



CITY OF WESTFIELD, IN
BoardofZoningAppeals_Meeting_Agenda_03_14_2023

Tuesday, March 14, 2023 at 07:00 PM

BOARD OR COMMISSION: Board of Zoning Appeals (BZA)

MEETING DATE: Tuesday, March 14, 2023 at 07:00 PM

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

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

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

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

OPENING OF REGULAR MEETING

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

Note the presence of a quorum

Approval of Minutes

February 14, 2023

Documents: [BZA Minutes - February 14, 2023](#)

Review Rules & Procedures

ITEMS OF BUSINESS:

2303-VU-03 [PUBLIC HEARING]

19027 Grassy Branch Road

David & Shannon Carley

The Petitioners request a Variance of Use to permit a Kennel use for a maximum of twenty (20) chickens on 2.19 acres +/- in the SF-2: Single-Family Medium Density District (Article 13.2).

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

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

2303-VS-04 [PUBLIC HEARING]

1549 Chatham Villages Boulevard

CHLL, LLC by V3 Companies

The Petitioner requests a Variance of Development Standard to modify Minimum Lot Landscaping Requirements for a Multi-Family use on 14.37 acres +/- in the Chatham Hills Planned Unit Development (PUD) District.

(Planner: Lauren Gillingham - lgillingham@westfield.in.gov)

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Statement of Intent](#) | [Exhibit 4: Landscape Plan](#)

ITEMS CONTINUED TO A FUTURE MEETING

No Continued Items.

REPORTS/COMMENTS:

Plan Commission Liaison

Community Development Department

ADJOURNMENT



Westfield-Washington Township Board of Zoning Appeals (BZA)

Minutes of the Tuesday, February 14, 2023 BZA Meeting

Presented for approval: March 14, 2023

The Westfield-Washington Township Board of Zoning Appeals
met at 7:00 p.m. on Tuesday, February 14, 2023 at Westfield City Hall.

Active Links for this meeting:

[February 14, 2023 BZA Agenda & Exhibits](#)

[February 14, 2023 YouTube Video](#)

OPENING OF MEETING

[YouTube Time: 0:09](#)

CHANGES TO THE AGENDA: Error on agenda: the election of officers took place last month.

ACKNOWLEDGEMENT OF HATFIELD & SCHMITZ REAPPOINTMENTS TO BZA

ROLL CALL

BZA Members Present In-Person: Noble Hatfield, Victor McCarty, and Dave Schmitz.

BZA Members Present Virtually: None.

BZA Members Absent: Jeff Boller and Jeannine Fortier.

City Staff Present: Daine Crabtree, Senior Planner; Lauren Gillingham, Senior Planner; and Ryan Collingwood, Associate Planner.

City Staff Present Virtually: None

Legal Counsel Present Virtually: Ashley Ulbricht with Taft Stettinius & Hollister LLP.

APPROVAL OF MINUTES

McCarty motioned to approve the January 10, 2023 Minutes.

Hatfield seconded. Motion passed. Vote 3-0.

REVIEW RULES AND PROCEDURES

Crabtree reviewed BZA rules and procedures.

ITEMS OF BUSINESS

2302-VU-02 [PUBLIC HEARING]

[YouTube Time: 3:30](#)

606 Hillcrest Drive / Trent Wood

The Petitioner requests a Variance of Use to permit a Professional Office use (Real Estate Office) on 0.41 acres +/- in the SF3: Single-Family Medium Density District (Chapter 13)
(Planner: Ryan Collingwood – rcollingwood@westfield.in.gov)

Staff presentation / Petitioner presentation / BZA comments.

Public Hearing for 2302-VU-02 opened at 7:05 p.m.

- No public comments.

Public Hearing for 2302-VU-02 closed at 7:06 p.m.

BZA comments / Petitioner responses.

McCarty motioned to approve 2302-VU-02 subject to the recommended conditions stated in the motion.

Hatfield seconded. Motion passed. Vote 3-0.

Schmitz motioned to adopt Staff's Findings of Fact for 2302-VU-02.

McCarty seconded. Motion passed. Vote 3-0.

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

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

BZA Minutes for February 14, 2023 Page 1 of 3

2302-VS-02 [PUBLIC HEARING]

[YouTube Time: 8:53](#)

3761 Shady Lakes Drive / Jennifer Miller

The Petitioner requests Variances of Development Standard to exceed the Maximum Lot Coverage and encroach nine (9) feet into the twenty-five (25) foot Minimum Rear Yard Setback for a swimming pool and deck on 0.45 acres +/- in the Andover Planned Unit Development (PUD) District.

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

Staff presentation / BZA comments / Staff responses.

Public Hearing for 2302-VS-02 opened at 7:11 p.m.

- No public comments.

Public Hearing for 2302-VS-02 closed at 7:12 p.m.

BZA comments / Petitioner responses.

Hatfield motioned to approve 2302-VS-02 subject to the recommended conditions stated in the motion.

McCarty seconded. Motion passed. Vote 3-0.

Schmitz motioned to adopt Staff's Findings of Fact for 2302-VS-02.

McCarty seconded. Motion passed. Vote 3-0.

2302-SE-01 [PUBLIC HEARING]

[YouTube Time: 14:52](#)

Freemont Moore Road Equestrian Facility / Lakshan Salgado

The Petitioner requests a Special Exception to permit an Equestrian Facility on 13.95 acres +/- in the AG-SF1: Agriculture/Single-Family Rural District (Chapter 13)

(Planner: Lauren Gillingham – lgillingham@westfield.in.gov)

Staff presentation / Petitioner presentation / BZA comments.

Public Hearing for 2302-SE-01 opened at 7:21 p.m.

- No public comments.

Public Hearing for 2302-SE-01 closed at 7:22 p.m.

BZA comments / Petitioner responses.

McCarty motioned to approve 2302-SE-01 subject to the recommended conditions stated in the motion.

Hatfield seconded. Motion passed. Vote 3-0.

Schmitz motioned to adopt Staff's Findings of Fact for 2302-SE-01.

