrees 00 minutes 00 seconds W over and along said South line a distance of 15.00 feet, thence N 00 degrees 45 minutes 00 seconds E a distance of 165.00 feet, thence N 90 degrees 00 minutes 00 seconds W and parallel to the South line of said Half Quarter a distance of 155.00 feet to the place of beginning.

Custom Concrete Co.
Part of the North Half of the Northeast Quarter of Section 29, Township 19 North, Range 3 East in Hamilton County, Indiana, described as follows:

Beginning at a point on the South line of the North Half of the Northeast Quarter of Section 29, Township 19 North, Range 3 East which is 718.0 feet North 90 degrees 00 minutes East (assumed bearing) of the Southwest corner of said North Half; thence North 00 degrees 45 minutes East 165.0 feet; thence North 90 degrees 00 minutes East 155.0 feet; thence South 00 degrees 45 minutes West 165.0 feet to the South line of said North Half; thence South 90 degrees 00 minutes West on and along aforesaid South line 155.0 feet to the place of beginning, containing 0.59 acre, more or less. Subject to all legal easements and rights-of-way.

A part of the North half of the Northeast quarter of Section 29, Township 19 North, Range 3 East in Hamilton County, Indiana, and being more particularly described as follows:

Commencing at the Southwest corner of the North half of the Northeast quarter of Section 29, Township 19 North, Range 3 East,

thence N 90° 00' 00" E (assumed bearing) over and along the South line of said half quarter a distance of 718.00 feet, thence N 00° 45' 00" E a distance of 165.00 feet to a point, said point being the place of beginning of this description, thence N 00° 45' 00" E a distance of 200.00 feet, thence N 90° 00' 00" E and parallel to the South line of said half quarter a distance of 155.00 feet, thence S 00° 45' 00" W a distance of 200.00 feet, thence N 90° 00' 00" W and parallel to the South line of said half quarter a distance of 155.00 feet to the place of beginning and containing 0.172 acres.

A part of the north half of the Northeast Quarter of Section 29, Township 19 North, Range 3 East in Hamilton County, Indiana, and being more particularly described as follows:

Commencing at the Southwest corner of the North half of the Northeast Quarter of Section 29, Township 19 North, Range 3 East, thence 90 degree 00 minutes 00 seconds E (assumed bearing) over and along the south line of said half Quarter a distance of 718.00 feet, thence N 00 degrees 45 minutes 00 seconds E a distance of 365.00 feet to a point, said point being the place of beginning of this description, thence N 00 degrees 45 minutes 00 seconds E a distance of 70.26 feet, thence N 90 degrees 00 minutes 00 seconds E and parallel to the South line of said half Quarter a distance of 310.00 feet, thence S 00 degrees 45 minutes 00 seconds W a distance of 70.26 feet, thence N 90 degrees 00 minutes 00 seconds W and parallel to the South line of said half quarter a distance of 310.00 feet to the place of beginning, subject to all legal easements and rights of way of record.

Written suggestions or objections relative to the Application may be filed with the Department of Planning and Development, at or before such meeting and will be heard by the Board of Zoning Appeals at the time and place specified. Interested persons desiring to present their views upon the variance either in writing or verbally, will be given the opportunity to be heard at the above mentioned time and place.

Board of Zoning Appeals
Westfield, Indiana
By Custom Concrete Company, Inc.,
Petitioner
C/O Eugene G. Ziobron, Attorney

3390 W. 86th St., Ste. B-1
Indianapolis, IN 46268
(317) 872-4227

NDL-Sept. 19, 26

NOBLESVILLE SCHOOLS NOTICE OF PUBLIC HEARING

Pursuant to I.C. 20-5-52, the board of school trustees of Noblesville Schools, Noblesville, Indiana, gives this notice that on October 8, 1991 at 7:00 p.m., the board of school trustees will meet in public session in the board room of the administration office of Noblesville Schools, 1775 Field Drive, Noblesville, Indiana, to discuss and hear objections and support regarding the proposed purchase of land for future school facilities.

NOBLESVILLE SCHOOLS
BY Kathie Stretch
NDL-Sept. 19

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ANNOUNCEMENT

Announcement

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ITEMS

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Application Number V - 91-V-19
Date of Application _____

RECEIVED SEP 17 1991

APPLICATION FOR VARIANCE
WESTFIELD-WASHINGTON BOARD OF ZONING APPEALS

This application must be completed and accompanied by the information specified below and the necessary filing fee, and filed at the Town Hall of Westfield, Indiana, at least Thirty (30) days prior to the Board of Zoning Appeals meeting at which Applicant wishes to make his oral presentation.

1. Applicant's Name Custom Concrete Company, Inc.
Address 2816 West 193rd Street
Westfield, Indiana 46074
2. Landowner's Name Joe L. and Betty Carr
Address 2814 West 193rd Street
Westfield, Indiana 46074
Telephone Number _____
3. Attorney Eugene G Ziobron
(if represented) 3390 West 86th St., Ste B-1
Indianapolis, IN. 46268
872-4227
4. Common description of property (address, location, etc.):
2816 West 193rd Street, Westfield, IN. 46074

5. Legal description of property (list below, or attach):
Part of the Northeast, Northeast Section 29 Township 19
Range 3. SEE ATTACHED. *EG*

6. Complete description of the nature of the Variance applied for:
Variance of use of existing facilities including
a proposed addition to the current office.

7. Plans drawn to scale must accompany this application and must show at least the following: (a) The shape and dimensions of the land involved; (b) the location and dimensions of any existing buildings; (c) the location and dimensions of any proposed buildings or proposed alterations; and (d) all topographic, natural, or other unusual characteristics of the land involved.

8. No Variance in the application of the Provisions of the Comprehensive Zoning Ordinance of Westfield-Washington shall be granted unless the Board of Zoning Appeals shall find each of the following (thus the Applicant must complete and establish at the hearing that each of the following is true in order to obtain a favorable determination of his variance application):

- (a) That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to the other property or class or use in the same vicinity and district:

(a) Custom Concrete Co., Inc has conducted its business for the last 18 years at the subject property. It is a major employer in the Westfield-Washington area employing about 100 individuals and families. Its continued use of the subject site for its business is essential for the continued welfare of its employees and their families as well as for itself, a long-standing and significant member of the community.

-
- (b) That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and district, but which is denied to the property in question:

(b) Current zoning restricts the use of the subject property to AG-SF1, Agri-single family rural. A grant of variance is necessary to preserve the property rights of the petitioner and property owners in the vicinity, as well insure the livelihood and enjoyment of the corporation, its employees and their families upon whom they are financially dependant.

-
- (c) That the granting of such variance will not be materially detrimental to the public welfare or injurious to the

property or improvements in such vicinity and district in which the property is located:

(c) The subject property where Custom Concrete Co., Inc has conducted its business also serves as the residence of its owners, Joe and Betty Carr. Throughout the 18 years at this location there has been no detriment to the public welfare nor injury to property or improvements but rather the promotion of public morals and general welfare as well as improvements to the subject property. There is every indication and intention for the continued good of public welfare to be promoted by Custom Concrete Co and Joe and Betty Carr.

(d) That the granting of such variance will not alter the land use characteristics of the vicinity and district, diminish the marketable value of adjacent land and improvements, or increase the congestion in the public streets:

(d) During the time Custom Concrete Co, Inc has operated its business at the subject property the market values of adjacent land has incremented and not diminished, without congestion of public streets. The grant of variance will not alter the land use characteristics of the vicinity in derogation of such market values or the vicinity generally.

The Applicant hereby certifies that the information contained in and accompanying this application is true and correct.

Custom Concrete Co, Inc
Joe Carr, Inc
Applicant

SUBSCRIBED AND SWORN TO BEFORE ME THIS 16th day of

September, 1991.

Guadalupe Zeban
Notary Public

My Commission Expires:

11-21-93

NOTICE

The Applicant is responsible for giving appropriate notice of his variance application and hearing thereon. Notice must be published twice in a daily newspaper of general circulation

RECEIVED SEP 17 1991

in Hamilton County, with the first publication being at least thirty days prior to the hearing and the second publication being one week later. Proof of publication must be delivered to the Town Hall of Westfield at least five days prior to the hearing. Every contiguous landowner must receive notice by certified mail and returned receipts shall be delivered to the Town Hall of Westfield at least five days prior to the hearing.

The Applicant hereby certifies that every contiguous landowner was appropriately notified by certified mail of his variance application and hearing thereon and return receipts from such certified mailings are hereby delivered to the Town Hall of Westfield.

Ernest Zoben, atty
Applicant
for Petitioner

Date Proof of Publication received: RECEIVED OCT 8 1991

Date return receipts received: RECEIVED OCT 21 1991

Date fee paid: RECEIVED OCT 8 1991

Received by: JW

(Signature)

RECEIVED SEP 17 1991

LEGAL DESCRIPTION

2814 W 143' 31"

WESTFIELD

59A T 437A

EAST SECTION

Part of the North Half of the Northeast Quarter of Section Twenty-nine (29), Township Nineteen (19) North, Range Three (3) East in Hamilton County, Indiana, described as follows:

Beginning at a point on the South line of the North Half of the Northeast Quarter of Section 29, Township 19 North, Range 3 East which is 873.0 feet North 90 degrees 00 minutes East (assumed bearing) of the Southwest corner of said North Half, thence North 00 degrees 45 minutes East 165.0 feet, thence North 90 degrees 00 minutes East 155.0 feet, thence South 00 degrees 45 minutes West 165.0 feet to the South line of said North Half, thence South 90 degrees 00 minutes West on and along aforesaid South line 155.0 feet to the place of beginning. 009

ALSO: Part of the North Half of the Northeast Quarter of Section 29, Township 19 North, Range 3 East in Hamilton County, Indiana and being more particularly described as follows:

Commencing at the Southwest corner of the North Half of the Northeast Quarter of Section 29, Township 19 North, Range 3 East, thence N 90 degrees 00 minutes 00 seconds E (assumed bearing) over and along the South line of said Half Quarter a distance of 873.00 feet, thence N 00 degrees 45 minutes 00 seconds E a distance of 165.00 feet to a point, said point being the place of beginning of this description, thence N 00 degrees 45 minutes 00 seconds E a distance of 200.00 feet, thence N 90 degrees 00 minutes 00 seconds E and parallel to the South line of said Half Quarter a distance of 170.00 feet, thence S 00 degrees 45 minutes 00 seconds W a distance of 365.00 feet to a point on the South line of said Half Quarter, thence N 90 degrees 00 minutes 00 seconds W over and along said South line a distance of 15.00 feet, thence N 00 degrees 45 minutes 00 seconds E a distance of 165.00 feet, thence N 90 degrees 00 minutes 00 seconds W and parallel to the South line of said Half Quarter a distance of 155.00 feet to the place of beginning. 008

Part of the North Half of the Northeast Quarter of Section 29, Township 19 North, Range 3 East in Hamilton County, Indiana, described as follows:

2816 W. 193RD ST
WESTFIELD
S.W. CORNER

Beginning at a point on the South line of the North Half of the Northeast Quarter of Section 29, Township 19 North, Range 3 East which is 718.0 feet North 90 degrees 00 minutes East (assumed bearing) of the Southwest corner of said North Half; thence North 00 degrees 45 minutes East 165.0 feet; thence North 90 degrees 00 minutes East 155.0 feet; thence South 00 degrees 45 minutes West 165.0 feet to the South line of said North Half; thence South 90 degrees 00 minutes West on and along aforesaid South line 155.0 feet to the place of beginning, containing 0.59 acre, more or less. Subject to all legal easements and rights-of-way.

2. The estate or interest referred to herein is at Date of Policy vested in

JOE L. CARR and BETTY CARR, husband and wife

2816 W 193RD ST
WESTFIELD
N. and ADJACENT
TO S.W. SECTION

3. The land referred to in this Policy is described as follows:

A part of the North half of the Northeast quarter of Section 29, Township 19 North, Range 3 East in Hamilton County, Indiana, and being more particularly described as follows:

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Conveyed to insured by Warranty Deed from Floyd D. Millikan and Blanche O. Millikan, dated November 12, 1974 and recorded November 13, 1974 in Deed Record 277 page 557 in the office of the Recorder of Hamilton County, Indiana.

Hamilton County, in the State of Indiana:

5A N. of
2816 W. 193RD ST
WESTFIELD

A part of the north half of the Northeast Quarter of Section 29, Township 19 North, Range 3 East in Hamilton County, Indiana, and being more particularly described as follows:

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FFFFFFFFFF	AAAAAAAAAA	XXXXX	XXXXX
FFFFFFFFFF	AAAAAAAAAAAA	XXXX	XXXX
FFFF	AAAA AAAA	XXXX	XXXX
FFFF	AAAA AAAA	XXXXXXXXXX	
FFFFFFFFF	AAAAAAAAAAAA	XXXXXXX	
FFFFFFFFF	AAAAAAAAAAAA	XXXXXXXXXX	
FFFF	AAAA AAAA	XXXX	XXXX
FFFF	AAAA AAAA	XXXX	XXXX
FFFF	AAAA AAAA	XXXXX	XXXXX

CUSTOM CONCRETE CO., INC.
2816 W. 193rd. ST.
WESTFIELD, IN. 46074
FAX # (317) 867-1405

TO: Jack White
COMPANY: City of Westfield
FAX NUMBER: 867-0630
FROM: Custom Concrete Co, Inc.
TOTAL # OF PAGES: 3 (INCLUDING COVER PAGE)
MESSAGE: Per Gene Johnson

IF YOU DID NOT RECEIVE THE TOTAL NUMBER OF PAGES
INDICATED, PLEASE CALL OUR OFFICE TELEPHONE NUMBER.

(317) 896-9339

LEGAL DESCRIPTION

2814 W 143 51

WESTFIELD

.59A T .837A

EAST SECTION

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WESTFIELD
S.W. CORNER

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006

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2816 W 193RD ST
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TO S.W. SECTION

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007

Conveyed to insured by Warranty Deed from Floyd D. Millikan and Blanche O. Millikan, dated November 12, 1974 and recorded November 13, 1974 in Deed Record 277 page 557 in the office of the Recorder of Hamilton County, Indiana.

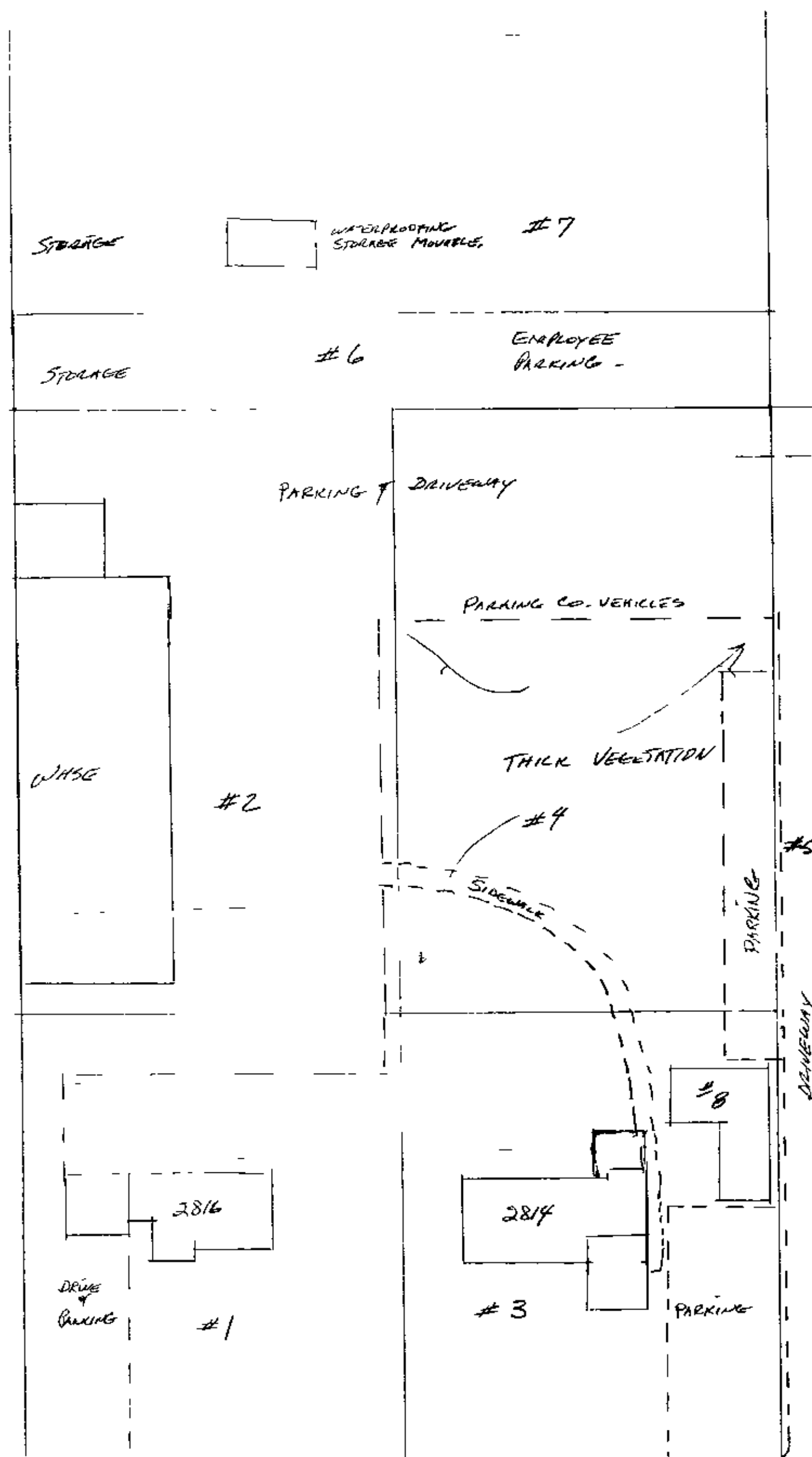
Hamilton County, in the State of Indiana:

5A N. 00RD
2816 W 193RD ST
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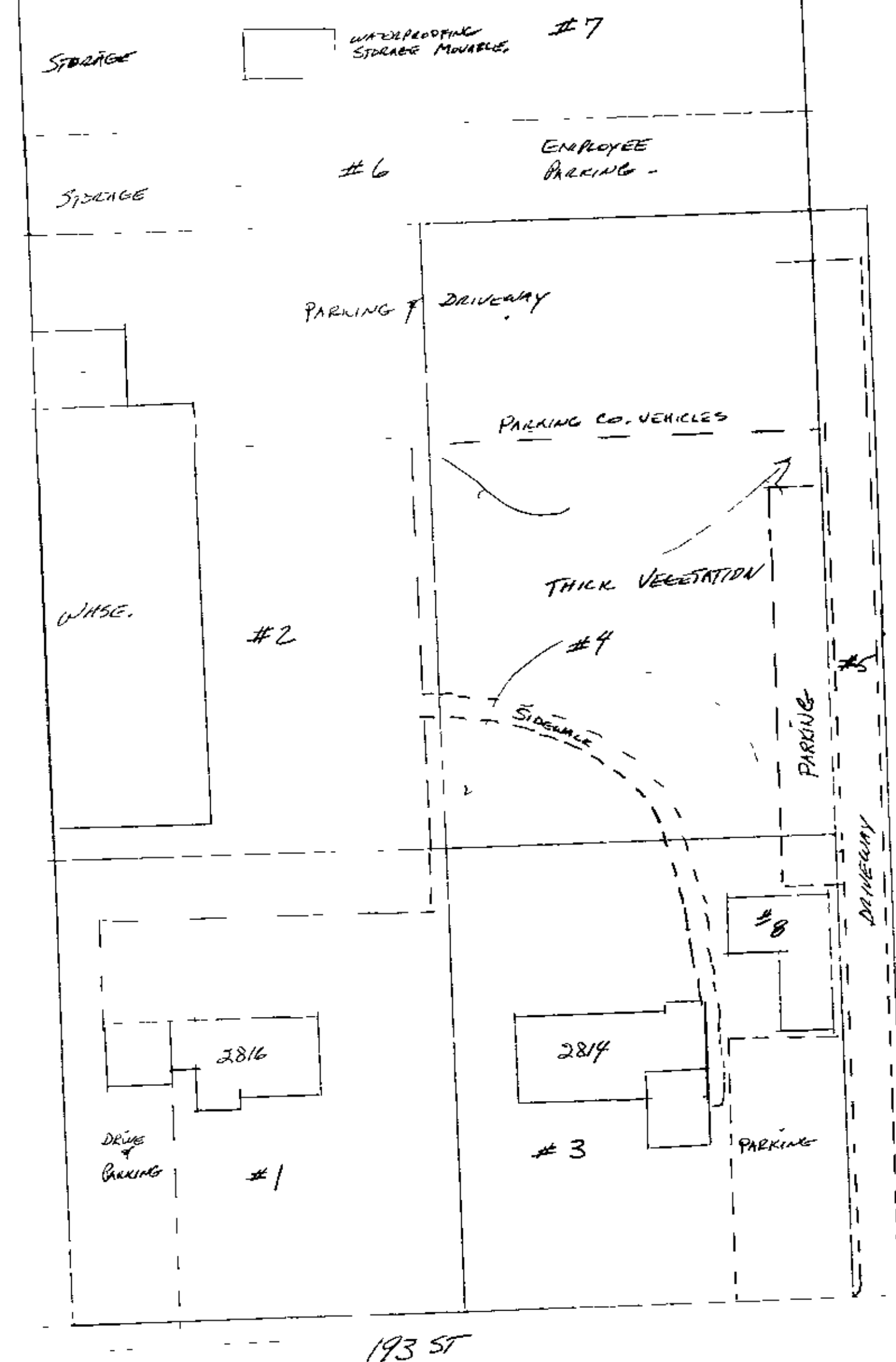
003 or
003.001



LEGEND

- #1 PERSONAL HOME - 1973
2. WAREHOUSE & STORAGE - 1978
3. OFFICE 1974-75?
4. VEGETATION FOR SCREEN & PARKING.
5. 15' WIDE ACCESS
6. APPROX 1/2 ACRE FOR PARKING.
7. PARKING & STORAGE.
8. GARAGE

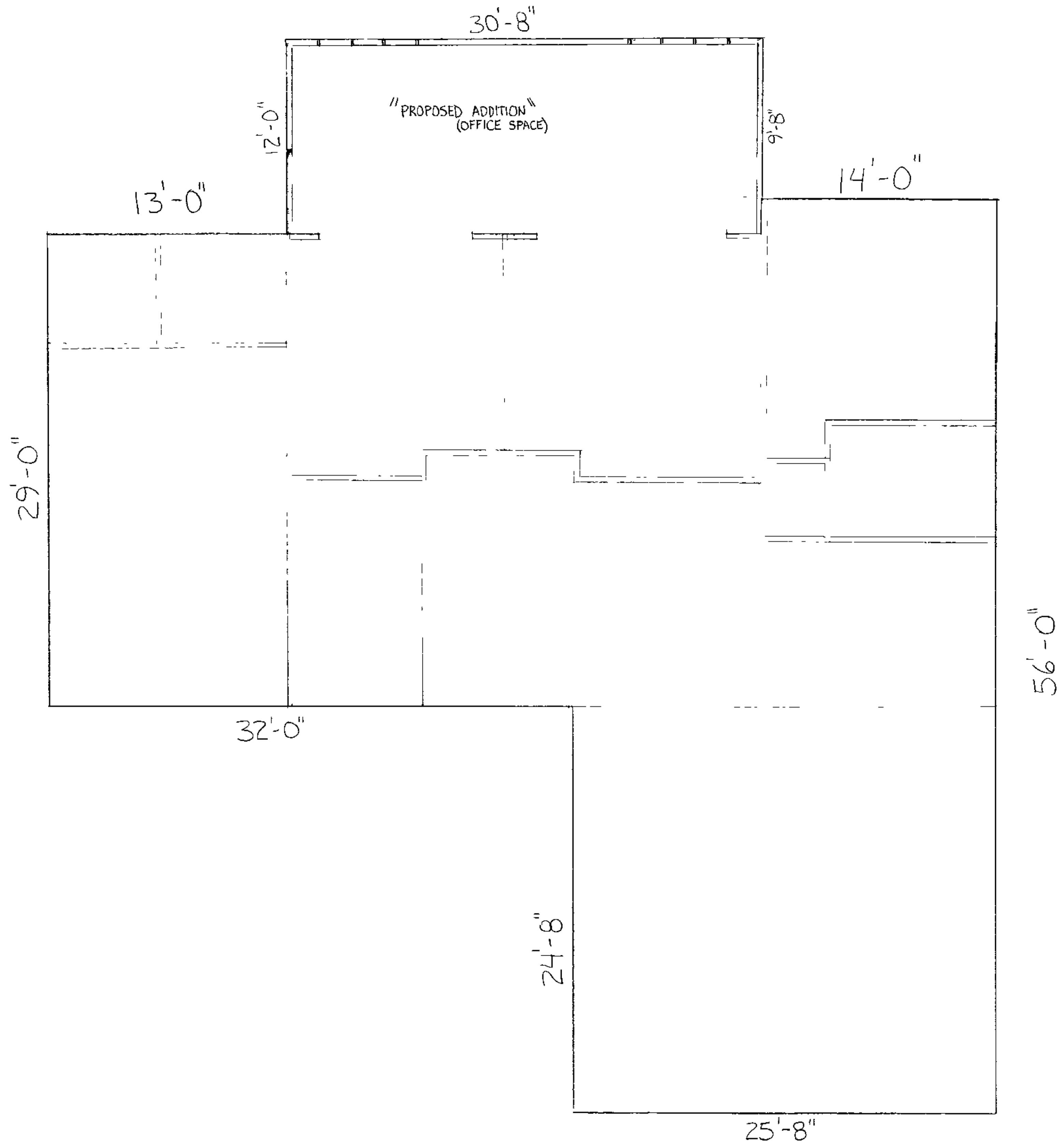
RES FOR JOE & BETTY LARR & FACILITIES FOR CUSTOM CONCRETE CO., INC.



LEGEND

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RES FOR JOE & BETTY CARR & FACILITIES FOR CUSTOM CONCRETE CO., INC.



October 21, 1991

The Westfield-Washington Board of Zoning Appeals met October 21, 1991 at the Westfield City Building. Members present were Byron Barker, Donald Day, Ann Lloyd, Dian Saettel. Also present were Attorney Mike Antrim, Building Commissioner Jack White, Community Development/Planner Rebecca Shawver, Secretary Teresa Otis. Vice-Chairman Ann Lloyd called the meeting to order at 7:38 P.M.

APPROVAL OF MINUTES:

The minutes of the September 16, 1991 Board of Zoning Appeals were approved as read. Motion carried by Voice Vote.

ANNOUNCEMENT:

Tim Stevens representing the Meck Company (91-V-21), 801 North Union Street requested that the petition be postponed for thirty (30) days. Donald Day made the motion to allow the petitioner to come back at the November 18, 1991 meeting. Byron Barker seconded. Motion carried by Voice Vote. Jeff Heier, speaking for the public, asked if there would be additional notice for the November meeting. Attorney Mike Antrim stated that there would be no additional notice for November hearing.

NEW BUSINESS:

1920 E. 151st Street. A variance of minimum lot size requirement to permit erection of a fire station, as per plans filed, is requested by the Westfield-Washington Fire Department.

91-V-17

Stan Neal from Weihe Engineering represented the Westfield-Washington Fire Department. Also present was Bob Smith, Fire Chief. Mr. Neal explained that all of the issues addressed at the Technical Review meeting were met. This would involve Hamilton Western Utilities, Indiana Gas, P.S.I Energy. Donald Day was concerned with the front setbacks off of 151st Street. Mr. Neal explained that a letter of approval from the Hamilton County Highway Department had been obtained. Vice-Chairman, Ann Lloyd opened Public Hearing at 7:42 P.M. The Public Hearing closed at 7:43 P.M. Byron Barker made the motion to approve 91-V-17 as per plans filed. Donald Day seconded. Vote: Yes-4; No-0. Motion carried.

4538 E. 169th Street. A variance of frontage and lot size requirement to permit an additional to a non-conforming single family ranch style house, as per plans filed, is requested by Ramon R. & Nancy K. Secrest.

91-V-18

Ramon Secrest represented he and his wife, Nancy to the Board. Jack White explained that a house fire that took place earlier this year forced the petitioner to rebuild. They could build the exact same structure but because the petitioner requested an addition to this structure it became necessary to obtain a variance because of improper frontage. After some discussion Donald Day made the motion to approve 91-V-18 as per plans filed with one condition. The construction of this dwelling must be completed on or before June 1, 1992. Byron Barker seconded. Vote: Yes-4; No-0. Motion carried.

2816 W. 193rd Street. A variance of use of existing facilities including a proposed addition to the current office is requested by Custom Concrete Company, Inc.

91-V-19

Eugene Ziobron, Attorney, representing Custom Concrete (Joe and Betty Carr) explained that approximately 100 people are employed by the Custom Concrete Company. The Carrs are in the process of acquiring more land for a future location. The only storage of equipment are the 35 intermediate to small size commercial vehicles. The employees are two or three office people and two or three mechanics on site. The other employees come in the mornings and report in the evenings. There are currently 75 employees (labor and office). The business of concrete and carpentry has been at this location since 1973. The main building, where there is minimum storage, is a pole barn. The equipment is stored in the back yard. The petitioners residence is on the property but no business is conducted from that residence. There were concerns from the Board about hazardous waste. Mr. Carr explained that the only hazardous waste that was stored on this property was the motor oil and cleaning supplies which are picked up regularly by a service. A list of the chemicals are on file with the Westfield-Washington Fire Department. Ann Lloyd asked about fire extinguishers and sprinklers. Mr. Carr explained that there are no sprinklers but there were extinguishers that were checked regularly by the Fire Department. Ann Lloyd was also concerned with the septic system and if plans for it had been reviewed by the state. Mr. Carr said that it had not been reviewed by the state. Dian Saettel asked about the use of the pole barn. Mr. Carr explained that the pole barn originally was used for some equipment storage and its use has evolved into vehicle repair with mechanics on duty. Mr. Carr also explained that the property that he had planned to move his business to, in the future, was not zoned properly and would have to be rezoned. When the business does move the Carrs' residence will remain at the current location. Mr Ziobron is requested for the petitioner, a ten (10) year time to move the Custom Concrete Company. Dian Saettel made the motion to approve 91-V-19 as presented with the following conditions:

1. Approval of the Hamilton County Health Department for the present, required sanitary facilities needed.
2. Approval of the Indiana Department of Fire and Building Services needs to be obtained for the prior construction of commercial buildings.
3. The temporary variance will pertain only to the petitioner.
4. The business must move from the present location in a maximum

of ten (10) years.

Byron Barker seconded. Vote: Yes-3; No-1 (Ann Lloyd). Motion carried.

3849 E. 216th Street. A variance of use to permit continued operation of a trucking firm is requested by Jerry N. Riggins.

91-V-20

Jerry Riggins and property owner Anna R. Irwin Riggins spoke on their own behalf. Mr. Riggins explained that he had a trucking business and that there were very few tractors on the premise at a time. He has a pole barn in which he does his truck repairs and minimum storage. He stated that there are no employees and that he only hires contract labor. Staff member Rebecca Shawver explained that she had complaints from neighbors. Anna Irwin Riggins said that she had granted Mr. Riggins approval to use this property for his business. Board members were concerned with Mr. Riggins addition to his pole barn. He would like to move his business at some point in the future but because of finances, it would not be possible to for a very long time. At 8:55 P.M. Vice-Chairman Ann Lloyd opened for the public hearing. Phyllis Elliott who lives across from subject property said that she had no problems with Riggins personally, but she felt that this location was inappropriate for a business such as the Riggins. Also speaking was Ed Elliott who lived down the street from the subject property. His concerns focused on the location being primarily farms and residential. He felt that this particular business is inappropriate and might encourage more of the same. He also felt

that the Riggins should be given reasonable time to relocate. The public hearing was closed at 8:58 P.M. Donald Day made the motion to approve a temporary variance for 91-V-20 for a period of five (5) years with the following conditions:

1. The business must be moved in five (5) years or before.
2. The variance only applies to the petitioner.
3. Approval of the Indiana State Board of Health and the Hamilton County Health Department for the present / required sanitary facilities is needed.
4. Approval of the Indiana Fire and Building Services needs to be obtained for the prior construction of the commercial building.
5. There will be a maximum of five (5) trucks on the property at one time.

Byron Barker seconded. Vote: Yes-3; No-1 (Ann Lloyd). Motion carried.

1310 State Road 32 East. A variance of use and of sign ordinance requirements to permit retail sales of nursery products, as per plans filed, is requested by Ralph S. Brandt, Jr. for Landin Nursery, Inc.

91-V-22

Ralph Brandt, Jr. of Brandt Construction represented Landin Nursery, Inc. He explained to the Board that this would be a retail business. There were some concerns from the Board on the volume of customers and vehicular traffic. Mr. Brandt explained that there should be no more than three or four people on premises at a time and that the only thing sold will be what was grown on this property. He also explained that the visibility was good because of property's being so wide. Public hearing was opened at 9:34 P.M. Sheila Marshall, Attorney with the firm Coots, Henke and Wheeler, was in attendance to represent Murial Akerson who owns the property across the highway from subject property. Ms. Marshall, for Mrs. Akerson, asked that the petitioner only sell products that are grown on property and that this variance only apply to this petitioner. The public hearing was closed at 9:36 P.M. Donald Day made the motion to approve 91-V-22 as per plans filed with the following conditions:

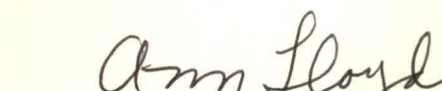
1. The retail operation only sell plant materials grown on site.
2. Approval pertain only to the petitioner.
3. Approval of the Indiana Department of Fire and Building Services and Indiana State Board of Health and Hamilton County Health Department must be obtained.

Byron Barker seconded. Vote: Yes-4; No-0. Motion carried.

ENFORCEMENT UPDATE: Rebecca Shawver

With no further business the meeting was adjourned at 9:40 P.M.


Secretary


Vice-Chairman



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

VARIANCE APPLICATION

OFFICE USE ONLY

DOCKET #: _____ FILING DATE: _____

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

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: Kevin Todd (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: Custom Concrete Co., Inc.

TELEPHONE: _____

ADDRESS: 17241 Foundation Parkway, Westfield, IN 46074

EMAIL: _____

PROPERTY OWNER'S NAME: Joe and Betty Carr

TELEPHONE: _____

ADDRESS: 11355 E 200 N, Sheridan, IN 46069

EMAIL: _____

REPRESENTATIVE'S NAME: Gordon D. Byers, Attorney at Law

TELEPHONE: 317-773-3221

COMPANY: _____

EMAIL: gdbyers@gmail.com

ADDRESS: 298 S. 10th Street, Suite 300, Noblesville, IN 46060

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 0 Centennial Road, Westfield, IN 46074

COUNTY PARCEL ID #(S): 08-05-29-00-00-003.001, 08-05-29-00-00-003.002, 08-05-29-00-00-003.003, 08-05-29-00-00-007.000, 08-05-29-00-00-008.000, 08-05-29-00-00-009.000

EXISTING ZONING DISTRICT(S): AG-SF1 EXISTING LAND USE(S): Outside storage of aggregate by Custom Concrete Co., Inc.

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): Continuation of pre-existing nonconforming use. Outside storage of aggregate by Custom Concrete Co., Inc. in an area of 200' x 200' and continue for a period of 60 months from the approval date and then terminating. (Conditions volunteered on separate sheet)



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.

[Signature]
Applicant/Representative (signature)

Gordon D. Byers, Attorney for Applicant
Applicant/Representative (printed)

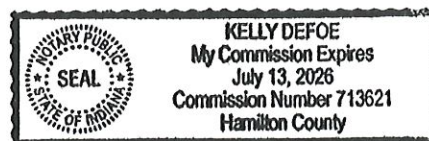
Before me the undersigned, a Notary Public in and for said County and State, personally appeared the above party, who having been duly sworn acknowledged the execution of the foregoing Application.

Witness my hand and Notarial Seal this 16th day of March, 2022.

State of Indiana, County of Hamilton, SS: _____

[Signature]
Notary Public (signature)

Kelly DeFoe
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.

Betty I. Carr
Property Owner (signature)*

Betty I. Carr
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.

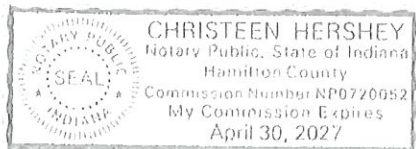
Witness my hand and Notarial Seal this 15th day of March, 2022.

