



CITY OF WESTFIELD, IN
BoardofZoningAppeals_Meeting_Agenda_03_10_2020

Tuesday, March 10, 2020 at 07:00 PM

BOARD OR COMMISSION: Board of Zoning Appeals (BZA)

MEETING DATE: Tuesday, March 10, 2020 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

OPENING OF REGULAR MEETING

Note the presence of a quorum

Approval of Minutes - February 13, 2020

Documents: [BZA Minutes - February 13, 2020](#)

Review Rules & Procedures

ITEMS OF BUSINESS:

1912-VU-07 [PUBLIC HEARING]

16708 Dean Road

Esler Properties, LLC by Morse & Bickel, P.C.

The Petitioner requests Variances of Use to permit the following: 1) an auto service facility; 2) Outside Storage vehicles, boats and trailers; 3) Warehouse (inside storage); and 4) a Trucking Company; on 4.59 acres +/- in the EI: Enclosed Industrial District and U.S. Highway 31 Overlay District.

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

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Existing Site Conditions](#) | [Exhibit 4: Acknowledgement of Variance 1603-VU-03](#) | [Exhibit 5: Petitioners Application](#)

2002-VS-02 [PUBLIC HEARING]

21440 Mule Barn Road

Heather Cooley

The Petitioner requests a Variance of Development Standard to permit a second Dwelling Unit on 3 acres +/- in the AG-SF1: Agriculture/Single-Family Rural District (Article 6.4(B)).

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

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Site Plan](#) | [Exhibit 4: Proposed Garage Expansion](#) | [Exhibit 5: Existing Conditions Photos](#)

2003-VS-05 [PUBLIC HEARING]

18594 Cross Lakes Court

Patrick O'Brien and Dee Anna Lynn Bassett

The Petitioner requests a Variance of Development Standard to modify the Rear Yard Setback from twenty-five (25) feet to ten (10) feet in the Andover Planned Unit Development (PUD) District to accommodate a swimming pool and deck.

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

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

ITEMS CONTINUED TO A FUTURE MEETING:

1803-AA-01 [CONTINUED]

16708 Dean Road (Bob's Garage)

Esler Properties, LLC by Morse & Bickel, P.C.

The petitioner is appealing an Administrative Determination (1712-AD-04) regarding the revocation of a variance (1603-VU-03).

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

2003-VS-04 [CONTINUED]

302 Penn Street

GPG Properties, LLC

The Petitioner requests Variances of Development Standard to modify the Side Yard and Front Yard Setbacks in the SF4: Single-family High-Density District (Article 4.7).

(Planner: Corey Harris – Charris@westfield.in.gov)

REPORTS/COMMENTS:

Plan Commission Liaison

Economic and Community Development Department

ADJOURNMENT



Westfield–Washington Township Board of Zoning Appeals
Minutes of the February 13, 2020 BZA Meeting
Presented for approval: March 10, 2020

The Westfield-Washington Township Board of Zoning Appeals (BZA) met at 7:00 p.m.
on Thursday, February 13, 2020 at Westfield City Hall.

OPENING OF MEETING: 7:00 PM

ROLL CALL

Members Present: Jeannine Fortier, Ken Kingshill, Victor McCarty, Martin Raines, and Dave Schmitz.
Members Absent: All present.

City staff present: Pam Howard, Senior Planner; Daine Crabtree, Associate Planner; Jonathan Dorsey, Associate Planner; and Brian Zaiger, City Attorney.

AMEND BZA RULES AND PROCEDURES

Brian Zaiger overviewed the need for this amendment, stating that the APC appoints one of their township appointed members to the BZA. The rules currently require that member to reside outside the City Limits, the statute no longer contains the same requirement. The updated rule would reconcile this difference, and also establish a 2-year term for that appointment, as required by the statute. The APC recently adopted a similar amendment.

The Board discussed the proposed amendment.

Motion: Adopt the amendment to the BZA rules in regard to the APC appointment to the BZA

Motion: Kingshill; Second: Raines. Motion passed. Vote 5-0.

ELECTION OF OFFICERS

Motion: Nominate Dave Schmitz as BZA Chair for 2020.

Motion: Kingshill; Second: Raines. Motion passed. 5-0

Motion: Nominate Ken Kingshill Schmitz as BZA Vice-Chair for 2020.

Motion: Schmitz; Second: Fortier. Motion passed. Vote 5-0.

Motion: Nominate Martin Raines as BZA Pro-Tempore for 2020.

Motion: Fortier; Second: Kingshill. Motion passed. Vote 5-0.

APPROVAL OF MINUTES

Schmitz motioned to approve the January 14, 2020 Minutes.

Kingshill seconded. Motion passed. Vote 5-0

REVIEW RULES AND PROCEDURES

Crabtree reviewed BZA rules and procedures.

ITEMS OF BUSINESS:

1912-VU-07

[PUBLIC HEARING]

16708 Dean Road

Esler Properties, LLC by Morse & Bickel, P.C.

The Petitioner requests renewal of a previously approved Variance of Use to permit an auto service facility on 4.59 acres +/- in the EI: Enclosed Industrial District and U.S. Highway 31 Overlay District

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

Howard explained that since this Petitioner was last before the BZA requesting a continuance, the Department determined that there are three additional variances that are needed for the property to brought into full compliance. The Petitioner has asked to revise their petition to include these additional variances.

No action needed.

The Department has continued this item to the March BZA meeting.

2002-VS-01

[PUBLIC HEARING]

Copper Beach Farms

David J. Museck by Cross County Consulting, LLC

The Petitioner requests a Variance of Development Standard to decrease the Minimum Lot Frontage on 36.43 acres +/- in the AG-SF1: Agricultural/Single-Family Rural District from two hundred and fifty (250) feet to zero (0) (Article 4.2(D)).

(Planner: Jonathan Dorsey - JDorsey@westfield.in.gov)

Dorsey overviewed this request for a Variance of Development Standard.

David Museck, with Old World Development Company, the Petitioner summarized the details of this proposed development of seven total lots on 36 acres. He said as the developer he is very present and involved with the development and communication with neighboring property owners. He said that this project would preserve the natural beauty of the land and numerous trees on the property. He said a private drive, maintained by the home owners would present no impact on the existing roads. The home price points will be one million dollars and above.

Kingshill asked for clarification on the proposed private drive.

Museck replied that all homes would have frontage on this proposed drive. He said the Westfield Fire Department was satisfied with the design. He also said that a landscape agreement and alignment of the drive was designed to address auto headlights.

Schmitz asked staff if this project would go through a minor plat.

Dorsey replied yes, it had already been submitted and is currently working with Westfield Public Works and Westfield Fire Department.

Schmitz asked if this project would need to go through full platting if Westfield Public Works and Westfield Fire Department don't approve the layout.

Dorsey replied yes, but only minor subdivisions are permitted in AG-SF1.

Public Hearing for 2002-VS-01 opened at 7:23 p.m.

Chip Slagle, 15225 Shelborne Road; said that this is the type of responsible development he wants next to his house and property. He is in support of this project.

Schmitz asked Slagle if part of his property will be included on lot three.

