



CITY OF WESTFIELD, IN
BoardofZoningAppeals_Meeting_Agenda_04_14_2020

Tuesday, April 14, 2020 at 07:00 PM

BOARD OR COMMISSION: Board of Zoning Appeals (BZA)

MEETING DATE: Tuesday, April 14, 2020 at 07:00 PM

MEETING PLACE:

ONLINE VIA SKYPE

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

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

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

Documents: [Click here to view on YouTube](#)

OPENING OF REGULAR MEETING

Note the presence of a quorum

Approval of Minutes - March 10, 2020 - Tabled

Review Rules & Procedures

ITEMS OF BUSINESS:

2003-VS-04 [PUBLIC HEARING]

302 Penn Street

GPG Properties, LLC

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

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

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

2004-VS-06 [PUBLIC HEARING]

345 E Park Street

John Long

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

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

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

ITEMS CONTINUED TO A FUTURE MEETING:

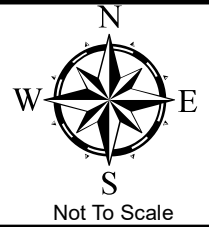
No Continued Items.

REPORTS/COMMENTS:

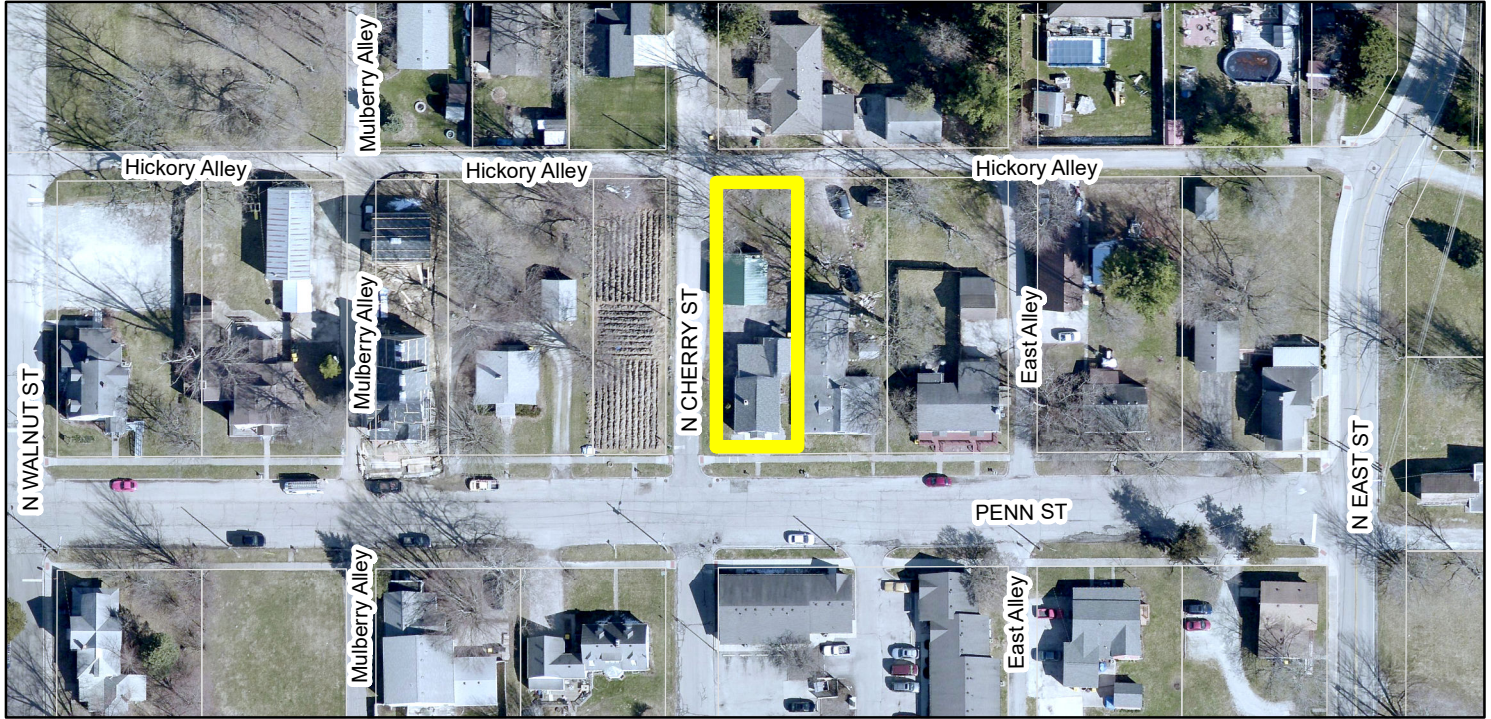
ADJOURNMENT



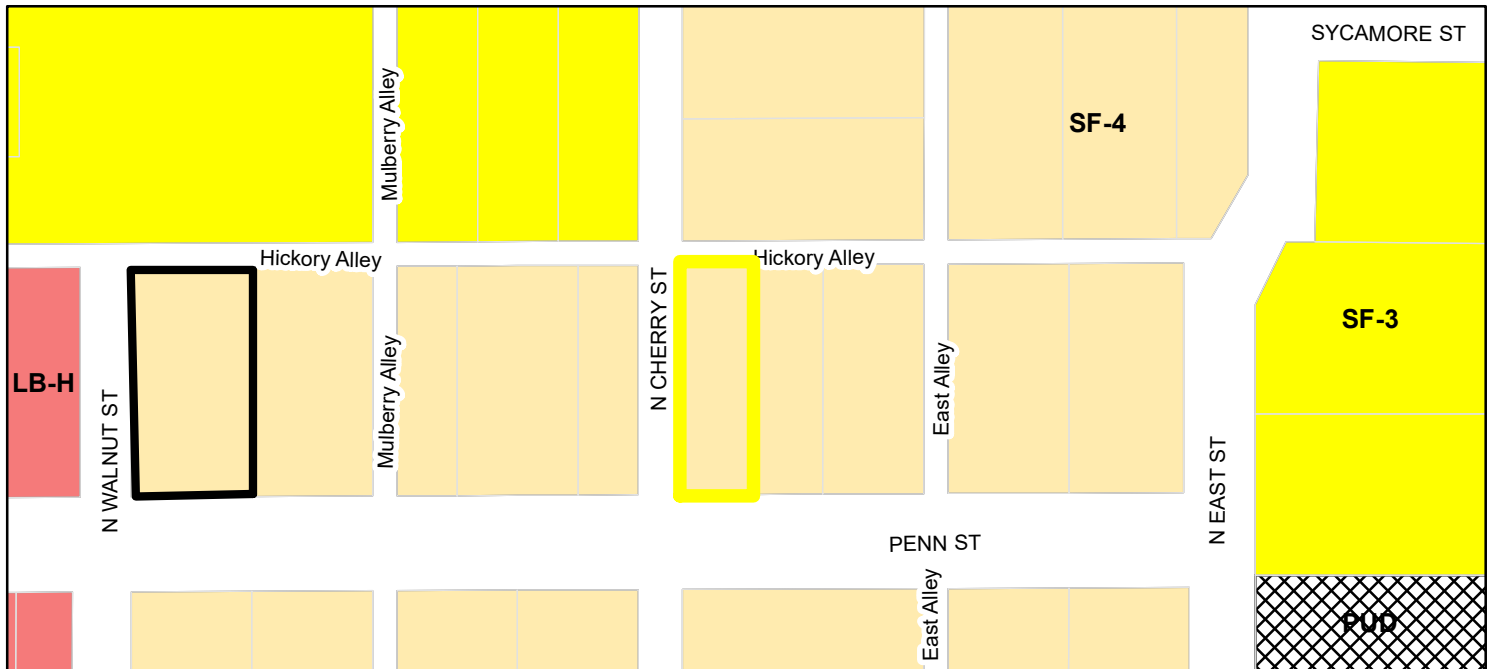
Property Location Map
302 Penn Street
Sanburn Variance
2003-VS-04



