



CITY OF WESTFIELD, IN
BoardofZoningAppeals_Meeting_Agenda_04_12_2022

Tuesday, April 12, 2022 at 07:00 PM

BOARD OR COMMISSION: Board of Zoning Appeals (BZA)

MEETING DATE: Tuesday, April 12, 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

Note the presence of a quorum

Approval of Minutes

March 08, 2022

Documents: [March 8, 2022 BZA Minutes](#)

Review Rules & Procedures

ITEMS OF BUSINESS:

2202-VU-02 [PUBLIC HEARING]

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)

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Location Map No. 2](#) | [Exhibit 4: Proposed Site Plan](#) | [Exhibit 5: Application](#)

2203-VS-10 [PUBLIC HEARING]

1111 E. 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)

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

2204-VS-11 [PUBLIC HEARING]

15612 Count Viking Court

Philip Ennis

The Petitioner requests a Variance of Development Standard to encroach fifteen feet, nine inches (15'-9") into the twenty-five (25') foot Rear Yard Setback in the Viking Meadows PUD District to accommodate a swimming pool.

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

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

2204-VS-12 [PUBLIC HEARING]

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)

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

2204-VU-04 [PUBLIC HEARING]

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)

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

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

17502 Carey Road

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)

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Vicinity Site Plan with Aerial](#) | [Exhibit 4: Site Plan with Aerial](#) | [Exhibit 5: Project Narrative](#) | [Exhibit 6: Elevations & Renderings](#) | [Exhibit 7: Compiled Petitioner Packet](#)

2204-VU-06 [PUBLIC HEARING]

1031 E 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)

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

ITEMS CONTINUED TO A FUTURE MEETING:

None

REPORTS/COMMENTS:

Plan Commission Liaison

Community Development Department

ADJOURNMENT



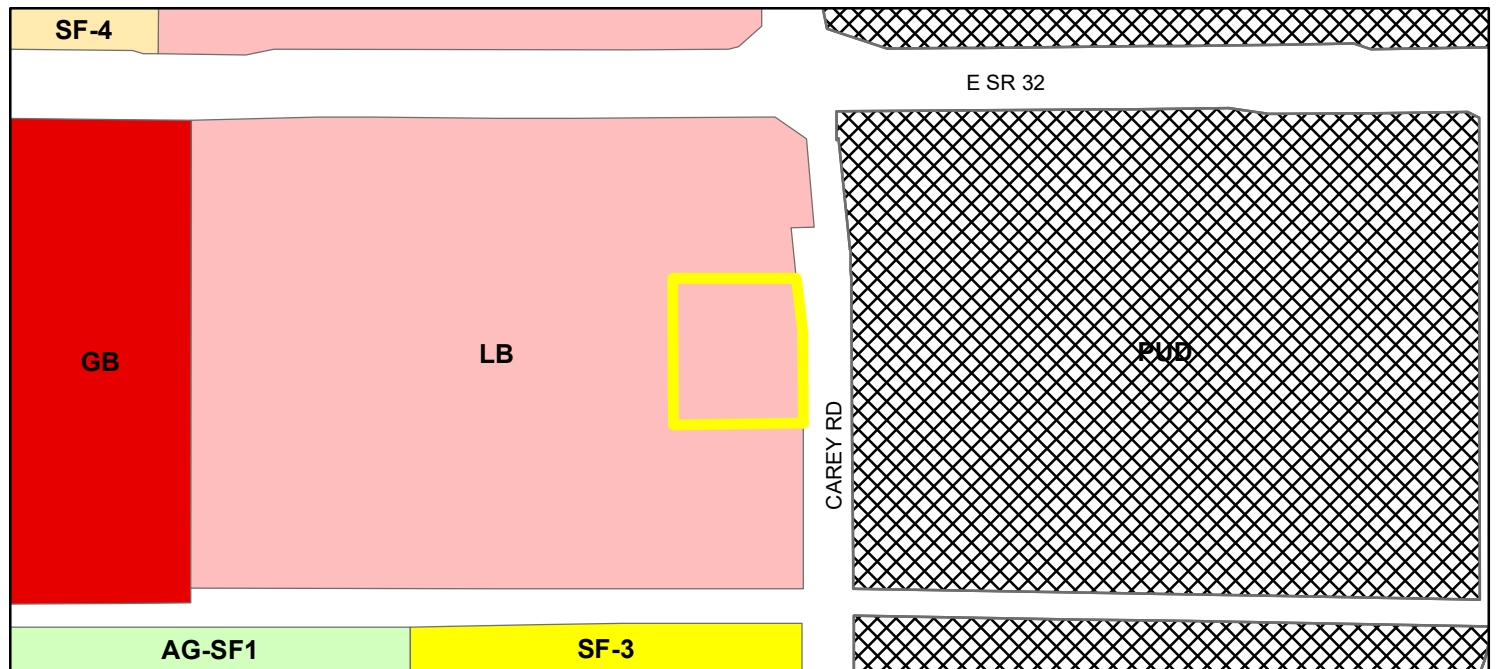
EXHIBIT 2 - Property Location Map
17502 Carey Road (Pet Suites)
2204-VU-07; 2204-VS-13



Aerial Location Map



Zoning Map



-  **SITE Zoning**
- | | |
|--|--|
|  AG-SF1 (Agriculture - Single Family - 1) |  SF-3 (Single Family - 3) |
|  GB (General Business) |  SF-4 (Single Family - 4) |
|  LB (Local Business) |  PUD (Planned Unit Development) |

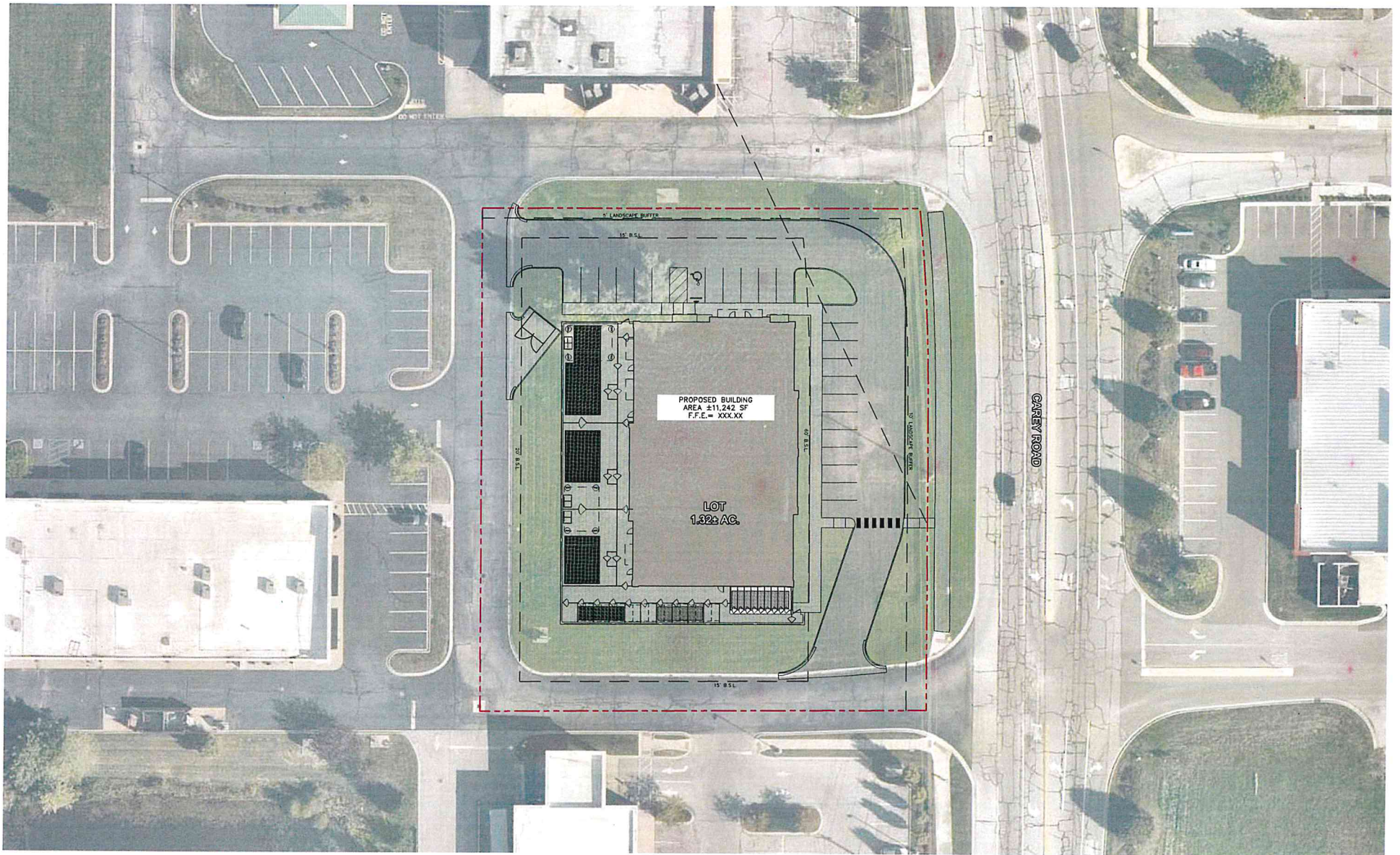
TM Crowley & Associates
Pet Suites Variance Explanation

The applicant, TM Crowley & Associates (“TMC”) is the applicant and is seeking use variance and development standards variance approval associated with the parcel of real estate that is approximately 1.3 acres and is located west of and adjacent to Carey Road and south of State Road 32, with a common address of 17502 Carey Road, Westfield, IN, 46074 (the “Real Estate”). The Real Estate is zoned LB – Local and Neighborhood Commercial District (“LB”).

TMC is working with Pet Suites in order to develop on the Real Estate an overnight animal boarding kennel. Associated with the variance requests, TMC has also file an application for Detailed Development Plan approval for the site plan and building architecture.

In regard to the variance requests, TMC is seeking the following:

1. Use Variance Application: UDO Section 4.14 (B) Permitted Uses: For the LB – Local and Neighborhood Zoning District, a Kennel is not a permitted use; the use variance requests permission to operate a Kennel on the Real Estate. In this regard, the requested use variance will be on Real Estate surrounded by other business uses and not adjacent to any residential district or use. The proposed building has an aesthetically pleasing and attractive design with a solid masonry wall surrounding outside use areas mitigating any noise and any visibility of the use from the exterior of the Real Estate.
2. Development Standards Application: UDO Section 6.3 F.5.b. Minimum Building Offsets: The UDO standard requires that offsets be a minimum depth of 4’, the variance requests the offsets be a minimum of 2’. In this regard and as noted above, the proposed building has an aesthetically pleasing and attractive design with a solid masonry wall surrounding outside use areas. Reasonable relief from the required standard is requested while still providing an aesthetically pleasing and attractive building façade (see attached elevations and building perspective).





PETSUITES
Westfield, Indiana

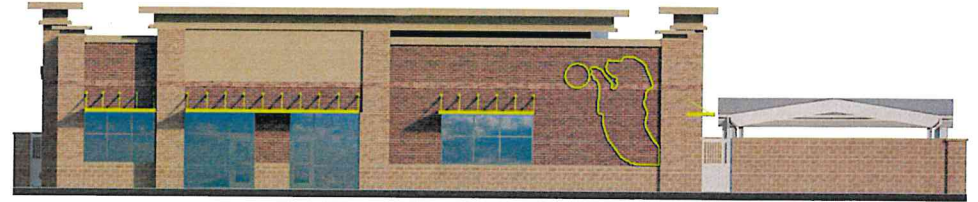


THE COLORS AND MATERIALS SHOWN IN THIS RENDERING ARE CLOSE APPROXIMATIONS AND NOT AN EXACT MATCH. RENDERING IS TO BE CONSIDERED FOR VISUAL DESIGN INTENT ONLY AND NOT FOR CONSTRUCTION.





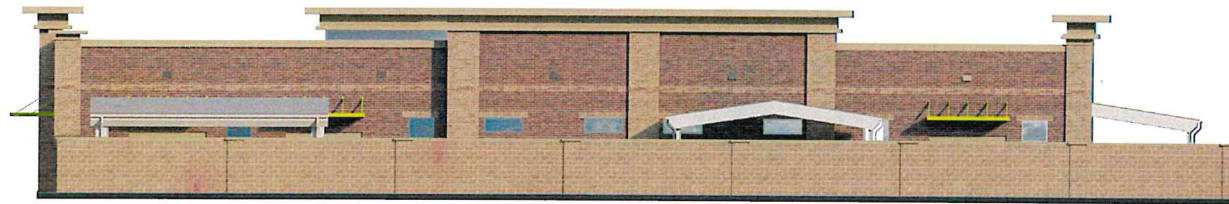
South Elevation



North Elevation



East Elevation



West Elevation



PETSUITES

Westfield, Indiana



THE COLORS AND MATERIALS SHOWN IN THIS RENDERING ARE CLOSE APPROXIMATIONS AND NOT AN EXACT MATCH. RENDERING IS TO BE CONSIDERED FOR VISUAL DESIGN INTENT ONLY AND NOT FOR CONSTRUCTION.



South Elevation



West Elevation



PETSUITES

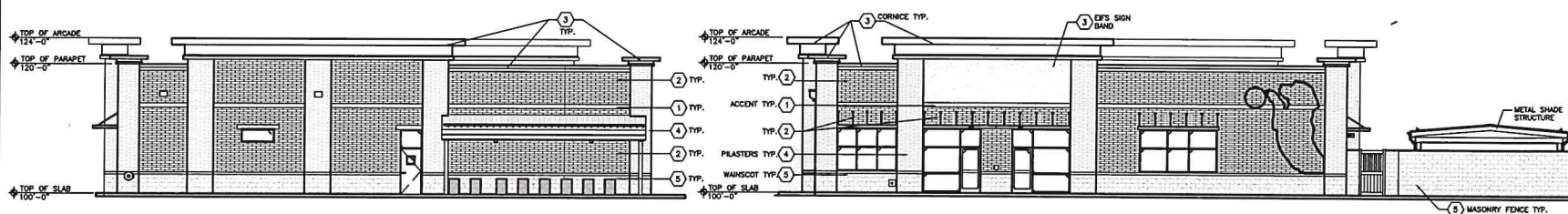
Westfield, Indiana



THE COLORS AND MATERIALS SHOWN IN THIS RENDERING ARE CLOSE APPROXIMATIONS AND NOT AN EXACT MATCH. RENDERING IS TO BE CONSIDERED FOR VISUAL DESIGN INTENT ONLY AND NOT FOR CONSTRUCTION.

GENERAL NOTES

1. ELEVATIONS ARE BASED ON 100'-0" = ELEVATION OF MAIN FLOOR SLAB. REFER TO CIVIL SITE DRAWINGS FOR ELEVATION RELATIVE TO THE SITE.
2. SEE SCHEDULE ON A6.1 FOR EQUIPMENT TAG REFERENCES.
3. ALL BUILDING SIGNAGE WILL REQUIRE A SEPARATE PERMIT SUBMITTED BY OTHERS.
4. ROOF TOP EQUIPMENT SHALL BE SCREENED FROM THE PUBLIC VIEW.



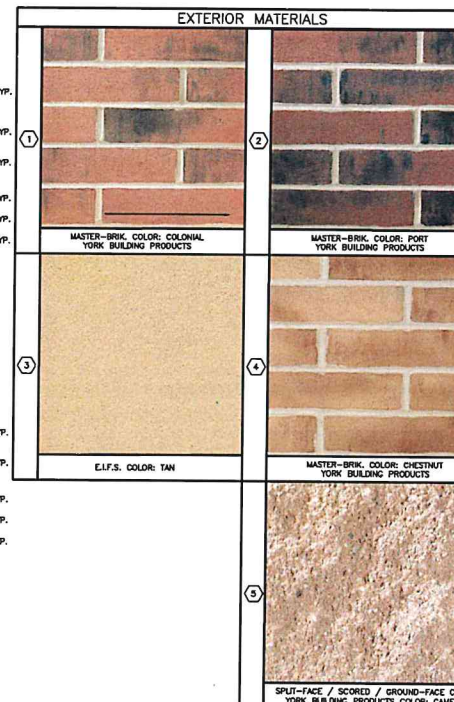
1 SOUTH ELEVATION
A6.0 / SCALE 1/8"=1'-0"

2 NORTH ELEVATION
A6.0 / SCALE 1/8"=1'-0"

3 EAST ELEVATION
A6.0 / SCALE 1/8"=1'-0"

4 WEST ELEVATION
A6.0 / SCALE 1/8"=1'-0"

EXTERIOR MATERIALS



REV	DATE	DESCRIPTION
1	03/14/22	PLANNING DEPARTMENT SUBMITTAL

PETSUITES OF AMERICA
SR 32 & CAREY ROAD
WESTFIELD, IN

EXTERIOR ELEVATIONS

ISSUED FOR:	
PERMIT	-
BID	-
CONSTRUCTION	-
RECORD	-

SITE ID NO.
XXXX

PROJECT MANAGER DESIGNER
KMM PS

JOB NO.
2022155.02

A6.0

Drawing Name: C:\2022\2022155\PetSuites\A6.1_Schematic Floor Plans\A6.1 ASB EXTERIOR ELEVATIONS.dwg
Date: 02/22/2022



GROUP: 000000
ARCHITECT: 000000



REV	DATE	DESCRIPTION
1	02/14/22	PLANNING DEPARTMENT SUBMITTAL

PETSUITES OF AMERICA
SR 32 & CAREY ROAD
WESTFIELD, IN

EXTERIOR ELEVATIONS

ISSUED FOR:	
PERMIT	
BID	
CONSTRUCTION	
RECORD	

SITE ID NO.	XXXX
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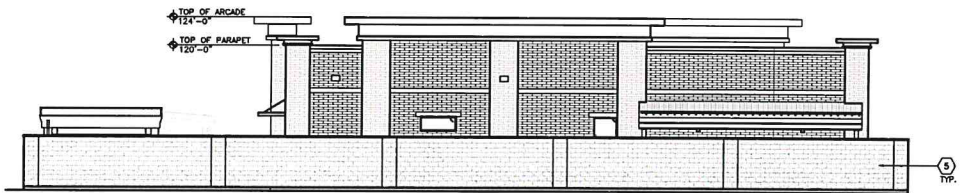
PROJECT MANAGER	DESIGNER
JMW	PS

JOB NO.	2022155.02
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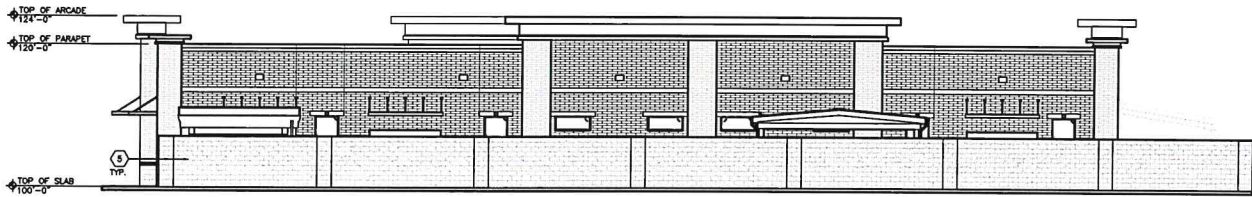
A6.1

GENERAL NOTES

1. ELEVATIONS ARE BASED ON 100'-0" = ELEVATION OF MAIN FLOOR SLAB. REFER TO CML SITE DRAWINGS FOR ELEVATION RELATIVE TO THE SITE.
2. SEE SCHEDULE ON A6.1 FOR EQUIPMENT TAG REFERENCES.
3. ALL BUILDING SIGNAGE WILL REQUIRE A SEPARATE PERMIT SUBMITTED BY OTHERS.
4. ROOF TOP EQUIPMENT SHALL BE SCREENED FROM THE PUBLIC VIEW.