State of Indiana, County of Hamilton, SS: _____

[Signature]
Notary Public (signature)

Christeen Hershey
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: Custom Concrete Co., 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. A variance of land use may be approved by the Board of Zoning Appeals only upon a determination that the Board finds all of the following to be true:

- A. The use will not be injurious to the public health, safety, morals, and general welfare of the community because: The Applicant is committing, by separate commitment, that the land use variance shall exist no more than 60 months from the date of approval by the Westfield Board of Zoning Appeals. Commercial activity has taken place on the site prior to 1977. The property has had nonconforming activity, storage of aggregate materials, storage of concrete forms, and truck activity prior to 1977. The additional 60 month use with the commitments made by the Applicant will not substantially impact, change, or harm any properties in the immediate vicinity.
- B. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because: The Applicant is committing, by separate commitment, that the land use variance shall exist no more than 60 months from the date of approval by the Westfield Board of Zoning Appeals. Commercial activity has taken place on the site prior to 1977. The property has had nonconforming activity, storage of aggregate materials, storage of concrete forms, and truck activity prior to 1997. The additional 60 month use with the commitments made by the Applicant will not substantially impact, change, or harm any properties in the immediate vicinity. The company has invested thousands of dollars into the developed area upon which the aggregate is stored.
- C. The need for the variance arises from some condition particular to the property involved because: The property has had pre-existing nonconforming uses prior to 1977 and the activity has a limitation of 60 months from the approval of the use variance by the Westfield Board of Zoning Appeals. The property has been actively used by Custom Concrete Co., Inc. for its aggregate and concrete construction business continuously and openly since prior to 1977.
- D. The strict application of the terms of the Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought because: The property has had pre-existing nonconforming uses prior to 1977 and the activity has a limitation of 60 months from the approval of the use variance by the Westfield Board of Zoning Appeals. The property has been actively used by Custom Concrete Co., Inc. for its aggregate and concrete construction business continuously and openly since prior to 1977.
- E. The variance of use does not interfere substantially with the Comprehensive Plan because: The Applicant is committing, by separate commitment, that the land use variance shall exist no more than 60 months from the date of approval by the Westfield Board of Zoning Appeals. Commercial activity has taken place on the site prior to 1977. The property has had nonconforming activity, storage of aggregate materials, storage of concrete forms, and truck activity prior to 1977. The additional 60 month use, with the commitments made by the Applicant, will not substantially impact, change, or harm any properties in the immediate vicinity.

FINDINGS OF FACT (VARIANCE OF DEVELOPMENT STANDARD)

APPLICANT: Custom Concrete Co., 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 outside storage and commercial activities have taken place on the site prior to 1977. The property had nonconforming activity, the storage of aggregate material, storage of concrete forms, and truck activity continuously and ongoing prior to 1977. This 60 month commitment will not substantially be injurious to the public health, safety, morals, and general welfare of the community.

- B. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because: The outside storage and commercial activities have taken place on the property prior to 1977. The property had nonconforming activity, the storage of concrete forms, and truck activity continuously and ongoing prior to 1977. The 60 month commitment will not affect adjacent property in a substantially adverse manner.

- C. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property because: _____
The property has been used as a nonconforming use pre-existing back to 1974. The 60 month restriction will allow the property to be transitioned from its continuous operation from 1974 to the present day. Without the grant of the variance would result in a practical difficulty to the property.

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.

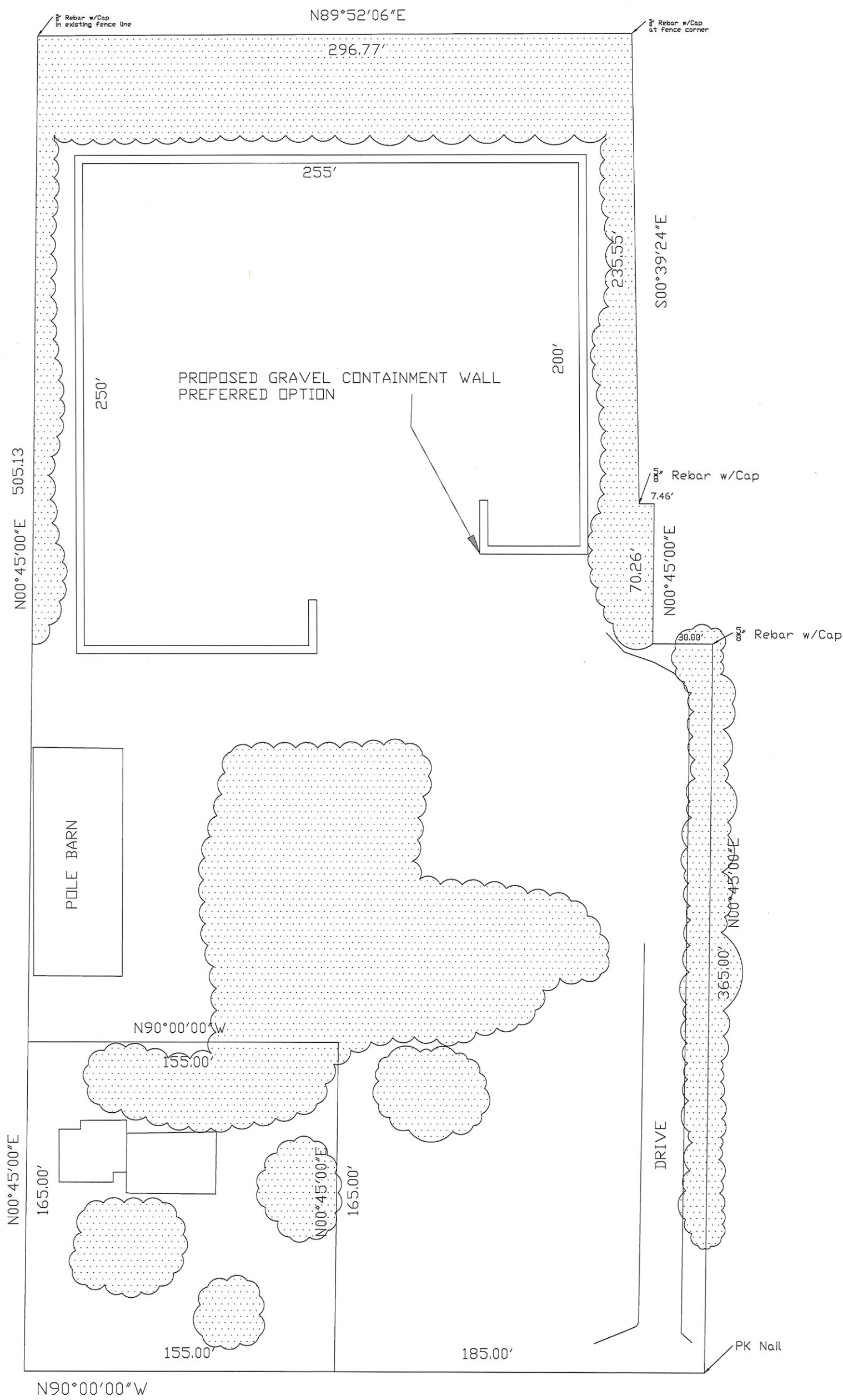
Custom Concrete Co., Inc.

Voluntary Commitments

- 1. 60 months in duration.**
- 2. Hours of operation: 6:00 a.m. to 7:00 p.m. (6 days per week)**



Site plan.





WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

May 10, 2022

2205-VS-05

Exhibit 1

Petition Number: 2205-VS-05

Subject Site Address: 833 East Tournament Trail ("the Property")

Petitioner: Star Financial Bank ("the Petitioner")

Request: The Petitioner requests a Variance of Development Standard to increase the maximum allowable Sign Area from (1) square foot of Sign Area per (1) lineal foot of building fronting a public Right-of-way to (2.3) square feet per (1) lineal foot of building fronting a public Right-of-way within the Wheeler Landing PUD District. *Ordinance 18-04, Section 8.4(D) and UDO Article 6.17(J)(8)(a).*

Current Zoning: Wheeler Landing PUD ([Ord. 18-04](#), as amended)

Current Land Use: Vacant

Approximate Acreage: 0.54 acres +/-

Exhibits:

1. Staff Report
2. Location Map
3. Site Plan Layout
4. Building Elevations
5. Monument Sign Elevation
6. Application

Staff Reviewer: Weston Rogers, Associate Planner

OVERVIEW

Location: The subject Property is 0.54 acres +/- in size (the "Property") and is located on the northside of SR 32, approximately 330 linear feet west from the Monon Trail (see **Exhibit 2**). The Property is zoned the Wheeler Landing PUD District. The adjacent properties to the west, north and east are also zoned Wheeler Landing PUD District. The adjacent Property to the south is the SR 32 Right-of-way.

Property History: The Property was zoned the Wheeler Landing PUD District in September of 2018. The Overall Development Plan and Primary Plat for Wheeler Landing PUD was approved in September of 2019 with the Secondary Plat recorded in January 2022.

Requested Variances: The Petitioner requests a Variance of Development Standard to increase the maximum allowable Sign Area from (1) square foot of Sign Area per (1) lineal foot of building fronting a public Right-of-way to (2.3) square feet per (1) lineal foot of building fronting a public



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

May 10, 2022

2205-VS-05

Exhibit 1

Right-of-way within the Wheeler Landing PUD District. Ordinance 18-04, Section 8.4(D) and UDO Article 6.17(J)(8)(a).

SUMMARY OF VARIANCE

Staff received a variance of development standard application for the proposed signage associated with Star Bank located at 833 E Tournament Trail. Together, the proposed monument and wall signs utilize more Sign Area than is currently allowed. The current Unified Development Ordinance (the "UDO") standard is:

"The total Sign Area Allocation permitted shall be one (1) square foot of Sign Area for each one (1) linear foot of building fronting on a public Right-of-way." Article 6.17(J)(8)(a).

Based on the geometry of the parcel boundary line as shown in **Exhibit 3**, only one (1) building façade fronts a public Right-of-way. The (44.8) lineal foot south façade fronting the SR 32 Right-of-way would yield a maximum allowable Sign Area of (44.8) square feet in total per the UDO.

See below for proposed monument and wall sign(s) proposed by Petitioner:

Monument:

- One (1) monument sign along SR 32 48.0 SF Sign Area

Wall:

- One (1) wall sign on the south façade 20.6 SF Sign Area
- One (1) wall sign on the north façade 34.2 SF Sign Area

Total:

- Monument sign, south and north façade wall sign 102.8 SF Sign Area

Per the UDO the Petitioner is currently permitted 44.8 square feet of Sign Area. Through this variance application the Petitioner is requesting a total of 102.8 square feet of Sign Area.

Therefore, the Petitioner is requesting an increase the maximum allowable Sign Area from (1) square foot of Sign Area per (1) lineal foot of building fronting a public Right-of-way to (2.3) square feet of allowable Sign Area per (1) lineal foot of building fronting a public Right-of-way.

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 10, 2022, 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.



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

May 10, 2022

2205-VS-05

Exhibit 1

Conditions: The UDO¹ and Indiana law provide that the Board of Zoning Appeals may impose reasonable conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of the UDO upon any Lot benefited by a variance as may be necessary or appropriate to prevent or minimize adverse effects upon other Property and improvements in the vicinity of the subject Lot or upon public facilities and services. Such conditions shall be expressly set forth in the order granting the variance.

Acknowledgement of Variance: If the Board of Zoning Appeals approves this petition, then the UDO² requires that the approval of the variance shall be memorialized in an acknowledgement of variance instrument prepared by the Department. The acknowledgement shall: (i) specify the granted variance and any commitments made or conditions imposed in granting of the variance; (ii) be signed by the Director, Property Owner and Applicant (if Applicant is different than Property Owner); and (iii) be recorded against the subject Property in the Office of the Recorder of Hamilton County, Indiana. A copy of the recorded acknowledgement shall be provided to the Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

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

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

DEPARTMENT COMMENTS:

Approval: If the Board finds that adequate evidence is shown that the Variance of Development Standard meets the applicable review criteria, then the Department recommends approval of the Variance of Development Standard (2205-VS-05), with the recommended conditions and findings as set forth below:

¹ Article 10.14(I) Processes and Permits; Variances; Conditions of the UDO.

² Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

May 10, 2022

2205-VS-05

Exhibit 1

Recommended Conditions of Approval:

1. That the sign shall be installed in substantial compliance with **Exhibits 3, 4, and 5**;
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:

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

Finding: It is unlikely that approving the requested variance would be injurious to the public health, safety, morals, and general welfare of the community because the existing uses in the commercial area and other standards of the proposed signs will otherwise comply with the applicable standards of the Wheeler Landing PUD, the underlying Zoning District and UDO.

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

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

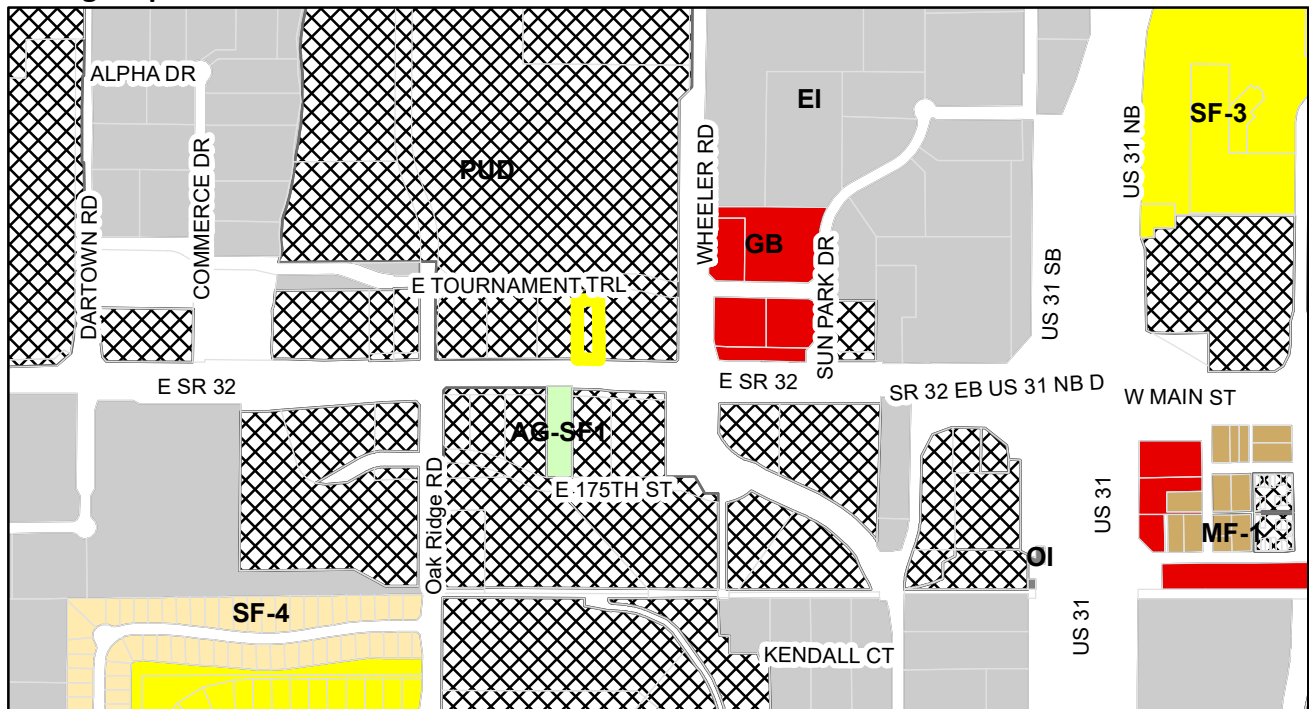
Finding: Strict adherence to the zoning ordinance would result in the inability to install monument and wall signage on the Property as proposed.

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

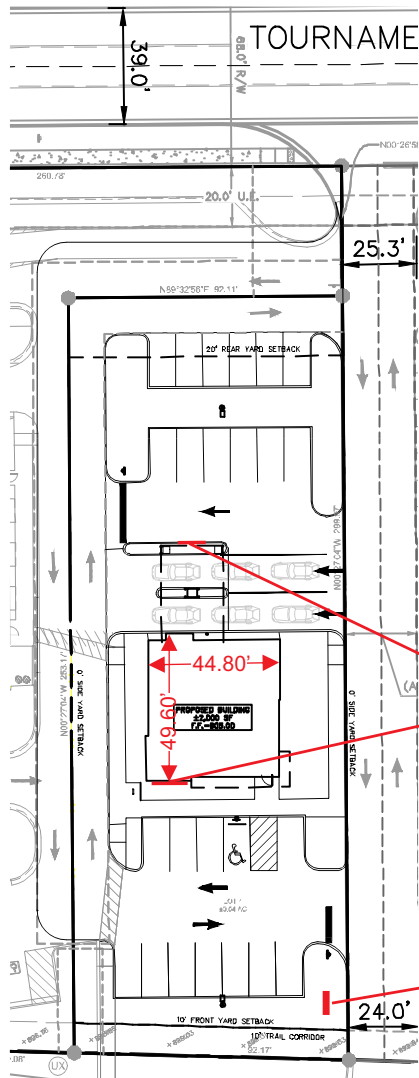
Aerial Location Map



Zoning Map



- | | |
|--|--------------------------------|
| Parcel selection | GB (General Business) |
| Parcel | MF-1 (Multiple Family - 1) |
| Zoning - All | OI (Open Industrial) |
| Zoning | PUD (Planned Unit Development) |
| AG-SF1 (Agriculture - Single Family - 1) | SF-3 (Single Family - 3) |
| EI (Enclosed Industrial) | SF-4 (Single Family - 4) |



COORDINATION WITH ADJACENT CONSTRUCTION:
CONTRACTOR TO COORDINATE TURNING OF PAVING OPERATIONS
WITH ADJACENT PORTULLOS AND PRIME CAR WASH PROJECTS.
CONTRACTOR SHALL SAW CUT ANY EXISTING PAVEMENT AS
NEEDED TO INSTALL PROPOSED CURBS AND MAKE SMOOTH
TRANSITIONS TO PROPOSED PAVEMENT. ANY PAVEMENT
REMOVED FOR CURB INSTALLATION SHOULD BE RECONSTRUCTED.

GENERAL PLAN NOTES

REFER TO GENERAL NOTES SHEET FOR MORE INFORMATION INCLUDING THE
FOLLOWING: (EXISTING LOGS, ROADWAY INFORMATION, AND SPECIFIC
GENERAL PLAN NOTES).

NOTE: ALL INFRASTRUCTURE SHOWN ALONG TOURNAMENT TRAIL,
WHEELER ROAD, ADJACENT PROPERTIES, AND THE MONON TRAIL BRIDGE
ARE PROPOSED IMPROVEMENTS SHOWN FOR REFERENCE BY OTHERS AND
MAY NOT BE COMPLETE BEFORE THE COMMENCEMENT OF CONSTRUCTION.
FOR THE PROPOSED PROJECT, CONTRACTOR TO FIELD VERIFY ACTUAL
FIELD CONDITIONS PRIOR TO STARTING CONSTRUCTION AND NOTIFY
DESIGN ENGINEER IMMEDIATELY IF ANY DISCREPANCIES EXIST.