Aerial Location Map



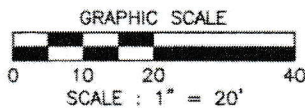
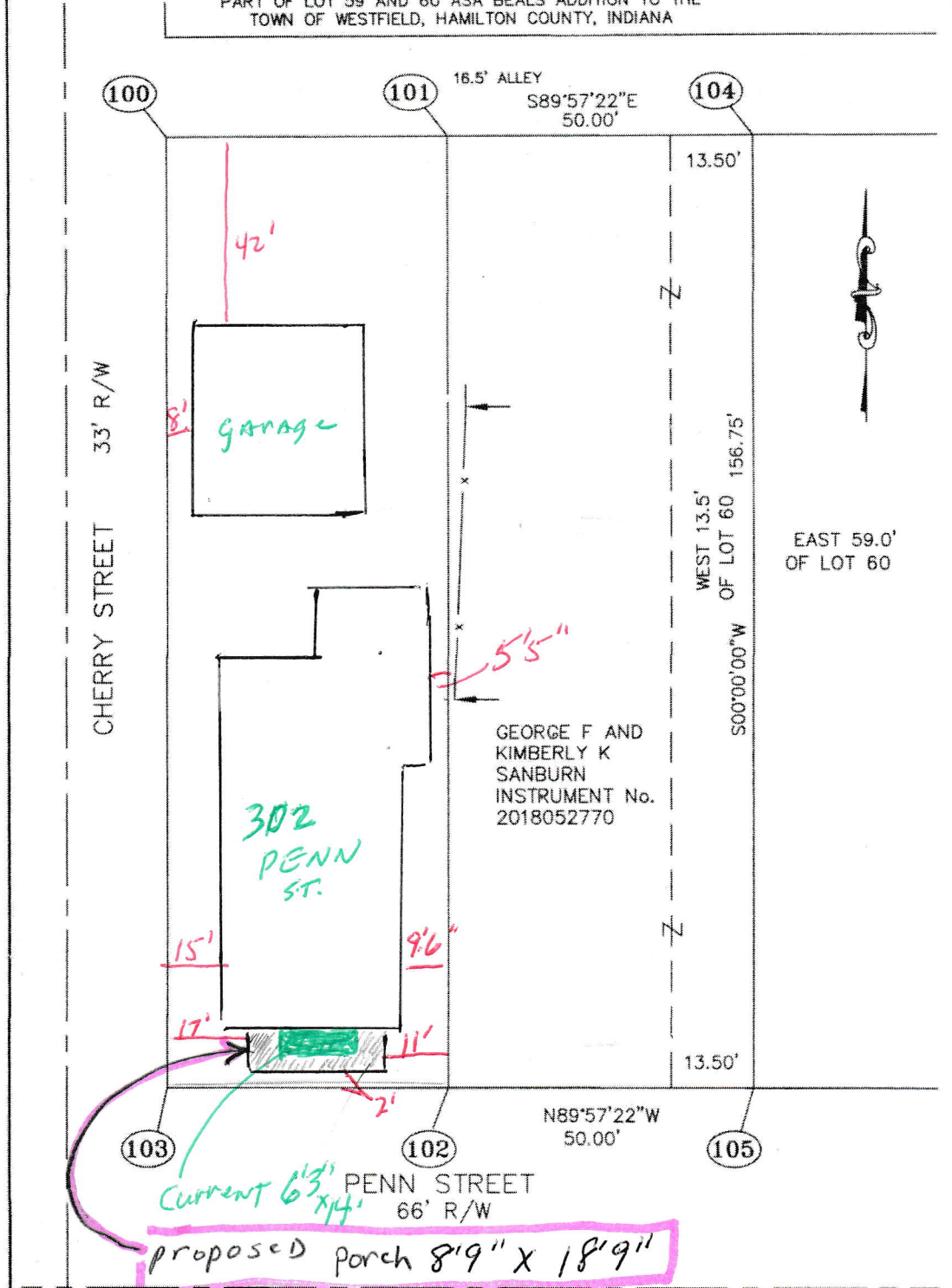
Zoning Map



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

RETRACEMENT SURVEY

PART OF LOT 59 AND 60 ASA BEALS ADDITION TO THE
TOWN OF WESTFIELD, HAMILTON COUNTY, INDIANA



THIS SURVEY IS NOT COMPLETE AND/OR
VALID WITHOUT ALL 3 PAGES.

PAGE 1 OF 3

R.L.S.

LS20400007

2-21-2020

DATE:



MILLER SURVEYING INC.

948 CONNER STREET
NOBLESVILLE INDIANA 46060
PH. # (317) 773-2644 FAX 773-2684

LOCATION: PART OF LOT 59 AND 60
ASA BEALS ADDITION
WESTFIELD, INDIANA

FIELD WORK COMPLETED: 2-20-2020

CLIENT: GEORGE SANBURN

DESCRIPTION: RETRACEMENT SURVEY

DRAWN BY: KNA

SCALE: 1" = 20'

DATE: 2-21-2020

JOB NUMBER

B38923

CHK'D BY: KNA

FIELD BOOK: 562

PAGE: 86

SURVEY & FILE:

519
ROBEY

A

FRONT Porch As of now.