McCarty seconded. Motion passed. Vote 3-0.

ITEMS CONTINUED TO A FUTURE MEETING

No Continued Items.

REPORTS/COMMENTS:

[YouTube Time: 28:50](#)

- Plan Commission Liaison
- Community Development Department

ADJOURNMENT

McCarty motioned to adjourn the meeting. Hatfield seconded. Motion passed. Vote 3-0.

The meeting adjourned at 7:31 p.m.

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

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

BZA Minutes for February 14, 2023 Page 2 of 3

Signature Page for BZA Minutes for February 14, 2023

Chairperson
Dave Schmitz

Secretary
Kevin M. Todd, AICP
Director



Petition Number: 2303-VU-03

Subject Site Address: 19027 Grassy Branch Road (the "Property")

Petitioner: David & Shannon Carley (the "Petitioner")

Request: The Petitioner is requesting a Variance of Use to permit a Kennel use on 2.19 acres +/- in the SF-2 Zoning District.

Current Zoning: SF-2: Single-family Low Density District

Current Land Use: Residential

Approximate Acreage: 2.19 acres +/-

Exhibits:

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

Staff Reviewer: Ryan Collingwood, Associate Planner

PROPERTY INFORMATION & BACKGROUND

The subject Property is 2.19 acres +/- in size and located at 19027 Grassy Branch Road, as seen in **Exhibit 2**. The Property is zoned SF-2 Single-family Low Density District.

Upon the Property currently exists a Single-Family Detached residence (the "Residence"). Based on aerial snapshots, the Residence appears to have been fully constructed between 2020 and 2022.

REQUEST FOR VARIANCE

The Petitioner has requested to have over three (3) small animals kept on the Property, which is over the allotted quantity on an SF-2 zoned property. With that said, the proposed use triggers the "kennel" definition in the UDO to apply to the site. The UDO definition reads, "Any Use of land on which four (4) or more dogs, or small animals (e.g., cats, rabbits, chickens), at least four (4) months of age are kept...". As the "kennel" use is prohibited in the SF-2 zoning district, a Variance of Use is required to permit an excess of three (3) chickens on the Property.



PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Use. This petition is scheduled to receive its public hearing at the March 14, 2023, 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 UDO 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 benefitted by 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.

Acknowledgment of the Variance: If the Board of Zoning Appeals approves this petition, then the UDO requires the approval of the variance shall be memorialized in an acknowledgment of variance instrument prepared by Department. The acknowledgment 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 the 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 acknowledgment 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.



COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan ("the Comprehensive Plan") identifies this property within the "New Suburban" land use classification.

DEPARTMENT COMMENTS

If the Board is inclined to approve 2303-VU-03, The Department recommends the following condition and findings:

Recommended Conditions:

- No more than twenty (20) chickens may be permitted on the Property;
- No roosters will be permitted on the Property;
- The chickens shall be fully contained in the area as identified in **Exhibit 3**, which shall include a coop, in which will be developed in a similar character of the Residence on site;
- That the Petitioner 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 Variance of Use (2303-VU-03):

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

Finding: The chickens would be contained in a fence at least four (4) feet tall, limited to a count of twenty (20), not to be used for commercial purposes, and at night contained in a secure coop. The lot is agricultural in nature and would not be immediately injurious to surrounding properties.

- 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: The chickens would be contained in a fence at least four (4) feet tall, limited to a count of twenty (20) and not to be used for commercial purposes. Will not disrupt neighbors' traffic, noise, or odors (female chickens, no roosters), and at night will be contained within a well-maintained chicken coop.

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

Finding: Due to the Property's zoning district, a kennel use is not permitted. The Property is zoned in a single-family district, but is agricultural in nature due to its acreage, lot orientation, and character of surrounding properties. In addition, the Property is not located in a residential neighborhood with dense development.

- 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 existing SF-2 zoning conflicts with the Property's proposed use of a Kennel. Without the requested variance, the Petitioner will be unable to use the Property as described in the Statement of Intent.

- 5) ***The approval does not interfere substantially with the Comprehensive Plan:***

Finding: The Comprehensive Plan includes this property within the area designated as "New Suburban Residential". Therefore, the proposed land use concurs with the Comprehensive Plan as the "New Suburban Residential" classification contemplates land uses to be agricultural in nature.