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Slagle replied yes, and that he is buying the real estate to allow him to build another house there in the future. Rick Combs, 15410 Shelborne Road; said that he would prefer that this property remain agricultural as it is today. He said that if this project happens that he would be concerned if the driveway moves from where it is currently as he would have auto headlights shining into house. He said he was concerned that the developer has agreed to landscaping, but not committed. He would like to see commitments and that he would prefer this go to City Council instead of BZA

Kingshill asked the Combs if he would agree that this land would someday develop.

Combs replied that just because the land sells, it doesn't mean the property would be developed. He said that his taxes keep going up because of new developments that add kids to the school system.

Robert Hudson, 15411 Shelborne Road; said that he is concerned about precedent this would set for the future development of the southwest quadrant. He said the area could lose its rural feel and that the homes will not fit in with rural feel and spirit of the Comprehensive Plan. He said that he appreciated the willingness of the Petitioner to add buffer against his property.

McCarty asked Hudson about the private drive on his property that appears to go back to the properties in question.

He replied that the owner used to use this drive, when he bought property that access was cut off and he created a drive in a clearing to the south.

Bill Koss, Shelborne Road; said the felt that the BZA had been misled by the previous speaker and added that the headlights will not shine into his house but would shine into trees. He said that when he bought the land in 1980's he knew that it would be developed, and that's why he bought such a large amount of property adding that he would be able to control its development. He said he is very motivated to the preserve trees.

Public Hearing for 2002-VS-01 closed at 7:41 p.m.

The Petitioner responded that the road is not going to change, a survey has been established. He tested the headlights intrusion and found that the headlights do not shine into houses but shines between them. He said that he would design a landscape package that will block headlights.

Schmitz mentioned that one of the recommended conditions would require substantial compliance with the plan, if the road were to move it would not be compliant with the variance.

Kingshill asked if Westfield Public Works and the Westfield Fire Department were satisfied with location of the road.

The Petitioner responded yes, they have also provided cross section to Westfield Public Works and have discussed with the City Engineer.

Raines asked about width of the road

The Petitioner replied that the width is 20 feet, which is wider than Shelborne Road and that width is a Westfield Fire Department requirement.

McCarty asked about trash service.

The Petitioner responded that trash service will enter neighborhood.

Kingshill mentioned the city provides trash service.

Kingshill asked if this project is within city limits.

The Petitioner replied that it is within city limits.

Kingshill said the Comprehensive Plan discusses conservation subdivisions, while this project is not a conservation subdivision, it is the closest the BZA has seen. He said that most people would prefer this to Pulte building 300 homes. He is in favor of this project.

Kingshill motioned to approve 2002-VS-01 with the following staff conditions.

- The lots shall be subdivided in substantial compliance with the Site Plan Exhibit attached to the Staff Report.
- That any new construction on the lots be substantially similar to the Character Exhibits attached to the Staff Report.
- That in order to preserve the rural character of the site and area, all existing trees on the Real Estate shall be preserved in accordance with Article 8.6(E), unless determined to be within the construction limits of a new home, accessory structure, or Driveway.

Raines seconded. Motion passed. Vote 5-0.

Kingshill motioned to adopt Staff's Findings of Fact for 2002-VS-01.

McCarty seconded. Motion passed. Vote 5-0.

2002-VU-01
[PUBLIC HEARING]

2907 W State Road 32

Alan Hodgeson

The Petitioner requests a Variance of Use to permit a four (4) unit Multi-family Dwelling on 1.5 acres +/- in the AG-SF1: Agricultural/Single-Family Rural and State Road 32 Overlay District.

(Planner: Jonathan Dorsey - JDorsey@westfield.in.gov)

Dorsey overviewed this request for a Variance of Use.

Kingshill asked about adjacent PUD zoning district, and what are potential uses

Dorsey replied that it is Town Road Crossing, the mixed use district south of SR 32 permits General Business uses and Single-Family Attached dwellings, hospitality uses are contemplated on the north side of State Road 32.

Schmitz asked if any development had occurred in Town Road Crossing PUD?

Dorsey responded no, it was projected as 10-year buildout starting in 2009; however, no building has occurred.

The Petitioner, Alan Hodgeson summarized the proposed project and presented the history of the property. He stated that he has cleaned up the property and razed the house that was on the property. He said he met

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with Westfield Public Works and the Westfield Fire Department and their only concern was about the entrance. He said after consulting John Nail, the City Engineer, that there were no issues with the entrance.

Kingshill asked what the contemplated rental cost would be and how many bedrooms would the units have.

The Petitioner replied rent would be \$1200-\$1500 per month and the units would be three bedrooms with two baths.

McCarty asked if this would be a high-end project.

The Petitioner replied the units would be mostly brick and stone, with some siding.

McCarty asked if they would have resident rules like an HOA; if pets would be allowed.

The Petitioner said he has no problem with rules and would allow pets

Fortier asked about the location of the parking.

The Petitioner said the existing parking area would be utilized.

Public Hearing for 2002-VU-01 opened at 8:02 p.m.

No public comments.

Public Hearing for 2002-VU-01 closed at 8:03 p.m.

Kingshill stated he had concerns about this multi-family being in the 32 overlay where more commercial uses would be considered appropriate.

Dorsey stated this area is in the employment corridor area of Comprehensive Plan.

Howard said that the 32 overlay mainly regulates architecture.

Kingshill spoke about the original intent of the use of this area.

McCarty states he is always nervous about approving multifamily, but said this smaller scale seems better.

Raines motioned to approve 2002-VU-01.

Fortier seconded. Motion passed. Vote 4-1. (Kingshill)

McCarty motioned to adopt Staff's Findings of Fact for 2002-VU-01.

Raines seconded. Motion passed. Vote 5-0.

2002-VS-03
[PUBLIC HEARING]

334 S Cherry Street
Patch Development, LLC

The Petitioner requests a Variance of Development Standard to permit less than seventy-five percent (75%) Masonry Material on the proposed senior living apartments on 3.159 acres +/- in the MF2: Multi-family Medium Density District (Article 6.3(E)(2)(b)).

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

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Crabtree overviewed this request for a Variance of Development Standard.

Public Hearing for 2002-VS-03 opened at 8:11 p.m.
No public comments.

Public Hearing for 2002-VS-03 closed at 8:12 p.m.

Kingshill doesn't like open-ended variances with wording like less than 75% masonry meaning that it could be 0% masonry.

Crabtree replied that proposed condition requires substantial compliance with concept plan.

Kingshill doesn't think that the wording "substantial compliance" is strong enough and is subjective.

Crabtree said that staff could add more specific conditions.

Schmitz asked how they will ensure that these will be senior living apartments. He said he was concerned about approving more multi-family.

The Petitioner replied that the price point would make it unappealing to other residents. He added that part of the price is for services at Sanders Glen which some residents would not desire.

Crabtree reminded the BZA members that this use is already permitted; this request is about the masonry.

Kingshill asked what is the practical difficulty.

The Petitioner responded that these are one story and if they had 75% masonry the product would look like it was from the 1980's.

McCarty asked if anything would prevent younger people from living in these apartments.