22'
Wide

10' tall

9'
Deep
Floor

Post 50"
From
SIDEWALK

(B)

With New Porch installed.



- Side Finished with Hardie plank
- Columns - treated 4x4 wrapped by 1x6
- 1x8 Treated Decking
- White metal Roof w overhang
- posts Down 36"
- Joist 2x8 24" on center
- WOOD SLAT ceiling

©

would look like this 4' deep x $3\frac{1}{2}'$ on each slant



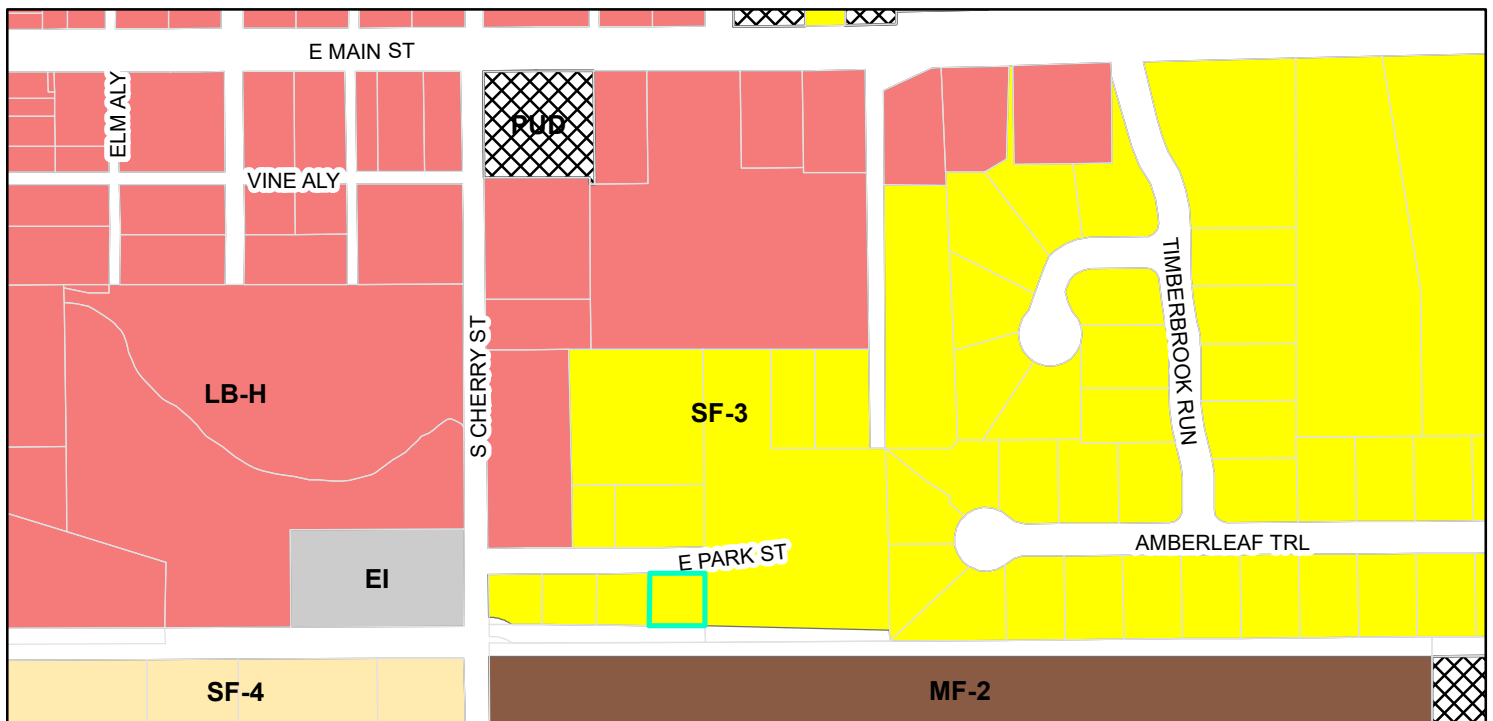
(BACK Door Currently)



Aerial Location Map



Zoning Map

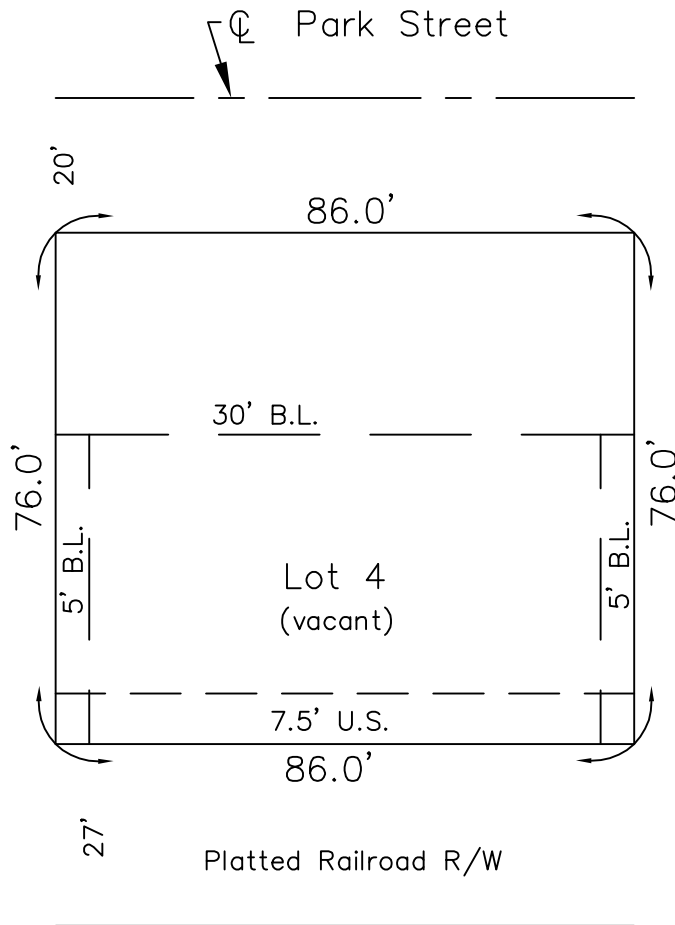


Zoning

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

SURVEYOR LOCATION REPORT

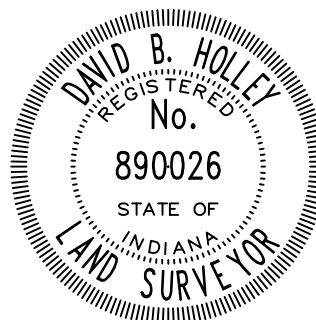
I hereby certify to the parties named above that the real estate described herein was inspected under my supervision on the date indicated and that to the best of my knowledge, this report conforms with the requirements contained in Sections 27 through 29 of 865 IAC 1-12 for a SURVEYOR LOCATION REPORT.