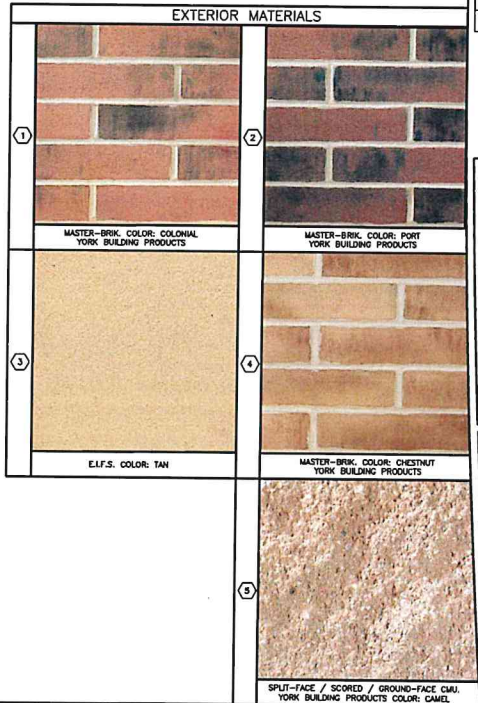


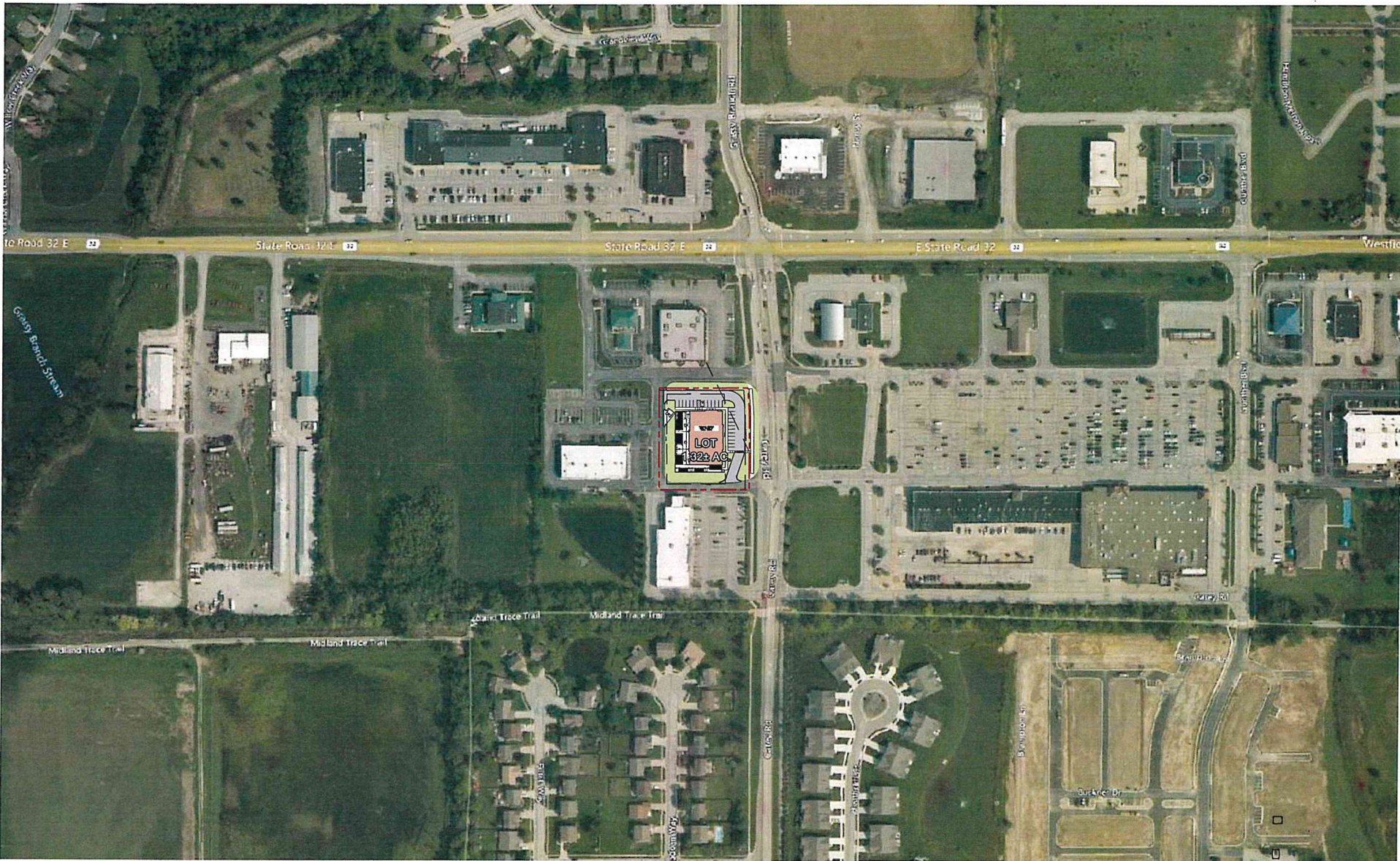
1 SOUTH ELEVATION WITH FENCE
A6.1 SCALE: 1/8"=1'-0"



2 WEST ELEVATION WITH FENCE
A6.1 SCALE: 1/8"=1'-0"

EXTERIOR MATERIALS







WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

April 12, 2022

2204-VS-12

Exhibit 1

Petition Number: 2204-VS-12

Subject Site Address: 18103 Eagletown Road ("the Property")

Petitioner: Jonathan Brown ("the Petitioner")

Request: The Petitioner requests a Variance of Development Standard to reduce the Front Yard Setback from 83 feet to 77 feet on 1 acre +/- in the AG-SF1: Agriculture/Single-Family Rural District (Article 4.2(E)).

Current Zoning: AG-SF1 District

Current Land Use: Residential

Approximate Acreage: 1 acre +/-

Exhibits:

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

Staff Reviewer: Rachel Riemenschneider, Associate Planner

OVERVIEW

Location: The subject property is 1 acre +/- in size and is located at 18103 Eagletown Road, north of SR 32 and east of Eagletown Road (see **Exhibit 2**). The Property is zoned the AG-SF1 District. All the adjacent properties are also zoned the AG-SF1 District.

Property History: The home on the Property was approximately constructed in the 1960s and the creation of the lot predates the adoption of the Westfield Washington Township Zoning Ordinance of 1977. The lot is legal nonconforming.

Requested Variances: The Petitioner is requesting a Variance of Development Standard to reduce the Front Yard Setback from 83 feet to 77 feet in the AG-SF1 District. The required Front Yard Setback in AG-SF1 is 80 feet off of a collector street.

SUMMARY OF VARIANCE

The Petitioner proposes to construct a front porch on the Property. As shown in **Exhibit 3**, the proposed porch is located within the Front Yard Setback. The Petitioner is proposing to encroach three (3) feet into the eighty (80) foot Front Yard Setback.



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 12, 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 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.

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.



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 (2204-VS-12), with the recommended conditions and findings as set forth below:

Recommended Conditions of Approval:

1. That the porch will be constructed in substantial compliance with the Site Plan (**Exhibit 3**);
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 use is residential and otherwise will not increase any Legal Nonconformities per the AG-SF1 Zoning District.

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

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

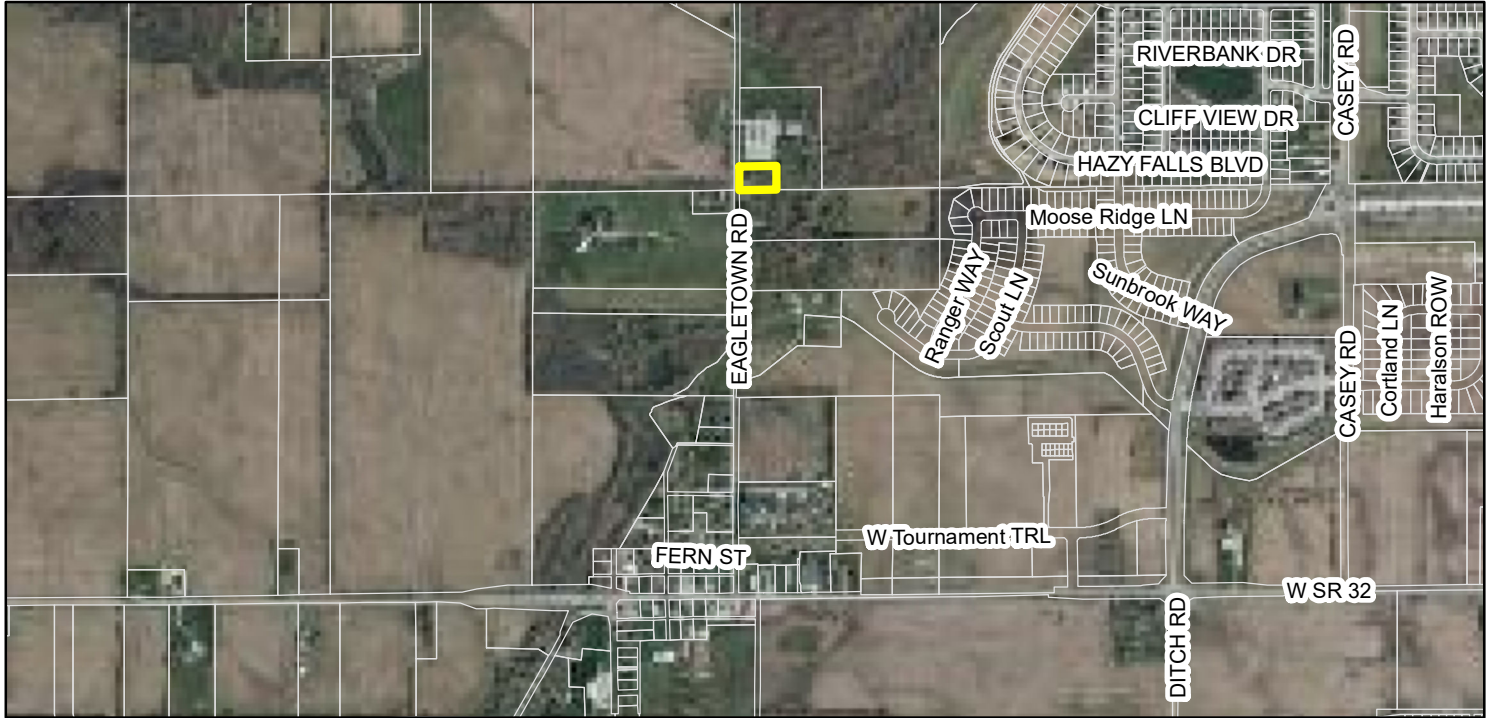
- 3) *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:*

Finding: Strict adherence to the zoning ordinance would result in the inability to construct the front porch.

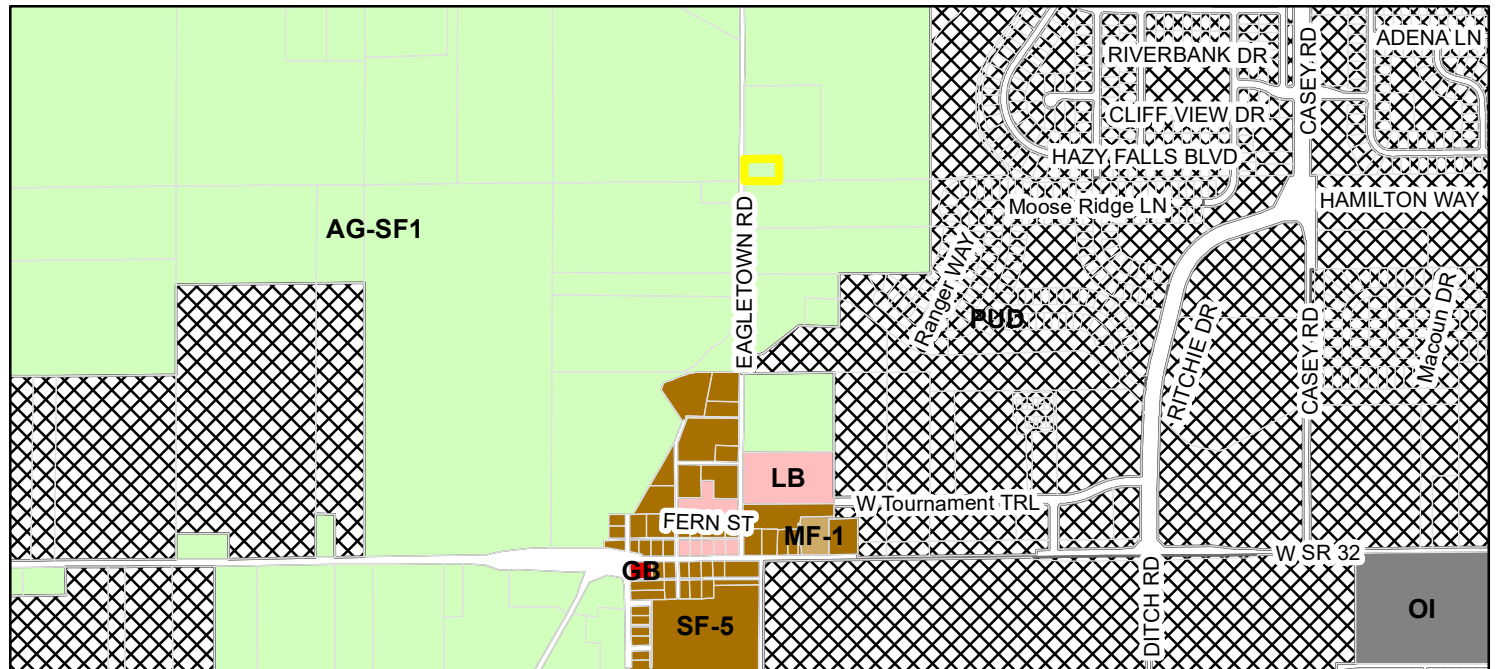
Denial: If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.

Aerial Location Map

 Site



Zoning Map



- | | | |
|---|--|--|
|  Site | Zoning |  MF-1 (Multiple Family - 1) |
|  Parcel |  AG-SF1 (Agriculture - Single Family - 1) |  OI (Open Industrial) |
| |  GB (General Business) |  PUD (Planned Unit Development) |
| |  LB (Local Business) |  SF-5 (Single Family - 5) |

date

project

page

APPROX 83'

TO ROAD
EDGE

33

HOUSE

55

24'

6'

PROPOSED
PORCH

EXISTING
GARAGE

JOB SITE:

MIKE LINVIE

18103 BAGLETOWN RD

WESTFIELD, IN

task list:

JONATHAN BROWN
SOONER CONSTRUCTION
317-714-3027



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: Rachel Riemenschneider

(STAFF NAME)

DATE: 3/17/2022

PRIOR OR RELATED DOCKET NUMBERS

CHANGE OF ZONING:

AMENDMENTS:

DEVELOPMENT PLAN:

PRIMARY PLAT:

SECONDARY PLAT:

VARIANCE(S):

APPLICANT INFORMATION

APPLICANT'S NAME: Jonathan Brown

ADDRESS: 2948 N 1000 E Whitestown, IN

TELEPHONE: 317-714-3027

EMAIL: jbrown@soonerconstruction.net

PROPERTY OWNER'S NAME: Mike Linville

ADDRESS: 18103 Eagletown Road Westfield, IN

TELEPHONE: 317-697-5116

EMAIL: mjlinco@aol.com

REPRESENTATIVE'S NAME:

COMPANY:

ADDRESS:

TELEPHONE:

EMAIL:

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 18103 Eagletown Road Westfield, IN

COUNTY PARCEL ID #(S):

EXISTING ZONING DISTRICT(S):

EXISTING LAND USE(S):

PROPERTY AND PROJECT INFORMATION

☐ VARIANCE OF LAND USE

CODE CITATION:

☒ VARIANCE OF DEVELOPMENT STANDARD(S)

CODE CITATION: 4.2(E)

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

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

The house is approximately 83' from the house to the road. We would like to build a covered porch on the front of the house that will extend 6' out from the house.