The Petitioner replied that the units will not be age restricted. They don't want to have an age restriction as there may be a resident with a child living with them as their caretaker.

Kingshill stated he was having trouble getting to substantial compliance. He said that this standard is in the UDO and has been the standard and the Petitioner has brought hardship upon themselves.

Petitioner replied that is why they are before the BZA as they feel that they are being harmed economically by this standard. This item will present an economic impact.

McCarty asked how changing the aesthetics would hinder this development and the purpose of this development.

Kingshill said the Petitioner could still build assisted living with 75% masonry.

Schmitz pointed out that most multi-family developments today are in PUDs and contains lesser masonry amounts and asked why should this project be held to a higher standard. If the Petitioner commits to the materials and percentages in the plans then that should be good enough.

Schmitz motioned to approve 2002-VS-03 with the following staff conditions:

- That any senior living apartments on the Property are built in substantial compliance with the supplied Illustrative Character Exhibits including the building materials and percentages stated therein (see Exhibit 4).
- 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 Economic and Community Development Department.

Fortier seconded. Motion passed. Vote 5-0.

Kingshill motioned to adopt Staff's Findings of Fact for 2002-VS-03.

Raines seconded. Motion passed. Vote 5-0.

ITEMS CONTINUED TO A FUTURE MEETING:

2002-VS-02

[CONTINUED]

21440 Mule Barn Road

Heather Cooley

The Petitioner requests a Variance of Development Standard to permit a second Dwelling Unit on 3 acres +/- in the AG-SF1: Agriculture/Single-Family Rural District (Article 6.4(B)).

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

1803-AA-01

[CONTINUED]

16708 Dean Road (Bob's Garage)

Esler Properties, LLC by Morse & Bickel, P.C.

The petitioner is appealing an Administrative Determination (1712-AD-04) regarding the revocation of a variance (1603-VU-03).

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

REPORTS/COMMENTS:

- Plan Commission Liaison
- Community Development Department

ADJOURNMENT

Raines motioned to adjourn the meeting.

Kingshill seconded. Motion passed. Vote 5-0.

The meeting adjourned at 8:36 p.m.

Chairperson
Dave Schmitz

Secretary
Kevin M. Todd, AICP
Director



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

March 10, 2020
2002-VS-02
Exhibit 1

Petition Number: 2002-VS-02

Subject Site Address: 21440 Mule Barn Road (the "Property")

Petitioner: Heather Cooley (the "Petitioner")

Request: The Petitioner(s) request a Variance of Development Standard to permit a second Dwelling Unit on 3 acres +/- in the AG-SF1: Agriculture / Single Family Rural District (Article 6.4(B)).

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

Current Land Use: Residential

Approximate Acreage: 3 acres +/-

Exhibits:

1. Staff Report
2. Location Map
3. Site Plan
4. Proposed Garage Expansion
5. Existing Conditions Photos
6. Application

Staff Reviewer: Pam Howard, Senior Planner

OVERVIEW

Location: The subject property is 3 acres +/- in size and located at 21440 Mule Barn Road (see **Exhibit 2**). The Property is zoned the AG-SF1: Agriculture/Single-Family Rural District. The Property currently contains a single-family residence, detached garage, and barn. All surrounding properties are also zoned AG-SF1.

Variance Request: The Petitioner is requesting a Variance of Development Standard to permit a second Dwelling Unit¹ on the Property.

¹ The UDO defines "Dwelling Unit" as "[a]ny room or group of rooms located within a building, which forms a single habitable unit for occupancy for one (1) family unit and includes facilities that are used, or intended for use as living, sleeping, cooking, and eating accommodations."

SUMMARY OF VARIANCES

The Petitioner is requesting this variance to allow an existing 20' x 34' garage (see **Exhibit 3**) to be expanded converted into a second Dwelling Unit, as depicted in the Proposed Garage Expansion Exhibit (See **Exhibit 4**).

Article 6.4(B) Building Standards; Single-family Residential Uses: In no case shall there be more than one (1) Principal Building² used for residential purposes, and its Accessory Buildings, located on one (1) Lot, except as otherwise permitted herein.

COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan identifies this property within the "Rural Northwest and Northeast" land use classification.

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 March 10, 2020, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

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

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

² The UDO defines "Building, Principal" as [a] building in which is conducted the main or primary use of the Lot on which said building is located. Where a substantial portion of an ancillary building is attached to the Principal Building in a substantial manner, as by a roof, then such ancillary building shall be counted as a part of the Principal Building and not as an Accessory Building."

³ Article 10.14(I) Processes and Permits; Variances; Conditions of the UDO.

⁴ Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.

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

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

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

DEPARTMENT COMMENTS

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

Recommended Conditions:

1. Approval shall only be valid for the building noted on the Site Plan.
2. Expansion shall be substantially compliant with the Proposed Garage Expansion Exhibit.

Recommended Findings for Approval:

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

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

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.

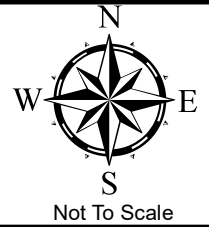
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.

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

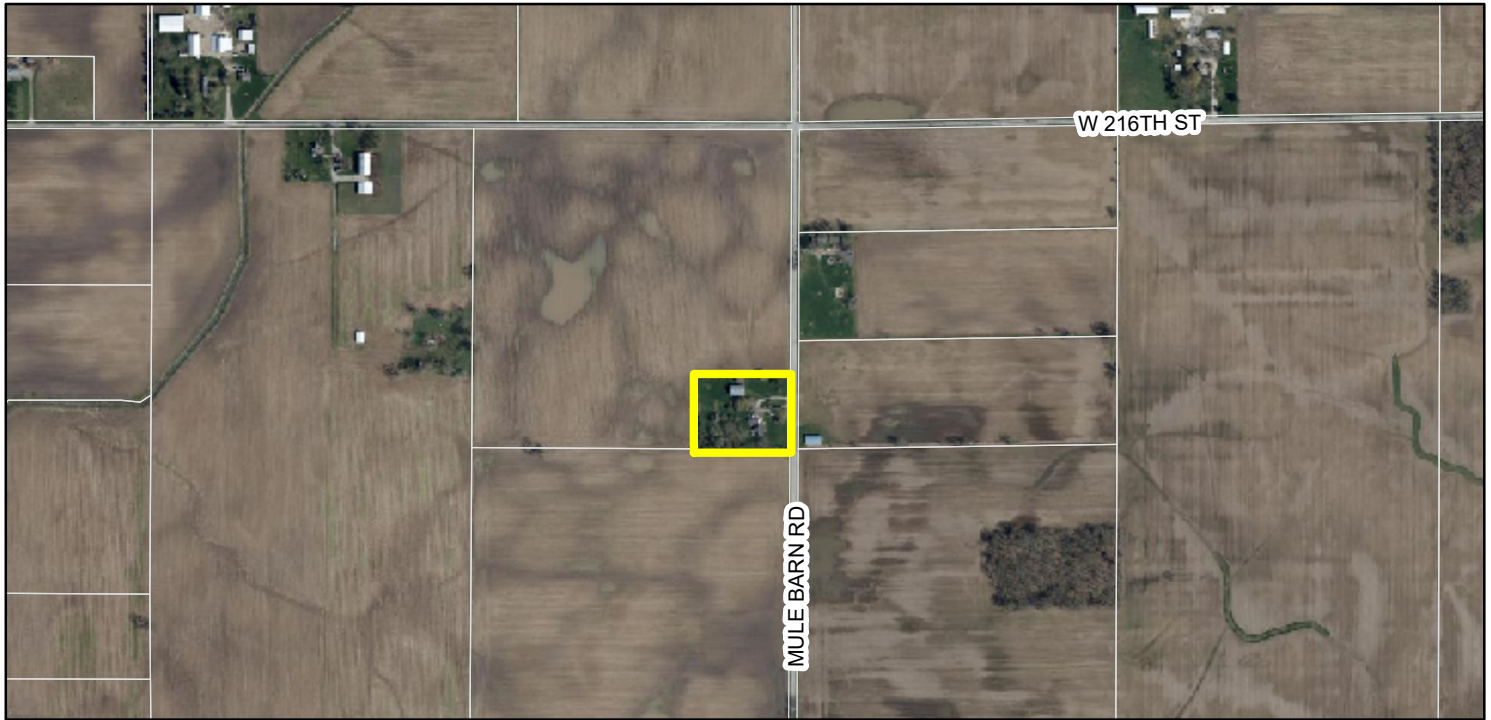
Denial: If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.