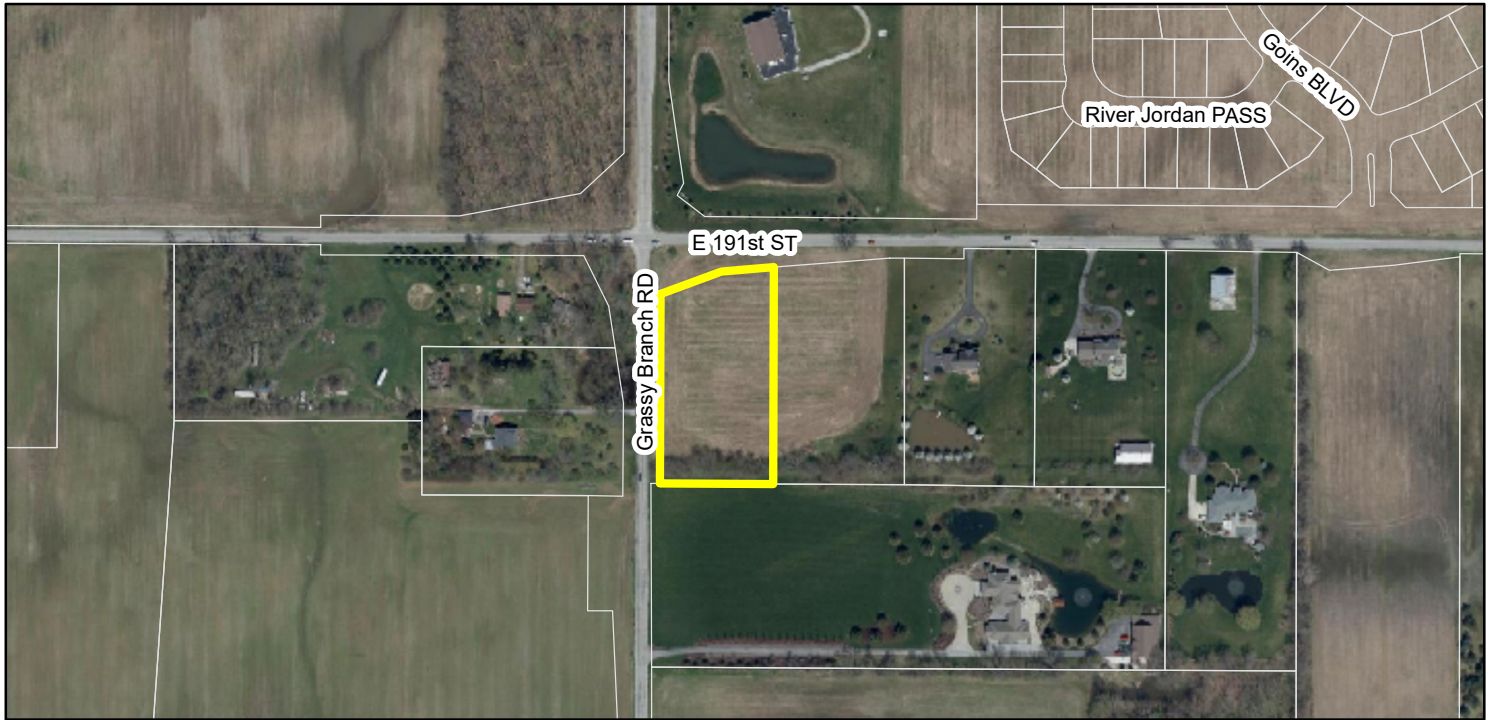
Denial: If the Board is inclined to reject or deny the Variance of Use, then the Department recommends denying the Variance of Use, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence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



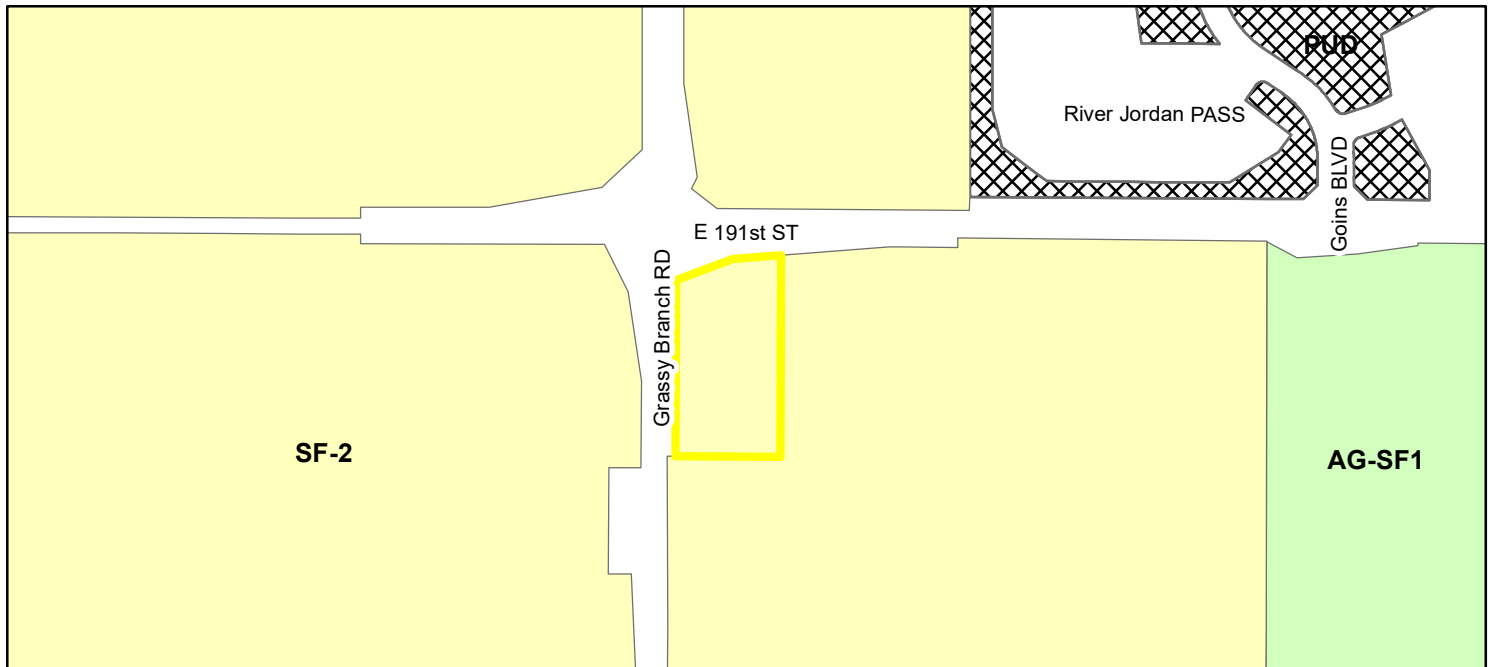
Exhibit 2 - Location Map
19027 Grassy Branch Road (Carley)
2303-VU-03



Aerial Location Map



Zoning Map



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

Grassy Branch Rd

19091

19027

8.3'
178.6sq ft
58.3'

VARIANCE APPLICATION

OFFICE USE ONLY

DOCKET #: _____ FILING DATE: _____

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

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: Ryan Collingwood, Daine Crabtree (STAFF NAME) DATE: 2/3/23

PRIOR OR RELATED DOCKET NUMBERS

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

APPLICANT INFORMATION

APPLICANT'S NAME: David & Shannon Carley TELEPHONE: (317) 432-7952
ADDRESS: 19027 Grassy Branch Road, Westfield 46074 EMAIL: shannonnicole83@hotmail.com
PROPERTY OWNER'S NAME: _____ TELEPHONE: _____
ADDRESS: _____ EMAIL: _____
REPRESENTATIVE'S NAME: _____ TELEPHONE: _____
COMPANY: _____ EMAIL: _____
ADDRESS: _____