Scale: 1" = 30'

P&H
ENGINEERING/SURVEYING LLC

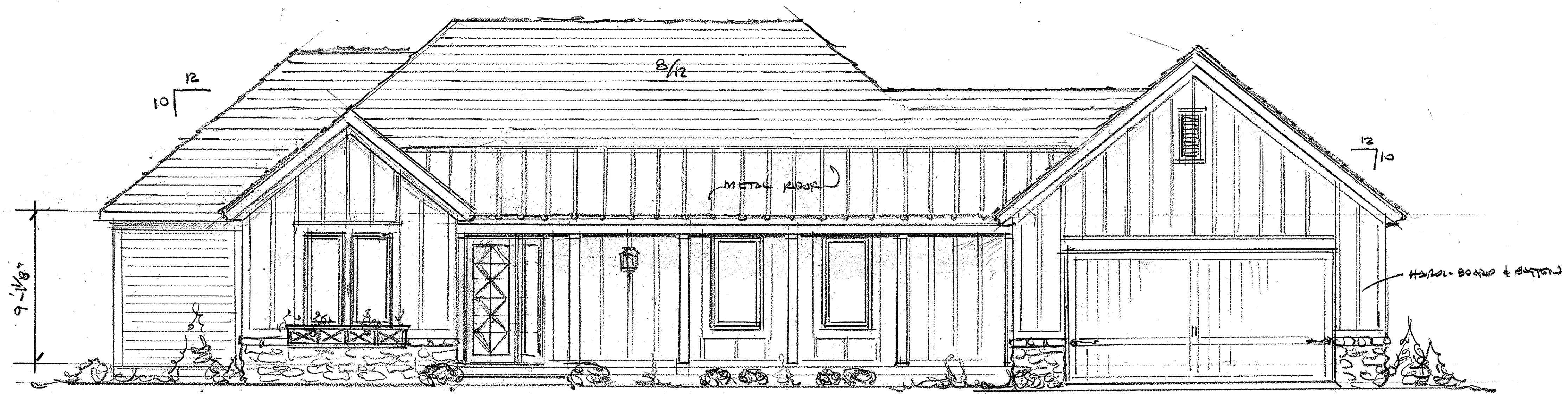
5251 S. East Street #1
INDIANAPOLIS, IN 46227
PHONE: (317) 974-5555
FAX: (317) 974-5570