Property Location Map
21440 Mule Barn Road
Variance of Development Standard
2002-VS-02



Aerial Location Map



Zoning Map

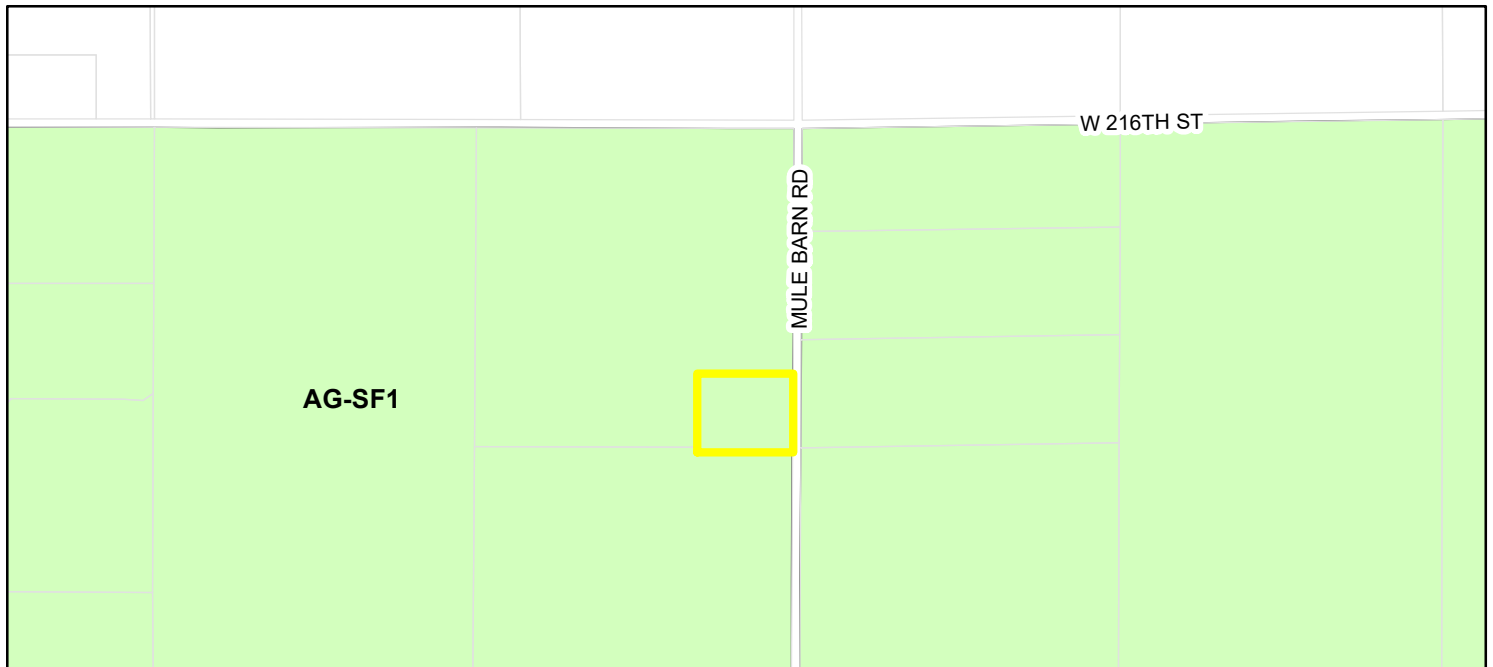
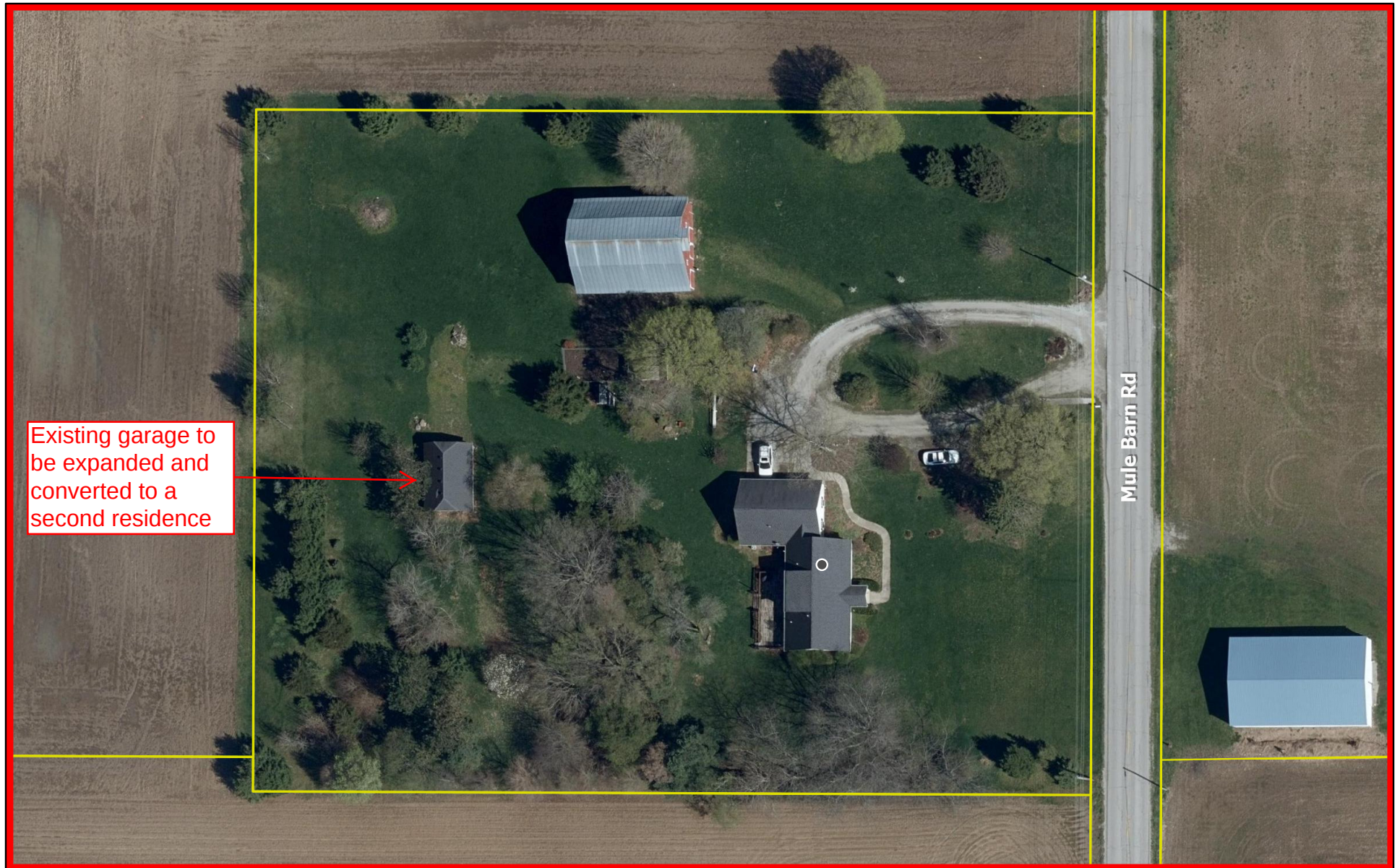