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

FINDINGS OF FACT (VARIANCE OF DEVELOPMENT STANDARD)

APPLICANT: Jonathan Brown

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: _____
It does not impose any of these issues on the surrounding properties.

- 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 will add to the appearance and value of the house, which will help in the resale of adjoining properties.

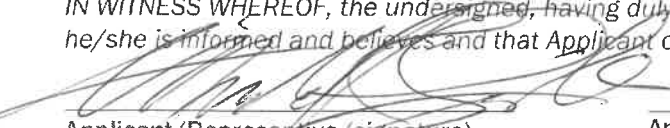
- C. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property because: _____
This house needs a structure for safe access to the front door.



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

APPLICANT AFFIDAVIT

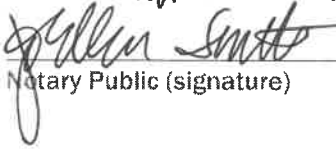
IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says that above information is true and correct as he/she is informed and believes and that Applicant owns or controls the property involved in this application.


Applicant/Representative (signature)

MICHAEL J. LIVILLE, SR.
Applicant/Representative (printed)

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

Witness my hand and Notarial Seal this 29 day of March, 2022
State of Indiana, County of Hamilton, SS: NE 0722135


Notary Public (signature)

JOELLEN SMITH
Notary Public (printed)

JOELLEN SMITH
NOTARY PUBLIC - SEAL
STATE OF INDIANA
COMMISSION NUMBER NP0721377
MY COMMISSION EXPIRES JULY 17, 2027

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.



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

April 12, 2022

2202-VU-02

Exhibit 1

Petition Number: 2202-VU-02

Subject Site Address: 2907 W. State Road 32 (The "Property")

Petitioner: Alan M. Hodgeson (The "Petitioner")

Request: The Petitioner is requesting 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 (Article 13.2).

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

Current Land Use: Vacant

Approximate Acreage: 1.50 acres +/-

Exhibits:

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

Staff Reviewer: Caleb Ernest, Senior Planner

OVERVIEW

Location: The subject Property is 1.50 acres +/- and is located at 2907 W. State Road 32 (see **Exhibit 2**). The use of the Property is currently vacant, however previous uses were a residential home, lumber storage, sat vacant for a number of years and lastly a fresh market selling produce before currently becoming vacant again.

The surrounding property to the west is also zoned the AG-SF1 District. The properties to the north, east and south are zoned the Towne Road Crossing PUD. To the north is also State Road 32. Within the Towne Road Crossing PUD, the properties to the east and south of the Property are contemplated as a Neighborhood Commercial District where the underlying zoning district is LB: Local Business District. Within the Towne Road Crossing PUD, the property to the north of the Property is contemplated as the Airport Hospitality District where the underling zoning district is GB: General Business District.

Variance Request: The Petitioner is requesting to permit a temporary Very High Intensity Retail Use on the Property for used vehicle sales.



SUMMARY OF VARIANCES

The Petitioner is requesting to permit a Very High Intensity Retail Use because the City determines vehicle and motorcycle sales (new or used) falls within this land use classification. This land use is currently not permitted in the AG-SF1 District which is why the Petitioner is requesting this variance.

The Petitioner is requesting a time limit of five (5) years be placed on the variance. The Petitioner also requests to be allowed to sell up to forty (40) used vehicles on the Property. Additionally, the Petitioner will not be making any changes to the current Lot size nor the two (2) existing garages on the Property.

COMPREHENSIVE PLAN

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

The Employment Corridor classification identifies office and service uses, research and development and retail and institutional uses that are subordinate to and supportive of the office and service uses as appropriate land uses.

The Employment Corridor development policies encourages:

- Employment-generating uses and related supporting service uses;
- Promoting smaller scale local office and service uses along SR 32; and,
- Local office and service uses shall generally take place along the north side of SR 32, with business uses on the south side of SR 32 (allowed only where it is demonstrated that they will not negatively impact residential neighborhoods or uses).

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of the extension of the Existing Variance. This petition is scheduled to receive its public hearing at the April 12, 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.

⁸ Article 10.14(l) Processes and Permits; Variances; Conditions of the UDO.

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) 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 (**2202-VU-02**), then the Department recommends approval with the following conditions:

- **The Very High Intensity Retail Use shall only allow vehicle and motorcycle sales (new or used) as a permitted use;**
- **That the approval of the Variance of Use shall expire on December 31, 2026. Any request to extend the time limit of this variance shall be reviewed and approved by the Board of Zoning Appeals prior to December 1, 2026;**
- **That up to forty (40) vehicles specifically related to the Variance shall be permitted on the Property at any given time;**
- **For the purposes of the UDO, outside storage standards do not apply to the proposed use of this Variance;**
- **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.**

⁹ Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.

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 will be an improvement to the existing vacant Property. Additionally, the Property will generate visitors and have employees on site during business hours rather than a vacant site.

- 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 permit a use on the Property rather than it sit vacant utilizing no land use.

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

Finding: Not permitting the variance will result in the inability to improve the vacant Property for a business use as the Property is currently zoned Agriculture and Rural Single-Family within an Employment Corridor 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 terms of the zoning ordinance will result in practical difficulties in the inability to development the Property as the Comprehensive Plan envisions.

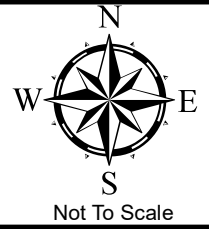
- 5) *The approval does not interfere substantially with the comprehensive plan:*

Finding: This use does not substantially interfere with the Comprehensive Plan, because the contemplated uses in the Comprehensive Plan suggest business uses. The proposed land use of this Variance is used vehicle sales which is a business use and will generate employees.

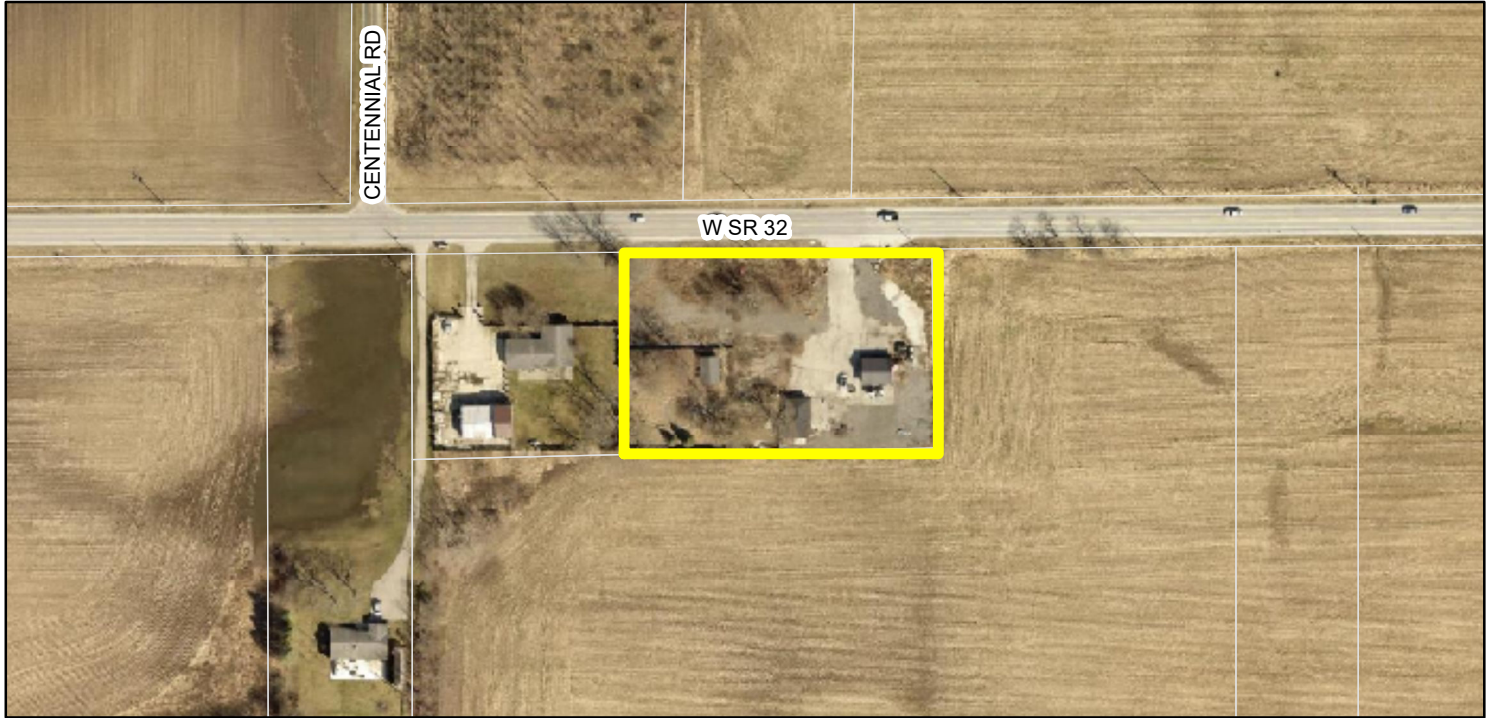
Denial: If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.



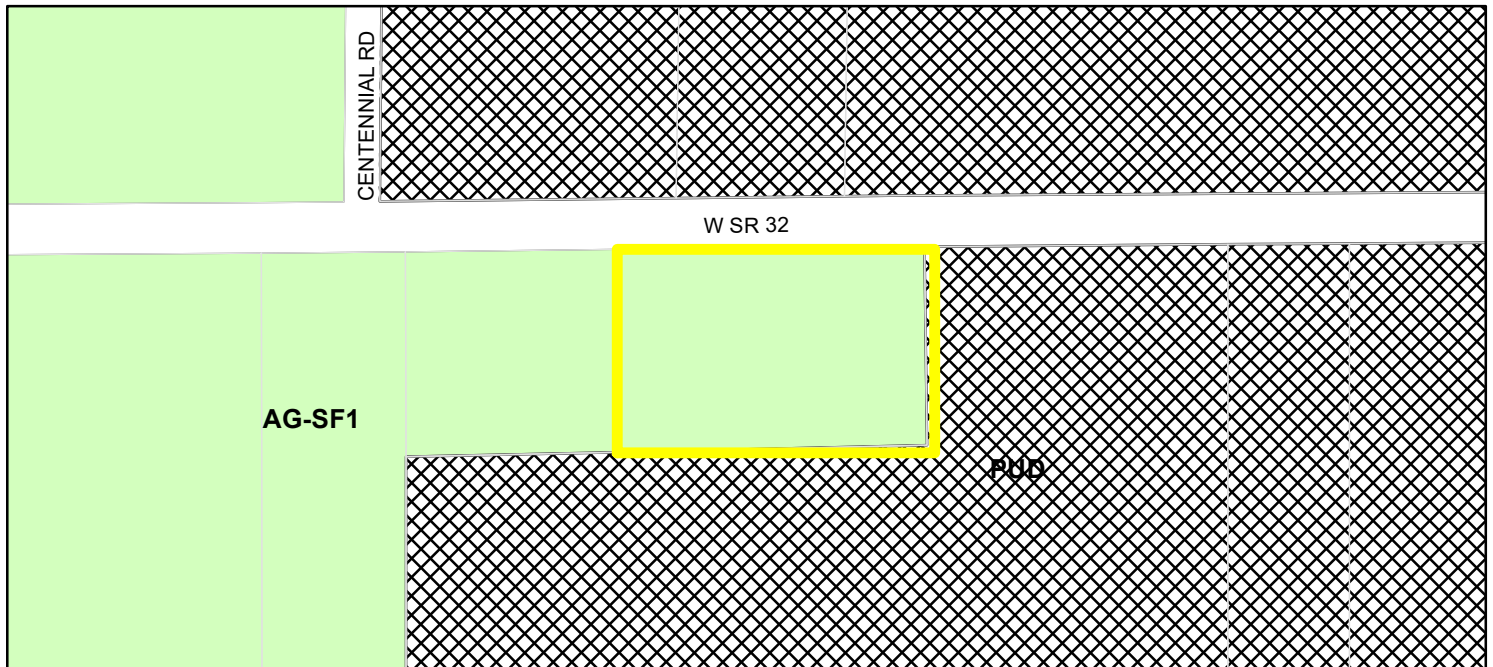
Property Location Map
2907 W State Road 32
Variance of Use
2202-VU-02



Aerial Location Map



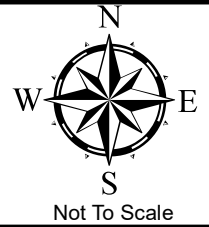
Zoning Map



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



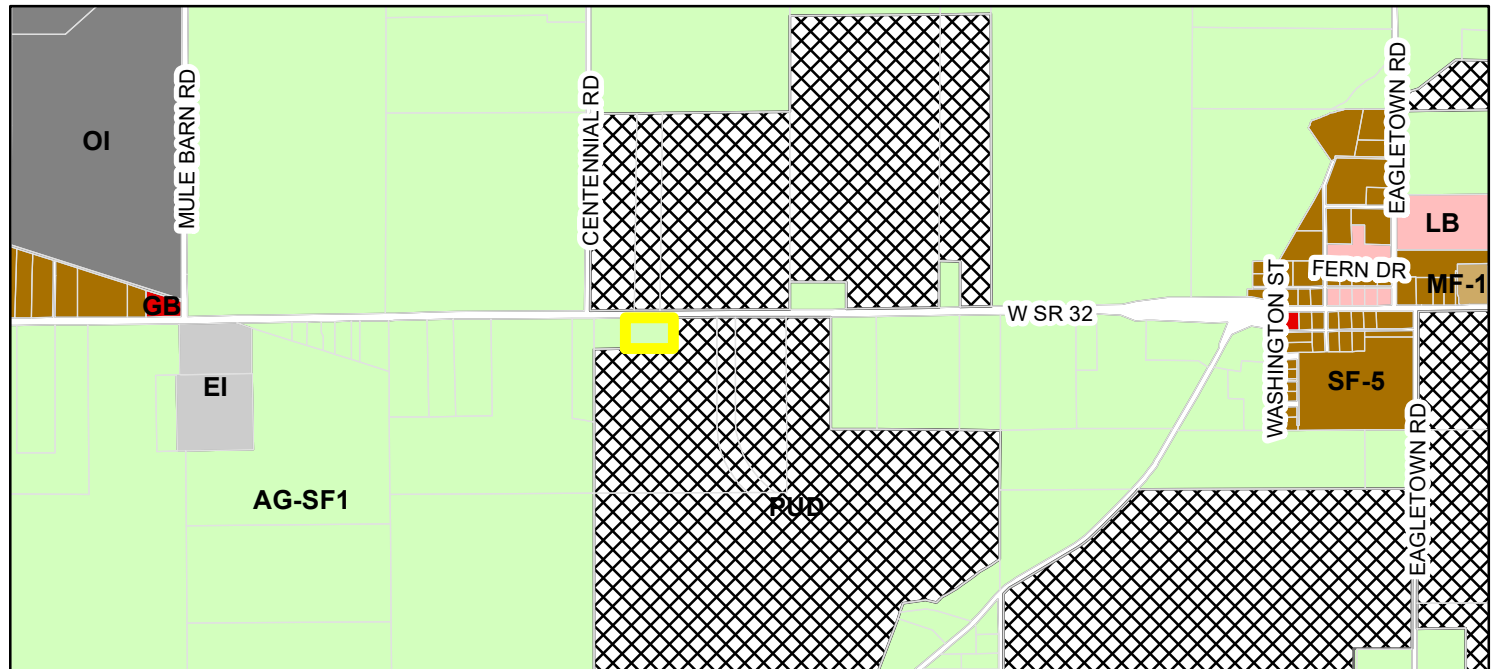
Property Location Map
2907 W State Road 32
Variance of Use
2202-VU-02



Aerial Location Map



Zoning Map



- | | |
|--|--------------------------------|
| Parcel | LB (Local Business) |
| Zoning - All | MF-1 (Multiple Family - 1) |
| Zoning | OI (Open Industrial) |
| AG-SF1 (Agriculture - Single Family - 1) | PUD (Planned Unit Development) |
| EI (Enclosed Industrial) | SF-5 (Single Family - 5) |
| GB (General Business) | |