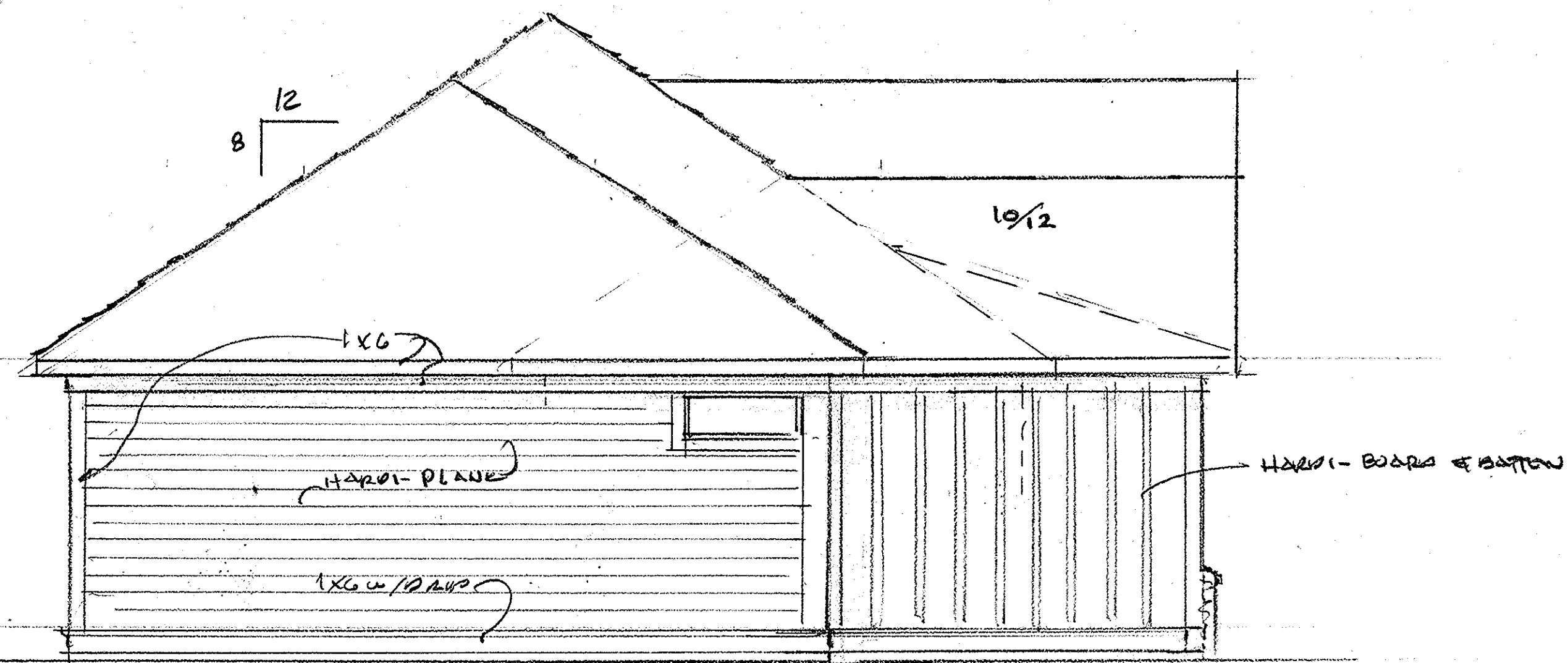
CERTIFIED: 01/07/2020

David B. Holley
David B. Holley
Professional Surveyor,

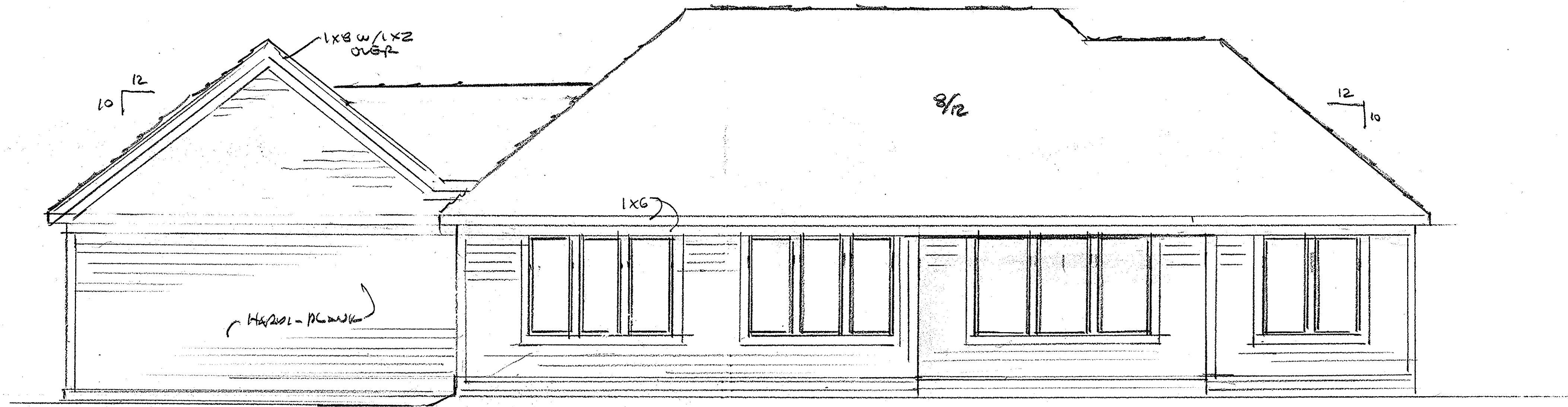
Indiana #890026
Job No.: 20011006
Sheet 2 of 2



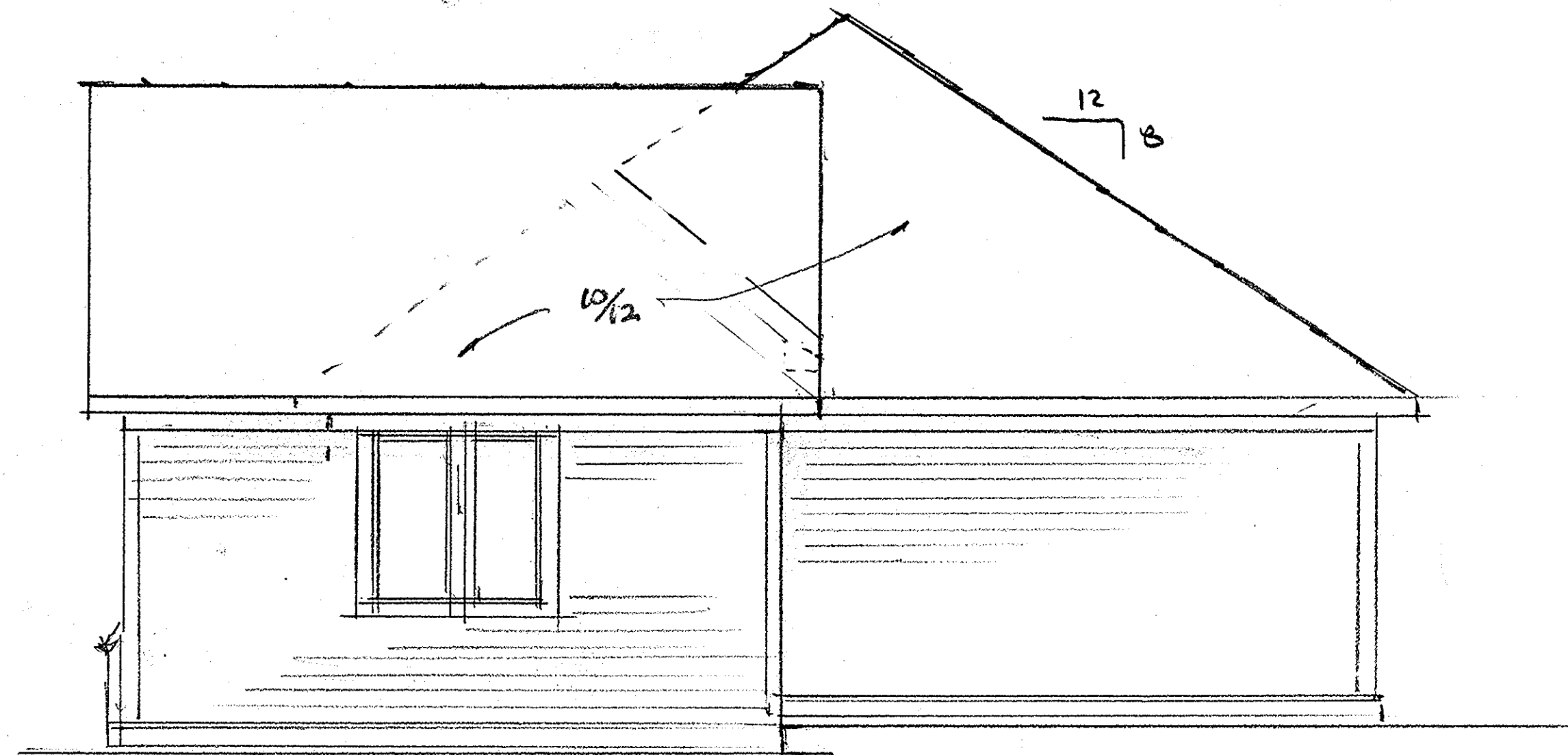
FRONT ELEVATION
SCALE = 1/4" = 1'-0"



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



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

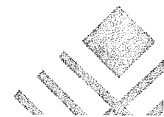


RIGHT END
 1/4" = 1'-0"

2650 RANCH

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

VARIANCE APPLICATION

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

PRE-FILING CONFERENCE

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

PRIOR OR RELATED DOCKET NUMBERS

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

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

APPLICANT INFORMATION

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

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

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

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

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

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

 ADDRESS: 12401 Old Meridian Street, Carmel, IN 46032

PROPERTY AND PROJECT INFORMATION

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

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

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

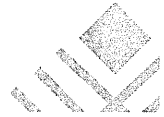
VARIANCE REQUEST

☐ VARIANCE OF LAND USE CODE CITATION: _____

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

 FINDINGS OF FACT: (PLEASE SEE ATTACHED)

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

**APPLICANT AFFIDAVIT**

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

[Signature]
Applicant/Representative (signature)

Jeffrey Lauer
Applicant/Representative (printed)

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

Witness my hand and Notarial Seal this 28TH day of FEBRUARY, 2020.