Exhibit 3 Site Plan



January 27, 2020

Public Buildings

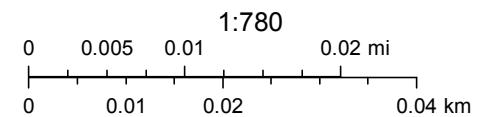
- GOVERNMENT
- SCHOOL

Subdivisions

- Interstates & US Highways
- State Highways

Major Roads

- Minor Roads
- Lakes & Reservoirs



Author: Hamilton County

Hamilton County compiled this map. Although strict accuracy standards have been employed, Hamilton County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission.

21440 MULE BARN RD. SHERIDAN, IN 46069

NEW STRUCTURE 14X26

EXISTING STRUCTURE 20X34

NEW STRUCTURE 14X26





WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

March 10, 2020

1912-VU-07

Exhibit 1

Petition Number: 1912-VU-07

Subject Site Address: 16708 Dean Road (the "Property")

Petitioner: Esler Properties, LLC by Morse & Bickel, P.C. (the "Petitioner")

Request: The Petitioner is requesting Variances of Use to permit the following: 1) an auto service facility; 2) Outside Storage vehicles, boats and trailers; 3) Warehouse (inside storage); and 4) a Trucking Company; on 4.59 acres +/- in the EI: Enclosed Industrial District and U.S. Highway 31 Overlay District (Article 13.2).

Current Zoning: EI: Enclosed Industrial District
US Highway 31 Overlay District

Current Land Use: Commercial

Approximate Acreage: 4.59 acre +/-

Exhibits:

1. Staff Report
2. Location Map
3. Existing Site Conditions
4. Acknowledgement of Variance (1603-VU-03)
5. Petitioner's Application

Staff Reviewer: Pam Howard, Senior Planner

OVERVIEW

Property Location: The subject property is 4.59 acres +/- in size and located at 16708 Dean Road (the "Property") (see Exhibit 2). The Property is zoned the Enclosed Industrial (EI) District and located within the US Highway 31 Overlay District (the "Overlay District"). Adjacent properties to the north and south are also zoned the EI District, properties to the west are zoned the South Oak PUD. The Property is bordered by Dean Road and US 31 to the East.

Property History: On November 9, 2010, the Westfield-Washington Board of Zoning Appeals (the "BZA") approved a variance of use (Case Number: 1011-VU-05, the "First Variance") with



conditions to allow the temporary operation of an automobile repair facility at 16708 Dean Road, now owned by Esler Properties, LLC, within the U.S. Highway 31 Overlay District. As a condition of the First Variance approval, the Repair Business was to terminate by December 31, 2015.

On January 28, 2016, a new variance of use application was submitted requesting approval to continue operation of the Repair Business in the Overlay District. On March 8, 2016, the BZA approved the variance of use request (Case Number: 1603-VU-03, the "Second Variance") to allow the temporary operation of the Repair Business on the Property until December 31, 2019.

On or about November 7, 2017 the Westfield Economic and Community Development Department ("the Department") received a complaint that a Structure was being installed on the Property without an Improvement Location Permit. Upon inspection, it was found that the base of a new Pole Sign (the "Pole Sign") had been installed on the Property and a non-conforming Pole Sign was located on the Property. No reference to the new Pole Sign or a relocation of an existing sign was included in the Site Plan or Statement of Intent submitted to the BZA for the First Variance or Second Variance for its consideration. On December 16, 2016, Esler Properties, LLC removed the relocated existing sign but left the base of the new Pole Sign in the ground.

On December 18, 2017, the Department issued an Administrative Determination revoking the Second Variance. Esler Properties LLC filed an appeal of that determination on January 17, 2018 (Case Number 1803-AA-01, the "Appeal"). The Appeal is still pending.

On January 4, 2019, GEFT Outdoor LLC submitted an application for several Variances of Development Standard to permit an Off-Premise Electronic Pole Sign on the Property. The request received a Public Hearing at the February 12, 2019, BZA meeting and was denied.

The Second Variance expired on December 31, 2019.

SUMMARY OF VARIANCES

Originally, the Petitioner submitted a request to extend the current auto service use for another 5 years. Since that time, the Department has been made aware of additional Nonconforming



Uses¹ on the Property. At the Department's request, the Petitioner has amended their request to include the additional uses.

1. Auto Service Facility: As stated in the property history section of this report, the current auto service facility was permitted by a variance that expired on December 31, 2019. Auto and motorcycle service uses are categorized as a High Intensity Retail² use in the Unified Development Ordinance. High Intensity Retail uses are permitted only in the General Business (GB) District and are an excluded use in the US Highway 31 Overlay.
2. Outside Storage of vehicles, boats, and trailers: As described in the Statement of Intent (see Exhibit 5), the Petitioner is requesting permission for ten to fifteen (10 – 15) surfaces spaces for storage of RV's, campers, boats, moving trucks, and storage trailers; and an additional thirty (30) covered spaces for vehicle and RV storage. The Department has determined this to be a Self-Storage Facility³. While Self-Storage Facilities are permitted in the EI District, it is an excluded Use in the Overlay District.
3. Warehouse (inside storage): As described in the Statement of Intent, the Petitioner is requesting to permit indoor storage for hot tubs, car parts, and vehicles. This is considered a warehousing and distribution operations (inside storage) use. While this use is permitted in the EI District, it is an excluded use in the Overlay District.
4. Trucking Company: As described in the Statement of Intent, the Petitioner is requesting to permit a small office space for a moving company. Though not defined in the UDO, the department has determined this to be a trucking company. While trucking companies are permitted in the EI District, they are an excluded use in the Overlay District.