Indiana Utilities Protection Service

Call 811
before you dig



Scale: 1/64" = 1'

C3.0

STAR BANK AT
WHEELER LANDING
833 E. TOURNAMENT TRAIL
WESTFIELD, IN 46074

DEVELOPMENT
PLAN



Kimley-Horn



SCALE: AS NOTED
DESIGNED BY: MJT
DRAWN BY: CSM
CHECKED BY: MJT

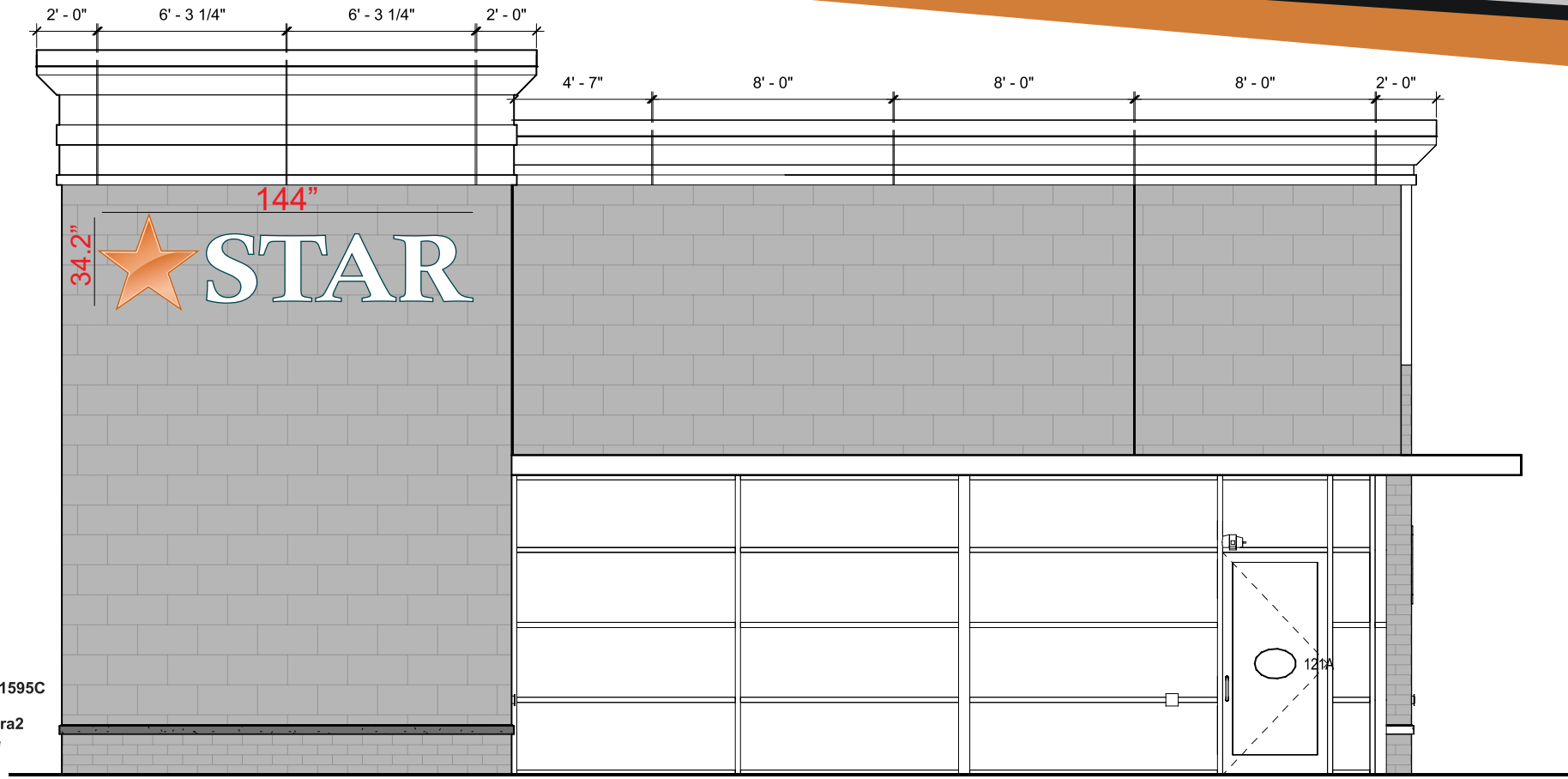
Kimley-Horn
© 2021 KIMLEY-HORN AND ASSOCIATES, INC.
750 EAST 58TH STREET, SUITE 580,
INDIANAPOLIS, IN 46220
PHONE: 317-778-9980
WWW.KIMLEY-HORN.COM

NO.	REVISIONS	DATE	BY
1	FINAL PLANS	11/03/2021	CSM
2	CITY COMMENTS	10/19/2021	CSM
3	CLIENT COORDINATION	9/21/2021	CSM
4	TAC COMMENTS	8/13/2021	CSM

Date: 3/31/2022
Designer: Jaylynn W.
Scale: 3/16" = 1'

Approval Signature

STAR Bank
Westfield



2 SOUTH ELEVATION
3/16" = 1'

NOTE: RENDERING IS BASED ON ESTIMATED
DIMENSIONS. A FINAL SURVEY MAY ALTER
ILLUSTRATED REPRESENTATION
AND PLACEMENT.



317-247-0333
www.signartindy.com
2525 Shadeland Ave Suite 5A Bldg 30, Indianapolis, IN 46219

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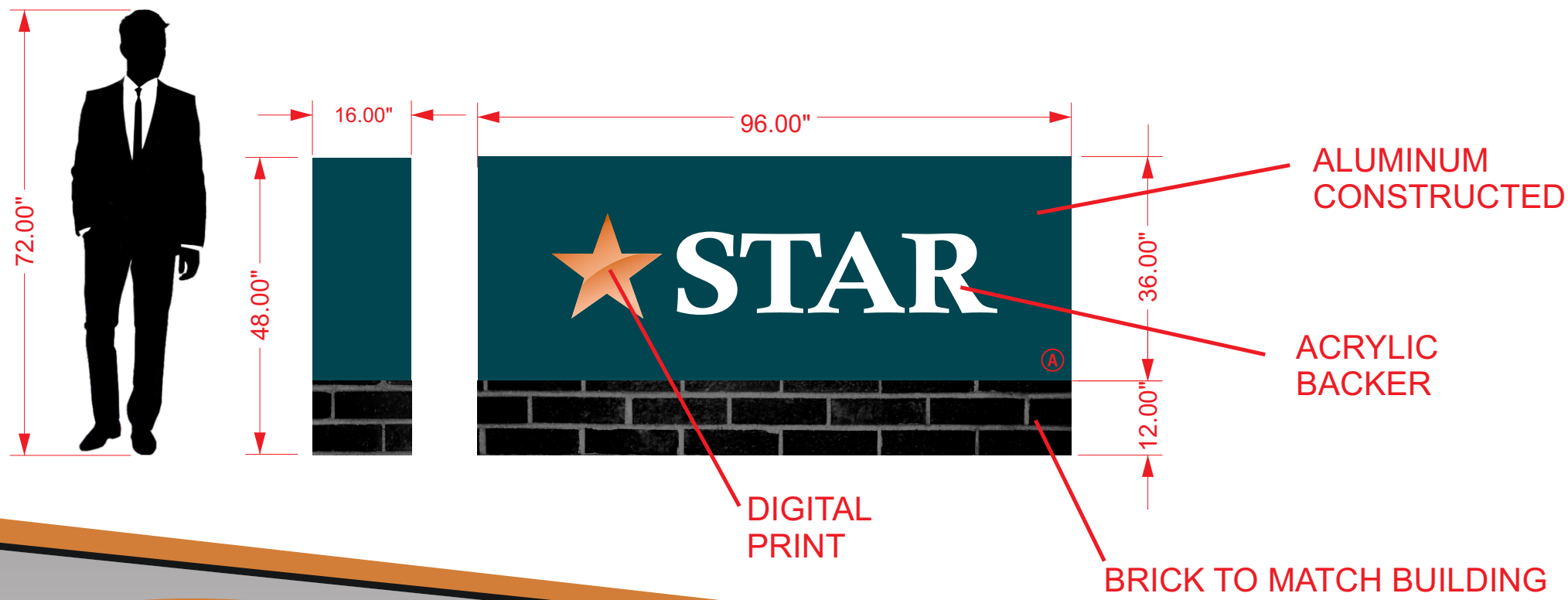
Date: 3/31/2022
Designer: Jaylynn W.
Scale: 1/2" = 1'

STAR Bank
Westfield

Approval Signature

sq.ft: 24 sq ft

Ⓐ Pantone 316C



317-247-0333 www.signartindy.com
2525 Shadeland Ave Suite 5A Bldg 30, Indianapolis, IN 46219

NOTE: RENDERING IS BASED ON ESTIMATED DIMENSIONS. A FINAL SURVEY MAY ALTER ILLUSTRATED REPRESENTATION AND PLACEMENT.



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VARIANCE APPLICATION

OFFICE USE ONLY

DOCKET #: _____ FILING DATE: _____

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

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: Rachel Riemenschneider (STAFF NAME) DATE: 4.5.2022

PRIOR OR RELATED DOCKET NUMBERS

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

APPLICANT INFORMATION

APPLICANT'S NAME: Star Financial Bank TELEPHONE: 765.622.4135
ADDRESS: 833 E Tournament Trl, Westfield, IN EMAIL: Ryan.McIntosh@starfinancial.com
PROPERTY OWNER'S NAME: Wheeler Landing VII, LLC TELEPHONE: 317-710-0279
ADDRESS: 18206 Kinsey Ave., Westfield, IN EMAIL: cwheeler@wlwestfield.com
REPRESENTATIVE'S NAME: Lisa Argue TELEPHONE: 317-247-0333
COMPANY: Sign Art LLC EMAIL: Lisa@sign-artindy.com
ADDRESS: 2525 N. Shadeland Ave. Box A9, Indianapolis, IN 46219

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 833 E Tournament Trail, Westfield, IN
COUNTY PARCEL ID #(S): 08-05-36-00-00-042.103
EXISTING ZONING DISTRICT(S): commercial EXISTING LAND USE(S): Bank

PROPERTY AND PROJECT INFORMATION

☐ VARIANCE OF LAND USE CODE CITATION: _____
☒ VARIANCE OF DEVELOPMENT STANDARD(S) CODE CITATION: 6.17(J)(8)(a) Outlot signage sign area

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

STATEMENT OF INTENT (EXPLANATION OF REQUEST - ATTACH SEPARATE SHEET IF NECESSARY): Propose 1 Wall sign on south elevation, 12' x 34.2" (34.2 s.f.), 1 wall sign on north elevation 9'4" x 26.5" (20.6 s.f.) and 1 double sided monument sign 32 s.f. per side. Total signage requested is 118.8 sf . Star bank has 44.8' of building facade on Route 32, we are requesting the use of the south frontage 44.8' along Tournament Trail and the east frontage along the service road 49.6' to count toward sign area allocation. Total of 139.2'. All of the signage is in compliance with the Westfield Sign ordinance.

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)

Lisa Argue
Applicant/Representative (printed)

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

Witness my hand and Notarial Seal this 13th day of April, 2022
State of IN, County of Hamilton, SS: _____

[Signature]
Notary Public (signature)

Jason O'Salway
Notary Public (printed)



Jason O'Salway, Notary Public
Commission Number: NP0738421
My Commission Expires: 01/11/2030
Residing in Hendricks County, IN

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)*

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.

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: _____

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.

Property Owner (signature)*

Charles Wheeler
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 15th day of April, 2022
State of IN, County of Hamilton, SS: 317-72-6607

Rhonda Bates
Notary Public (signature)

Rhonda Bates
Notary Public (printed)

RHONDA BATES
Notary Public - Seal
Hamilton County - State of Indiana
Commission Number NP0726226
My Commission Expires Apr 14, 2028

*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: Star Financial Bank

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: _____
Request is for business signage that will not contain anything injurious to the public health, safety, morals ad general welfare of the community.

B. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because: All 3 of the proposed signs follow the City of Westfield Sign ordinance. None of the signs will interfere with any other business in the area.

C. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property because: It allows for only minimal business identification for Star Bank, which would make it difficult to locate business for their customers.



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

May 10, 2022

2205-VS-15

Exhibit 1

Petition Number: 2205-VS-15

Subject Site Address: 14621 Parkhurst Drive ("the Property")

Petitioner: Elizabeth Lehr Stetzer ("the Petitioner")

Request: The Petitioner requests a Variance of Development Standard to encroach six (6) feet into the twenty-five (25) foot Minimum Rear Yard Setback on 0.27 acres +/- to accommodate a swimming pool and deck

Current Zoning: Centennial South PUD (Ord. 04-42)

Current Land Use: Residential

Approximate Acreage: 0.34 acres +/-

Exhibits:

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

Staff Reviewer: Daine Crabtree, Senior Planner

OVERVIEW

Location: The subject property is 0.27 acres +/- in size (the "Property") and located at 14621 Parkhurst Drive in the Centennial South subdivision (see **Exhibit 2**).

Requested Variances: The petitioner is requesting a Variance of Development Standard to encroach six (6) feet into the twenty-five (25) foot Minimum Rear Yard Setback to accommodate a swimming pool and deck.

SUMMARY OF VARIANCE

The Centennial South Planned Unit Development (PUD) Ordinance sets forth a minimum Rear Yard Setback of twenty-five (25) feet for the property. The Petitioner is requesting this variance to encroach six (6) feet into the Minimum Rear Yard Setback to accommodate a swimming pool and deck as illustrated on the Site Plan (see **Exhibit 3**).



COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan (The “Plan”) identifies the property within the “Existing Suburban” land use classification¹. The vision for the Suburban Residential classification is contemplated for future residential growth of the community, generally to the west and north of the Existing Suburban area.²

The Existing Suburban classification is designed to accommodate detached dwellings, attached dwellings, institutional uses, and recreational uses³. The Plan also contemplates Existing Suburban to:

- Ensure that new development occurs in a way that it is contiguous with existing development:
- Prevent monotony of design and color. Recognize that quality in design applies not just to individual homes, but to the collective impact of an entire development:
- Encourage a diverse range of homes styles in individual subdivisions, using innovative architecture of a character appropriate to Westfield, and:
- Emphasize connectivity between subdivisions, and avoid creating isolated islands of development.

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 10, 2022, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals’ Rules of Procedure.

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

¹ Page 24 of the Westfield and Washington Township Comprehensive Plan; Chapter 2; Land Use Plan: Land Use Classifications and Development Policies.

² Page 38 of the Westfield and Washington Township Comprehensive Plan; Chapter 2; Land Use Plan: Background.

³ Pages 38-39 of the Westfield and Washington Township Comprehensive Plan; Chapter 2; Land Use Plan; New Suburban.

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



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

May 10, 2022

2205-VS-15

Exhibit 1

public facilities and services. Such conditions shall be expressly set forth in the order granting the variance.

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

Variances of Development Standard: The Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the underlying zoning 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 (2205-VS-15):

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

Finding: It is unlikely that approving the requested variance would be injurious to the public health, safety, morals, and general welfare of the community because the existing use and proposed improvements will otherwise comply with the applicable standards of the zoning of the Centennial South PUD district.

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

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



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

May 10, 2022

2205-VS-15

Exhibit 1

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 a swimming pool and deck that does not meet the needs of the Petitioner.

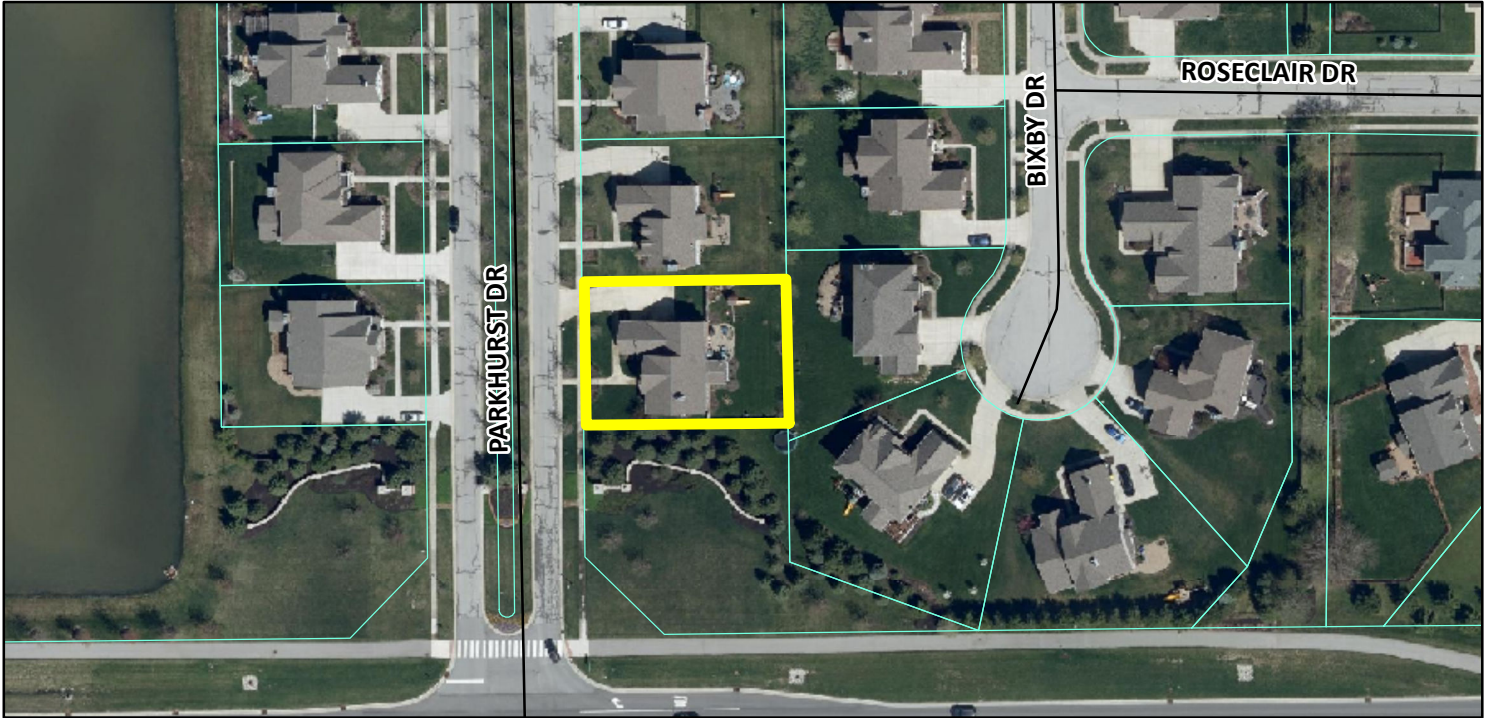
Recommended Conditions:

- That the Property be developed in substantial compliance with the Site Plan (**Exhibit 3**).
- 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.