State of INDIANA, County of HAMILTON SS:



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

PROPERTY OWNER AFFIDAVIT

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

[Signature]
Property Owner (signature)*

John Long member of KBC Group, LLC
Property Owner (printed)

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

Witness my hand and Notarial Seal this 28TH day of FEBRUARY, 2020.

State of INDIANA, County of HAMILTON SS:



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

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

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



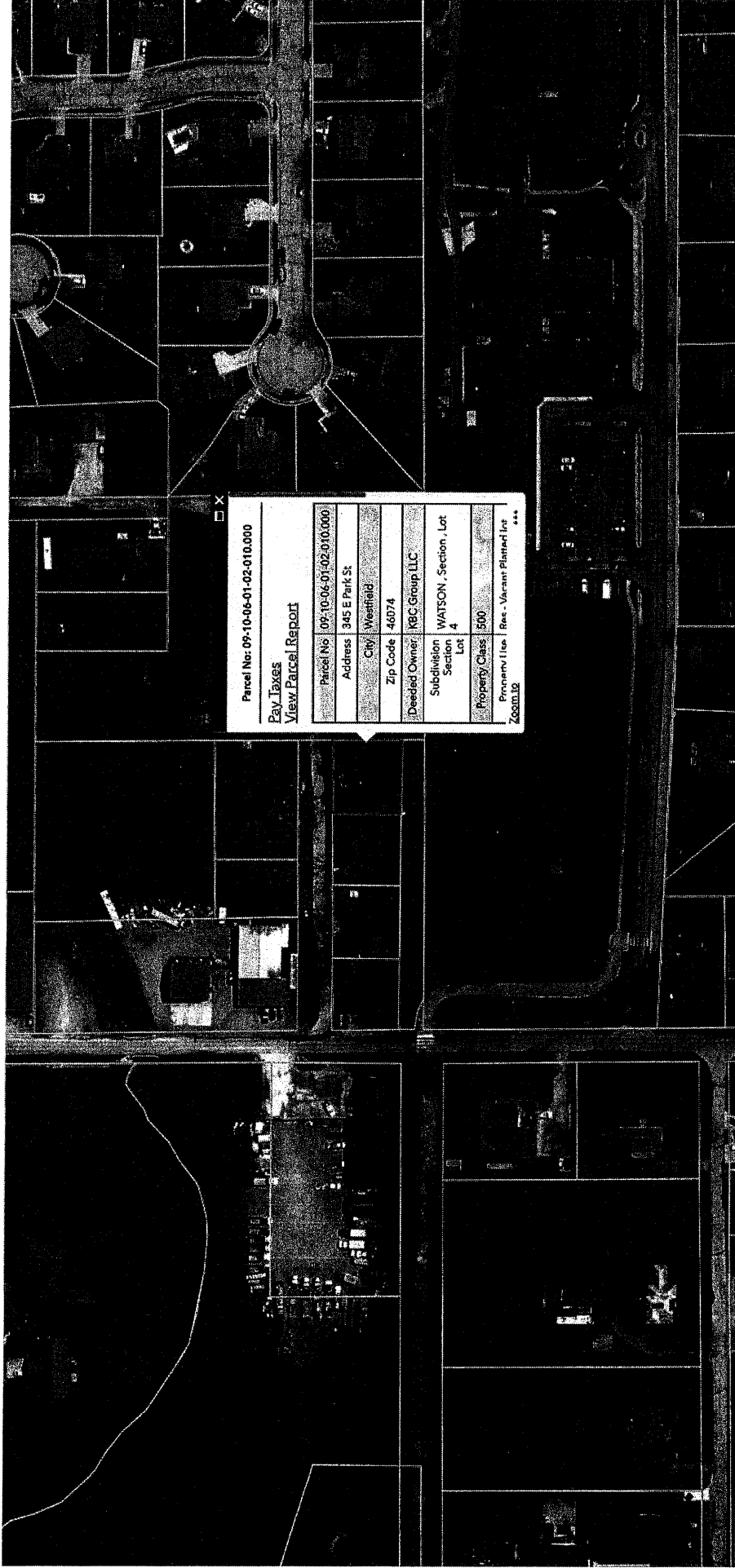
APPLICANT: Jeffrey Lauer

DOCKET #: _____

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

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

Aerial Exhibit



Parcel No: 09-10-06-01-02-010.000

Pay Taxes

View Parcel Report

Parcel No: 09-10-06-01-02-010.000

Address: 345 E Park St

City: Westfield

Zip Code: 46074

Deeded Owner: KBC Group LLC

Subdivision Section: WATSON, Section, Lot 4

Property Class: 500

Property Use: Res. Vacant Platland lot

Zoom: 100

x

SURVEYOR LOCATION REPORT

This report was prepared only for:

JOHN LONG, OWNER

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



PROPERTY ADDRESS: 345 E. Park Street

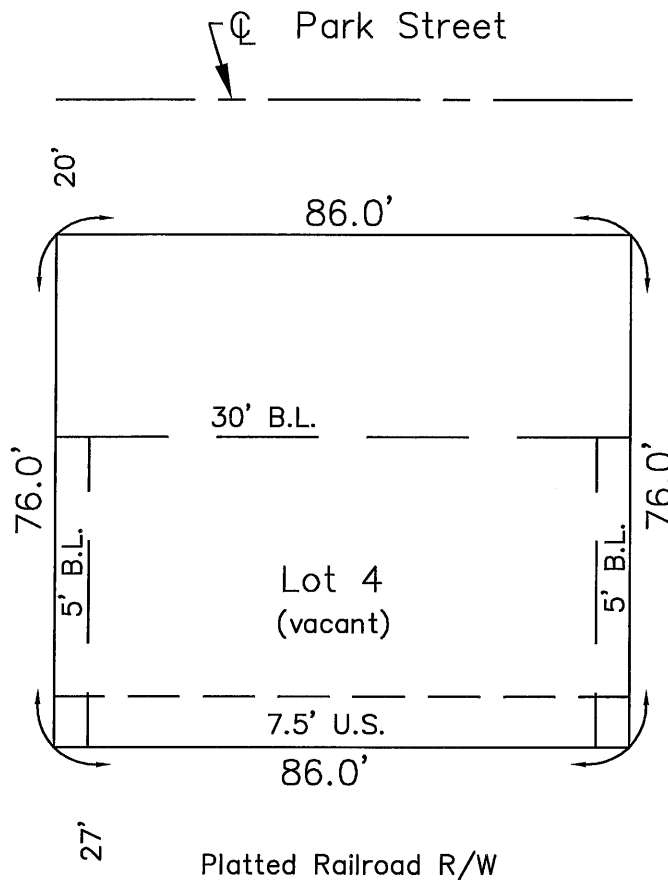
PROPERTY DESCRIPTION: Lot 4 in WATSON'S SUB-DIVISION to the Town of Westfield, Indiana, the plat of which is recorded in Plat Book 2, pages 80-81, in the Office of the Recorder of Hamilton County, Indiana.

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

BORROWER(S): John Long

SURVEYOR LOCATION REPORT

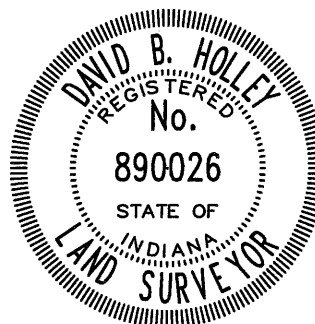
I hereby certify to the parties named above that the real estate described herein was inspected under my supervision on the date indicated and that to the best of my knowledge, this report conforms with the requirements contained in Sections 27 through 29 of 865 IAC 1-12 for a SURVEYOR LOCATION REPORT.



Scale: 1" = 30'

P&H
ENGINEERING/SURVEYING LLC

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



CERTIFIED: 01/07/2020

David B. Holley
David B. Holley
Professional Surveyor,

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



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

April 14, 2020
2004-VS-06
Exhibit 1

Petition Number: 2004-VS-06

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

Petitioner: John Long (the "Petitioner")

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

Current Zoning: SF3: Single-family Medium Density District

Current Land Use: Vacant

Approximate Acreage: 0.15 acres +/-

Exhibits:

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

Staff Reviewer: Caleb Ernest, Associate Planner

OVERVIEW

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

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

SUMMARY OF VARIANCE

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

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

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

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

COMPREHENSIVE PLAN

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

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

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

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

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

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

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

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

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

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

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

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

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

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of the Variances of Development Standard. This petition is scheduled to receive its public hearing at the April 14, 2020, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

Conditions: The UDO⁷ and Indiana law provide that the Board of Zoning Appeals may impose reasonable conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of the UDO upon any Lot benefited by the variances as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject Lot or upon public facilities and services. Such conditions shall be expressly set forth in the order granting the variances.

Acknowledgement of Variances: If the Board of Zoning Appeals approves this petition, then the UDO⁸ requires that the approval of the variances shall be memorialized in an acknowledgement of variances instrument prepared by the Department. The acknowledgement shall: (i) specify the granted variances and any commitments made or conditions imposed in granting of the variances; (ii) be signed by the Director, Property Owner and Applicant (if Applicant is different than Property Owner); and (iii) be recorded against the subject property in the Office of the Recorder of Hamilton County, Indiana. A copy of the recorded acknowledgement shall be provided to the Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variances.

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

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

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

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

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

DEPARTMENT COMMENTS

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

Recommended Condition:

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

Recommended Findings for Approval of the Variance of Development Standard:

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

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

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

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

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

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

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



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

April 14, 2020
2003-VS-04
Exhibit 1

Petition Number: 2003-VS-04

Subject Site Address: 302 Penn Street (the "Property")

Petitioner: George Sanburn / GPG Properties LLC (the "Petitioner")

Request: The Petitioner requests a Variance of Development Standard to encroach into the Side Yard and Front Yard Building Setback Line (Article 4.7(D)) and allow detached garage in the front yard on 0.2 acres +/- in the SF4: Single-family High Density District (Article 6.1(D)(1)).

Current Zoning: SF4: Single-family High Density District

Current Land Use: Residential

Approximate Acreage: 0.2 acres +/-

Exhibits:

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

Staff Reviewer: Corey Harris, Associate Planner

OVERVIEW

Location: The subject property is 0.2 acres +/- in size and located at 302 Penn Street (see **Exhibit 2**). The Property is zoned the SF4: Single-family High Density District. The Property currently contains a single-family residence and detached garage. All surrounding properties are also zoned SF4.

Variance Request: The Petitioner is requesting Variances of Development Standard to extend the front porch of the Single-family home and make the Single-family home and Accessory Structure¹ Legal Conforming.

¹ The UDO defines "Accessory Structure" as "[a] subordinate building or structure, the use of which is incidental to and customary in connection with the Principal Building or use and which is located on the same Lot with such Principal Building or use and is under the same ownership."

SUMMARY OF VARIANCES

The Petitioner is requesting this variance from Article 6.1(D)(1)(a) “Front Setback”², Article 6.1(D)(1)(b) “Side and Rear Setbacks”³, Article 4.7(D) “Minimum Building Lines”⁴, Article 4.7(B) “Minimum Lot Area”⁵ to allow the existing Single-family home and Accessory Structure to encroach in the Building Setback Lines, to make the Lot conforming, to allow the Accessory Structure to exist in the Established Front Yard⁶, and to extend the front porch on the Single-family home from seven (7) feet wide by four (4) feet deep to twenty-two (22) feet wide by nine (9) feet deep as depicted in the Site Plan (See **Exhibit 3**).

COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan identifies this property within the “Junction Sub-District” of the Grand Junction District land use classification.

As the rest of the Sub-district redevelops, it is anticipated that buildings will be positioned near the street and they will be designed using timeless and eclectic architecture. Quality materials and design should be used. Faux façade treatment is not desirable in this area. The Sub-district should maintain a distinct character that is unique to Westfield, and it should be welcoming and sage for pedestrians and first-time visitors.

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 April 14, 2020, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals’ Rules of Procedure.