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 19027 Grassy Branch Rd, Westfield, IN 46074
COUNTY PARCEL ID #(S): 08-06-29-00-00-033.005
EXISTING ZONING DISTRICT(S): SF2 EXISTING LAND USE(S): single-fam residential

PROPERTY AND PROJECT INFORMATION

☒ VARIANCE OF LAND USE CODE CITATION: UDO Article 13.2
☐ VARIANCE OF DEVELOPMENT STANDARD(S) CODE CITATION: _____

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

STATEMENT OF INTENT (EXPLANATION OF REQUEST - ATTACH SEPARATE SHEET IF NECESSARY): To request a variance to allow per the City of Westfield's current definition of a 'kennel', our property to be used for housing/containing more than three and up to 20 chickens.

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.

David Carlton Carley
Applicant/Representative (signature)

David Carlton Carley
Applicant/Representative (printed)

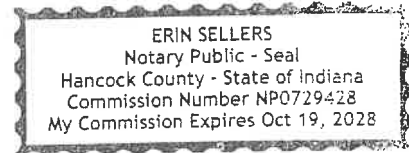
Before me the undersigned, a Notary Public in and for said County and State, personally appeared the above party, who having been duly sworn acknowledged the execution of the foregoing Application.

Witness my hand and Notarial Seal this 16 day of Feb, 2023

State of IN, County of Hamilton, SS: _____

Erin Sellers
Notary Public (signature)

Erin Sellers
Notary Public (printed)



PROPERTY OWNER AFFIDAVIT

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

Property Owner (signature)*

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.

FINDINGS OF FACT (VARIANCE OF USE)

APPLICANT: David & Shannon Carley

DOCKET #: _____

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

- A. The use will not be injurious to the public health, safety, morals, and general welfare of the community because: the chickens would be contained in a fence at least four feet tall, limited to a count of 20, not be used for commercial purposes, and at night contained in a secure coop/run.
- B. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because: The chickens would be contained in a fence at least four feet tall, limited to a count of 20, not be used for commercial purposes, will not disrupt neighbors' traffic, noise, or odors (female chickens no roosters), and at night will be contained within a well-maintained chicken coop/fenced run.
- C. The need for the variance arises from some condition particular to the property involved because: the City of Westfield's definition of a 'Kennel' did not get updated to exclude chickens when that did happen in Hamilton County. Additionally, our property is not in a neighborhood, and is zoned as single family rather than agriculture though it is over two acres (as are all our adjoining neighbors).
- 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: our property has sufficient space in our backyard to adequately house/contain chickens without disrupting our neighbors, but since it is zoned single family is currently limited to three chickens.
- E. The variance of use does not interfere substantially with the Comprehensive Plan because: despite the fact that the UDP does not allow single family-zoned properties to have more than three chickens, the confines of this variance request (count, purpose, contained, without roosters) should not have a negative impact on neighbors' traffic, noise, odors, or property values.

GENERAL INSTRUCTIONS

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



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

March 14, 2023
2303-VS-04
Exhibit 1

Petition Number:	2303-VS-04
Subject Site Address:	Approx. 1549 Chatham Villages Blvd. (the "Site")
Petitioner:	CHLL, LLC represented by V3 Companies (the "Petitioner")
Request:	The Petitioner requests a Variance of Development Standard to reduce the minimum lot landscaping required for multi-family uses. <i>(UDO Article 6.8(K) as it relates to Sec. 8.4 of Chatham Hills PUD District Amendment VII (Ord. 19-51))</i>
Current Zoning:	Chatham Hills PUD (Ord. 13-24) and all applicable amendments; underlying zone is General Office (GO)
Current Land Use:	Vacant
Approximate Acreage:	14.37 acres +/- (not yet subdivided from parent parcels)
Exhibits:	1. Staff Report 2. Location Map 3. Petitioner's Letter of Intent 4. Preliminary Landscape Plan
Staff Reviewer:	Lauren Gillingham, AICP, Senior Planner

OVERVIEW

Property Location: Shown in Exhibit A of the Petitioner's Letter of Intent, the subject site is approx. 11.6 acres +/- of land at the southwest corner of E 203rd St and US 31 (see Exhibits 2 and 3). The exact parcel has not yet been subdivided, but it will include land from two existing parcels – Chatham Villages Sec. 2 Block C and Chatham Villages Sec. 2 Block B. The Site is zoned Chatham Hills Planned Development (PUD) District, Campus Office Subdistrict, and is excluded from the Hwy 31 Overlay District (the "Overlay District"). Adjacent properties to the west and south are also zoned Chatham Hills PUD District; properties to the east (across Hwy 31) are zoned Northpoint PUD.



Property History: The subject site was added to the Chatham Hills PUD in Spring 2019 through Chatham Hills PUD Amendment VII (*Ord. 19-51*). The amendment contemplates a mix of single family detached, multifamily, commercial, and office uses within a variety of subareas. Although this site is in the Campus Office Subarea, primarily intended for general office and business uses, the PUD does permit a maximum of 250 multifamily units within the subarea.

The BZA previously approved a variance to reduce the required parking ratio to 1.8 spaces per unit (2301-VS-01).

SUMMARY OF VARIANCES

The Petitioner requests a Variance of Development Standard to reduce the minimum lot landscaping required by multi-family residential uses for their proposed 250-unit apartment development from 250 shade trees to +/- 176 shade trees, as shown in their landscape plan.

Simply put, minimum lot landscaping is the minimum amount of landscaping required on the site, including all other types of required landscaping (street frontage, perimeter parking, buffer plantings, etc.), as calculated by the ratio below.

Land Use	Plant Materials		
	Shade Trees	Ornamental or Evergreen Trees	Shrubs
Multi-family Residential (per Dwelling Unit)	1	1	4

Minimum lot landscaping is sort of a fall-back requirement to ensure that adequate plantings are always be provided, and is easily satisfied by other landscaping requirements for the majority of projects, with the exception of multi-family residential uses. While other uses calculate the requirement based on acreage, the requirement for multi-family uses is calculated *per dwelling unit*, creating a disproportionately high minimum landscaping requirement.