US 32

US 32

Driveway

Grass

Grass

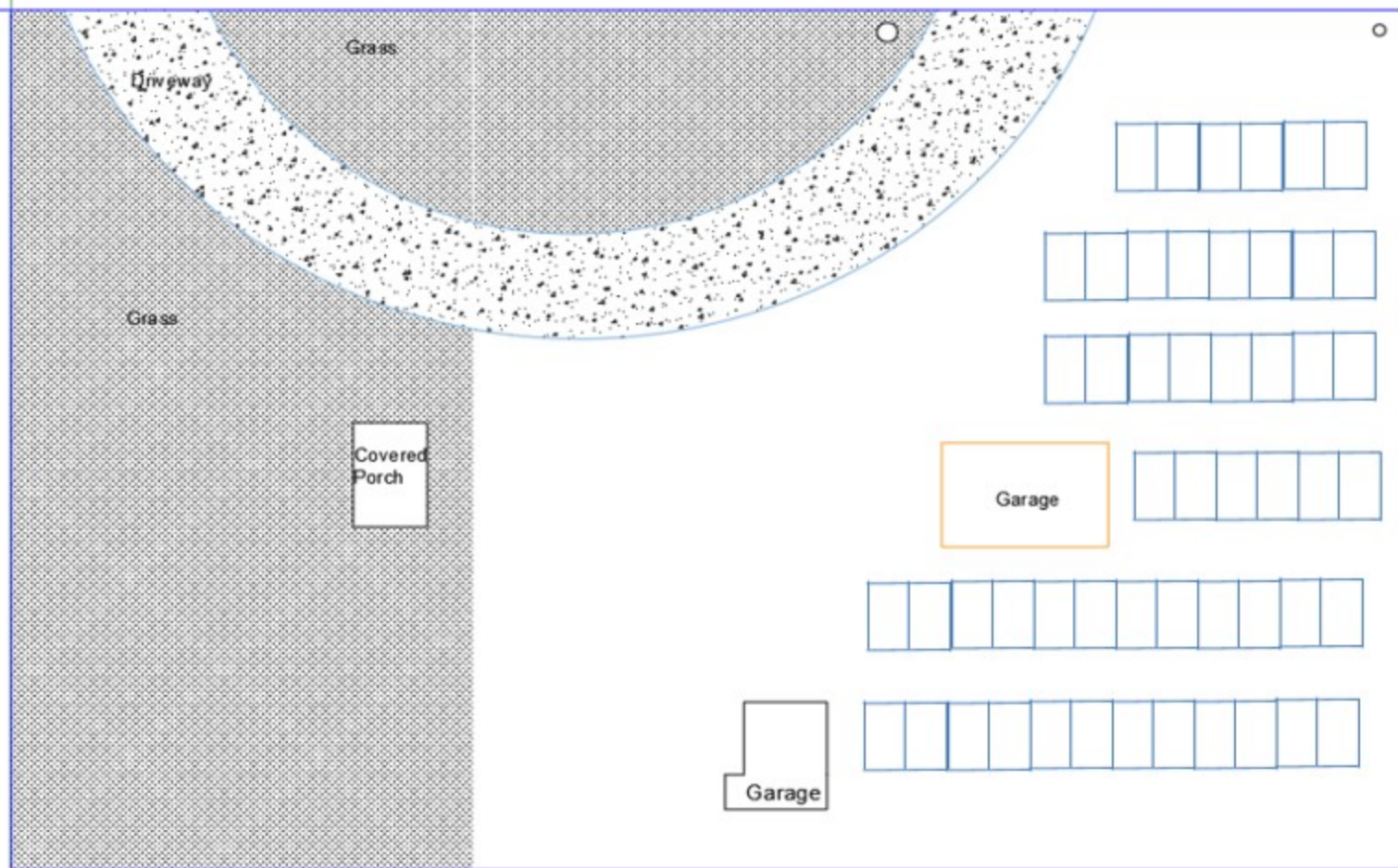
Covered
Porch

Garage

Garage

198.0 FT

301 FT



VARIANCE APPLICATION

OFFICE USE ONLY

DOCKET #: _____ FILING DATE: _____

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

PRE-FILING CONFERENCE

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

PRIOR OR RELATED DOCKET NUMBERS

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

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

APPLICANT INFORMATION

APPLICANT'S NAME: Alan M Hodgeson

ADDRESS: 11860 Salerno Ct Carmel IN 46032

TELEPHONE: 317 698 9803

EMAIL: alanhodgeson@gmail.com

PROPERTY OWNER'S NAME: Alan Hodgeson

ADDRESS: 2907 W SR 32 Westfield IN 46074

TELEPHONE: 317 698 9803

EMAIL: alanhodgeson@gmail.com

REPRESENTATIVE'S NAME: _____

COMPANY: _____

ADDRESS: _____

TELEPHONE: _____

EMAIL: _____

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 7 W SR 32 Westfield IN 46074

COUNTY PARCEL ID #(S): 290905000011001014

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

PROPERTY AND PROJECT INFORMATION

☐ VARIANCE OF LAND USE

CODE CITATION: _____

☐ VARIANCE OF DEVELOPMENT STANDARD(S)

CODE CITATION: _____

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

STATEMENT OF INTENT (EXPLANATION OF REQUEST - ATTACH SEPARATE SHEET IF NECESSARY): change land use to USED CAR LOT

Obtaining city approval for a renewable 5 year variance to be allowed to station and sell up to 40 used vehicles.

No changes will be made to the cureent lot size nor the two garages on site.

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)

Alan Hodgeson
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 13 day of January, 2022

State of IN, County of Hamilton, SS: _____

[Signature]
Notary Public (signature)

Deanna Herring
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)*

Alan Hodgeson
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 13th day of January, 2022

State of IN, County of Hamilton, SS: _____

[Signature]
Notary Public (signature)

Deanna Herring
Notary Public (printed)

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



FINDINGS OF FACT (VARIANCE OF USE)

APPLICANT: _____ **DOCKET #:** _____

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

A. The use will not be injurious to the public health, safety, morals, and general welfare of the community because: _____
it is an improvement to the land where the land would be safer and improved by adding not lights and have people/employees on site during business hours

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: it would increase the value of the properties around it

C. The need for the variance arises from some condition particular to the property involved because: _____
the property is in the rural area of westfield, it is located about 1.5 mile west of eagle town

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: City infrastructure has not reached this property, city water and city sewer is few years out.
this is why this variance is being sought

E. The variance of use does not interfere substantially with the Comprehensive Plan because: No, the property is in rural area
of the city of westfield, the property is about 1,5 mile west of eagle creek

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:

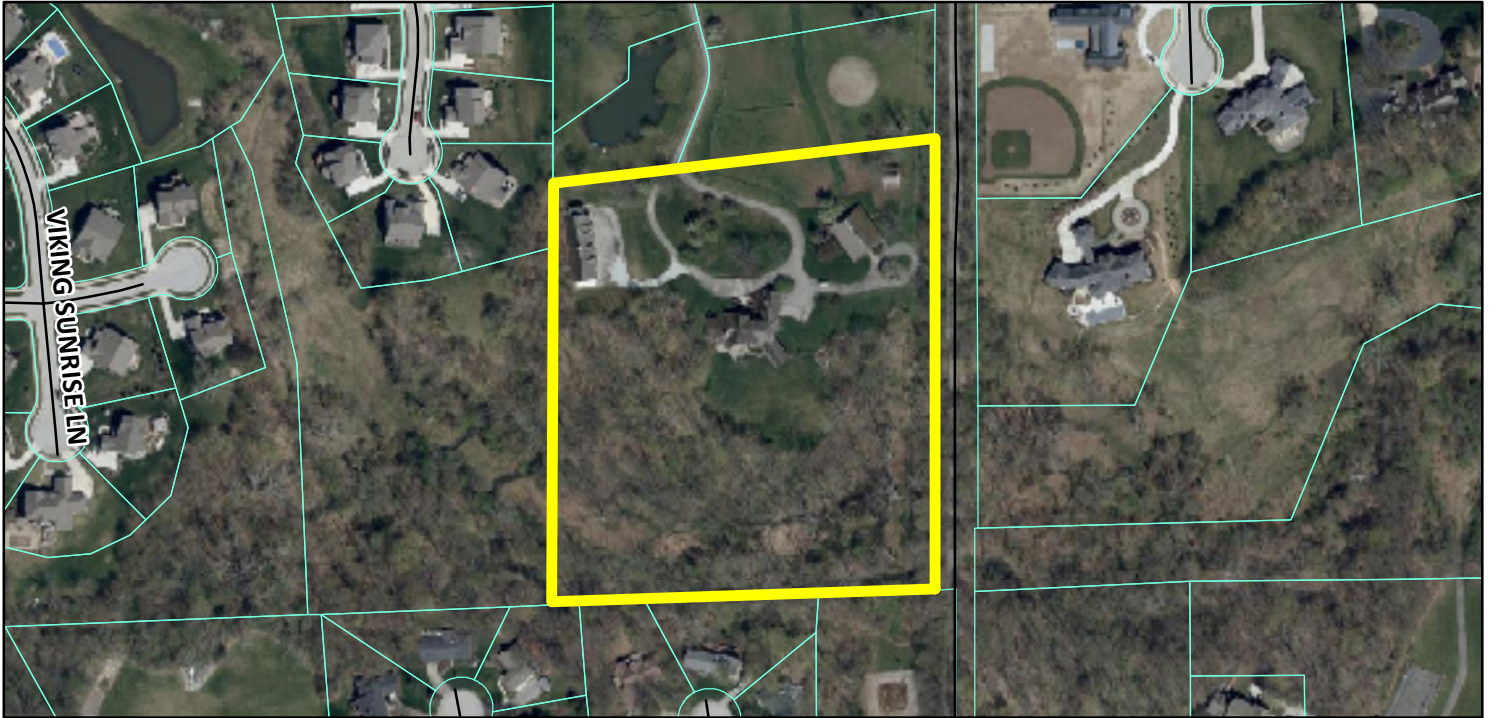
A. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because: _____
it is an improvement to the land where the land be safer and improved by adding not lights and have people/employees on site during business hours

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: it would increase the value of the properties around it

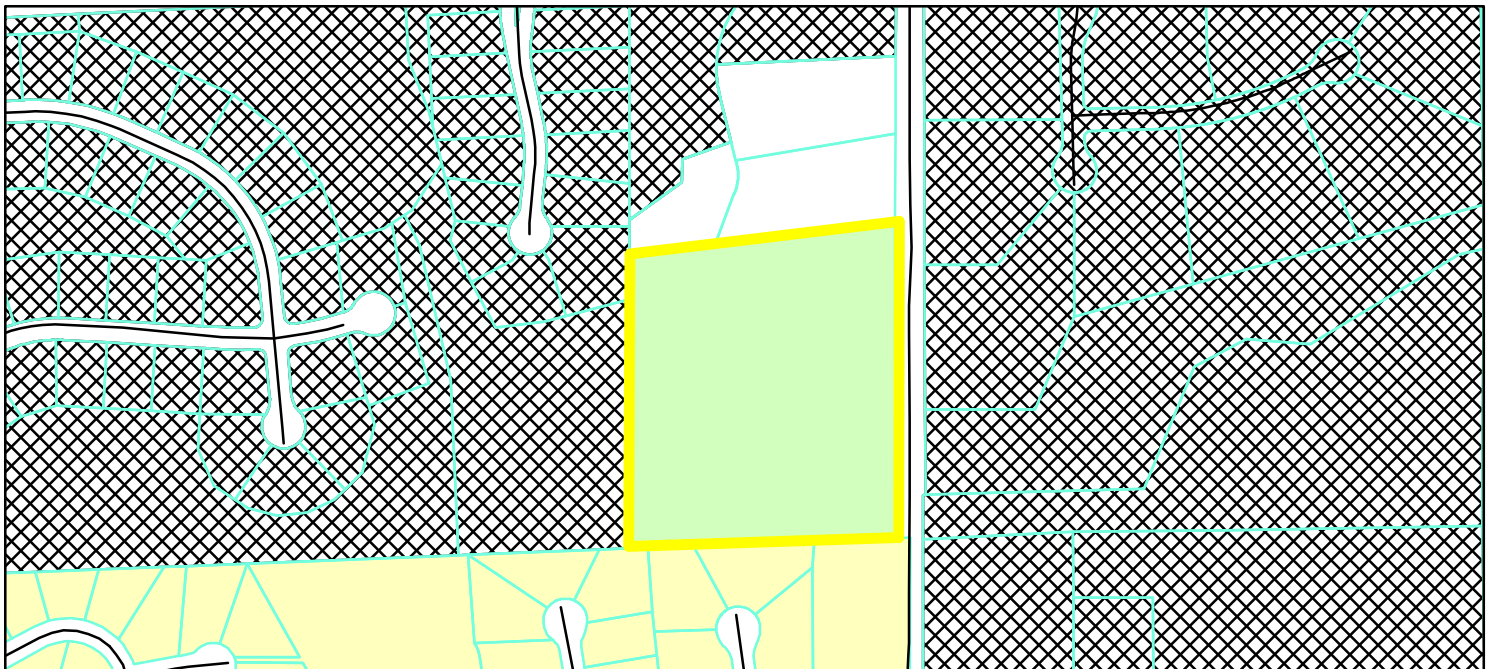
C. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property because: _____
this variance is for 5 years and renewable at the city approval while the development is expanding toward this address.