Conditions: The UDO⁷ and Indiana law provide that the Board of Zoning Appeals may impose reasonable conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of the UDO upon any Lot benefited by a variance as may be necessary or appropriate to prevent or minimize

² Article 6.1(D)(1)(a): “No Accessory Building may be erected closer than ten (10) feet from the Established Front Yard.”

³ Article 6.1(D)(1)(b): “An Accessory Building over two hundred (200) square feet shall meet the minimum Side and Rear Yard Building Setback Lines of the underlying Zoning District, except as otherwise established by this Article.”

⁴ Article 4.7(D): “Front Yard: 25 feet; Side Yard: 8 feet; Rear Yard: 25 feet.”

⁵ Article 4.7(B): Minimum Lot Area: 9,000 square feet.”

⁶ The UDO defines “Established Front Yard” as “[a] Yard extending across the full width of the Lot between the Principal Building as built, and the Front Lot Line, the depth of which is the least distance between the Rear Lot Line and the Principal Building.”

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

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 UDO⁸ 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 is inclined to approve the variance, then the Department recommends the following conditions and findings:

Recommended Conditions:

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

Recommended Findings for Approval:

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

Finding: It is unlikely that approving the requested variance(s) would be injurious to the public health, safety, morals, and general welfare of the community. The use of the property will remain residential and the proposed improvements will be consistent in design with the existing structures.

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

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

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

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

Finding: Strict adherence to the zoning ordinance would result in the inability to improve the property, as proposed, and the Property will continue to be a Legal Nonconforming Lot of Record in accordance with the Unified Development Ordinance. The residential use of the property is otherwise permitted by the applicable ordinances and the proposed improvements would otherwise comply with the applicable ordinances.

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

VARIANCE APPLICATION

OFFICE USE ONLY

DOCKET #: 2003-VS-04

FILING DATE: _____

FILING FEE: \$ _____

FEE PLUS \$ _____

PER ADDITIONAL VARIANCE (@ _____) = \$ _____

JAN 31 2020

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: Zach Dorsey / Corey Harris (STAFF NAME)

DATE: 1/7/20

PRIOR OR RELATED DOCKET NUMBERS

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

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

APPLICANT INFORMATION

APPLICANT'S NAME: George Sanborn / GPG properties LLC

TELEPHONE: 317.937.9797

ADDRESS: 320 Parkway Circle Westfield IN 46074

EMAIL: gorg - @mylog.shop.com

PROPERTY OWNER'S NAME: same

TELEPHONE: _____

ADDRESS: _____

EMAIL: _____

REPRESENTATIVE'S NAME: _____

TELEPHONE: _____

COMPANY: _____

EMAIL: _____

ADDRESS: _____

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 302 Penn St. Westfield IN 46074

COUNTY PARCEL ID #(S): 09-06-31-03-03-025.000

EXISTING ZONING DISTRICT(S): _____ EXISTING LAND USE(S): Residential

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):

I would like to enlarge my front porch deck & roof (pic)
AND install a back door roof (pic)

Front porch would be 22' x 9' deep. see exh. A + B

Back door roof would be about 4' x 7' see exh C + D

FINDINGS OF FACT (VARIANCE OF DEVELOPMENT STANDARD)

APPLICANT: _____

DOCKET #: _____

In taking action on a variance request, the Board of Zoning Appeals uses the following decision criteria to approve or deny a variance, as established by Indiana Code, and the Board may impose reasonable conditions as part of its approval. The applicant must address the criteria below (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: _____

my porch expansion will be a well-needed asset

to the value + look of the neighborhood.

The back door roof is a standard on all homes. I am not sure why it wasn't installed when built.

✓ 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 front porch + back door roof will not be on adjacent property + will not affect them. It will improve the look of all of Penn St.

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

N/A

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)

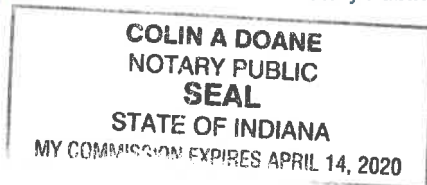
George F. Sanburn
Applicant/Representative (printed)

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 30 day of JANUARY, 2020
State of IN, County of HAMILTON, SS: _____


Notary Public (signature)

COLIN DOANE
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)*

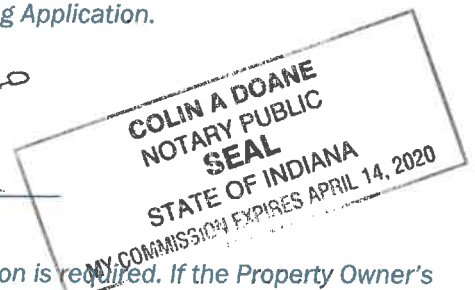
George F. Sanburn
Property Owner (printed)

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

Witness my hand and Notarial Seal this 30 day of JANUARY, 2020
State of IN, County of HAMILTON, SS: _____


Notary Public (signature)

COLIN DOANE
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.

April 6, 2020

Board of Zoning Appeals Public Notice

RE: 302 Penn Street

In response to the notice that was sent out regarding the above listed address and filed by George Sanburn, we are in favor of the variance request. We feel this will add value to his property and a benefit to the Penn Street location.

Tom and Dianne Paul
236 North Street

April 7, 2020

Westfield Community Development

Concerning - Tuesday April 14 2020
meeting on petition 2003-VS-04

We the interested persons
requests the board for a 30 to 60
day delay to this meeting.

The stay at home order issued
by state of Indiana because of
the Cononvira's 19 crissis leaves
us unable to attend this meeting
because of our health and age.

Linda S. Prewitt 312-314 Penn St. Westfield
~~Linda S. Prewitt~~

Jan. A. Smith 327 pennst westfield
~~Jan. A. Smith~~

JE ROMÉ, KILLEN 320 PENN ST. WESTFIELD
~~me KILLEN~~

WRITTEN PUBLIC COMMENTS

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

Enclosed Attachments:

April 14, 2020 Public Hearing

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

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

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

From: 345 East Park Street.

Jeffrey,

This is the opinion of the group.

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

I have received 13 responses.

Here are the opinions of the group:

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

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

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

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

2 wanted to support with no concerns.

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

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

This will be the opinions supplied to Community Development.

Teresa Otis Skelton, DWA, GJTG
317 508 3392

Sent from my iPhone

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

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

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

To whom it may concern,

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

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

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

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

BryanP
Sent from the B's iPhone

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

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

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

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

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

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

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

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

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

Sent from my iPhone