Per the UDO standards, the development requires a minimum of 250 shade trees, 250 evergreen or ornamental trees, and 1,000 shrubs. During the design process, it was determined that after accounting for other required plantings, unplatable easements, and required setbacks from pavement and storm structures, they were unable to fit all 250 shade trees on



the site in an organized, holistically-sound manner; even if it was possible from a design standpoint, the resulting density would quickly kill a good number of plants.

Just like the parking reduction previously approved by this board, this is a known issue that is almost always addressed in the language of the PUD. In my research, I couldn't find a single apartment development approved under the current UDO (since 2015) that met the UDO standards. The respective PUDs all either reduced the landscaping standards or eliminated them entirely and substituted a landscaping exhibit with a reduced number of plantings. Some comparable projects are shown in the table below, with this project shown in the last row.

PUD	Project	# of units	# of shade trees required by UDO	# of shade trees provided
Grand Park Village (Ord. 18-33)	CharlesTown on the Monon	244	244	175
The Trails (Ord. 19-45)	Holladay Properties (approved but not yet developed)	224	224	163
Wheeler Landing (Ord. 21-05)	Wheeler Landing Apartments	214	214	113
Grand Park Village (Ord. 22-11)	TWG	240	240	181
Chatham Villages	Mia Rose – Chatham Apartments	250	250	176

Just as a reminder, it was recently determined that variances are permitted in PUDs as long as the standard being varied from is that of the underlying UDO and not specifically written into (or amended by) the PUD ordinance, and does not alter the concept or intent of the initial PUD ordinance in a manner outlined in UDO Art. 10, Sec. 10.10(G):

1. *Changes that shall require an amendment to a PUD District Ordinance include changes which alter the concept or intent of the initial PUD District, as determined by the Director, which shall include but are not limited to:*
 - a. *Increases in density or intensity.*
 - b. *Changes in the proportion or allocation of land Uses.*



- c. *Changes in the list of approved Uses.*
 - d. *Changes in the locations of uses outside of the parameters set forth by the PUD District Ordinance. 10 Table of Contents Basic Provisions 1 2*
 - e. *Changes in functional uses of Open Space, where such change constitutes an intensification of use of the Open Space.*
 - f. *Changes in the final governing agreements where such changes conflict with the Concept Plan approval.*
2. *The procedure for amending an approved PUD District Ordinance ("text amendment") shall be the same as the procedure for the adoption of the initial PUD District Ordinance as set forth herein.*

Staff agrees that a reduction in landscaping does not alter the concept or intent of the PUD and does not necessitate a PUD amendment or approval from the Plan Commission or City Council.

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of this petition. This petition is scheduled to receive its public hearing at the March 14th, 2023, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the BZA Rules of Procedure.

Conditions: The UDO¹ and Indiana Code § 36-7-4-918.4 provide that the Board of Zoning Appeals may impose reasonable conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of the UDO upon any Lot benefited by a variance as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject Lot or upon public facilities and services. Such conditions shall be expressly set forth in the order granting the variance.

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

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.



granted variance and any commitments made or conditions imposed in granting of the variance; (ii) be signed by the Director, Property Owner and Applicant (if Applicant is different than Property Owner); and (iii) be recorded against the subject property in the Office of the Recorder of Hamilton County, Indiana. A copy of the recorded acknowledgement shall be provided to the Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

Variance of Development Standard: The Board of Zoning Appeals shall approve or deny variances from the terms of the UDO. A variance of development standard 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;
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

DEPARTMENT COMMENTS

Approval: If the Board is inclined to approve the petition, the Department recommends the following conditions and findings:

Recommended Conditions:

1. The variance shall be limited to the subject parcel
2. The Development Plan shall be in substantial compliance with Exhibit 4. Plantings may be reduced or relocated provided that minimum landscape requirements are still met, however, further reduction to the number of shade trees shall only be permitted if required by Public Works, the Hamilton County Drainage Board, or an applicable utility provider.
3. The Development Plan shall meet all other applicable standards of the PUD and UDO.

Recommended Findings for Approval:

If the Board is inclined to approve the variance, then the Department recommends the following 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 a reduction in on-site landscaping will 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:*

Finding: It is very unlikely the use and value of adjacent property will be affected in a substantially adverse manner by the reduction in landscaping. Approving the variance would leave the character of the area unchanged.