Aerial Location Map

 Site



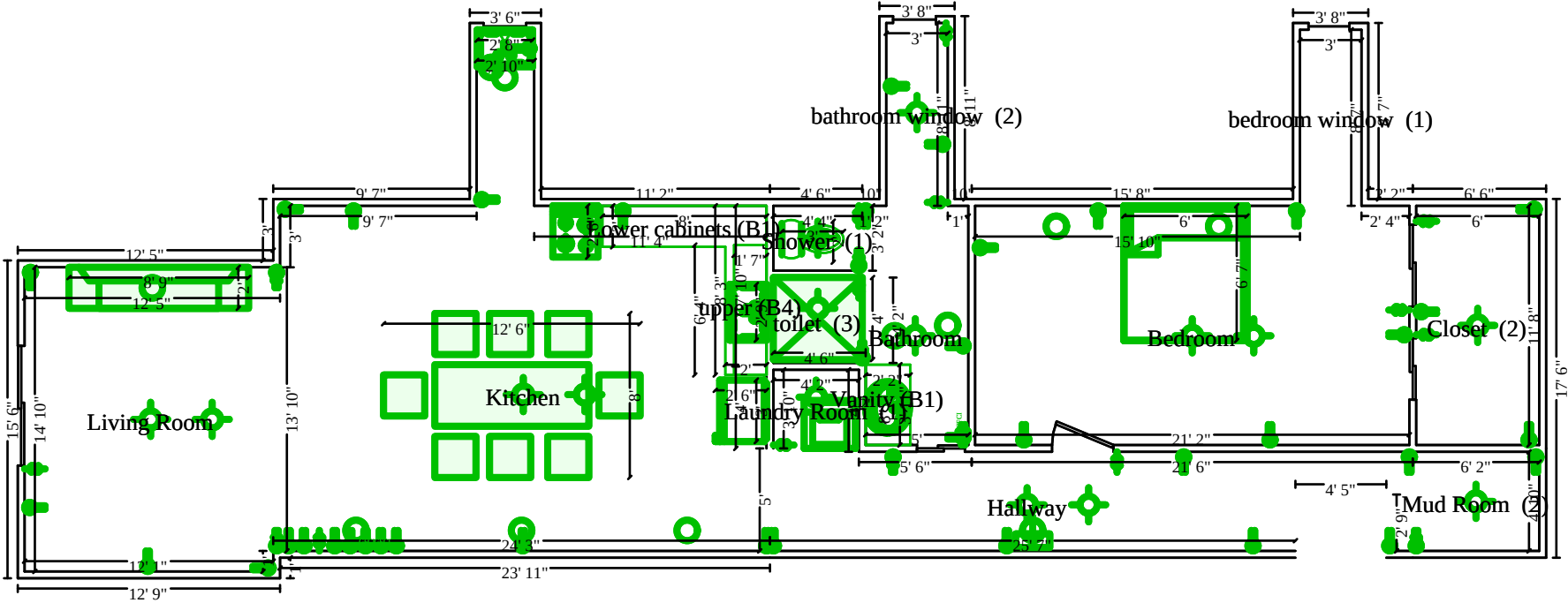
Zoning Map



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

0 0.04 0.08
Miles

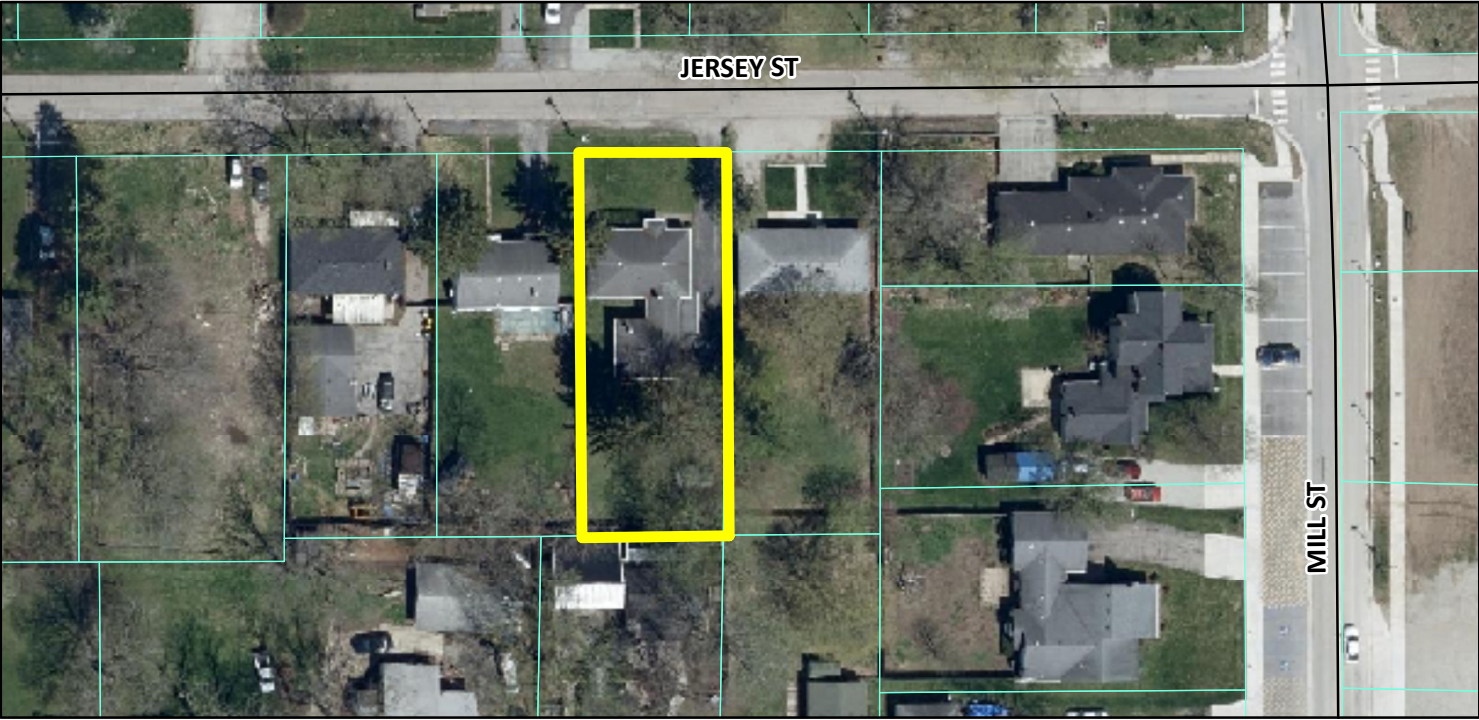




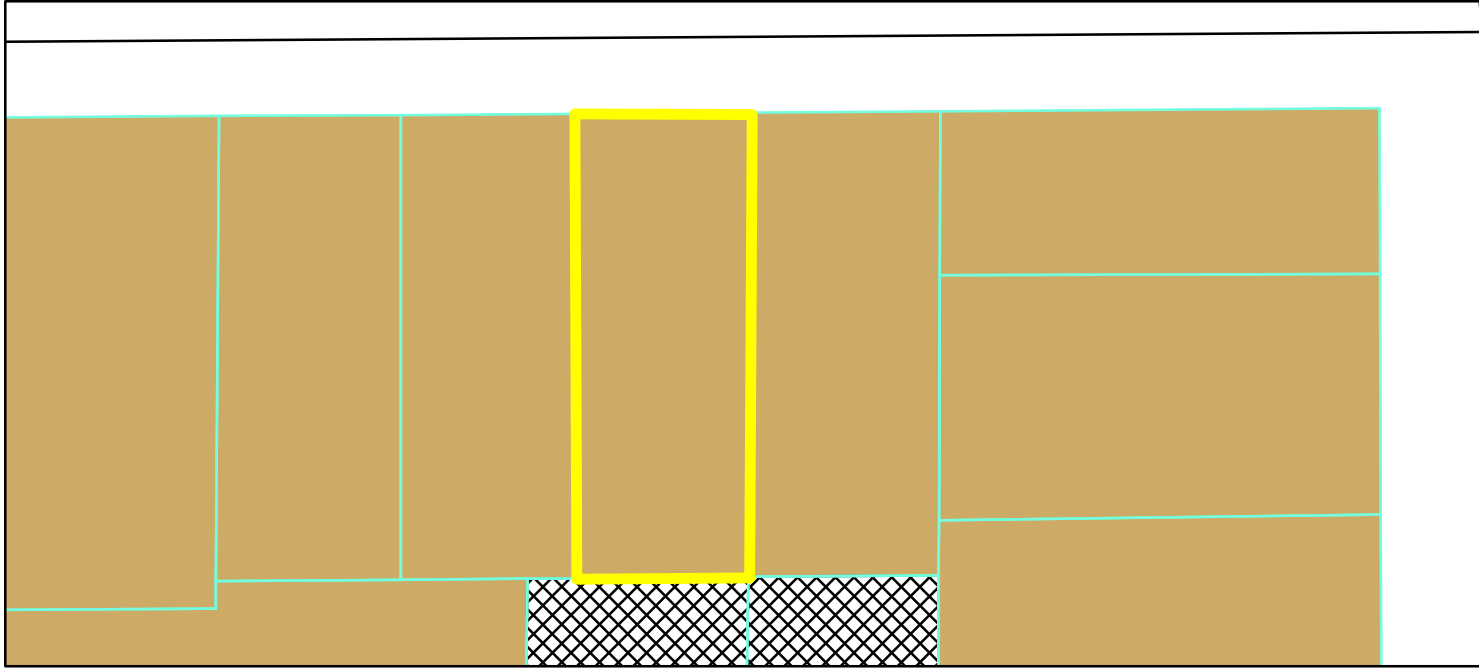
Main Level

Aerial Location Map

 Site



Zoning Map



GIS.DBO.PW_Streets Zoning
Parcel
Parcel
Zoning - All
MF-1 (Multiple Family - 1)
PUD (Planned Unit Development)

0 0.005 0.01
Miles



Jersey St

Jersey St

Jersey St

Jersey St

Jersey St

Jersey St

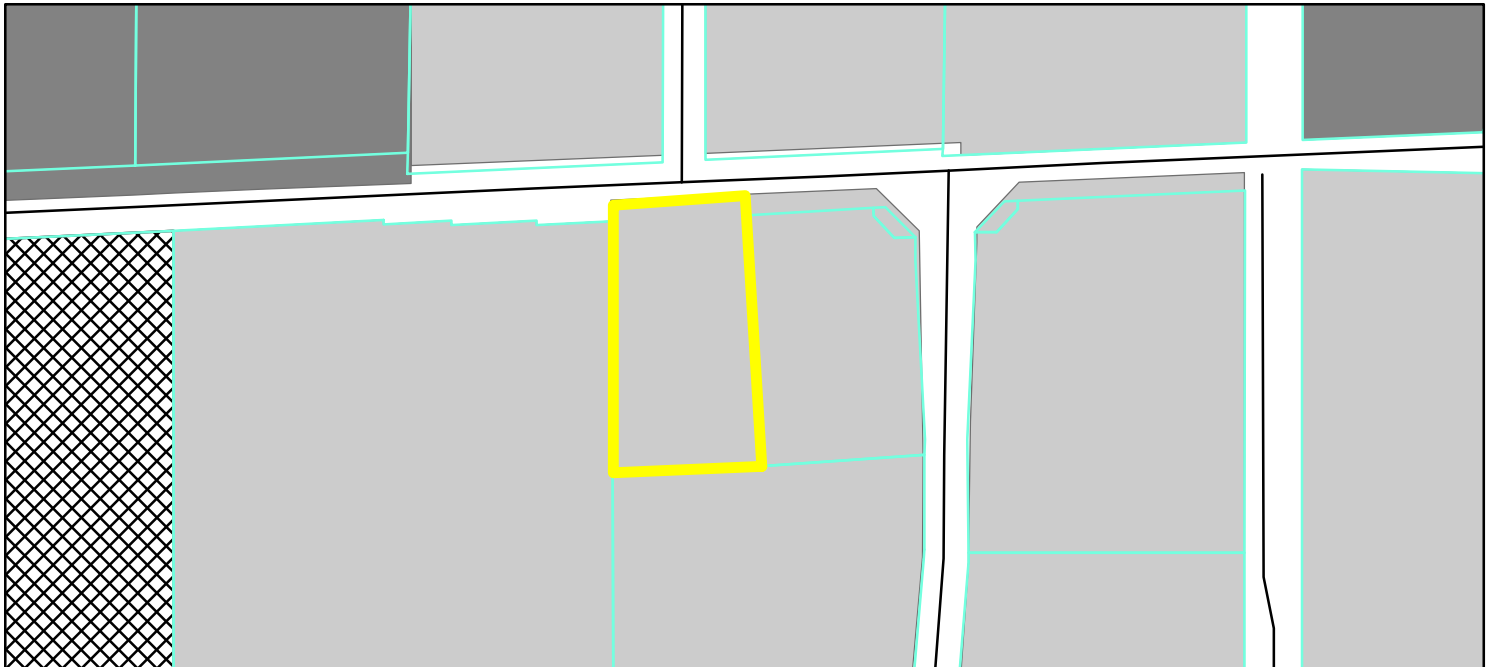


Aerial Location Map

 Site



Zoning Map



GIS.DBO.PW_Streets
Parcel
Parcel
Zoning - All

Zoning
EI (Enclosed Industrial)
OI (Open Industrial)
PUD (Planned Unit Development)

0 0.025 0.05
Miles



Narrative Statement – Westfield Lions Club History and Future

The Westfield Lions Club, an International Service Organization, was chartered in October, 1930. The Club met for 27 years in the Community Room of the Westfield Public Library, now Cave Printing. In 1958 the Club moved into a brand- new building on Jersey Street. That became home for 64 years. Sold the property in 2021 to make way for Union Square Development.

The Club has been active in supporting various events and projects over the years. Support has been given to Open Doors, Westfield Education Foundation, Hoosier Girls State, Eye Glasses and exams for those students in financial need, sponsored Middle School students to Washington D.C. and Scholarships for High School Seniors. The Club has supported Heart & Soul Health Clinic as well 4-H and Scouting programs. The Club supports Lions Sate Projects such as Cancer Control, Leader Dog, Eye Bank and Speech & Hearing as well as Lions International Foundation.

The Club has been able to support these activities by holding Fish Fries, Pancake Breakfasts, Garage Sales, Fruit Sales and a Poker Tournament.

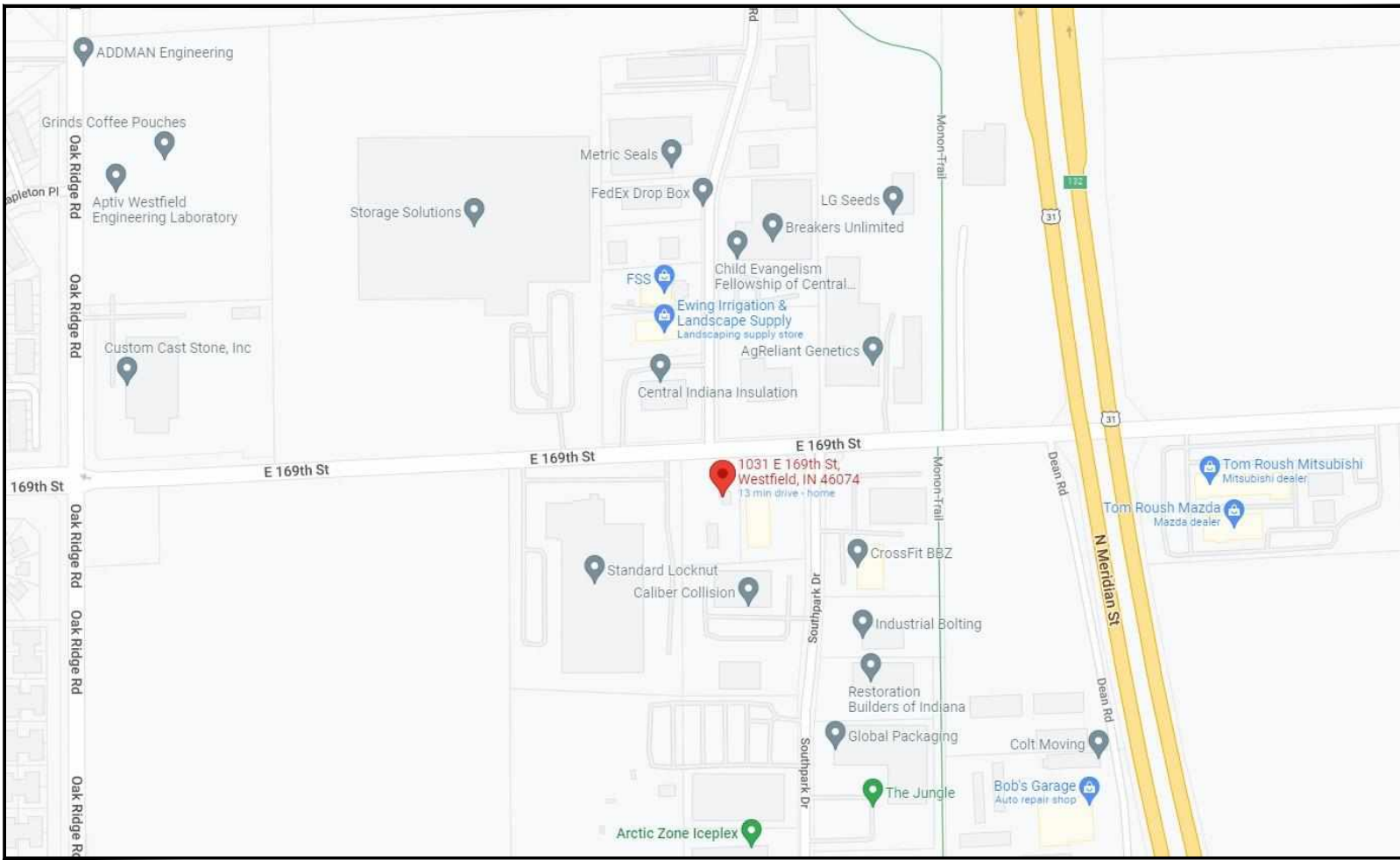
The Club will continue their support of these and other activities by having a permanent base in which to operate. The Clubs plans to make the facility available for use by members of the community.



Proposed Building Signage



Existing Building Signage



Vicinity Map
Not to Scale

plan
Design Well

CONSTRUCTION
SOBCZAK
SERVICES, LLC
GENERAL CONTRACTORS

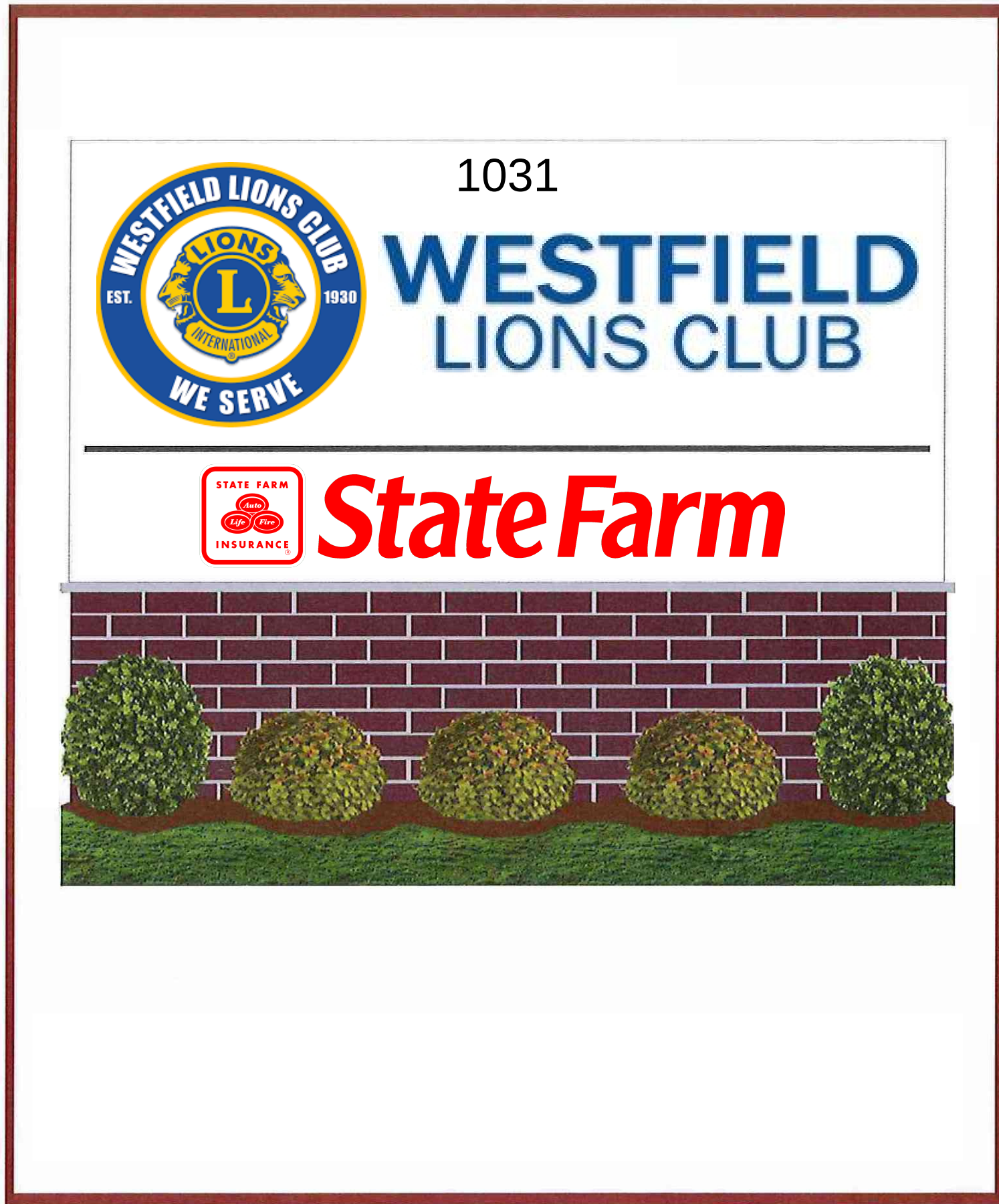
Proposed Lions Club
1031 E. 169th Street
Westfield, Indiana 46074

SUBMITTAL:
03/17/22

REVISIONS:
1. 1/17/22
2. 2/17/22
3. 3/17/22

DRAWN BY:
TAM

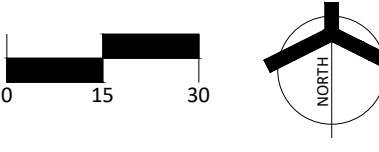
SHEET



Proposed Monument Sign
Not to Scale



Preliminary Site Plan
Scale: 1" = 30'





Petition Number: 2203-VS-10

Subject Site Address: 1111 E. 156th Street (the "Property")

Petitioner: Mike Buland (the "Petitioner")

Request: 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)).

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

Current Land Use: Residential

Approximate Acreage: 9.64 acres+/-

Exhibits:

1. Staff Report
2. Location Map
3. Possible Apartment Buildout Exhibit

Staff Reviewer: Daine Crabtree, Senior Planner

OVERVIEW

Location: The subject Property is 9.64 acres +/- in size and is located at 1111 E. 156th Street (the "Property") (see **Exhibit 2**). The Property is zoned AG-SF1: Agriculture / Single-family Rural.