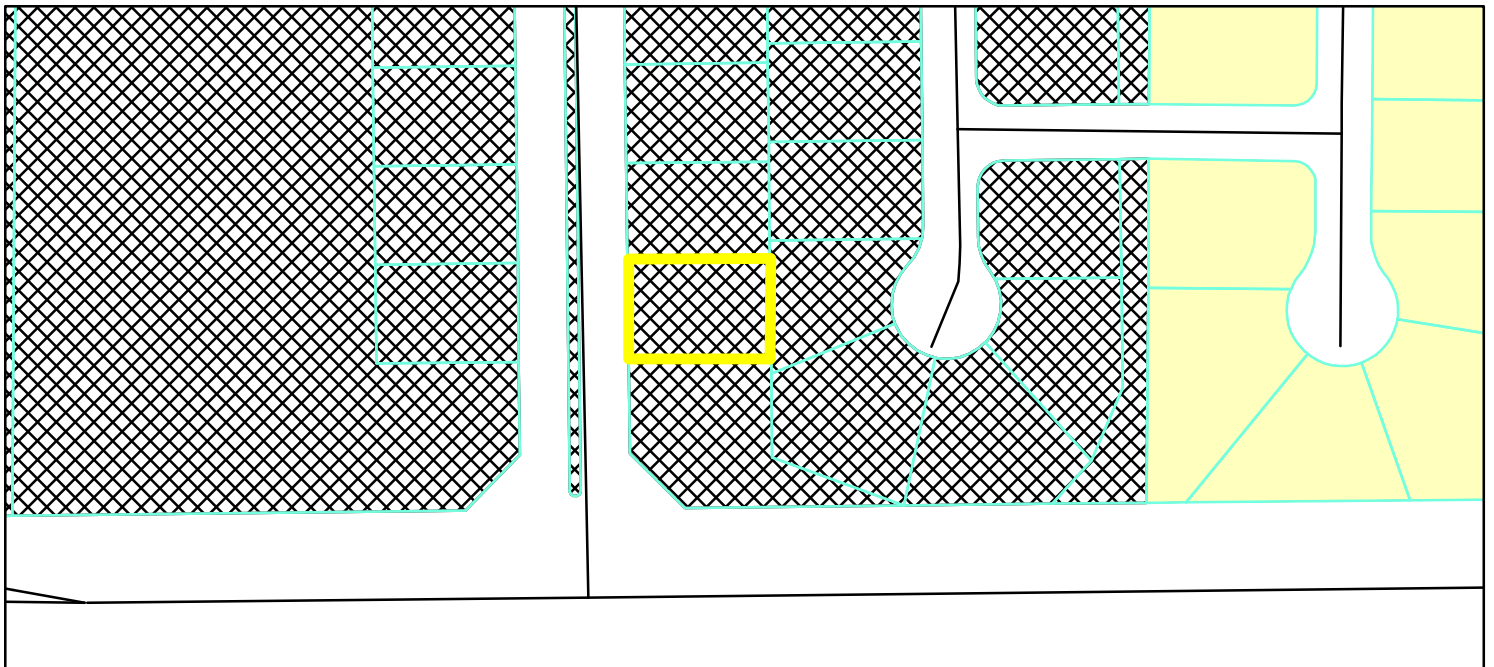
Denial: If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.

Aerial Location Map

 Site



Zoning Map





CONSULTING ENGINEERS
LAND SURVEYORS

7965 East 106th Street Fishers, IN 46038-2505
(317) 849-5935 • 1-800-728-6917 • FAX: (317) 849-5942

LOT 1
CENTENNIAL SOUTH
SECTION 1

INSTRUMENT #200500070069

P.C. 3, SLIDE 749

C.O.C. INST.# 200500076445

14621 PARKHURST DRIVE
WESTFIELD, IN 46074

PREPARED FOR

THE ESTRIDGE GROUP
CARMEL, INDIANA

PLOT PLAN

7' MIN. SIDE YARD &
25' MIN. REAR YARD

HOUSE TYPE: 735 D BASEMENT LAYOUT #2
PARTIAL BRICK WRAP (INCLUDED)
3-CAR SIDE ENTRY GARAGE (INCLUDED)
BONUS ROOM
CHANGE HALF BATH TO FULL BATH IN FINISHED BSMT.
2' SCREENED PORCH EXTENSION (DEPTH)
(2) 4040 WHITE VINYL SLIDING
DOUBLE PANE EGRESS WINDOWS W/ EGRESS WELLS
FULL BRICK WRAP



SCALE 1" = 40'
11,700 Sq. Ft.

LEGEND:

E 99.99 EXISTING GRADE (BEFORE CONST.)
P 99.99 PROPOSED GRADE (AFTER CONST.)

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



SANITARY MANHOLE



STORM MANHOLE



CURB INLET



FIRE HYDRANT

D.&U.E.

DRAINAGE & UTILITY EASEMENT

B.L.

BUILDING LINE

D.U.&S.E.

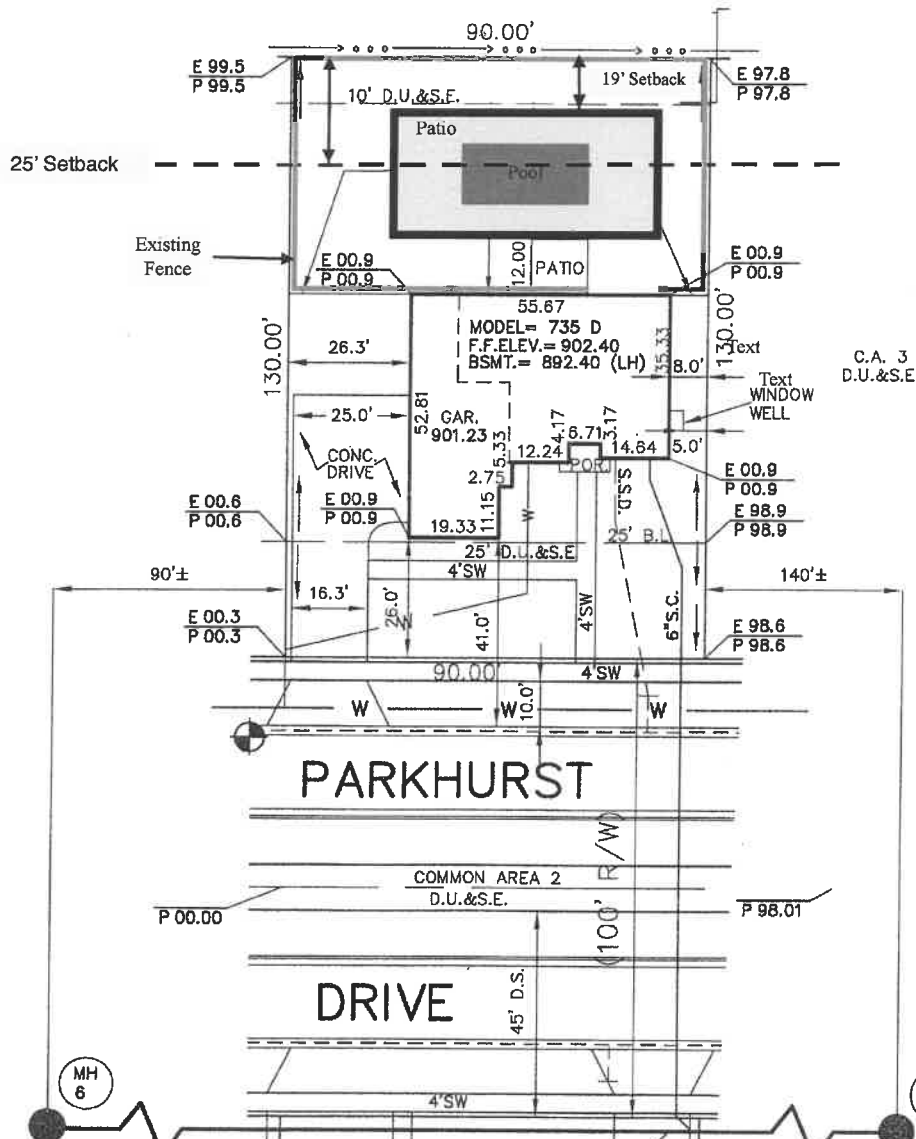
DRAINAGE UTILITY & SANITARY
EASEMENT

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



BENCHMARK

TOP OF CURB = 900.00



Curtis C. Huff

NOTE: THIS DRAWING IS NOT INTENDED TO BE

PREPARED FOR:
**STETZER
 RESIDENCE**
 4621 Parkside Drive
 Westfield, IN 46074

PROPERTY PROS



ALL PLANT MATERIALS, HARDSCAPE, AND FURNITURE SHOWN ON THIS PLAN ARE THE PROPERTY OF PROPERTY PROS AND ARE NOT TO BE REPRODUCED OR USED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF PROPERTY PROS. THE DESIGNER SHALL BE RESPONSIBLE FOR ALL PLANTING AND HARDSCAPE CONSTRUCTION. THE DESIGNER SHALL BE RESPONSIBLE FOR ALL PLANTING AND HARDSCAPE CONSTRUCTION. THE DESIGNER SHALL BE RESPONSIBLE FOR ALL PLANTING AND HARDSCAPE CONSTRUCTION.

ISSUED DATE: 10/1/2017

REVISED	NO.	DATE	BY

DRAWN BY: C. SANDER
 CHECKED BY: J. MILL

SHEET TITLE
**LANDSCAPE &
 HARDSCAPE PLAN**

SCALE IN FEET: 1/4" = 1'-0"



10' 0"

Transplant Little Lime Hydrangea

Transplant Red

Little Lime Hydrangea
 (10) 3 gal.

Northwind Switch Grass
 3 gal. (8)

Little Quick Fire Hydrangea
 3 gal. (6)

10' DUE

25' Setback

Centennial Homeowners Association, Inc

Mark Stetzer & Elizabeth Stetzer
14621 Parkhurst Drive
Westfield, IN 46074

Date: December 10, 2021
Account No: 133807300

Re: Pool

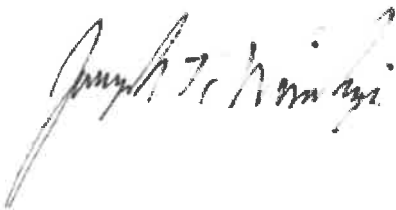
Approval Letter

Dear Mark Stetzer & Elizabeth Stetzer:

Congratulations! Your architectural request has been approved. The purpose of the review process is to promote and ensure a high level of quality, harmony, and conformity throughout the neighborhood by using the rules set forth in the Covenants, Conditions and Restrictions (CCR) found in the Declaration.

The Board appreciates your cooperation and due diligence in following this architectural review process. If you have any questions or comments, please feel free to contact me at (317) 558-5347 or jwinship@ekirkpatrick.com.

On behalf of Centennial Homeowners Association, Inc,
Kirkpatrick Management Company, Agent

A handwritten signature in black ink, appearing to read "Joe Winship". The signature is fluid and cursive, with a long, sweeping underline that extends to the left.

Joe Winship, CMCA
Community Association Manager



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

May 10, 2022

2205-VS-16

Exhibit 1

Petition Number: 2205-VS-16

Subject Site Address: 223 Genesis Drive ("the Property")

Petitioner: Angelica Galtier-Ross ("the Petitioner")

Request: The Petitioner requests a Variance of Development Standard to encroach ten (10) feet into the thirty (30) foot Minimum Rear Yard Setback on 0.34 acres +/- to accommodate a swimming pool and deck (Article 4.5)

Current Zoning: SF-2: Single-Family Low Density

Current Land Use: Residential

Approximate Acreage: 0.34 acres +/-

Exhibits:

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

Staff Reviewer: Daine Crabtree, Senior Planner

OVERVIEW

Location: The subject property is 0.34 acres +/- in size (the "Property") and located at 223 Genesis Drive in the Springmill Park subdivision (see **Exhibit 2**).

Requested Variances: The petitioner is requesting a Variance of Development Standard to encroach ten (10) feet into the thirty (30) foot Minimum Rear Yard Setback to accommodate a swimming pool and deck.

SUMMARY OF VARIANCE

SF-2 standards of the Westfield-Washington Township Unified Development Ordinance (UDO) sets forth a minimum Rear Yard Setback of thirty (30) feet for the property. The Petitioner is requesting this variance to encroach ten (10) feet into the Minimum Rear Yard Setback to accommodate a swimming pool and deck as illustrated on the Site Plan (see **Exhibit 3**).



COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan (The “Plan”) identifies the property within the “Existing Suburban” land use classification¹. The vision for the Suburban Residential classification is contemplated for future residential growth of the community, generally to the west and north of the Existing Suburban area.²

The Existing Suburban classification is designed to accommodate detached dwellings, attached dwellings, institutional uses, and recreational uses³. The Plan also contemplates Existing Suburban to:

- Ensure that new development occurs in a way that it is contiguous with existing development:
- Prevent monotony of design and color. Recognize that quality in design applies not just to individual homes, but to the collective impact of an entire development:
- Encourage a diverse range of homes styles in individual subdivisions, using innovative architecture of a character appropriate to Westfield, and:
- Emphasize connectivity between subdivisions, and avoid creating isolated islands of development.

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 10, 2022, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals’ Rules of Procedure.

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

¹ Page 24 of the Westfield and Washington Township Comprehensive Plan; Chapter 2; Land Use Plan: Land Use Classifications and Development Policies.

² Page 38 of the Westfield and Washington Township Comprehensive Plan; Chapter 2; Land Use Plan: Background.

³ Pages 38-39 of the Westfield and Washington Township Comprehensive Plan; Chapter 2; Land Use Plan; New Suburban.

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



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

May 10, 2022

2205-VS-16

Exhibit 1

public facilities and services. Such conditions shall be expressly set forth in the order granting the variance.

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

Variances of Development Standard: The Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the underlying zoning 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 (2205-VS-16):

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

Finding: It is unlikely that approving the requested variance would be injurious to the public health, safety, morals, and general welfare of the community because the existing use and proposed improvements will otherwise comply with the applicable standards of the zoning of the SF-2 zoning district.

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

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



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

May 10, 2022

2205-VS-16

Exhibit 1

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 a swimming pool and deck that does not meet the needs of the Petitioner.

Recommended Conditions:

- That the Property be developed in substantial compliance with the Site Plan (**Exhibit 3**).
- 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.

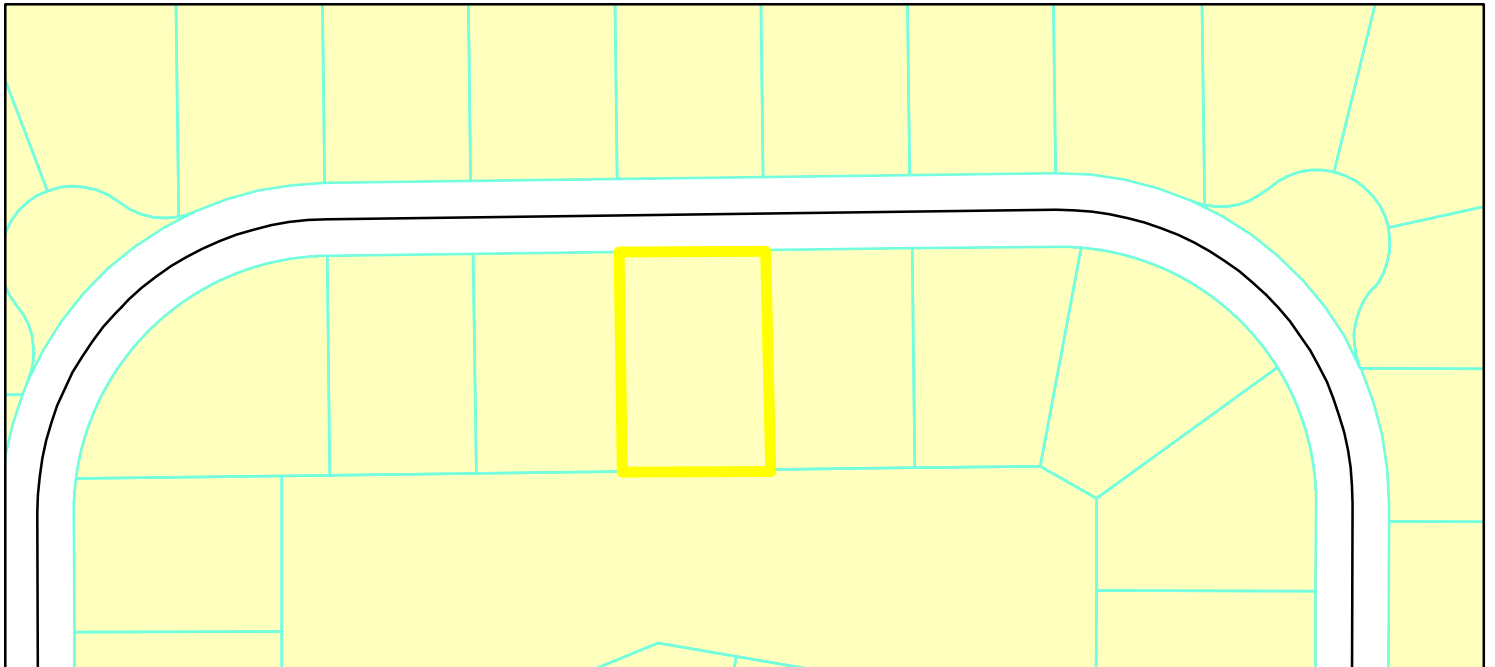
Denial: If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.