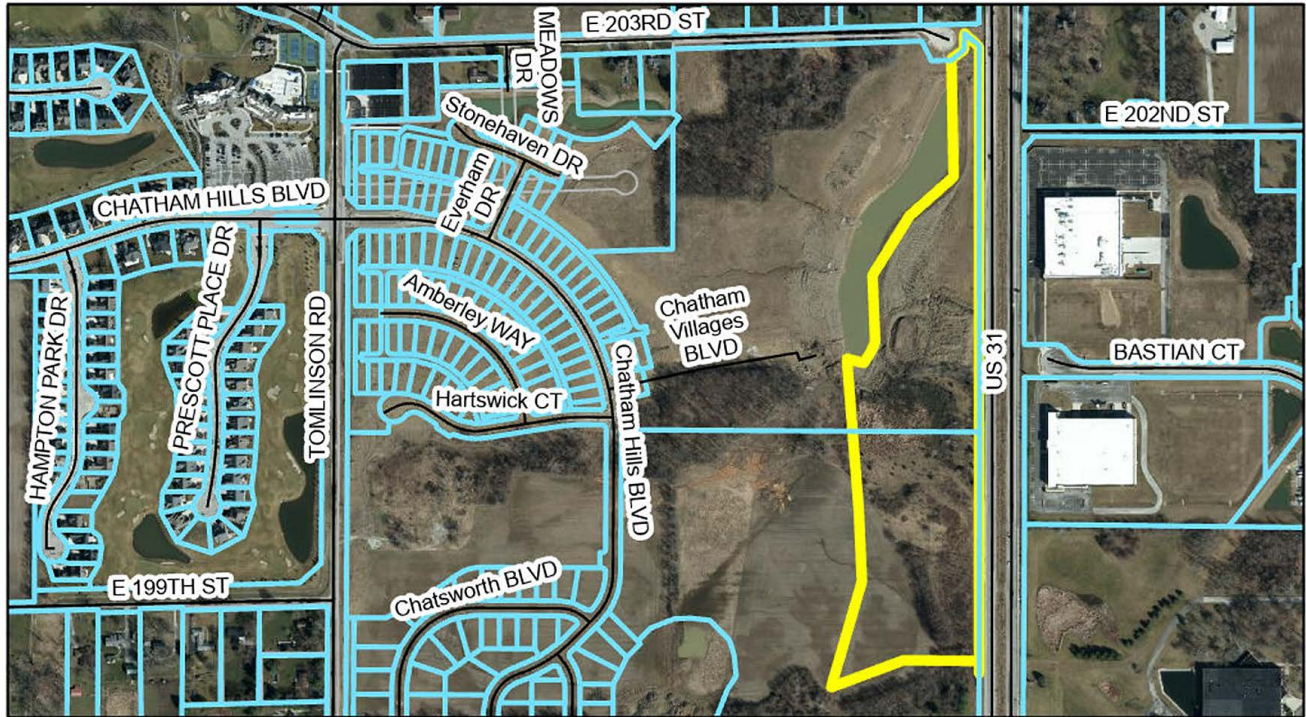
- 3) *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:*

Finding: In some respects, this development is an in-fill project, utilizing a narrow, triangular shaped lot not particularly suited to the commercial or office developments also permitted in the Campus Office subarea. Denial of the variance request would cause difficulties in the overall site design and could negatively impact the efficient use of the site.

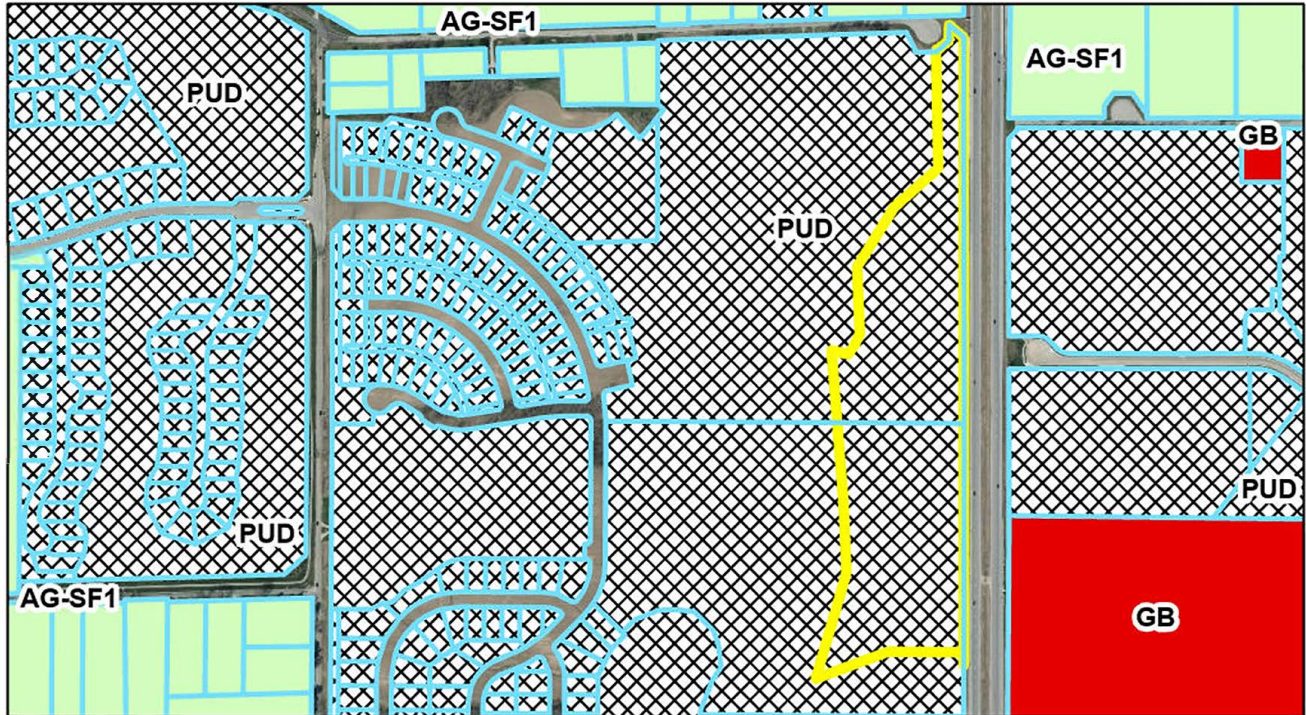
Denial: If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.



Aerial Location Map



Zoning Map



Legend

 Subject Parcel

0 0.07 0.15 0.3 Miles






February 22, 2023

VIA EMAIL (lgillingham@westfield.in.gov)

Lauren Gillingham, AICP | Senior Planner
Community Development
2728 East 171st Street
Westfield, IN 46074

Re: CHLL, LLC – Chatham Village Luxury Apartments
Variance for Reduced Parking Ratio

Dear Ms. Gillingham:

Please accept the enclosed application for a parking variance from CHLL, LLC (CHLL). CHLL is under contract to acquire land within the Chatham Village PUD for multi-family development. We are seeking a variance of the Unified Development Ordinance, Section 6.8 (k), to allow a reduced planting ratio of shade trees, ornamental trees, and shrubs per dwelling unit.

This requested variance will not be injurious to the public health, safety, morals, and general welfare of the community because the site will have ample vegetative cover at a reduced ratio. Most sites have some sort of detention pond or common area that would allow significant room for tree plantings. This site utilizes an existing detention pond that was built along with Chatham Villages, thus reducing open areas to plant. In addition there is a regulated drainage easement around the pond which excludes plantings. There is also a utility easement along US-31 which hampers our ability to build an undulating landscaping mound, necessitating the use of a 6' fence.