VARIANCE REQUESTS

The Petitioner is requesting a variance of development standard to permit a second dwelling unit on the Property.

Article 6.4(B) of the Westfield Washington Township Unified Development Ordinance states, "In no case shall there be more than one (1) Principal Building used for residential purposes, and its Accessory Buildings, located on one (1) Lot, except as permitted herein."

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 April 12, 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 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. 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:

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

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.

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:

- 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 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 are to existing structure(s).

- 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, in accordance with the Unified Development Ordinance. The



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

April 12, 2022

2203-VS-10

Exhibit 1

residential use of the property and proposed improvements are otherwise permitted by, and would otherwise comply with, the applicable ordinances.

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.



Petition Number: 2204-VU-04

Subject Site Address: 211 Jersey Street (the "Property")

Petitioner: Erik Angelotti (the "Petitioner")

Request: The Petitioner is requesting a Variance of Use to permit a Retail, Low Intensity (Drug Store) Use on 0.24 acres +/- in the MF1: Multi-Family Low Density District (Article 13.2).

Current Zoning: MF1: Multi-Family Low Density

Current Land Use: Residential

Approximate Acreage: 0.24 acres+/-

Exhibits:

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

Staff Reviewer: Daine Crabtree, Senior Planner

PROPERTY INFORMATION

The subject property is 0.24 acres +/- in size and is located at 211 Jersey Street (the "Property") (see **Exhibit 2**). The Property is zoned MF1: Multi-Family Low Density.

VARIANCE REQUEST

The Petitioner is requesting a Variance of Use to allow a Retail, Low Intensity (Drug Store) use at 223 Jersey Street, currently zoned MF-1: Multi-Family Low Density. The use classification "Retail, Low Intensity" is not a permitted use within the MF-1 District.

The Petitioner currently operates Ella Pharmacy, located at 103 S. Union Street, but will be forced to move with the forthcoming Old Town redevelopment along State Road 32.

COMPREHENSIVE PLAN

The Property is located within an area that is identified in the Grand Junction Addendum (the "Addendum"), an addition to the Westfield-Washington Township Comprehensive Plan, as the Grand Junction Plaza Block (the "Sub-Area") of the Grand Junction Sub-District.

The Addendum states that the Sub-Area should, “have a more urban form than the village or old town form of other sub-areas”. The Addendum also states that land uses within the Sub-Area, “are encouraged to be a mix of uses typically associated with central business and entertainment districts and that residential uses should be restricted from the first floor within the sub-area.”

The area immediately surrounding the Property is either being redeveloped or contemplated for redevelopment in the future in accordance with the Comprehensive Plan and its subsequent amendments for Downtown Westfield such as the Grand Junction Plaza. As a result of these economic development opportunities, there is an emerging desire for transitional businesses in the downtown area that contribute to further activity and liveliness. Nearby properties (203 Jersey Street, 227 Jersey Street, 337 Jersey Street, and 201 Mill Street) were granted variances at previous Board of Zoning Appeals (BZA) meetings, allowing a plant shop, arts center, coffee shop, and a health and wellness business all in former residences.

Per the Petitioner, this proposal has been reviewed by the Grand Junction Task Group.

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 April 12, 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 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

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.



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.

DEPARTMENT COMMENTS:

The area immediately surrounding the Property is either being redeveloped or contemplated for redevelopment in the future in accordance with the Comprehensive Plan and its subsequent amendments for Downtown Westfield such as the Grand Junction Plaza. As a result of these economic development opportunities, there is an emerging desire for transitional businesses in the downtown area that contribute to further activity and liveliness.

Recommended Conditions for Approval:

1. That the approval of a Retail, Low Intensity Use be limited to a drug store;
2. Approval of additional on-site parking shall be reviewed and approved by the Westfield Public Works Department; and
3. That approval of this variance shall expire on December 31, 2025. Any request to extend the time limit of this variance shall be reviewed and approved by the Board of Zoning Appeals prior to December 31, 2025.

Recommended Findings:

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

Finding: It is unlikely that allowing a Retail, Low Intensity business to locate on the Property will be injurious to the public health, safety, morals, and general welfare of the community because the request is consistent with the uses contemplated in the City's Comprehensive Plan. The Grand Junction Task Group has stated this proposal is a good use within the Grand Junction Plaza area.

- 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 proposed use will be utilizing only those improvements currently existing on the property which is consistent with the character of the surrounding area. Economic redevelopment activity is anticipated within the proximity of the Property, including the Grand Junction Plaza, that will include more commercial operations.

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

Finding: The use of Retail, Low Intensity is not permitted within the MF-1: Multi-Family Low Density District. The Comprehensive Plan and subsequent Comprehensive Plan Addendums have identified an emerging economic development opportunity in downtown. As this redevelopment will occur overtime, the transitional period warrants the adaptive reuse of existing structures to promote downtown as a destination and lively center to the community.

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

Finding: The use of Retail, Low Intensity is not permitted within the MF-1: Multi-Family Low Density District. Strict adherence to the Zoning Ordinance would allow for arguably more intense uses (nursing home, assisted living facilities); however, would not permit less intense, retail uses.

- 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 "Downtown". The Comprehensive Plan recommends that land uses in the Downtown area include commercial, offices, and retail as well as residential. The use of the Property as Retail, Low-Intensity, specifically a drug store, would not interfere with the Comprehensive Plan.



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

April 12, 2022

2204-VU-04

Exhibit 1

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.



Petition Number: 2204-VU-06

Subject Site Address: 1031 E 169th Street (The “Property”)

Petitioner: Westfield Lions Club (The “Petitioner”)

Request: The Petitioner is requesting a Variance of Use to permit a Civic Club on 1.30 acres +/- in the EI: Enclosed Industrial District

Current Zoning: EI: Enclosed Industrial

Current Land Use: Commercial

Approximate Acreage: 1.30 acres +/-

Exhibits:

1. Staff Report
2. Location Map
3. Narrative Statement
4. Site Plan

Staff Reviewer: Daine Crabtree, Senior Planner

OVERVIEW

Location: The subject Property is 1.30 acres +/- and is located at 1031 E 169th Street (see **Exhibit 2**). The use of the Property is commercial.

The Property is surrounded on all sides by EI: Enclosed Industrial zoned properties

1031 E. 169th Street is not located in a Tax Increment Financing (TIF) District.

Variance Request: The Petitioner is requesting to permit a Civic Club use.

SUMMARY OF VARIANCES

The Petitioner is requesting to permit a Civic Club on the Property.

Civic Club is defined by the UDO as, “Buildings and facilities, owned or operated by a corporation, association, person, or persons, for a social, educational, or recreational purpose, to which membership is required for participation, and not primarily operated for profit nor to render a service that is customarily carried-on as a business”.

Two buildings currently exist on the Property; The Petitioner is proposing to operate the Civic Club solely out of the southernmost existing building.



COMPREHENSIVE PLAN

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

The Employment Corridor classification identifies office and service uses, research and development and retail and institutional uses that are subordinate to and supportive of the office and service uses as appropriate land uses.

The Employment Corridor development policies encourages:

- Employment-generating uses and related supporting service uses;
- Promoting smaller scale local office and service uses along SR 32; and,
- Local office and service uses shall generally take place along the north side of SR 32, with business uses on the south side of SR 32 (allowed only where it is demonstrated that they will not negatively impact residential neighborhoods or uses).

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of the extension of the Existing Variance. This petition is scheduled to receive its public hearing at the April 12, 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.

⁸ Article 10.14(I) Processes and Permits; Variances; Conditions of the UDO.

⁹ Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.

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

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

DEPARTMENT COMMENTS

Approval: If the Board is inclined to approve the Variance of Use (2204-VU-06), then the Department recommends approval with the following conditions:

- The Civic Club use shall operate in substantial compliance with the Narrative Statement provided (**Exhibit 3**) as determined by the Director of the Community Development Department;
- The Civic Club shall only be permitted to operate out of the southernmost building as shown on the Site Plan (**Exhibit 4**);
- The Civic Club shall be permitted to make expansions to the southernmost building without additional variance(s) provided said expansions are completed in substantial compliance with the Site Plan (**Exhibit 4**) and are not out of character with the surrounding development(s); and
- 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 Civic Club (the "Proposed Use") will not exceed the existing intensity of the commercial use on the Property.

- 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 Narrative Statement, which limits the proposed use to other similar uses already located in the vicinity of the Property.

- 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 Civic Club, otherwise not permitted in the EI: Enclosed Industrial 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: Despite being zoned Enclosed Industrial, the Property is currently home to a Professional Office use; Strict application of the terms of the zoning ordinance permits more intense uses which may not integrate with existing uses as well as the Proposed Use.

- 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 business uses. The Civic Club's narrative statement details how, despite being a non-profit organization, many operations on-site fall closely in-line with a commercial establishment.

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.



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

April 12, 2022
2204-VS-11
Exhibit 1

Petition Number: 2204-VS-11

Subject Site Address: 15612 Count Viking Ct. ("the Property")

Petitioner: Philip Ennis ("the Petitioner")

Request: The Petitioner requests a Variance of Development Standard to encroach fifteen feet, nine inches (15'-9") into the twenty-five (25') foot Rear Yard Setback in the Viking Meadows PUD District (Article 04-22, Section 8.1, Exhibit 14).

Current Zoning: Viking Meadows PUD

Current Land Use: Residential

Approximate Acreage: 1.05 acres +/-

Exhibits:

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

Staff Reviewer: Weston Rogers, Associate Planner

OVERVIEW

Location: The subject property is 1.05 acres +/- in size (the "Property") and located at 15612 Count Viking Ct. in the Valley View subdivision of the Viking Meadows PUD (see **Exhibit 2**).

Requested Variances: The petitioner is requesting a Variance of Development Standard to encroach fifteen feet, nine inches (15'-9") into the twenty-five (25) foot Minimum Rear Yard Setback as further described herein.

SUMMARY OF VARIANCE

The Property is currently subject to the Viking Meadows PUD. The zoning sets forth a minimum rear yard setback line of twenty-five (25) feet. The Petitioner is requesting this variance to encroach fifteen feet, nine inches (15'-9") into the twenty-five (25) foot Minimum Rear Yard Setback to accommodate a swimming pool, as illustrated on the Site Plan and Site Renderings (see **Exhibits 3 and 4**).

The Westfield Public Works Department has reviewed the Petitioner's plans and has noted the perimeter drainage and utility easement is considered a private easement not a public easement.



Therefore, the petitioner can propose improvements at their own risk within the easement and the city would not be responsible for any resulting effects.

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 April 12, 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

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
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2204-VS-11

Exhibit 1

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 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 (2204-VS-11):

- 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 Viking Meadows PUD.

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



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

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

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

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

Finding: Strict adherence to the zoning ordinance would result in the inability to improve the property as proposed and would result in the construction of a swimming pool and deck that would not suit the needs of the Petitioner.

Recommended Conditions:

- That the Property shall be developed in substantial compliance with the Site Plan shown as **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.

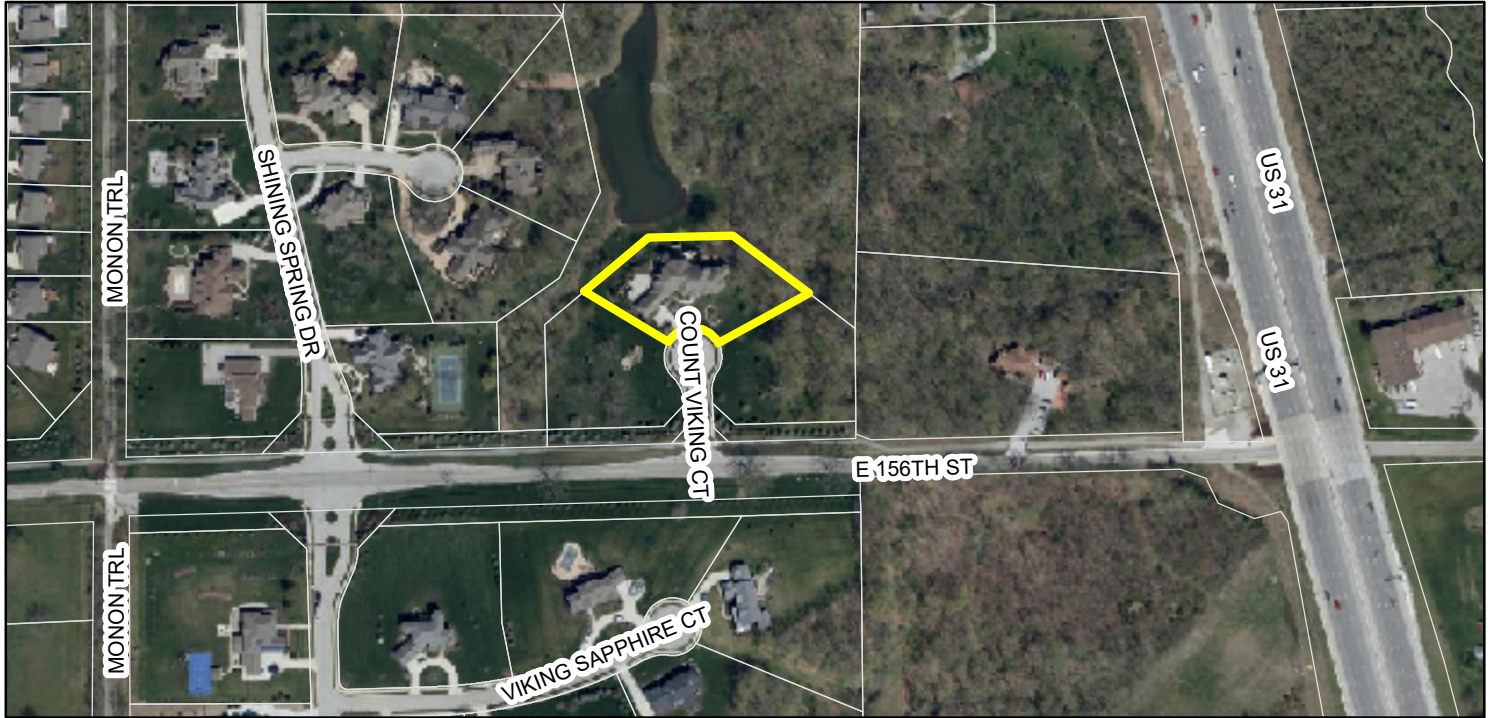
Denial: If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.



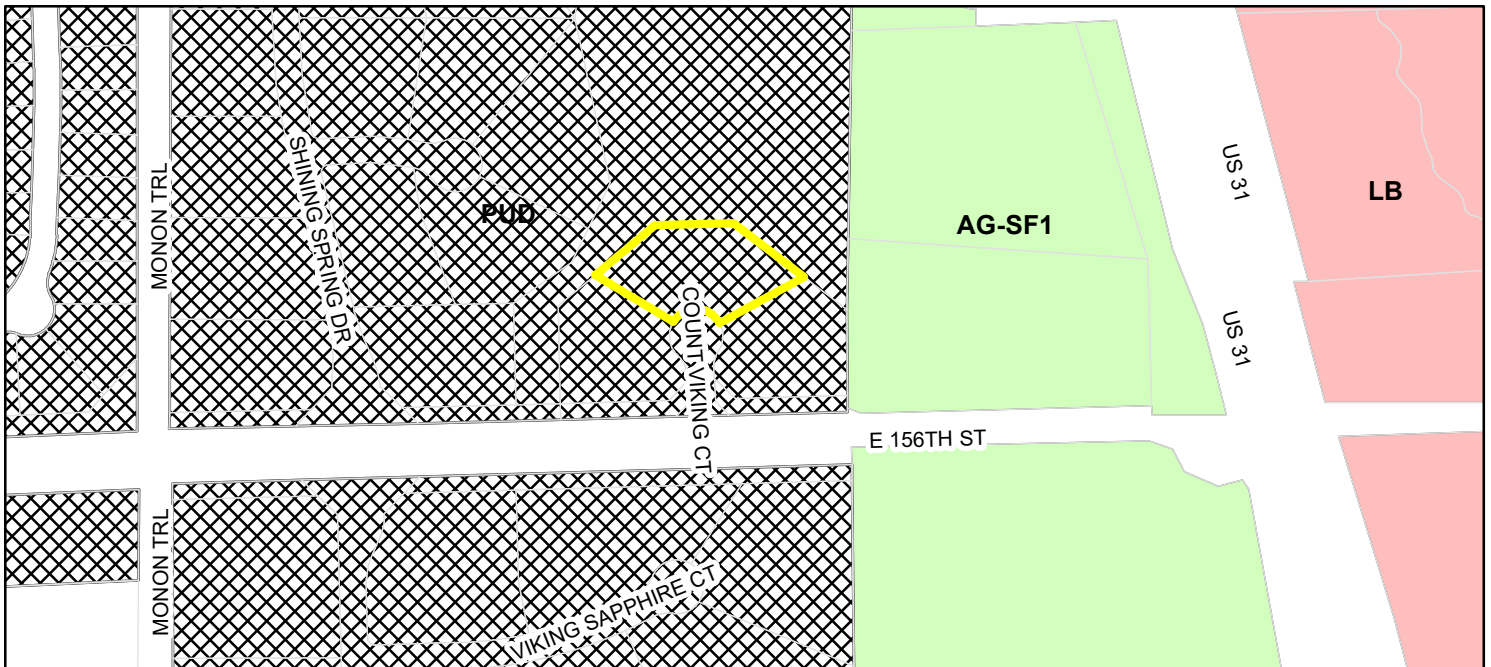
Property Location Map
15612 Count Viking Ct - Adhlakha Pool
2204-VS-11



Aerial Location Map



Zoning Map



- Site **Zoning** LB (Local Business)
 Parcel AG-SF1 (Agriculture - Single Family - 1) PUD (Planned Unit Development)







WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

April 12, 2022
2204-VU-07 & 2204-VS-13
Exhibit 1

Petition Number: 2204-VU-07 & 2204-VS-13

Subject Site Address: 17502 Carey Road (the "Property")

Petitioner: TW Crowley & Associates (the "Petitioner")

Representative: Nelson & Frankenger, LLC

Request: TM Crowley & Associates by Nelson & Frankenger, LLC requests a Variance of Use to permit a High Intensity Retail use (pet-oriented business) and a Variance of Standard to permit building offsets to be reduced from four (4) feet to two (2) feet on 1.3 acres +/- in LB: Local Business District (Article 6.3(F)(5)(b) and 13.2).