Aerial Location Map

 Site



Zoning Map



GIS.DBO.PW_Streets Zoning
Parcel
Parcel
Zoning - All

0 0.0125 0.025
Miles

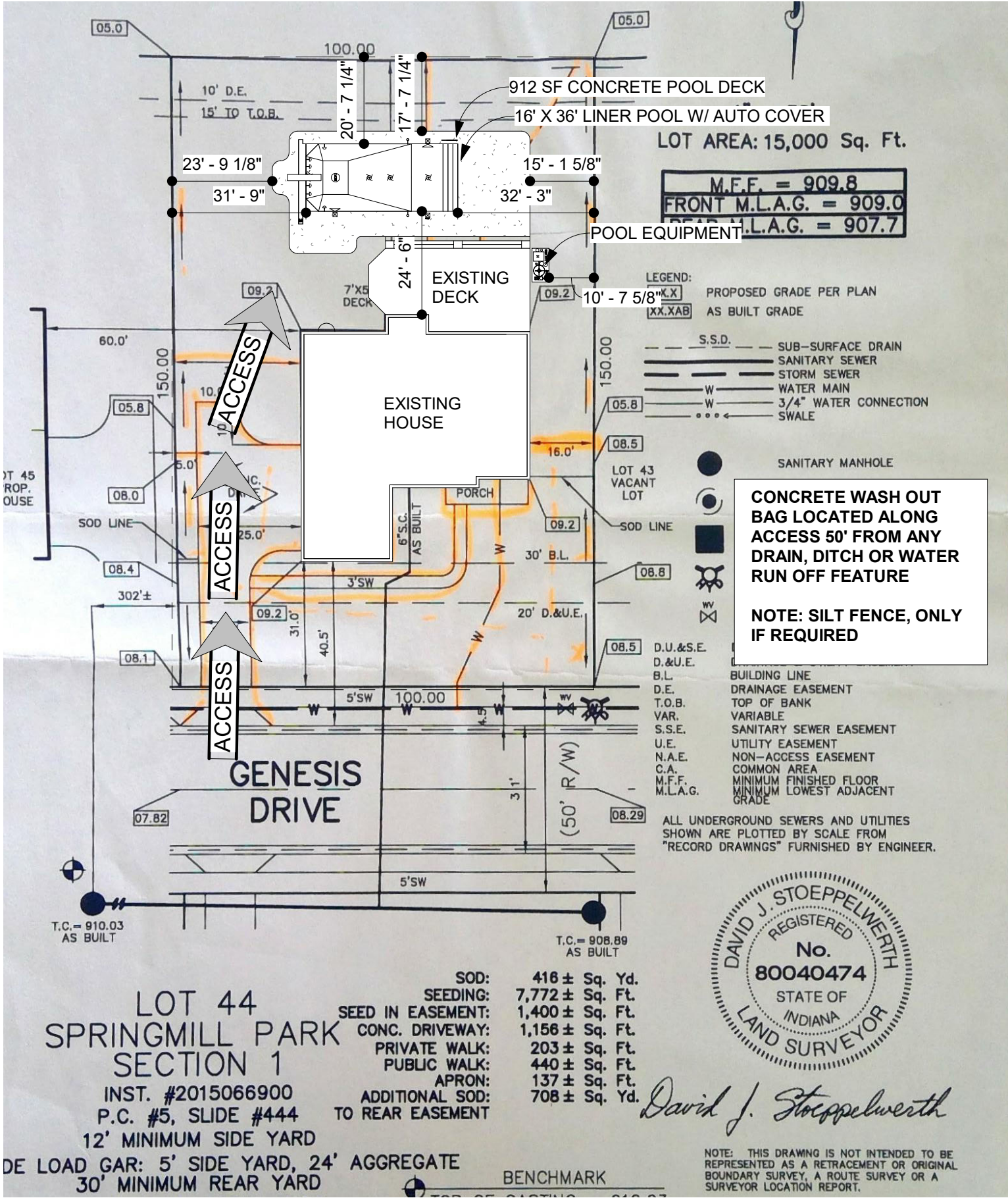


GALTIER-ROSS

ADDRESS: 223 GENESIS DRIVE
CITY: WESTFIELD ST:IN ZIP: 46074
COUNTY: HAMILTON
TWP:
POOL MFG: ALPHA CON. SF: 912
WATER: TRUCK DIRT: HAUL
AUTOCOVER: UNDERTRACK
DC: DC PM: SB DESIGNER: BH
TOC:

P/F/H:
RLS/RCS:

NOTE:
PLOT IS PROVIDED FOR PERMITTING ONLY. DO NOT BUILD OFF OF THIS SHEET. REFER TO OTHER SHEETS FOR CONSTRUCTION DETAILS.



1 PLOT PLAN
1" = 30'-0"

Official Architectural Review

(Please do not write on this page)

☐ Approved

☒ **Approved with restrictions** 223 Genesis Drive Lot 44 pool request has been "approved with conditions due to the pending approval from the City of Westfield zoning variance request.

Sunshine Lawrence slawrence@omni-property.com

☐ **Deferred, additional information requested**

☐ **Denied**

ARB Signature Sunshine Lawrence

Date 4.3.22

Return to:
OMNI management services, Inc.
P.O. Box 441570
Indianapolis, IN 46244
Phone (317)541-0000
Fax (317)541-0002

Current Aerial





WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

May 10, 2022
2204-VU-05 & 2204-VS-14
Exhibit 1

Petition Number: 2204-VU-05 & 2204-VS-14

Subject Site Location: North of 193rd Street and 700 ft +/- feet east of Centennial (the "Property")

Petitioner: Custom Concrete Co. Inc. (the "Petitioner")

Representative: Gordon Byers

Request: Custom Concrete by Gordon Byers requests a Variance of Use and Variance of Standard to permit the outdoor storage of gravel and associated materials on 4.85 acres +/- in the AG-SF1: Agriculture/Single-Family Rural District (Article 13.2 and Article 6.12).

Current Zoning: AG-SF1: Agriculture / Single-family Rural

Current Land Use: Residential / Outside storage

Approximate Acreage: 4.85 acres+/-

Exhibits:

1. Staff Report
2. Location Map
3. Petitioner Proposed Conditions & Proposed Site Plan
4. Current Aerial
5. Administrative Determination (2205-AD-04)
6. Previous Variance (91-V-19)
7. BZA Minutes October 21, 1991
8. Application

Staff Reviewer: Daine Crabtree, Senior Planner
Rachel Riemenschneider, Associate Planner

OVERVIEW

Location: The subject Property is 4.85 acres +/- in size and is located at North of 193rd Street and 700 ft +/- feet east of Centennial (the "Property") (see [Exhibit 2](#)). The Property is zoned AG-SF1: Agriculture / Single-family Rural.

Property History: The Petitioner was granted a variance in 1991 to conduct their business on this property (91-V-19, see [Exhibit 6](#)). This variance expired after 10 years (see [Exhibit 7](#)). In March 2001, the Town of Westfield sent the Petitioner a letter informing them that their variance was set to expire in approximately 6 months. The variance was never renewed. The business filed for and had approved a PUD ([Ord. 03-29](#)), with the understanding that the business operations would be moved to this new location. Most recently, neighbors have complained about noise and traffic from the Property, which resulted in enforcement action (Case No. EN-21-09-71). This variance request does not address the nonconforming parcels; for more detail on this aspect of the property, please see the Administrative Determination, 2205-AD-04 ([Exhibit 5](#)).



Variance Request: The Petitioner is requesting a Variance of Use and Variance of Standard to permit the outdoor storage of gravel and associated materials to continue conducting their business on site.

SUMMARY OF VARIANCE

Variance of Standard:

The Property is located in the AG-SF1 District. Per the Unified Development Ordinance (UDO), AG-SF1 is a Residential District.¹ Outside Storage² in Residential Districts is limited to Recreational Vehicles. The Outside storage that is currently located on the property is more similar to that which is permitted in Industrial Districts, specifically in the OI: Open Industrial districts.³ Additionally, their current Outside Storage does not adhere to the standards set forth for Industrial Districts, requiring a variance from all of the Outside Storage and Display standards.

Variance of Use:

The current Use of the Property does not precisely match any defined Use in the UDO. It is most similar to the Medium Industry and Extraction Industry definitions⁴, although neither Use is an exact match and

¹ Chapter 12:

District, Residential: Shall mean and refer to individually, or collectively, an Agricultural District, Single-family District and/or Multi-family District.

Article 4.1(A)

A. Agricultural Districts:

1. AG-SF1: Agriculture / Single-family Rural District

2. AG-SF1-I: Agriculture / Single-family Westfield District

² Outside Storage: The keeping of any material, merchandise, products, or equipment outside of a building or structure for a period greater than twenty-four (24) hours. Material or equipment being used in the development of a property or construction refuse, disposed of within fifteen (15) days, shall not be deemed Outside Storage.

³ See Article 6.12(D)

⁴ Chapter 12 (emphasis added to indicate portions of definition that may apply to this property)

Industry, Medium: The assembly, fabrication or processing of goods and materials using processes that ordinarily have greater than minimal impacts on the environment, or that otherwise may not constitute light manufacturing, and which may include open Uses and outdoor storage that otherwise comply with this Ordinance. Example Uses include, but are not limited to: creosote manufacturing and treatment; construction and manufacturing of outdoor advertising Signs; manufacturing of cement, lime, or gypsum, detergents and soaps, boiler tanks and glue; concrete mixing, batch plant; production of concrete blocks, shapes, cinder blocks, etc.; malt products, brewery, distiller of liquor and spirits; manufacturing, engraving and sales of cemetery monuments and tombstones; structural steel fabricating; foundries; open hearths and blast furnaces; laundry and dry cleaning plants; leather curing and tanning.

Industry, Extraction: The Use of land for activities involving on-site extraction of surface or subsurface mineral products or natural resources and immediate processing of material. Example Uses include: a quarry, outside salt storage, borrow pits, lumber yard, coal yard, sand and gravel operation, mining, soil mining, well drilling operations, milling (i.e., crushing, screening, washing and flotation) and other preparation customarily done at extraction site or as part of the extractive activity. Specifically excluded



neither is permitted in AG-SF1. Instead of requesting that either of these defined Uses be permitted on the property, the Use shall be limited by this variance's conditions for approval.

PETITIONER REQUESTS:

The Petitioner has submitted several proposed conditions (**Exhibit 3**). Following review and analysis, staff has determined that these conditions are not appropriate for this variance request.

First, the Petitioner has requested that the variances expire after 60 months (5 years). However, due to incompatible nature of this industrial use in an agricultural area, staff recommends the variance expire after 18 months.

Additionally, the Petitioner requests an expansion of the gravel containment area to 200 feet by 200 feet as described in the statement of intent (or 40,000 square feet) or roughly 250 feet by 255 feet as shown on the site plan (or 63,750 square feet). Staff does not feel it is appropriate to expand this use and increase the existing nonconformities. Instead, staff recommends that neither the gravel containment area nor the impervious surface be expanded. Instead, the gravel containment area and impervious surface must remain as they appear in the attached aerial image from 2021 (**Exhibit 4**). This would limit the gravel containment area to approximately 128 feet by 117.5 feet (or 15,040 square feet).

Finally, the suggested conditions from the petitioner list the hours of operation from 6:00 am to 7:00 pm. This is not in accordance with the City of Westfield Municipal Code's exemptions for noise nuisances.⁵ In order to follow this standard, staff recommends the hours of operation be limited to 7:00 am to 7:00 pm.

COMPREHENSIVE PLAN

The Westfield-Washington Township [Comprehensive Plan](#) identifies this Property within the "Existing Rural Northwest" area.

The Rural Northwest contemplates Single-Family detached houses on large lots or in a Rural or Conservation Subdivision, Accessory Dwellings, Equestrian Uses, Agriculture, and Institutional Uses such as Schools, Churches, and Public Safety Facilities as appropriate uses. The Comprehensive Plan envisions the Rural Northwest to remain rural for the foreseeable future, stating that anything other than rural or agricultural uses in the near future would violate the contiguity policy set out in the General Policies. If development is to happen it should be in the form of Rural or Conservation Subdivisions with substantial open space and up to one unit per acre with the denser Conservation Subdivisions. The Comprehensive Plan is not law; rather, it is intended to serve as a guide in making land use decisions.

from this Use are site development activities in preparation of infrastructure installation or vertical construction and Agricultural Uses.

⁵ City of Westfield Municipal Code Sec. 34-52. - Exemptions.

https://library.municode.com/in/westfield/codes/code_of_ordinances?nodeId=COOR_CH34EN_ARTIINU_DIV2NO_S34-52EX

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Use and Variance of Development Standard. This petition is scheduled to receive its public hearing at the May 10, 2022, 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 UDO⁶ 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 UDO⁷ 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 Use: The Board of Zoning Appeals shall approve or deny variances from the terms of the UDO. A variance may be approved under Indiana Code § 36-7-4-918.4 only upon a determination in writing that:

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

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:

⁶ Article 10.14(I) Processes and Permits; Variances; Conditions of the UDO.

⁷ Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.

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:

If the Board is inclined to approve the Variances, the staff recommends the following conditions for both the Variance of Use and the Variance of Standard:

Recommended Conditions for Approval:

1. That the approval of this variance shall expire on December 31, 2023 and that any request to extend the time limit of this variance shall be reviewed and approved by the Board of Zoning Appeals prior to that date;
2. That the gravel containment area and impervious service shall not extend beyond the current boundaries as shown in the Current Aerial Exhibit (**Exhibit 4**);
3. That activity on the site – including but not limited to trucks entering/exiting the site and loading/unloading onsite – shall be limited to 7:00am to 7:00pm, Monday – Saturday;
4. That the Petitioner records an Acknowledgement of Variance with the Hamilton County Recorder's Office and returns a copy of the recorded instrument to the Community Development Department.

Recommended Findings for Variance of Use (2204-VU-05):

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

Finding: It is unlikely that continuing the existing Use on the Property for a limited period of time will be injurious to the public health, safety, morals, and general welfare of the community because the Use of the Property will not substantially change from how it exists today.

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

Finding: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner as the Use will only continue for a limited period of time.

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

Finding: The proposed use is not defined by the UDO and therefore is not permitted within the zoning district.

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

Finding: Strict application of the zoning ordinance will result in the Petitioner's inability to continue the current Use of the Property.

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

Finding: The Westfield-Washington Comprehensive Plan (the "Comprehensive Plan") includes this Property in the area designated as "Existing Rural Northwest." However, the Property will only continue this industrial Use for a limited period of time.

Denial: If the Board is inclined to reject or deny the Variance of Use, then the Department recommends denying the Variance of Use, 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.

Recommended Findings for Variance of Development Standard (2204-VS-14):

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

Finding: The Variance of Development Standard requests will not be injurious to the public health, safety, morals, and general welfare of the community because the Outside Storage will only continue on the Property for a limited time.

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

Finding: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner as the Outside Storage will only exist on the property for a limited time.

- 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 application of the zoning ordinance will result in the Petitioner's inability to continue the current Use of the Property.

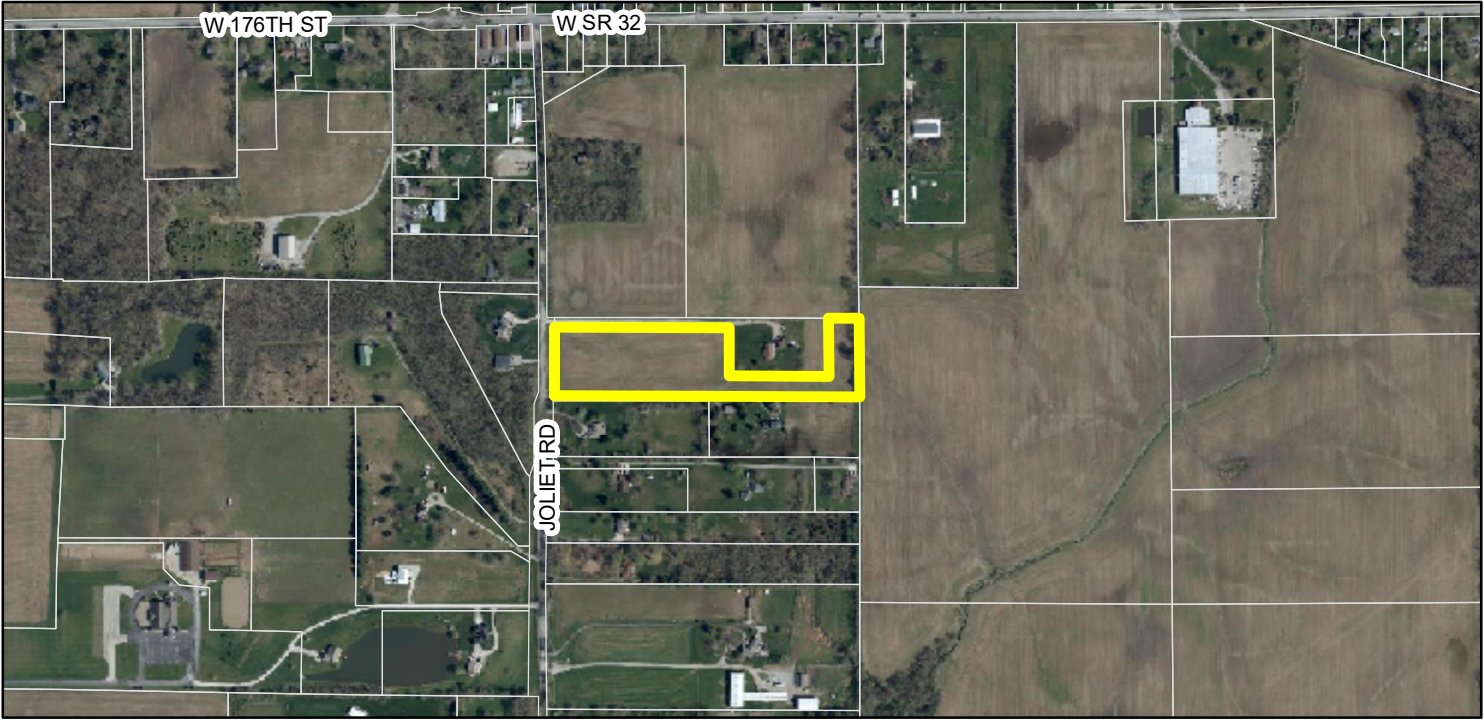
Denial: If the Board is inclined to reject or deny the Variance of Development Standard, then the Department recommends denying the Variance of Development Standard, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant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



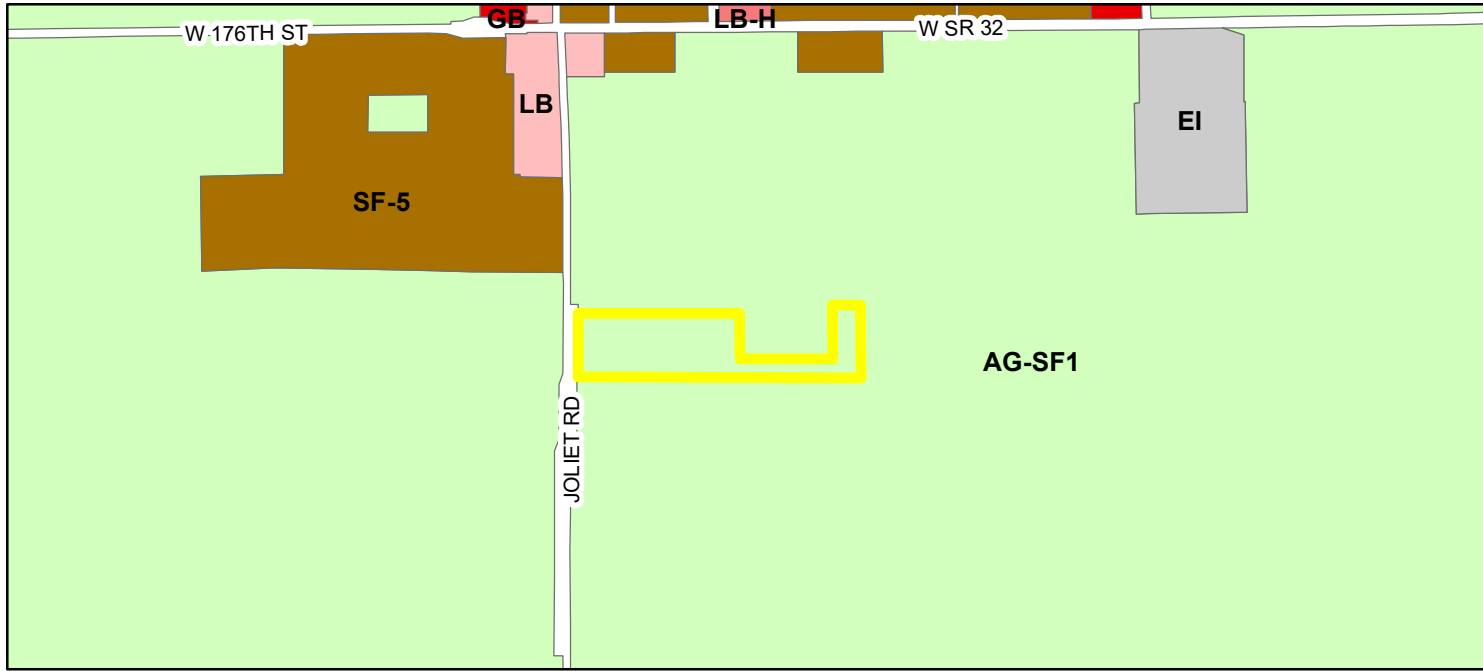
Exhibit 2 - Property Location Map
17281 Joliet Road (Schiller)
2205-VU-08



Aerial Location Map



Zoning Map



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

JOLIET ROAD

WEST LINE OF THE NORTHEAST QUARTER
OF SEC. 6--T18N--R3E

N 00°21'30" W 2440.98'

P.O.B.