Further, the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner for the same reasons mentioned above. A reduced ration will allow for a more aesthetically pleasing layout of plantings which will increase their longevity and add to the value of this site and the surrounding area.

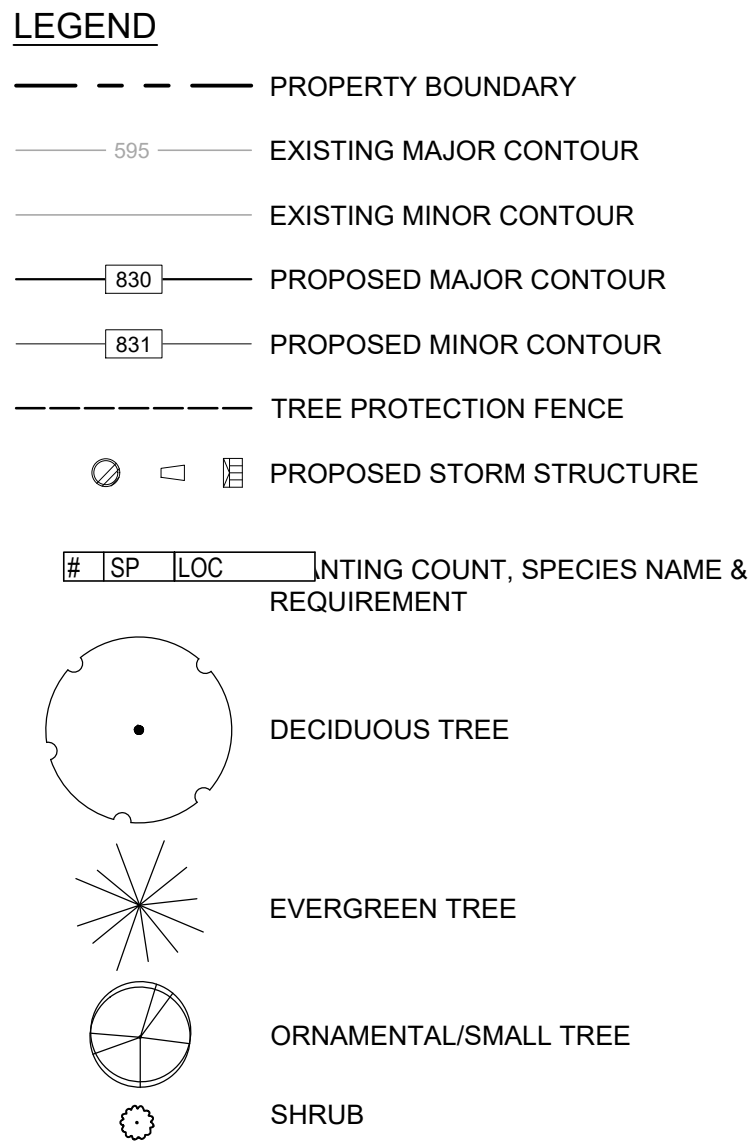
Lastly, the strict application of the terms of the Ordinance will result in practical difficulties in the use of the property. If the current ratio is held to there would be significant navigability issues through the open areas of the site. In addition, there would be significant dead loss due to overcrowding which would hurt the visual appeal of this site.

Thank you for your review of this requested variance.

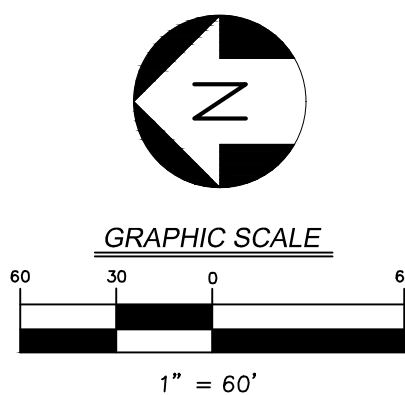
Sincerely,

Nathan Laframboise

Of V3 Companies (applicant representative)
Acting on behalf of Jordan Dorsey of CHLL, LLC.