¹ The UDO defines Nonconforming Use as "[a] use which does not conform to the regulations of the Zoning District in which it is located."

² The UDO defines Retail, High Intensity as "[r]etail businesses that have a high impact on neighboring properties, traffic generation, and public safety. Example businesses include, but are not limited to: building finishes store (large), building supply store (large), department store (large), discount store (large), furniture store (large), grocery/supermarket (large), home electronics/appliance store (large), office supplies (large), sporting goods (large), superstore, variety store (large), auto and motorcycle service uses (e.g., parts sales, tire sales and/or repair, service garage, rust proofing, storage, car wash), pet-oriented businesses (e.g., pet shop, obedience schools, grooming), toy store (large). Generally, a business over twelve thousand (12,000) square feet qualifies as larger for purposes of this definition."

³ The UDO defines Self-Storage Facility as "[a] Building or groups of Buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage or personal property. Facility may include related accessory uses including, without limitation, any one or combination of the following: (i) administrative offices; (ii) ancillary retail sales (e.g., moving and packing supplies); (iii) mail or delivery boxes, and (iv) any other facilities approved by the Director that compliment and are intended as ancillary to serve such a facility."



The Statement of Intent included a fifth request listed as “continuing to make improvements to the property and building.” We have advised the petitioner that this is not a variable request as it does not relate to a specific use or standard. For this reason, we are not including any analysis of this item and did not include it in the published legal notice.

COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan identifies this Property within the “Employment Corridor”⁴ land use classification. The Employment Corridor is discussed in the Highway Corridors chapter of the Comprehensive Plan; and contemplates uses that would encourage employment growth in Westfield, including but not limited to: “office and service uses, research and development, and retail and institutional uses that are subordinate to and supportive of the office and service uses.”⁵

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 10, 2020, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals’ Rules of Procedure.

Conditions: The UDO⁶ 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 UDO⁷ requires that the approval of the variance shall be memorialized in an acknowledgement

⁴ Westfield-Washington Township Comprehensive Plan, Land Use Concept Map (pg. 24).

⁵ Pages 53-55 of the Westfield and Washington Township Comprehensive Plan.

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

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



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

Variance of Use: The Board of Zoning Appeals shall approve or deny variances of land use from the terms of the UDO. A variance of land use 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 constitute an unnecessary hardship if applied to the property for which the variance is sought; and
5. The approval does not interfere substantially with the Comprehensive Plan.

DEPARTMENT COMMENTS

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

Recommended Conditions:

1. The uses shall be limited to the uses described as items 1-4 on the Statement of Intent.
2. Approval of the variance excludes item 5 on the Statement of intent.
3. Approval of this variance shall expire on **[INSERT CHOSEN DATE]**. Any request to extend the time limit of this variance shall be reviewed and approved by the Board of Zoning Appeals prior to **[INSERT CHOSEN DATE]** (A 3-year renewal would result in expiration on **December 31, 2022**).
4. The Pole Sign shall be removed by **[INSERT CHOSEN DATE]**.



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 allowing additional commercial uses on the Property for a temporary period of time 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 unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The Property and the surrounding area were developed without the existing U.S. Highway 31 Overlay standards being in effect. None of the surrounding area complies with the Overlay standards. Approving the variance would result in the character of the area to remain unchanged.

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

Finding: The use of an automobile repair business is not permitted within the Enclosed Industrial (EI) zoning and is an excluded use under the U.S. Highway 31 Overlay. The other requested uses are also excluded in the Overlay 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: The use of an automobile repair business is not permitted within the Enclosed Industrial (EI) zoning and is an excluded use under the U.S. Highway 31 Overlay. The other requested uses are also excluded in the Overlay District.

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

Finding: The Westfield-Washington Comprehensive Plan (the "Comprehensive Plan") includes this area in the Employment Corridor. The Comprehensive Plan recommends this Highway Corridor be reserved for employment-generating uses and related supporting service uses. The continued use of the Property for the requested commercial uses would not interfere substantially with the Comprehensive Plan.

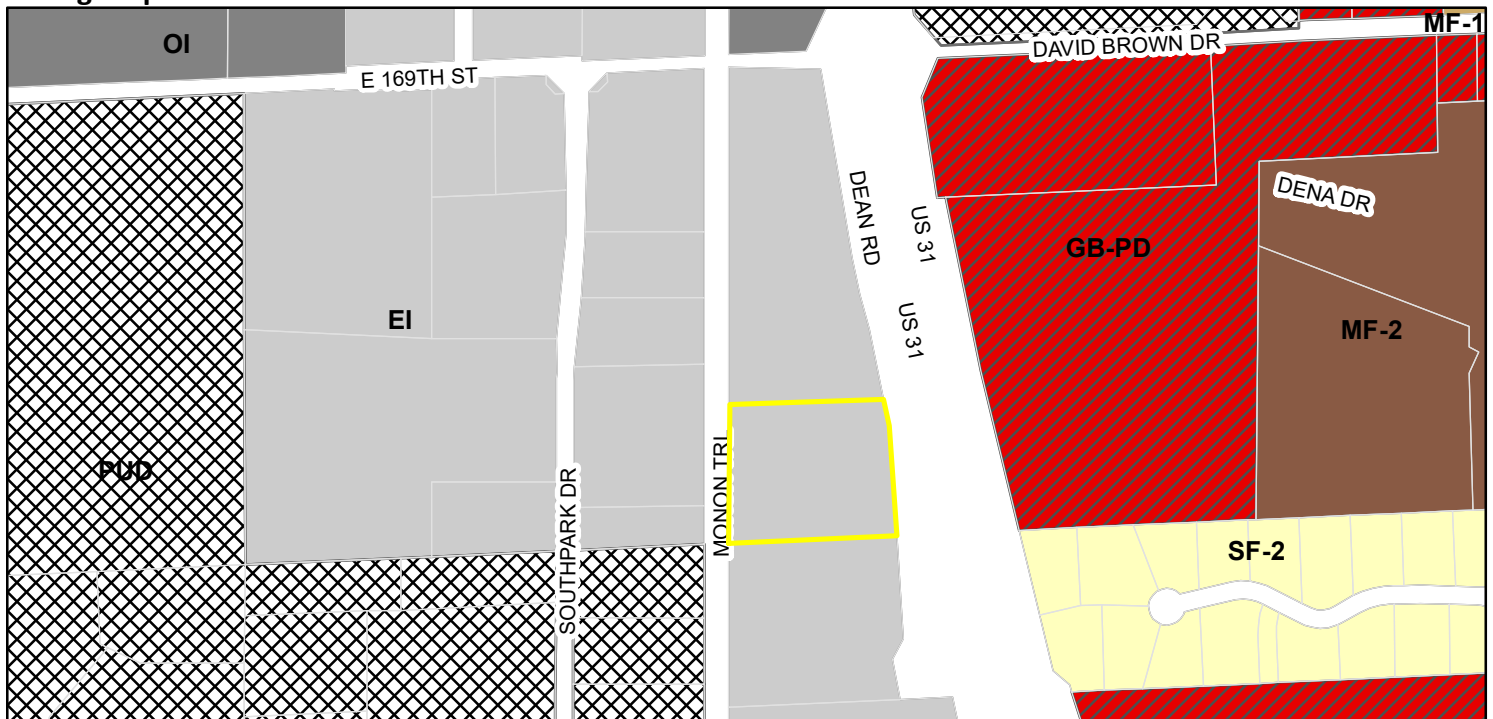
Denial: If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.