N00°21'30"W 327.89'

R/W 16,394.5 sqft

0.38 ACRES

RIGHT OF WAY LINE

S00°21'30"E

287.89'

80' BL

50.0'

50.0'

40.0'

40' INGRESS AND EGRESS EASEMENT
40' DUE

40' WIDE INGRESS AND EGRESS
EASEMENT IS FOR THE USE OF LOTS
1 AND 2 OF THIS PLAT ONLY.

S89°34'15"E

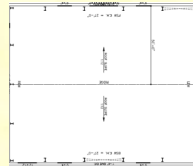
1328.89'

N89°34'15"W

1151.79'

S89°34'15"E 734.00'

LOT 2
288,347 sqft
6.62 ACRES



S00°21'30"E
203.00'

80' BL

S89°34'15"E

417.79'

30' DUE

S89°34'15"E

1278.46'

N89°34'15"W

1328.46'

30' DUE

S89°34'15"E

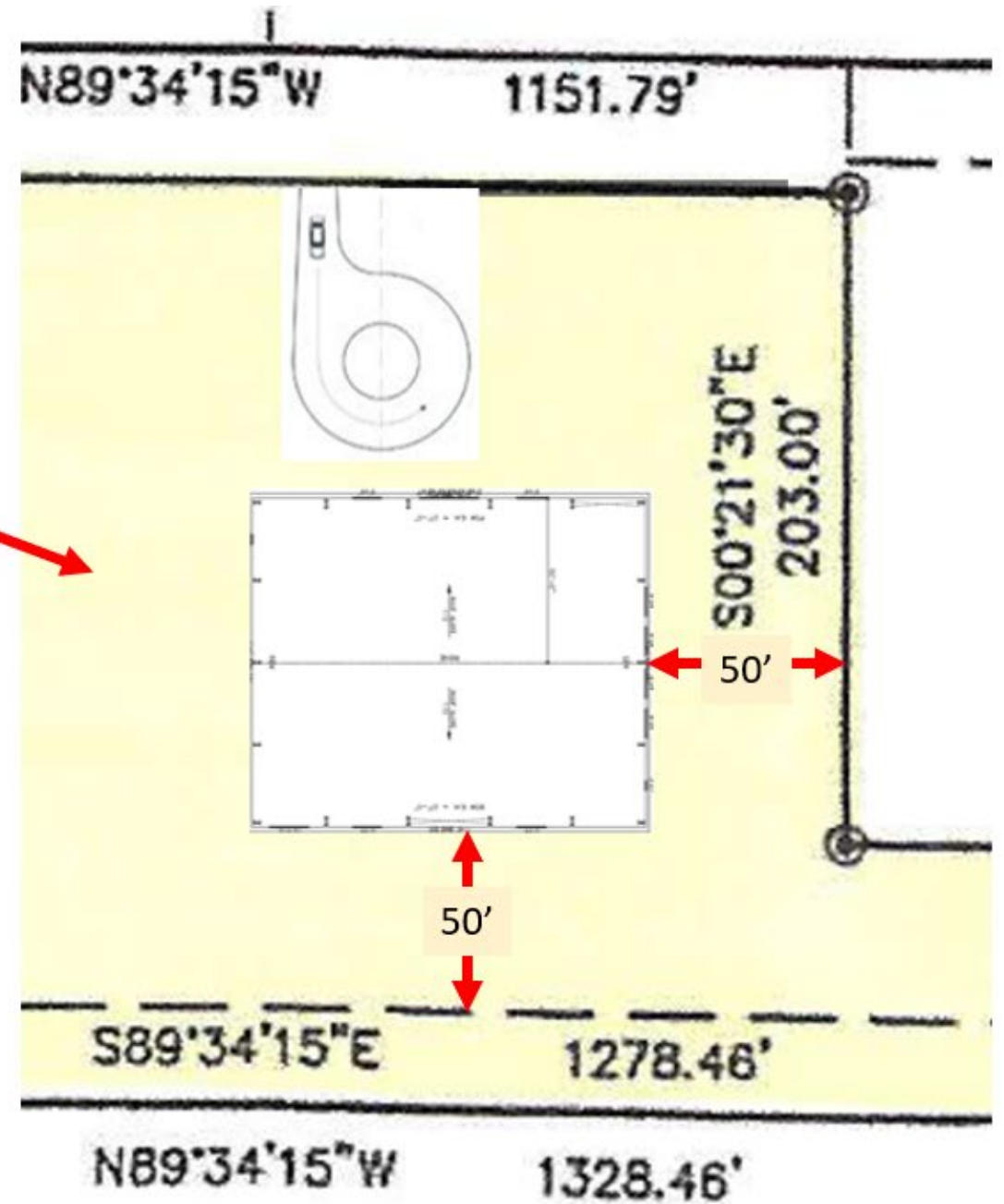
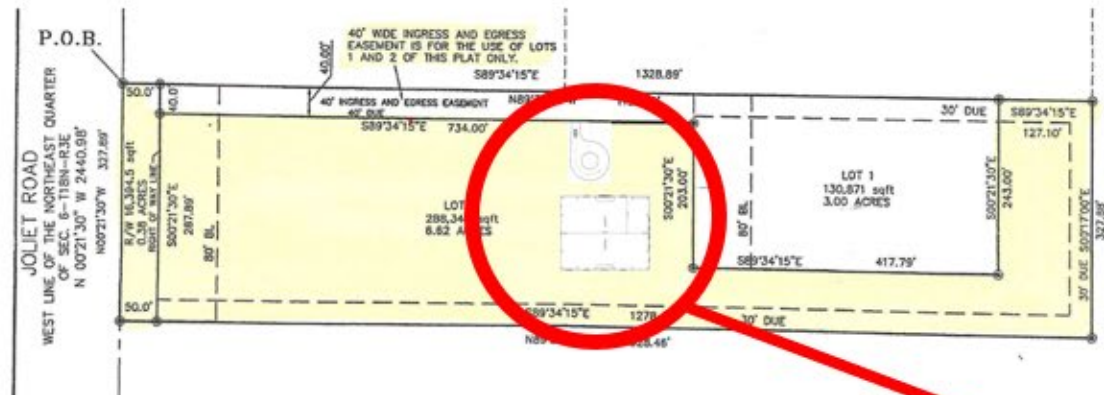
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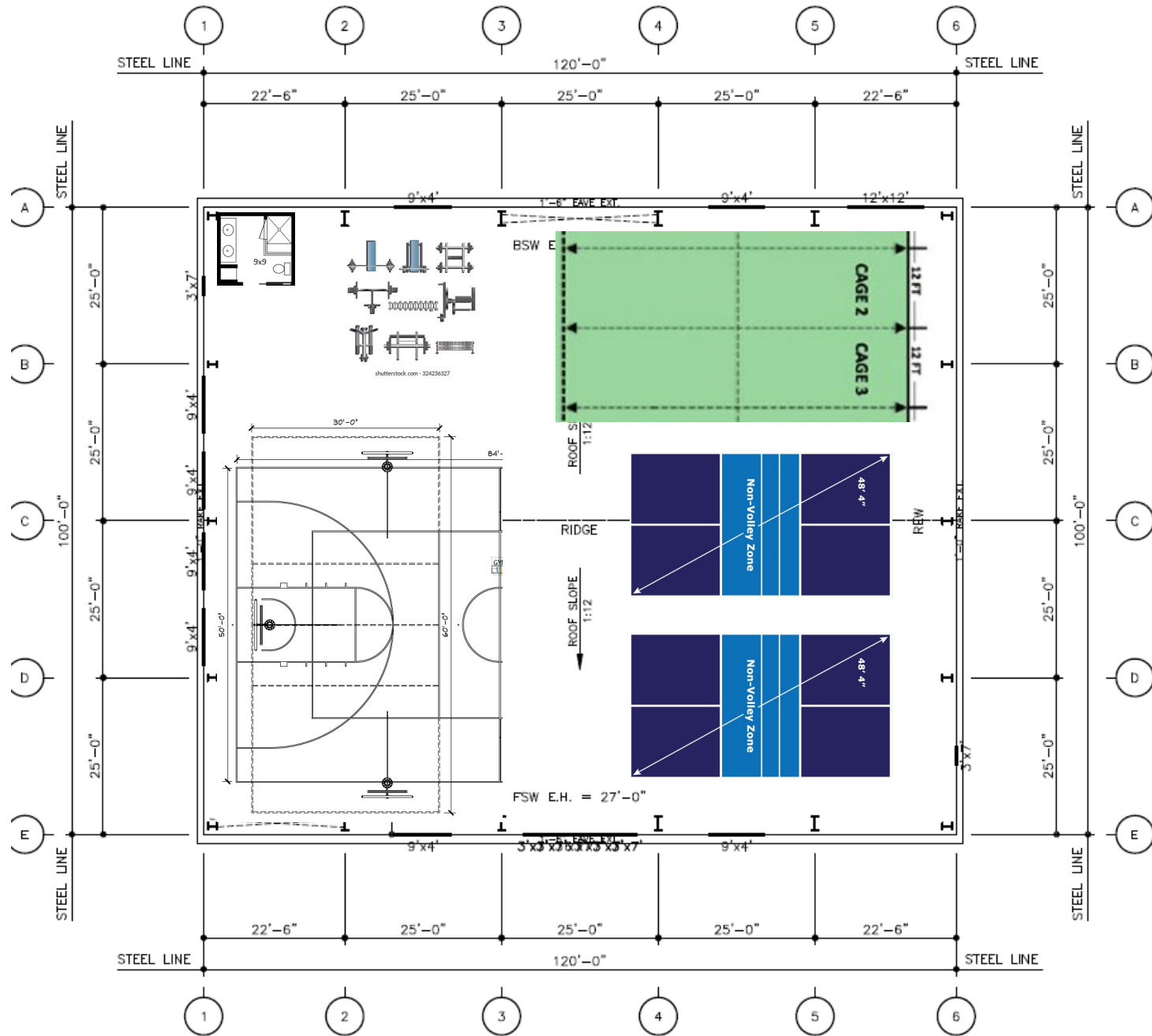
S00°21'30"E

243.00'

30' DUE S00°17'00"E

327.88'





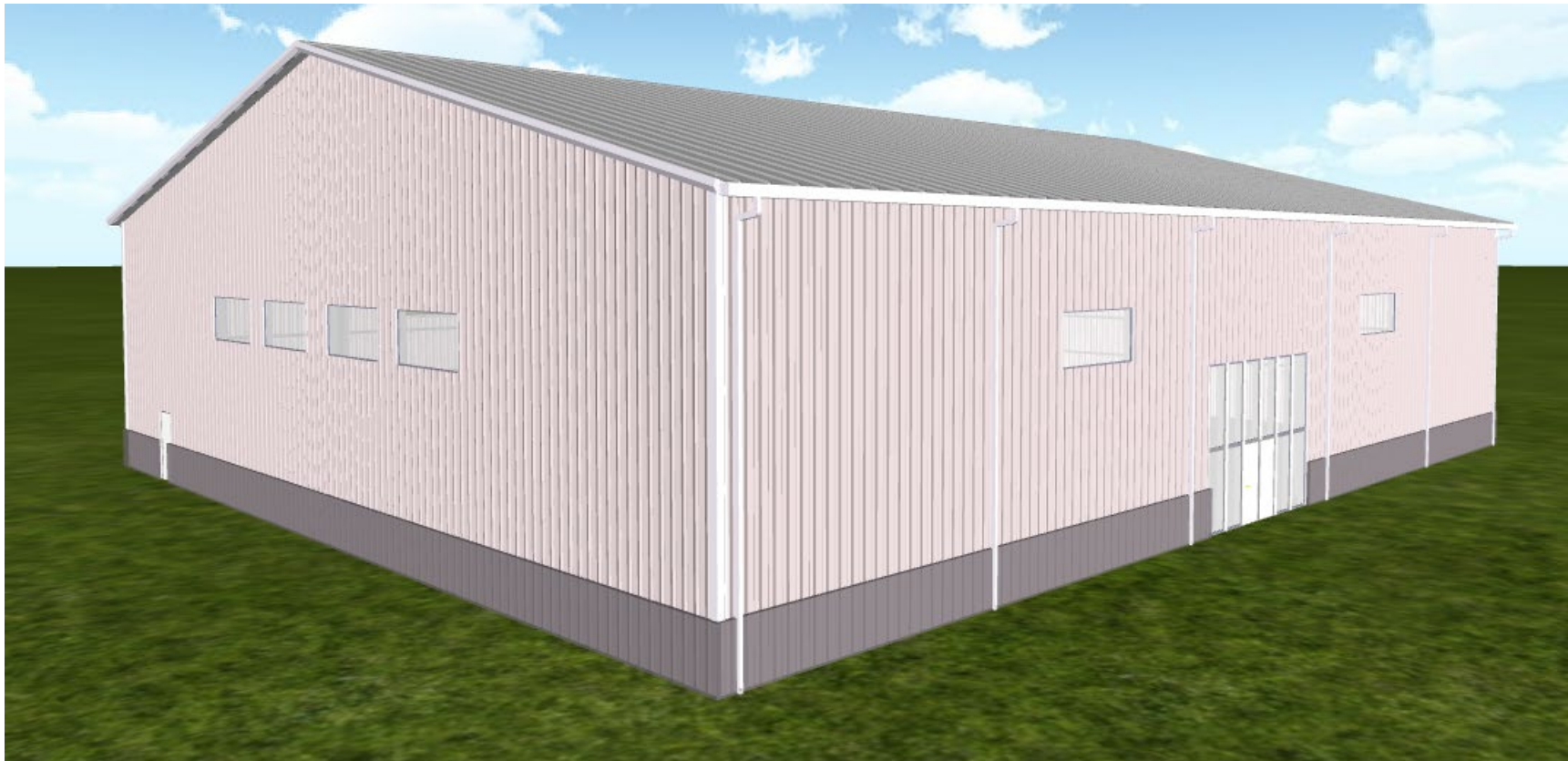
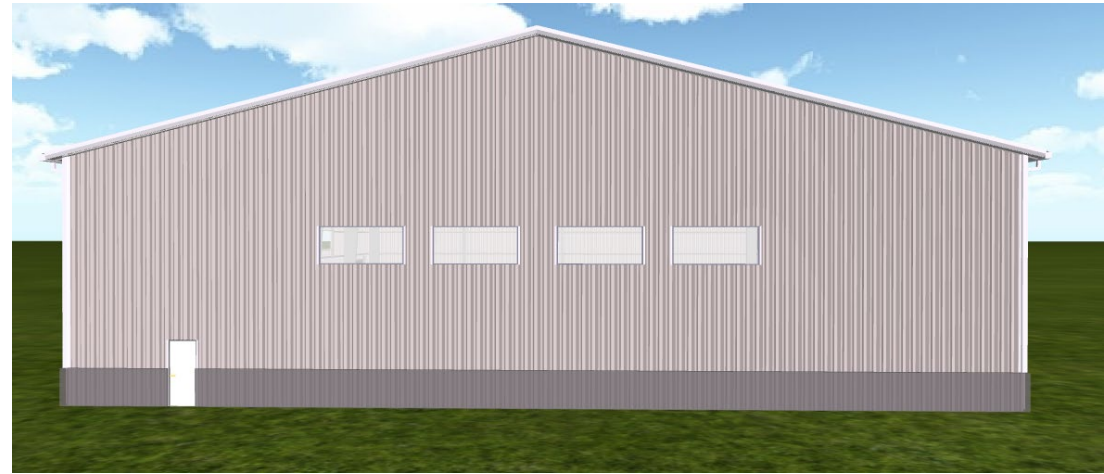
WESTERN