Current Zoning: LB: Local and Neighborhood Business District

Current Land Use: Undeveloped

Approximate Acreage: 1.3 acres +/-

Exhibits:

1. Staff Report
2. Location Map
3. Vicinity Site Plan with Aerial
4. Site Plan with Aerial
5. Project Narrative
6. Elevations & Renderings
7. Compiled Petitioner Packet

Staff Reviewer: Ryan Collingwood, Associate Planner

OVERVIEW

Location: The subject Property is 1.3 acres +/- in size and is located west of and adjacent to Carey Road and south of SR 32; 17502 Carey Road, Westfield, IN 46074 (the "Property") (see **Exhibit 2**). The Property is zoned LB: Local and Neighborhood Commercial District.

All of the surrounding properties on the west side of Carey are also zoned for the LB District.

Property History: The Real Estate has been vacant and undeveloped since 2007. Prior to 2007, a detached garage was housed on the property. Between 2006 and 2007, the detached garage was demolished coinciding with heavy development that took place in the area at the time.



VARIANCE REQUESTS

Variance of Use: The Petitioner requests a Variance of Use to permit a High Intensity Retail use (pet-oriented business) on 1.3 acres +/- in LB: Local and Neighborhood Business District. The current zoning does not permit a High Intensity Retail Use, which includes a pet-oriented business per the UDO definition. The Petitioner is requesting to allow the use of a pet-oriented business which includes grooming and boarding.

Variance of Standard: The Petitioner requests a Variance of Standard to permit building offsets to be reduced from four (4) feet to two (2) feet on 1.3 acres +/- in LB: Local Business District. UDO Article 6.3(F)(5)(b) states that, in a Business District, "Offsets shall extend the entire vertical plane of the Building Façade and Basic Provisions shall be a minimum depth of four (4) feet..." The Petitioner is requesting that the 4' minimum be reduced to a 2' minimum, stating the architectural aesthetics of the building will not be altered with the proposed reduction of offset length.

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 April 12, 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 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

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.



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:

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. The High Intensity Retail Use shall only allow a pet-oriented business use as a permitted use;



2. That the variances shall only be applicable to the Property if it is developed in substantial compliance with the Site Plan and Elevations & Renderings (**Exhibit 4; Exhibit 6**) as determined by the Director of the Westfield Department of Community Development.
3. 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-07):

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

FINDING: It is unlikely that allowing the proposed use will be injurious to the public health, safety, morals, and general welfare of the community. The Real Estate is surrounded by other business uses and it is not directly adjacent to any residential use. The proposed use will provide a business and service for the community. Therefore, the proposed use should not have any negative impacts to the community.

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

FINDING: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner as the proposed use is abutting other business uses. The adjacent properties to the Real Estate are also not abutting any residential districts. Therefore, the proposed use should not have any negative impacts to the adjacent properties.

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

FINDING: The High Intensity pet-oriented business being proposed is not a permitted use in the current zoning district. Not permitting the variance will result in the inability to operate animal boarding and daycare services, resulting in relocation from the proposed site. A pet-oriented business, classified in High Intensity Retail Use, is currently not permitted in the LB 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 terms of the zoning ordinance will result in practical difficulties in the inability for the business not being able to fully utilize and operate the facility without animal boarding and daycare services.

- 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 "Local Commercial." The proposed use is consistent with the appropriate land uses shown in the Comprehensive Plan. The request does not substantially interfere with the Comprehensive Plan.

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-13):

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

FINDING: The request will not be injurious to the public health, safety, morals, and general welfare of the community because the Variance of Standard request will continue to provide building façades that are presented in an aesthetically pleasing manner. The approval of proposed minimized offsets should not result in concerns of public health, safety, morals, and the general welfare of the community.

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

FINDING: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner because while offsets will be minimized, the overall aesthetic of the building façades will continue to be pleasing and not have significant impact on the value of the area adjacent to the property.



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

April 12, 2022

2204-VU-07 & 2204-VS-13

Exhibit 1

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

FINDING: The strict application of the UDO will result in practical difficulties regarding the design of the building for its proposed use.

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.

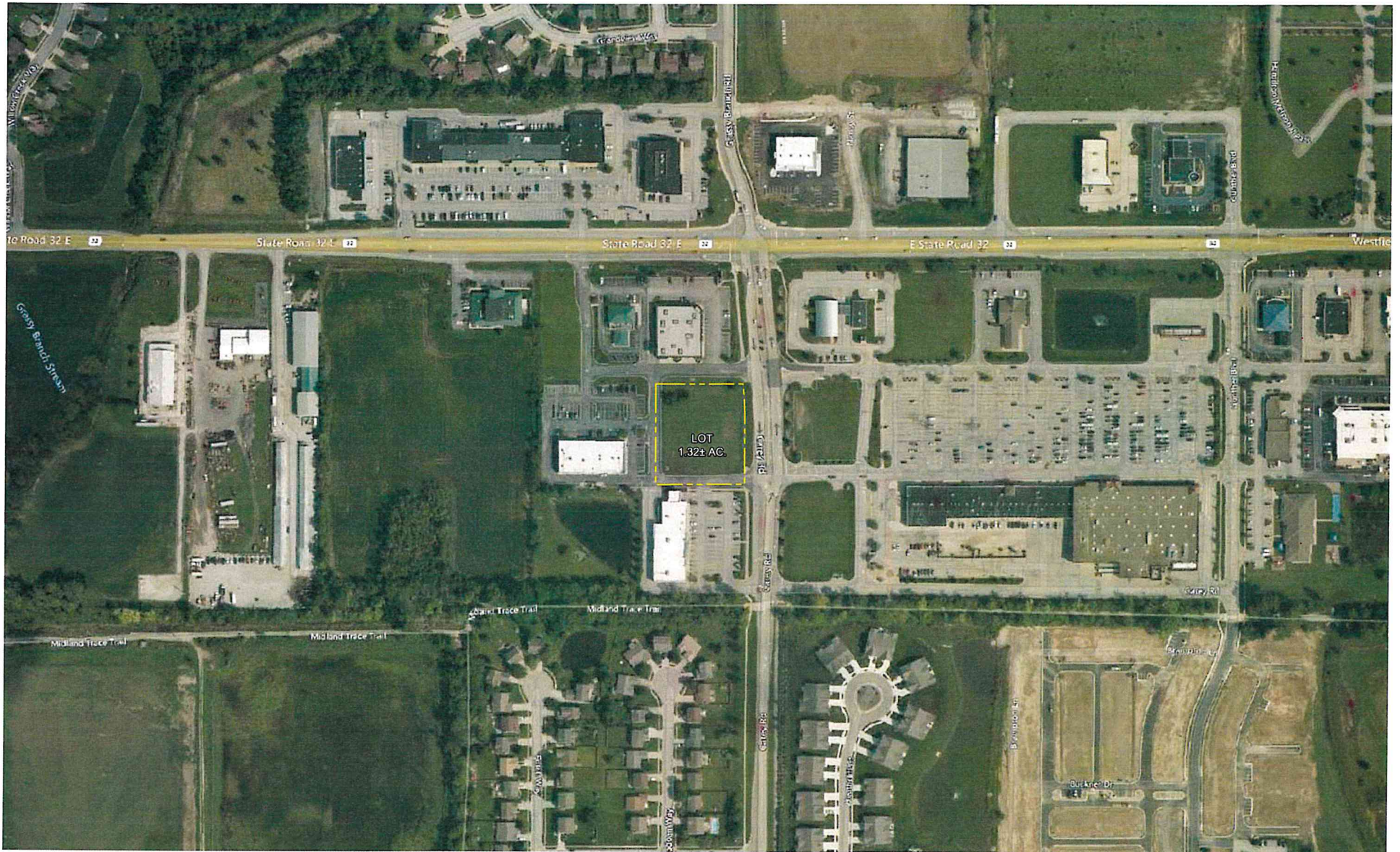
TM Crowley & Associates
Pet Suites Variance Explanation

The applicant, TM Crowley & Associates (“TMC”) is the applicant and is seeking use variance and development standards variance approval associated with the parcel of real estate that is approximately 1.3 acres and is located west of and adjacent to Carey Road and south of State Road 32, with a common address of 17502 Carey Road, Westfield, IN, 46074 (the “Real Estate”). The Real Estate is zoned LB – Local and Neighborhood Commercial District (“LB”).

TMC is working with Pet Suites in order to develop on the Real Estate an overnight animal boarding kennel. Associated with the variance requests, TMC has also file an application for Detailed Development Plan approval for the site plan and building architecture.

In regard to the variance requests, TMC is seeking the following:

1. Use Variance Application: UDO Section 4.14 (B) Permitted Uses: For the LB – Local and Neighborhood Zoning District, a Kennel is not a permitted use; the use variance requests permission to operate a Kennel on the Real Estate. In this regard, the requested use variance will be on Real Estate surrounded by other business uses and not adjacent to any residential district or use. The proposed building has an aesthetically pleasing and attractive design with a solid masonry wall surrounding outside use areas mitigating any noise and any visibility of the use from the exterior of the Real Estate.
2. Development Standards Application: UDO Section 6.3 F.5.b. Minimum Building Offsets: The UDO standard requires that offsets be a minimum depth of 4’, the variance requests the offsets be a minimum of 2’. In this regard and as noted above, the proposed building has an aesthetically pleasing and attractive design with a solid masonry wall surrounding outside use areas. Reasonable relief from the required standard is requested while still providing an aesthetically pleasing and attractive building façade (see attached elevations and building perspective).

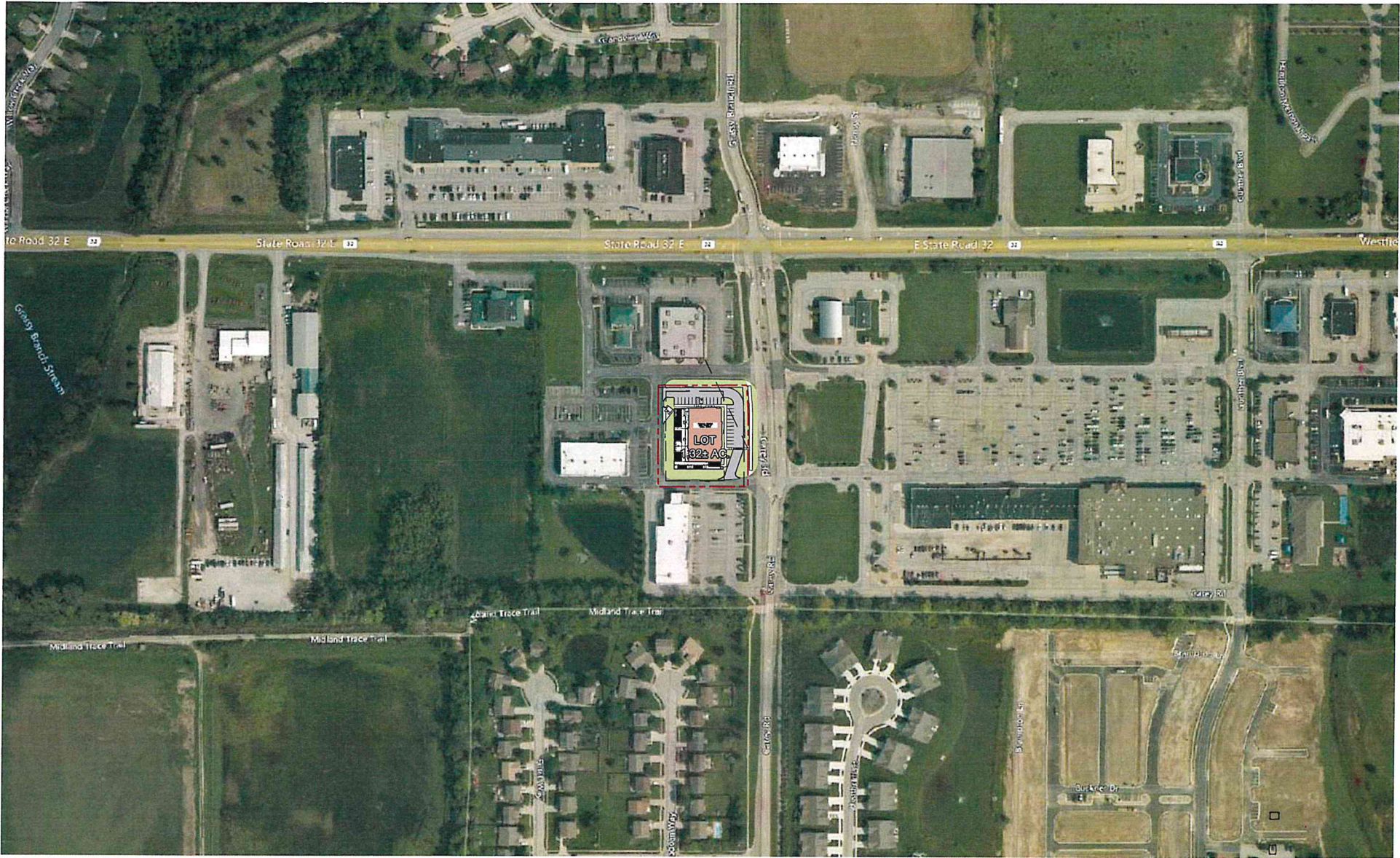


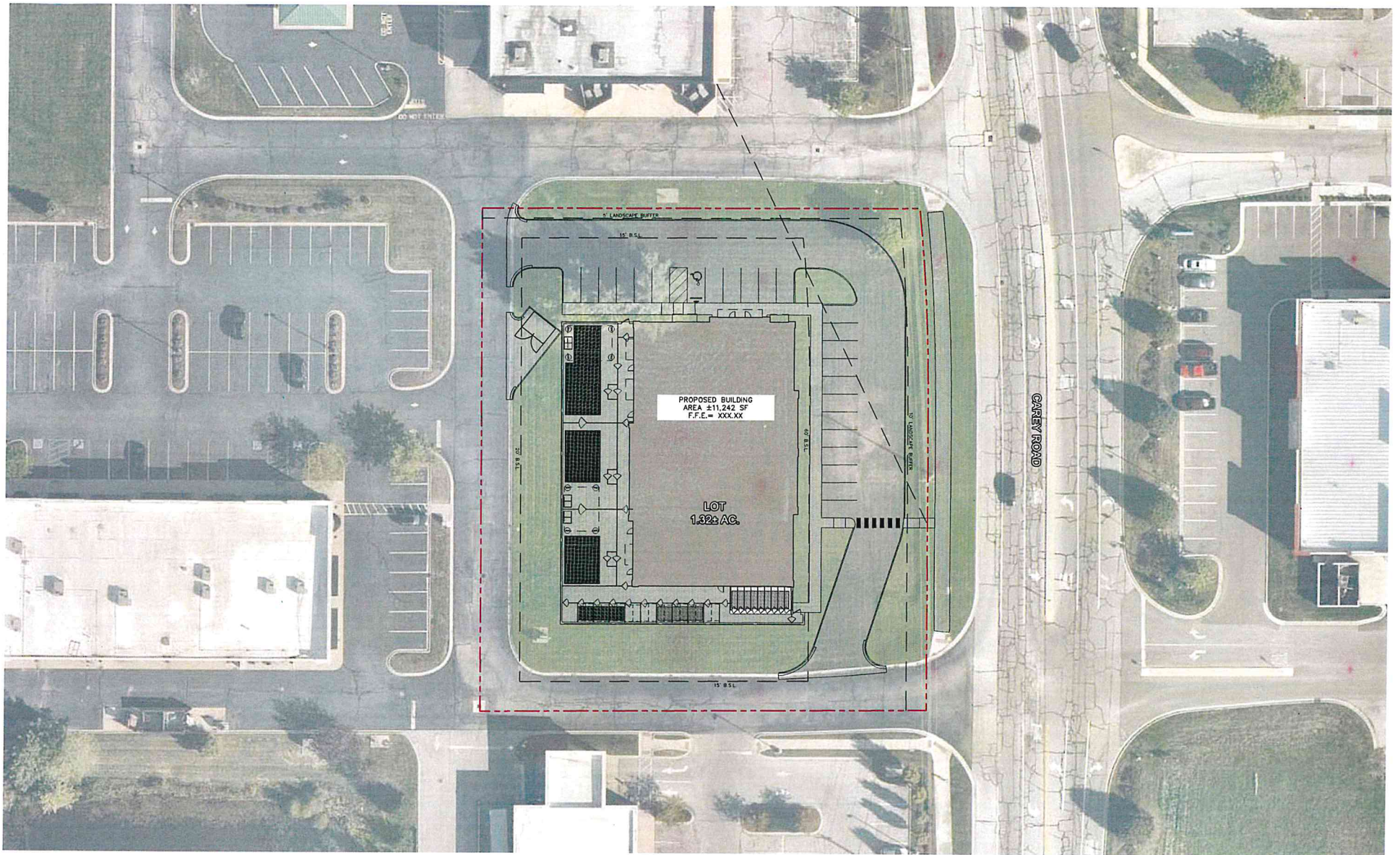
Kimley»Horn

VICINITY AERIAL MAP

PETSUITES EXHIBIT
WESTFIELD, INDIANA
March 15, 2022







	MULCHING LEGEND MULCH HARDWOOD SHREDDED MULCH, NATURAL BROWN COLOR
	SEEDING LEGEND PERMANENT SEEDING AMERTURF FRONTRUNNER BLEND TALL FESCUE; APPLY AT A RATE OF 350 LBS/ACRE (8LBS/1000 SQFT)

[illegible]

Carey Road
Variable Width
Public Right-of-Way



PETSUITES
Westfield, Indiana

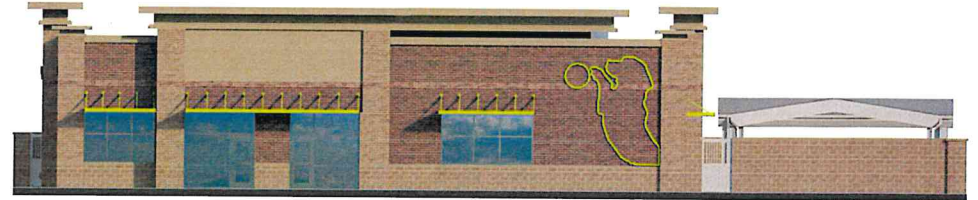


THE COLORS AND MATERIALS SHOWN IN THIS RENDERING ARE CLOSE APPROXIMATIONS AND NOT AN EXACT MATCH. RENDERING IS TO BE CONSIDERED FOR VISUAL DESIGN INTENT ONLY AND NOT FOR CONSTRUCTION.