Aerial Location Map

 Site



Zoning Map



Zoning

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

Google Maps 16708 Dean Rd



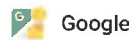
Imagery ©2019 Google, Imagery ©2019 IndianaMap Framework Data, Maxar Technologies, Map data ©2019 50 ft

Google Maps N Meridian St



Westfield, Indiana

Image capture: Sep 2018 © 2019 Google



Street View - Sep 2018



N Meridian St



Westfield, Indiana



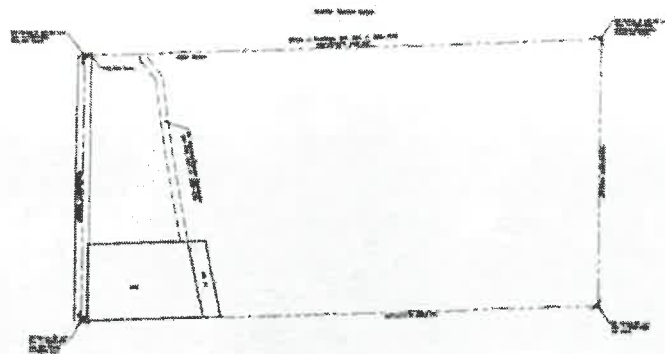
Street View - Sep 2018

Image capture: Sep 2018 © 2019 Google

Google Maps 16708 Dean Rd

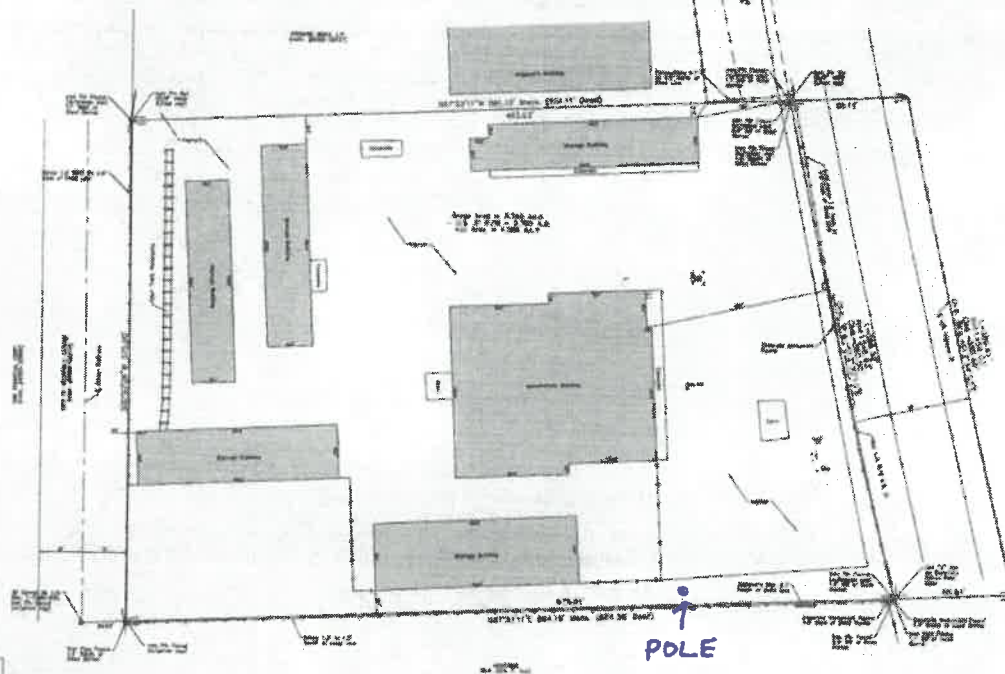


Imagery ©2019 Google, Imagery ©2019 IndianaMap Framework Data, Maxar Technologies, USDA Farm Service Agency, Map data ©2019 50 ft



LEGEND

- Survey Line
- Light Pole
- Structure
- Signature Pole
- Pole
- Existing View



PROPERTY DESCRIPTION - INSTRUMENT NO. 2010-2014

THIS INSTRUMENT IS A PART OF THE RECORD OF THE HAHN SURVEYING GROUP, INC. AND IS SUBJECT TO THE TERMS AND CONDITIONS OF THE HAHN SURVEYING GROUP, INC. SURVEYING AGREEMENT.

THE HAHN SURVEYING GROUP, INC. HAS BEEN ENGAGED BY THE WESTFIELD COMMUNITY DEVELOPMENT DEPARTMENT TO CONDUCT A SURVEY OF THE PROPERTY DESCRIBED HEREIN. THE SURVEY WAS CONDUCTED ON OCTOBER 20, 2010, AND THE RESULTS ARE SET FORTH IN THIS INSTRUMENT.

THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE STANDARDS AND PRACTICES OF THE SURVEYING PROFESSION AND THE HAHN SURVEYING GROUP, INC. SURVEYING AGREEMENT.

THE HAHN SURVEYING GROUP, INC. HAS BEEN ENGAGED BY THE WESTFIELD COMMUNITY DEVELOPMENT DEPARTMENT TO CONDUCT A SURVEY OF THE PROPERTY DESCRIBED HEREIN. THE SURVEY WAS CONDUCTED ON OCTOBER 20, 2010, AND THE RESULTS ARE SET FORTH IN THIS INSTRUMENT.

SURVEYOR'S REPORT

1. The purpose of this report is to provide a summary of the survey results and to provide a description of the property surveyed.

2. The survey was conducted on October 20, 2010, and the results are set forth in this report.

3. The survey was conducted in accordance with the standards and practices of the surveying profession and the Hahn Surveying Group, Inc. Surveying Agreement.

4. The survey results are as follows:

- a. The property surveyed is located at the intersection of [Address] and [Address].
- b. The property surveyed is approximately [Area] in size.
- c. The property surveyed is bounded by [Description of boundaries].

5. The survey results are subject to the standards and practices of the surveying profession and the Hahn Surveying Group, Inc. Surveying Agreement.

ALTA/ACSM LAND TITLE CERTIFICATION

1. This instrument is a part of the record of the Hahn Surveying Group, Inc. and is subject to the terms and conditions of the Hahn Surveying Group, Inc. Surveying Agreement.

2. The Hahn Surveying Group, Inc. has been engaged by the Westfield Community Development Department to conduct a survey of the property described herein. The survey was conducted on October 20, 2010, and the results are set forth in this instrument.

3. The survey was conducted in accordance with the standards and practices of the surveying profession and the Hahn Surveying Group, Inc. Surveying Agreement.

FLOOD ZONE STATEMENT

1. The purpose of this statement is to provide a summary of the flood zone information for the property surveyed.

2. The flood zone information is as follows:

- a. The property surveyed is located in [Flood Zone].
- b. The flood zone information is subject to the standards and practices of the surveying profession and the Hahn Surveying Group, Inc. Surveying Agreement.