STEEL BUILDINGS

Western has you covered.™

100x120x27

3/12 Roof Pitch

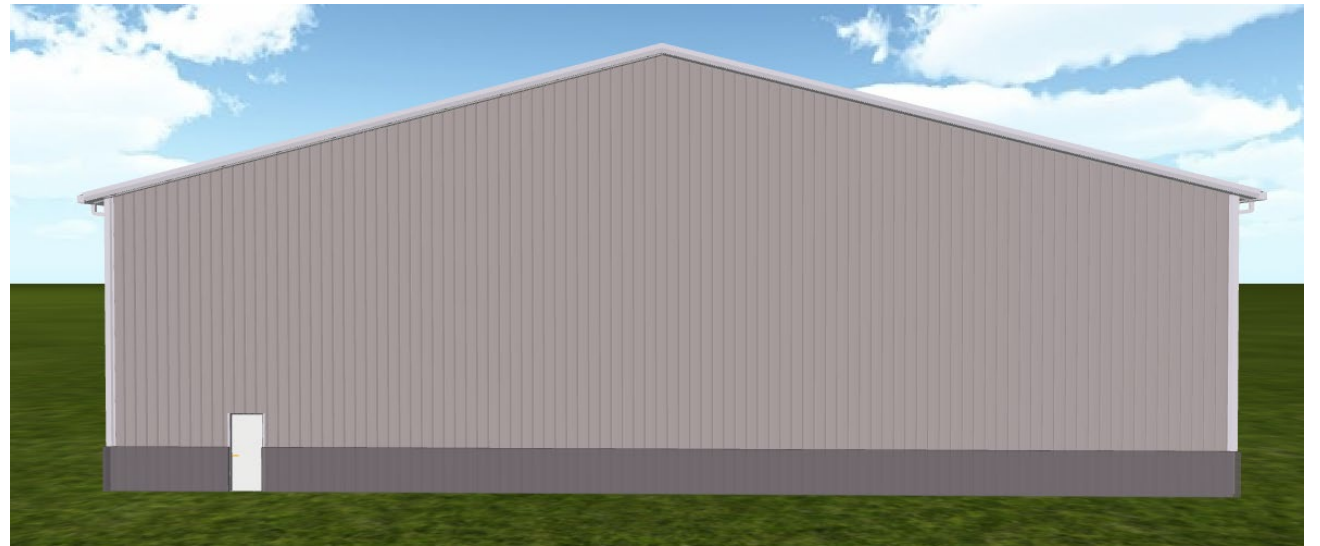


WESTERN

STEEL BUILDINGS

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100x120x27
3/12 Roof Pitch



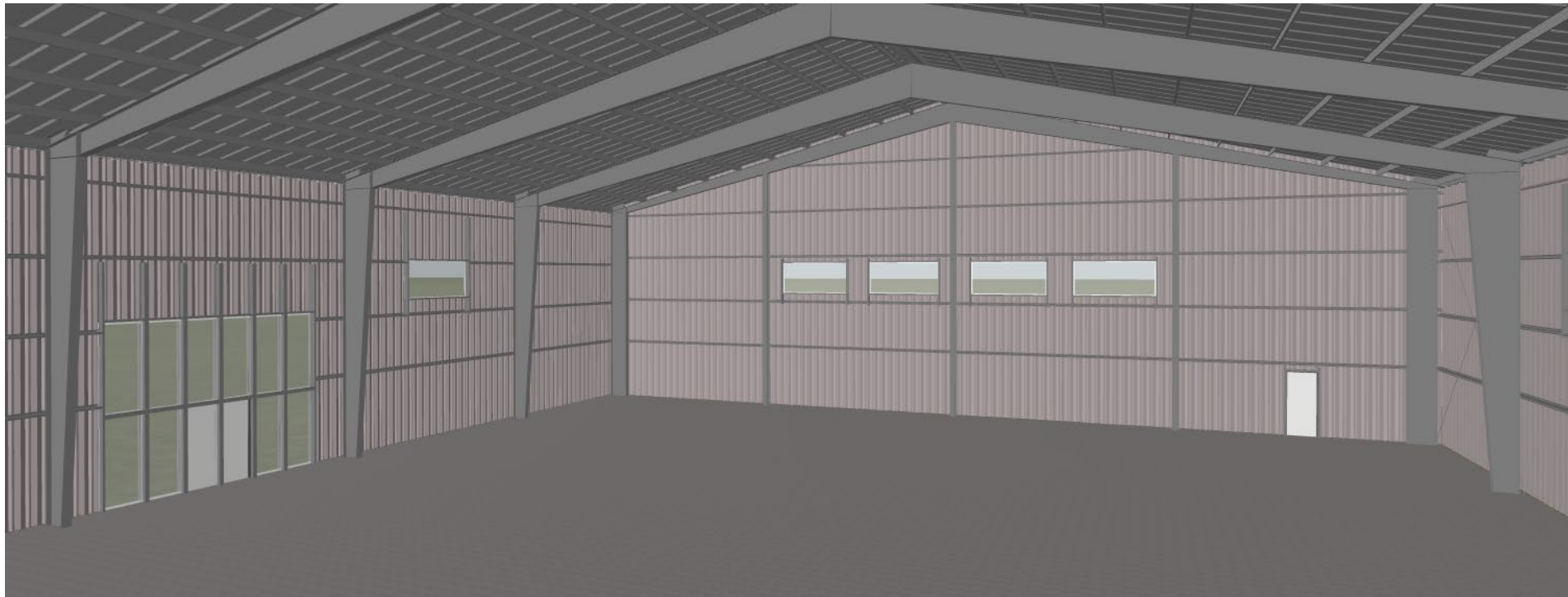
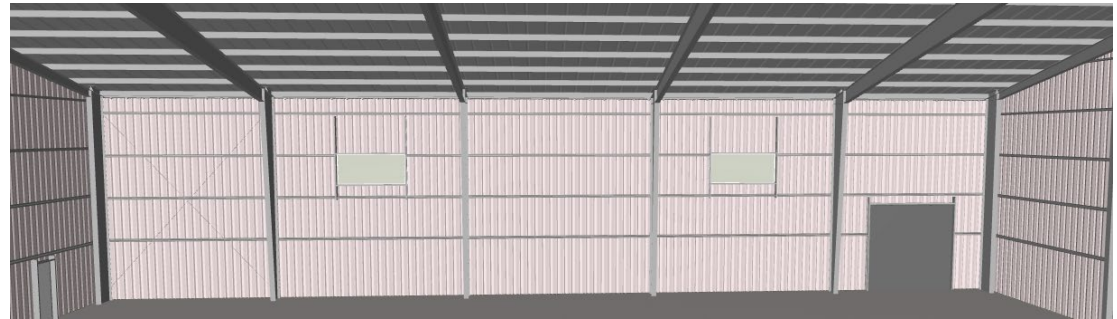
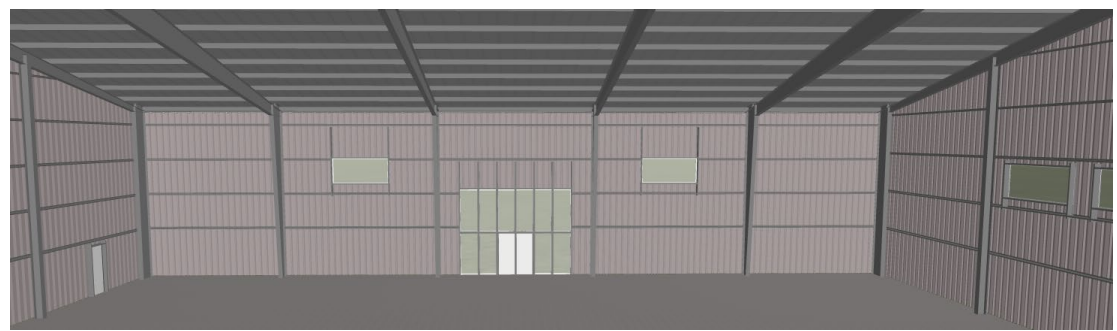
WESTERN

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100x120x27

3/12 Roof Pitch





Westfield-Washington Township Board of Zoning Appeals (BZA)

Minutes of the Tuesday, April 12, 2022 BZA Meeting

Presented for approval: May 10, 2022

The Westfield-Washington Township Board of Zoning Appeals
met at 7:00 p.m. on Tuesday, April 12, 2022 at Westfield City Hall.

Active Links for this Meeting:

[April 12, 2022 BZA Agenda & Exhibits](#)

[April 12, 2022 YouTube Video](#)

OPENING OF MEETING

[YouTube Time: 0:10](#)

Roll Call

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

BZA Members Present Virtually: None

BZA Members Absent: None

City Staff Present: Daine Crabtree, Senior Planner; Rachel Riemenschneider, Associate Planner; Ryan Collingwood, Associate Planner; and Weston Rogers, Associate Planner.

City Staff Present Virtually: None

Legal Counsel Present: Beth Copeland with Taft Stettinius & Hollister LLP.

APPROVAL OF MINUTES

McCarty motioned to approve the March 8, 2022 Minutes.
Fortier seconded. Motion passed. Vote 5-0.

REVIEW RULES AND PROCEDURES

Crabtree reviewed BZA rules and procedures.

ITEMS OF BUSINESS

2202-VU-02 [PUBLIC HEARING]

[YouTube Time: 3:10](#)

2907 West State Road 32 / Alan Hodgeson

The Petitioner requests a Variance of Use to permit a temporary Very High Intensity Retail (used vehicle sales) use on 1.50 acres +/- in the AG-SF1: Agriculture/Single-Family Rural District.
(Planner: Caleb Ernest – cernest@westfield.in.gov / Presented by Daine Crabtree)

Staff presentation / Petitioner presentation.

Public Hearing for 2202-VU-02 opened at 7:07 p.m.

- Two (2) public comments.

Public Hearing for 2202-VU-02 closed at 7:14 p.m.

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

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

BZA Minutes for April 12, 2022 Page 1 of 5

Petitioner response / BZA comments.

Schmitz motioned to table 2202-VU-02 to allow the Petitioner time to address additional details for this request. McCarty seconded. Motion passed. Vote 5-0.

2203-VS-10 [PUBLIC HEARING]

[YouTube Time: 31:31](#)

1111 East 156th Street / Mike Buland

The Petitioner requests a Variance of Development Standard to permit a second dwelling unit on 9.64 acres +/- in the AG-SF1: Agriculture/Single-Family Rural District (Article 6.4(B)).
(Planner: Daine Crabtree – dcrabtree@westfield.in.gov)

Staff presentation / No Petitioner presentation.

Public Hearing for 2203-VS-10 opened at 7:33 p.m.

- One (1) public comment.

Public Hearing for 2203-VS-10 closed at 7:35 p.m.

BZA comments / Petitioner responses.

Fortier motioned to approve 2203-VS-10 subject to the recommended condition stated in the motion.

McCarty seconded. Motion passed. Vote 5-0.

Schmitz motioned to adopt Staff's Findings of Fact for 2203-VS-10.

Fortier seconded. Motion passed. Vote 5-0

2204-VS-11 [PUBLIC HEARING]

[YouTube Time: 38:42](#)

15612 Count Viking Court / Phillip Ennis

The Petitioner requests a Variance of Development Standard to encroach fifteen feet, nine inches (15'-9") into the twenty-five (25) foot Minimum Rear Yard Setback on 1.05 acres +/- in the Viking Meadows PUD District to accommodate a swimming pool.
(Planner: Weston Rogers – wrogers@westfield.in.gov)

Staff presentation / Petitioner presentation.

Public Hearing for 2204-VS-11 opened at 7:44 p.m.

- One (1) public comments.

Public Hearing for 2204-VS-11 closed at 7:45 p.m.

BZA comments / Petitioner responses.

Boller motioned to approve 2204-VS-11 subject to the two recommended conditions stated in the motion.

McCarty seconded. Motion passed. Vote 5-0.

Schmitz motioned to adopt Staff's Findings of Fact for 2204-VS-11.

Fortier seconded. Motion passed. Vote 5-0

2204-VS-12 [PUBLIC HEARING]

[YouTube Time: 48:52](#)

18103 Eagletown Road / Eagle Creek Friends Church & Mike Linville by Jonathan Brown

The Petitioners request a Variance of Development Standard to modify the Front Yard Setback from 83 feet to 77 feet on one (1) acre +/- in the AG-SF1: Agriculture/Single-Family Rural District (Article 4.2(E)).
(Planner: Rachel Riemenschneider – rriemenschneider@westfield.in.gov)

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

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

Staff presentation / No Petitioner presentation.

Public Hearing for 2204-VS-12 opened at 7:50 p.m.

- No public comments.

Public Hearing for 2204-VS-12 closed at 7:52 p.m.

BZA comments / Petitioner responses.

McCarty motioned to approve 2204-VS-12 subject to the two recommended conditions stated in the motion.

Boller seconded. Motion passed. Vote 5-0.

Schmitz motioned to adopt Staff's Findings of Fact for 2204-VS-12.

Fortier seconded. Motion passed. Vote 5-0

2204-VU-04 [PUBLIC HEARING]

[YouTube Time: 54:56](#)

211 Jersey Street /Erik Angelotti

The Petitioner requests a Variance of Use to permit a Retail, Low Intensity (Drug Store) use on 0.24 acres +/- in the MF-1: Multi-Family Low-Density District (Article 13.2).

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

Staff presentation/No Petitioner presentation.

Public Hearing for 2204-VU-04 opened at 7:56 p.m.

- One (1) public comment.

Public Hearing for 2204-VU-04 closed at 7:58 p.m.

BZA comments / Petitioner responses.

Boller motioned to approve 2204-VU-04 subject to the three recommended conditions stated in the motion.

Morales seconded. Motion passed. Vote 5-0.

Schmitz motioned to adopt Staff's Findings of Fact for 2204-VU-04.

Fortier seconded. Motion passed. Vote 5-0

2204-VU-07 & 2204-VS-13 [PUBLIC HEARING]

[YouTube Time: 1:03:32](#)

17502 Carey Road / TM Crowley & Associates by Nelson & Frankenberger, LLC

TM Crowley & Associates by Nelson & Frankenberger, LLC

The Petitioners request a Variance of Use to permit a Retail, High Intensity (Pet-Oriented Business) use and a Variance of Development Standard to modify building offsets requirements on 1.3 acres +/- in the LB: Local Business District (Article 13.2 & Article 6.3(F)(5)(b)).

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

Staff presentation / Petitioner presentation.

Public Hearing for 2204-VU-07 & 2204-VS-13 opened at 8:12 p.m.

- No public comments.

Public Hearing for 2204-VU-07 & 2204-VS-13 closed at 8:14 p.m.

BZA comments / Petitioner responses.

McCarty motioned to approve 2204-VU-07 subject to the three recommended conditions stated in the motion.

Boller seconded. Motion passed. Vote 5-0.

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

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

Schmitz motioned to adopt Staff's Findings of Fact for 2204-VU-07.
Fortier seconded. Motion passed. Vote 5-0

McCarty motioned to approve 2204-VS-13 subject to the two recommended conditions stated in the motion.
Boller seconded. Motion passed. Vote 5-0.
Schmitz motioned to adopt Staff's Findings of Fact for 2204-VS-13.
Fortier seconded. Motion passed. Vote 5-0

2204-VU-06 [PUBLIC HEARING]

[YouTube Time: 1:24:14](#)

1031 East 169th Street / Westfield Lions Club

The Petitioner requests a Variance of Use to permit a Civic Club on 1.30 acres +/- in the EI: Enclosed Industrial District (Article 13.2).

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

- BZA members recused from this item: Jeff Boller and Victor McCarty.
- Alternate BZA member joined the meeting: Bob Horkay, appointed by Mayor Cook.

Staff presentation / No Petitioner presentation.

Public Hearing for 2204-VU-06 opened at 8:26 p.m.

- No public comments.

Public Hearing for 2204-VU-06 closed at 8:28 p.m.

BZA comments / Petitioner responses.

Fortier motioned to approve 2204-VU-06 subject to the four recommended conditions stated in the motion.
Morales seconded. Motion passed. Vote 4-0.
Schmitz motioned to adopt Staff's Findings of Fact for 2204-VU-06.
Fortier seconded. Motion passed. Vote 4-0.

ITEMS CONTINUED TO A FUTURE MEETING

NONE

REPORTS/COMMENTS:

[YouTube Time: 136:05:06](#)

- Plan Commission Liaison
- Community Development Department

ADJOURNMENT

Fortier motioned to adjourn the meeting. Schmitz seconded. Motion passed. Vote 5-0.
The meeting adjourned at 8:40 p.m.

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Signature Page for BZA Minutes for April 12, 2022

Chairperson
Dave Schmitz

Secretary
Kevin M. Todd, AICP
Director



2022022846 MISC \$25.00
05/06/2022 09:25:24A 2 PGS.
Jennifer Hayden
HAMILTON County Recorder IN
Recorded as Presented
[Barcode]

COMMUNITY DEVELOPMENT
ADMINISTRATIVE DETERMINATION
May 4, 2022
2205-AD-04

ADMINISTRATIVE DETERMINATION

Cross Referenced to Instrument No.

2020005296; Book 277, Page 557; 1986004739 (Book 354, Page 849); 1994026131

FILE NUMBER:
2205-AD-04

DESCRIPTION:

This administrative determination pertains to a requested Variance of Use and Variance of Standard (2204-VU-05 & 2204-VS-14) requested for Custom Concrete at 2814 W 193rd St, Westfield, Indiana (Parcel Nos. 08-05-29-00-00-009.000, 08-05-29-00-00-008.000, 08-05-29-00-00-007.000, 08-05-29-00-00-003.002, 08-05-29-00-00-003.001, 08-05-29-00-00-003.003) (the "Property").

The parcels that make up the Property are nonconforming – some of them legal and some of them illegal. Typically, nonconforming parcels would be addressed during a variance process. However, while the parcels are nonconforming and remain nonconforming until properly remedied, a variance is not the appropriate method of remedy at this time due to the uncertain future of the property.

ANALYSIS:

The parcels involved in this variance request are nonconforming (see Article 9 of the Unified Development Ordinance). Three of the parcels (08-05-29-00-00-009.000, 08-05-29-00-00-008.000, 08-05-29-00-00-007.000) were created prior to the adoption of a zoning ordinance in 1977, making them legal nonconforming. One parcel (08-05-29-00-00-003.001) was created between 1974 and 1985, and could be legal or illegal nonconforming depending on the exact date of its creation. The other parcels (08-05-29-00-00-003.002, 08-05-29-00-00-003.003) were created after 1977 and are illegal nonconforming.

The Property is zoned AG-SF1: Agriculture Single Family. Each parcel lacks the Minimum Lot Frontage requirement of 250 feet and the Minimum Lot Area of three (3) acres. Other nonconformities, including failing to meet the Minimum Lot Width (100 feet) and Minimum Building Setbacks, are also present.

Typically, nonconformities are addressed during a variance process. However, for this particular variance, addressing the nonconforming parcels was not recommended by staff due to the uncertain future of the property.

DETERMINATION:

The Community Development director (the "Director") hereby determines that:

1. The parcels that comprise the Property are nonconforming.
2. The nonconformities of the parcels will not be addressed in the current variance process (2204-VU-05 & 2204-VS-14).
3. If the parcels are developed in the future, they will need to be brought into conformity with the current zoning standards.

APPEAL:

This Administrative Determination may be appealed to the Westfield-Washington Township Board of Zoning Appeals within thirty (30) days of this Administrative Determination.

BY:



Kevin M. Todd
Community Development Department Director
City of Westfield, Indiana

The above signatory hereby certifies that the information contained in and accompanying this document is true and correct.

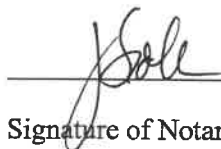
STATE OF INDIANA)

) SS:

COUNTY OF HAMILTON)

Before me, a Notary Public in and for said County and State, personally appeared Kevin M. Todd, the Community Development Director for the City of Westfield, who having been duly sworn upon his/her oath acknowledged this Administrative Determination as described herein.

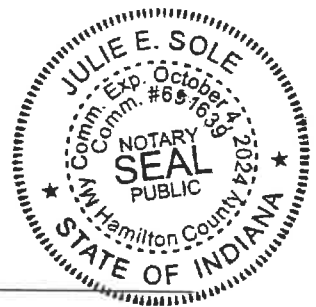
Witness my hand and Notary Seal this 4th day of May, 2022.



Signature of Notary Public



Printed Name of Notary Public



My County of Residence: Hamilton

My Commission Expires: 10/4/22

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

Prepared by Rachel Riemenschneider, City of Westfield, 2728 East 171st Street, Westfield, IN 46074, 463-231-6649.

CUSTOM CONCRETE