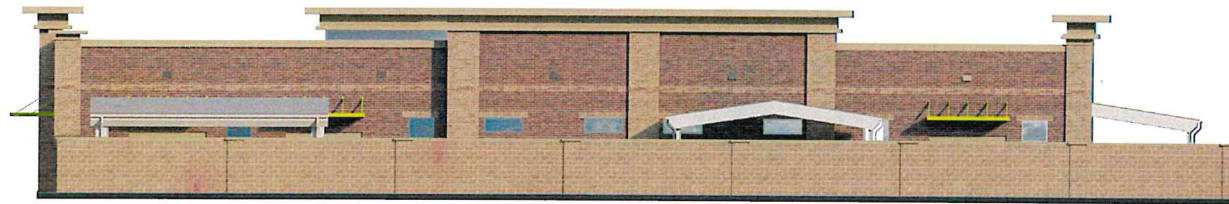
South Elevation



North Elevation



East Elevation



West Elevation



PETSUITES
Westfield, Indiana



THE COLORS AND MATERIALS SHOWN IN THIS RENDERING ARE CLOSE APPROXIMATIONS AND NOT AN EXACT MATCH. RENDERING IS TO BE CONSIDERED FOR VISUAL DESIGN INTENT ONLY AND NOT FOR CONSTRUCTION.



South Elevation



West Elevation



PETSUITES

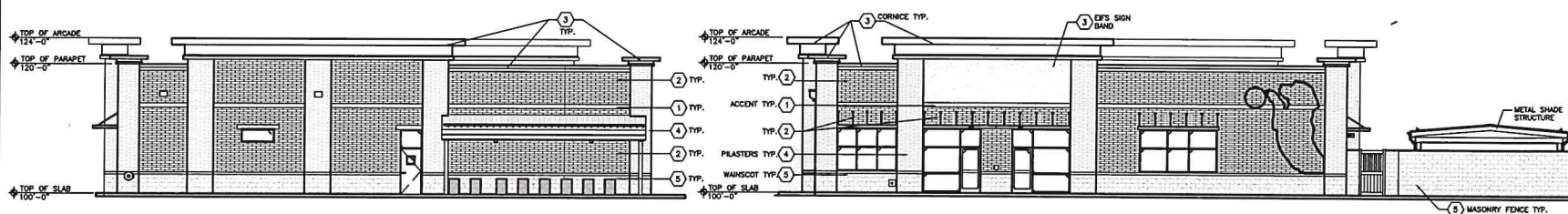
Westfield, Indiana



THE COLORS AND MATERIALS SHOWN IN THIS RENDERING ARE CLOSE APPROXIMATIONS AND NOT AN EXACT MATCH. RENDERING IS TO BE CONSIDERED FOR VISUAL DESIGN INTENT ONLY AND NOT FOR CONSTRUCTION.

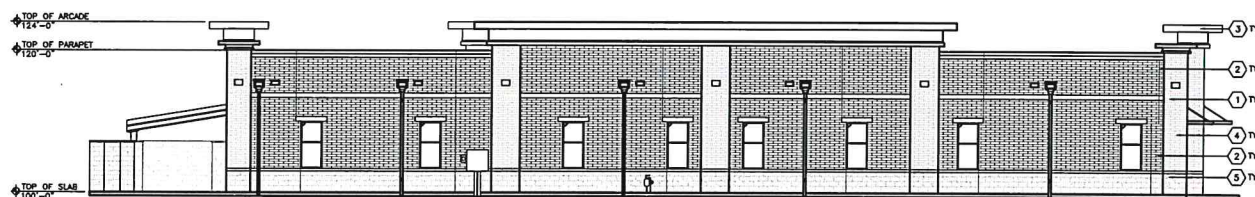
GENERAL NOTES

1. ELEVATIONS ARE BASED ON 100'-0" = ELEVATION OF MAIN FLOOR SLAB. REFER TO CIVIL SITE DRAWINGS FOR ELEVATION RELATIVE TO THE SITE.
2. SEE SCHEDULE ON A6.1 FOR EQUIPMENT TAG REFERENCES.
3. ALL BUILDING SIGNAGE WILL REQUIRE A SEPARATE PERMIT SUBMITTED BY OTHERS.
4. ROOF TOP EQUIPMENT SHALL BE SCREENED FROM THE PUBLIC VIEW.

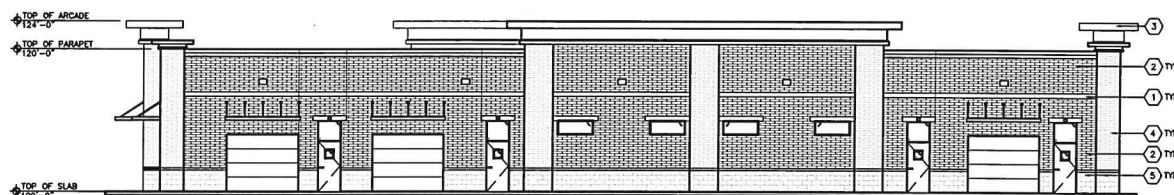


1 SOUTH ELEVATION
A6.0 / SCALE 1/8"=1'-0"

2 NORTH ELEVATION
A6.0 / SCALE 1/8"=1'-0"

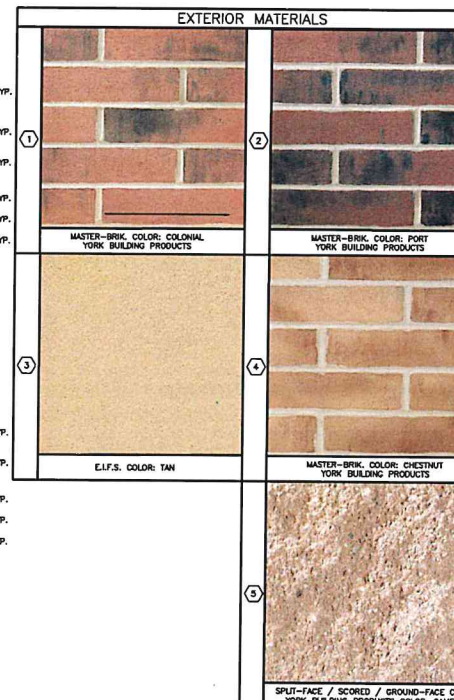


3 EAST ELEVATION
A6.0 / SCALE 1/8"=1'-0"



4 WEST ELEVATION
A6.0 / SCALE 1/8"=1'-0"

EXTERIOR MATERIALS



REV	DATE	DESCRIPTION
1	03/14/22	PLANNING DEPARTMENT SUBMITTAL

PETSUITES OF AMERICA
SR 32 & CAREY ROAD
WESTFIELD, IN

EXTERIOR ELEVATIONS

ISSUED FOR:	
PERMIT	-
BID	-
CONSTRUCTION	-
RECORD	-

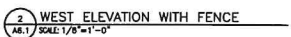
SITE ID NO.	XXXX
PROJECT MANAGER	YMM
DESIGNER	PS
JOB NO.	2022155.02

A6.0

GENERAL NOTES

1. ELEVATIONS ARE BASED ON 100'-0" = ELEVATION OF MAIN FLOOR SLAB. REFER TO CIVIL SITE DRAWINGS FOR ELEVATION RELATIVE TO THE SITE.
2. SEE SCHEDULE ON A0.1 FOR EQUIPMENT TAG REFERENCES.
3. ALL BUILDING SIGNAGE WILL REQUIRE A SEPARATE PERMIT SUBMITTED BY OTHERS.
4. ROOF TOP EQUIPMENT SHALL BE SCREENED FROM THE PUBLIC VIEW.

1. ELEVATIONS ARE BASED ON 100'-0" = ELEVATION OF MAIN FLOOR SLAB. REFER TO CML SITE DRAWINGS FOR ELEVATION RELATIVE TO THE SITE.
2. SEE SCHEDULE ON A0.1 FOR EQUIPMENT TAG REFERENCES.
3. ALL BUILDING SIGNAGE WILL REQUIRE A SEPARATE PERMIT SUBMITTED BY OTHERS.
4. ROOF TOP EQUIPMENT SHALL BE SCREENED FROM THE PUBLIC VIEW.



EXTERIOR MATERIALS	
①	MASTER-BRIK, COLOR: COLONIAL YORK BUILDING PRODUCTS
②	MASTER-BRIK, COLOR: PORT YORK BUILDING PRODUCTS
③	E.I.F.S. COLOR: TAN
④	MASTER-BRIK, COLOR: CHESTNUT YORK BUILDING PRODUCTS
⑤	SPLIT-FACE / SCORED / GROUND-FACE CAM YORK BUILDING PRODUCTS COLOR: CAMEL

[illegible]

PETSUITES OF AMERICA
SR 32 & CAREY ROAD
WILMINGTON, DE 19806

EXTERIOR ELEVATIONS

ISSUED FOR:	
PERMIT	*
BID	*
CONSTRUCTION	*
RECORD	*

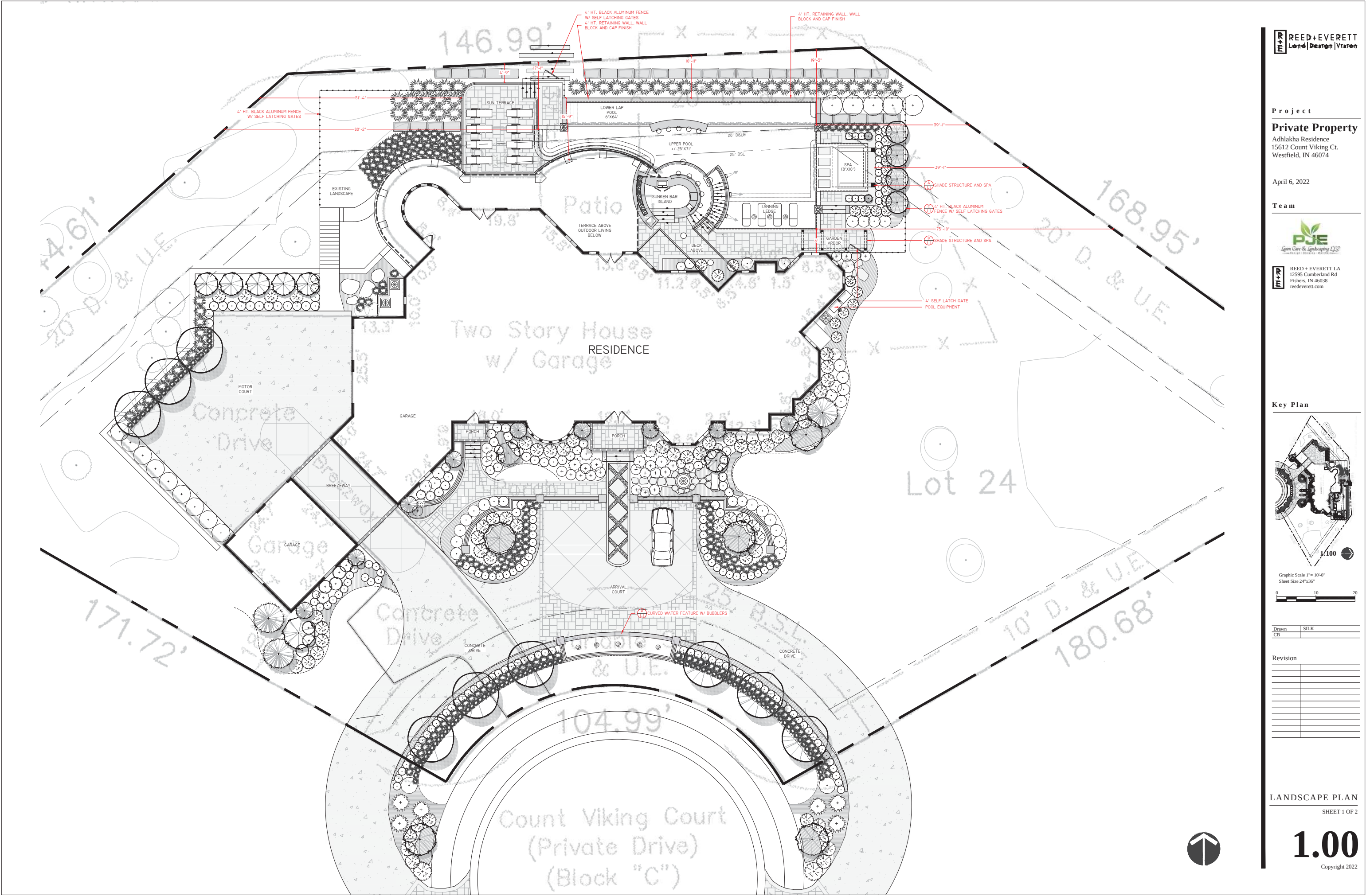
SITE ID NO.
XXXX

PROJECT MANAGER	DESIGNER
KMW	PS

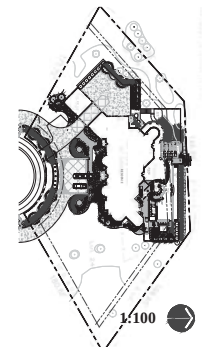
JOB NO.
2022155.02

A6.1





Key Plan



Graphic Scale 1"= 10'-0"
Sheet Size 24"x36"

Drawn	SILK
CB	

Revision

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Westfield-Washington Township Board of Zoning Appeals (BZA)

Minutes of the Tuesday, March 08, 2022 BZA Meeting

Presented for approval: April 12, 2022

The Westfield-Washington Township Board of Zoning Appeals
met at 7:00 p.m. on Tuesday, March 08, 2022 at Westfield City Hall.

Active Links for this meeting:

[March 08, 2022 BZA Agenda & Exhibits](#)

[March 08, 2022 YouTube Video](#)

OPENING OF MEETING

[YouTube Time: 0:15](#)

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 and Ryan Collingwood, 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 February 15, 2022 Minutes.
Fortier seconded. Motion passed. Vote 5-0.

REVIEW RULES AND PROCEDURES

Crabtree reviewed BZA rules and procedures.

ITEMS OF BUSINESS

2203-VS-08 [PUBLIC HEARING]

[YouTube Time: 2:57](#)

16280 Ambia Circle / Peter and Stacy Miller

The Petitioners request a Variance of Development Standard to encroach seventeen (17) feet into the thirty (30) foot Minimum Rear Yard Setback on 0.25 acres +/- in the SF-3 Cluster District to accommodate a swimming pool and deck.

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

Staff presentation/No Petitioner presentation.

Public Hearing for 2203-VS-08 opened at 7:04 p.m.

- No public comments.

Public Hearing for 2203-VS-08 closed at 7:05 p.m.

BZA comments/Petitioner responses.

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

Fortier motioned to approve 2203-VS-08 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 2203-VS-08.
Boller seconded. Motion passed. Vote 5-0.

2203-VS-09 [PUBLIC HEARING]

[YouTube Time: 8:10](#)

16745 Glen Way /Joseph and Cynthia Mallon

The Petitioners request a Variance of Development Standard to encroach seven (7) feet into the thirty (30) foot Minimum Rear Yard Setback on 0.38 acres +/- in the SF-2: Single-Family Low-Density District to accommodate a swimming pool and deck (Article 4.5(E)(3)(a)).
(Planner: Daine Crabtree – dcrabtree@westfield.in.gov)

Staff presentation/No Petitioner presentation.

Public Hearing for 2203-VS-09 opened at 7:09 p.m.

- No public comments.

Public Hearing for 2203-VS-09 closed at 7:10 p.m.

BZA comments/Petitioner responses.

McCarty motioned to approve 2203-VS-09 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 2203-VS-09.
Fortier seconded. Motion passed. Vote 5-0

ITEMS CONTINUED TO A FUTURE MEETING

2203-VS-10 [CONTINUED]

1111 E. 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)

REPORTS/COMMENTS:

[YouTube Time: 14:06](#)

- Plan Commission Liaison
- Community Development Department

ADJOURNMENT

McCarty motioned to adjourn the meeting. Boller seconded. Motion passed. Vote 5-0.
The meeting adjourned at 7:19 p.m.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

Signature Page for BZA Minutes for March 08, 2022

Chairperson
Dave Schmitz

Secretary
Kevin M. Todd, AICP
Director