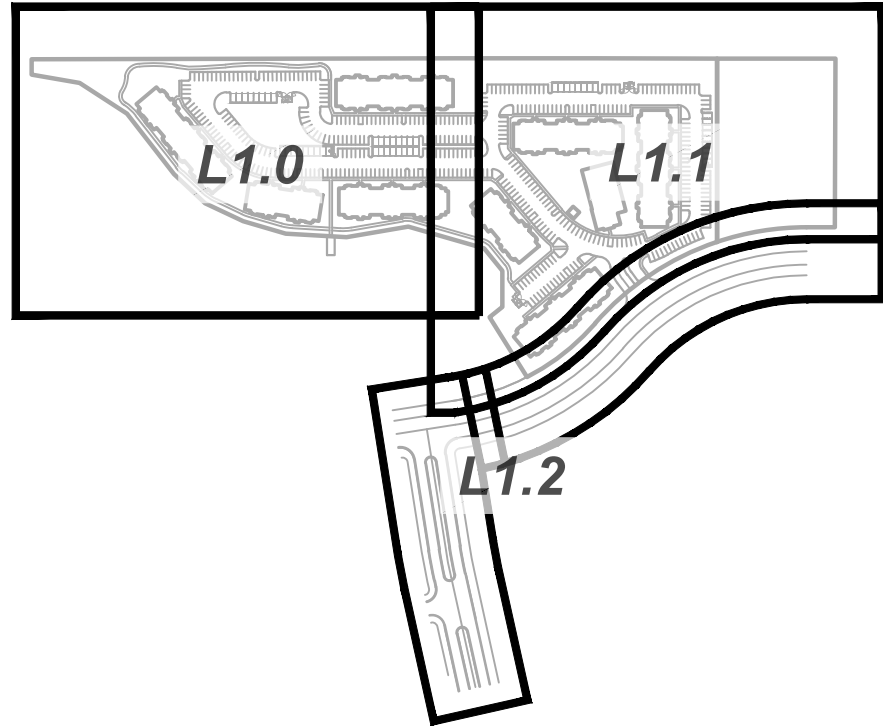
1. MULCH TO BE DARK BROWN, FINELY SHREDDED HARDWOOD. INSTALL 3" THICK MINIMUM.
2. ALL DECIDUOUS TREES TO HAVE 5" MINIMUM DIAMETER MULCH RING, UNLESS SHOWN OTHERWISE.
3. MULCH BEDS TO EXTEND A MINIMUM OF 12" PAST PLANTINGS AROUND THE BUILDING.
4. ALL PLANTING BEDS TO BE AMENDED WITH 6" OF COMPOST OVER THE ENTIRE BED.
5. ALL PLANTING BEDS TO HAVE SPADED EDGE UNLESS OTHERWISE NOTED.
6. FOR LIST OF PLANT TYPES, SIZES, SPECIFICATIONS, ETC. SEE SHEET L2.0 & L3.0.
7. ALL PLANTS, SIZING, SPACING, SPECIES, ETC. TO MEET REQUIREMENTS OF WESTFIELD-WASHINGTON TOWNSHIP UNIFIED DEVELOPMENT ORDINANCE AND THE CHATHAM HILLS PLZ ORDINANCE 19-51.
8. ONGOING MAINTENANCE OF VEGETATION DURING CONSTRUCTION SHALL BE IN ACCORDANCE WITH TCIA A300.
9. BUILDING FOOTPRINTS BASED ON OWNER PROVIDED INFORMATION. ENGINEER ASSUMES NO LIABILITY ASSOCIATED WITH CHANGE IN BUILDING FOOTPRINTS. SURVEYOR SHALL CONFIRM WITH OWNER BUILDING FOOTPRINTS PRIOR TO FIELD STAKING.
10. PERENNIALS ARE TO BE PLANTED 18" O.C. IN GROUPS OF 3-5-7 OF THE SAME SPECIES.



Know what's **below**.
Call before you dig.

	1 EXTERNAL STREET FRONTAGE (ESF) - A LANDSCAPE AREA WITH A MINIMUM DEPTH OF THIRTY (30) FEET SHALL BE REQUIRED ABUTTING AN EXTERNAL STREET ALONG ANY RESIDENTIAL DEVELOPMENT. THE LANDSCAPING AREA SHALL INCLUDE A MINIMUM OF FOUR (4) EVERGREEN TREES, THREE (3) SHADE TREES, THREE (3) ORNAMENTAL TREES, AND TWENTY-FIVE (25) SHRUBS PER ONE HUNDRED (100) LINEAL FEET (ONLY APPLIES TO US-31)			
	Standard	Required	Provided	Remaining
	Evergreen Trees	57.12	58	0
	Shade Trees	42.84	44	0
	Ornamental Trees	42.84	43	0
	Shrubs	357	357	0
	2 PARKING AREA ISLANDS (PAI) - PARKING AREA ISLANDS SHOULD INCLUDE A MINIMUM OF ONE (1) TREE AND FOUR (4) SHRUBS PER ISLAND			
	Standard	Required	Provided	Remaining
	Trees	29	29	0
	Shrubs	60	60	0
	3 MULTI-FAMILY RESIDENTIAL FOUNDATION PLANTING (RFP) - PLANTING MATERIALS SHALL BE REQUIRED ALONG THE FRONT FAÇADE OF ALL BUILDINGS AT A MINIMUM RATIO OF ONE (1) SHRUB OR ORNAMENTAL TREE PER TWELVE (12) LINEAL FEET			
	Standard	Required	Provided	Remaining
	Shrubs/Trees	195.64	304	0

4	PARKING AREA LANDSCAPING (PAL) - PERIMETER PARKING AREA LANDSCAPING SHALL BE A MINIMUM OF FIVE (5) FEET WIDE AND SHALL EXTEND ALONG THE PERIMETER OF PARKING AREAS, PLANTING SHALL INCLUDE A MINIMUM OF ONE (1) TREE PER TEN (10) LINEAL FEET AND ONE (1) SHRUB PER THREE LINEAL FEET.			
	Standard	Required	Provided	Remaining
	Trees	12.92	14	0
	Shrubs	129.23	144	0
5	MINIMUM LOT LANDSCAPING (MLL) - PLANT MATERIALS SHALL BE PLACED ON SITE IN OPEN AREAS AND SHALL BE A MINIMUM OF ONE (1) SHADE TREE, ONE (1) ORNAMENTAL OR EVERGREEN TREE, AND FOUR (4) SHRUBS PER EACH DWELLING UNIT (CAN UTILIZE PLANTINGS FROM OTHER REQUIREMENTS - EXCLUDING STREET TREES)			
	Standard	Required	Provided	Remaining
	Shade Trees	250	176	54
	Ornamental/Evergreen Tree	250	384	0
	Shrubs	1000	1,000	0
6	STREET TREES (ST) - STREET TREES SHALL BE REQUIRED WITH ALL NEW OR RE-DEVELOPED LOCAL STREETS (PUBLIC OR PRIVATE) WITHIN RESIDENTIAL DISTRICTS. STREET TREES SHALL BE REQUIRED AN AVERAGE OF EVERY FIFTY (50) FEET; HOWEVER, THE STREET TREES MAY BE SPACED A MAXIMUM OF SIXTY (60) FEET BUT AT A MINIMUM OF			
	Standard	Required	Provided	Remaining
	Trees	15.7	18	0



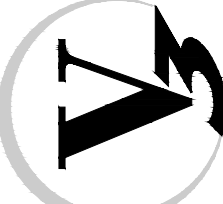
KEY MAP
N.T.S.

LANDSCAPE PLAN

CHATHAM VILLAGE APARTMENTS

WESTFIELD

619 N Pennsylvania Street
Indianapolis, IN 46204
317.423.0690
www.v3co.com



DRAWING NO.

L1.0