MISCELLANEOUS NOTES

1. The survey was conducted on October 20, 2010, and the results are set forth in this instrument.

2. The survey was conducted in accordance with the standards and practices of the surveying profession and the Hahn Surveying Group, Inc. Surveying Agreement.

HAHN SURVEYING GROUP, INC.
 SURVEYING & ENGINEERING - ESTABLISHED IN 1975
 5800 EAST 80TH STREET, DUBUQUE, IA 52002
 PHONE: (319) 244-0000 FAX: (319) 244-0001 E-MAIL: HAHN@HAHNSURVEYING.COM

ALTA/ACSM LAND TITLE SURVEY AT
 [Address], [City], [State], [Zip]

RECEIVED

OCT 20 2010

WESTFIELD COMMUNITY DEVELOPMENT DEPARTMENT



ACKNOWLEDGEMENT OF VARIANCE

Document Cross Reference Number: 2010006827 (confirm)

Mayor
Andy Cook

City Council
Chuck Lehman
Jim Ake
Joe Edwards
Steven Hoover
Robert L. Horkay
Dr. Mark Keen
Cindy L. Spoljaric

Clerk Treasurer
Cindy J. Gossard

**Economic and
Community
Development**

(317) 804-3170

2728 East 171st Street
Westfield, IN 46074

westfield.in.gov

This ACKNOWLEDGEMENT, made this 10th day of March, 2016, by Matthew S. Skelton, Economic and Community Development Director, City of Westfield, Indiana (the "Director") WITNESSETH:

WHEREAS, on Tuesday, March 8, 2016, the Westfield-Washington Township Board of Zoning Appeals (the "Board") heard Petition No. 1603-VU-03 (the "Petition"), filed by Robert Esler of Esler Properties, LLC (d/b/a Bob's Garage) (the "Property Owner"), for a Variance of Use from the Westfield-Washington Township Unified Development Ordinance regarding property commonly known as 16708 Dean Road, Westfield, IN 46074 (Parcel No: 09-09-01-00-00-014.000) and more particularly described as (the "Property").

PART OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 18 NORTH, RANGE 3 EAST IN WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA, AND BEING THAT PART OF THE GRANTORS' LAND LYING WITHIN THE RIGHT OF WAY LINES DEPICATED ON THE ATTACHED RIGHT OF WAY PARVEL PLAT, MARKED EXHIBIT "B", DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE OF SAID QUARTER SECTION SOUTH 87 DEGREES 27 MINUTES 51 SECONDS WEST 1,978.42 FEET FROM THE SOUTHEAST CORNER OF SAID QUARTER SECTION WHICH POINT IS ON THE WESTERN BOUNDARY OF U.S. 31; THENCE CONTINUING SOUTH 87 DEGREES 27 MINUTES 51 SECONDS WEST 117.66 FEET ALONG SAID LING; THENCE NORTH 3 DEGREES 55 MINUTES 35 SECONDS WEST 301.55 FEET TO POINT "24901" ON SAID PLAT; THENCE NORTH 11 DEGREES 37 MINUTES 11 SECONDS WEST 72.89 FEET ALONG SAID GRANTORS' LAND; THENCE NORTH 87 DEGREES 27 MINUTES 51 SECONDS EAST 70.75 FEET ALONG SAID LINE TO THE WESTERN BOUNDARY OF U.S. 31; THENCE ALONG SAID BOUNDARY SOUTHEASTERLY 379.19 FEET ALONG AN ARC TO THE LEFT AND HAVING A RADIUS OF 11,546.02 FEET AND SUBTENDE BY A LONG CHORD HAVING A BEARING OF SOUTH 12 DEGREES 31 MINUTES 17 SECONDS EAST AND A LENGTH OF 379.17 FEET TO THE POINT OF BEGINNING, CONTAINING 0.765 ACRES MORE OR LESS.

TOGETHER WITH THE PERMANENT EXTINGUISHMENT OF ALL RIGHTS AND EASEMENTS OF INGRESS AND EGRESS TO, FROM, AND ACROSS THE LIMITED ACCESS FACILITY (TO BE KNOWN AS U.S. 31 AND AS PROJECT 0710215), TO AND FROM THE GRANTORS' ABUTTING LANDS, ALONG THE LINES DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE OF SAID QUARTER SECTION SOUTH 87 DEGREES 27 MINUTES 51 SECONDS WEST 2,016.68 FEET FROM THE SOUTHEAST CORNER OF SAID QUARTER SECTION, WHICH POINT IS ON THE SOUTH LINE OF SAID GRANTORS' LAND; THENCE NORTH 7 DEGREES 10 MINUTES 12 SECONDS WEST 78.09 FEET TO

POINT "24902" ON SAID PLAT; THENCE NORTH 4 DEGREES 33 MINUTES 08 SECONDS WEST 34.31 FEET TO THE WESTERN BOUNDARY OF U.S. 31 DESIGNATED AS POINT "24910" ON SAID PLAT AND THE TERMINUS. THIS RESTRICTION SHALL BE A COVENANT RUNNING WITH THE LAND AND SHALL BE BINDING ON ALL SUCCESSORS IN TITLE TO THE SAID ABUTTING LANDS.

The Property Owner requested approval of a Variance of Use for an extension of time to continue to temporarily allow an automobile repair business within the U.S. Highway 31 Overlay District (Article 5.2).

WHEREAS, the Board voted five (5) to zero (0) to approve the Petition with the condition the Variance of Use would expire December 31, 2019.

NOW, THEREFORE, the Director hereby declares that all the Property as it is held and shall be held, conveyed, hypothecated or encumbered, leased, rented, used, or occupied and improved, is subject to the Variance of Use approved by the Board on March 8, 2016. Unless otherwise modified herein, this Variance of Use shall run with the land, and shall be binding upon the owner, heirs and assigns, and all parties having an interest in and to the Property or any part or parts thereof subject to such Variance of Use, and shall inure to the benefit of the owner and every one of his/her successors in title to any real estate in the Property.

[Remainder of page intentionally left blank;
Signature page follows.]

Administration

(317) 804-3040 office
(317) 804-3190 fax

2728 East 171st Street
Westfield, IN 46074
westfield.in.gov

WESTFIELD ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT

"DIRECTOR"

MATTHEW S. SKELTON, ESQ., DIRECTOR

Economic and Community Development Department, City of Westfield, IN

Esler Properties, LLC, the Property Owner, hereby acknowledges the accuracy of the information contained in this Acknowledgement of Variance and any conditions and limitations placed on the Petition and Property, as set forth herein.

IN WITNESS WHEREOF, the Property Owner has executed this instrument, on the ____ day of _____, 2016.

Esler Properties, LLC
By Robert Esler, Managing Member

Date

STATE OF _____)
) SS:
COUNTY OF _____)

Signed and acknowledged before me this ____ day of _____, 2016.

(SEAL)

Signature of Notary Public

Printed name of Notary Public

My County of Residence: _____

My Commission Expires: _____

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law: Amanda Rubadue

Prepared by: Amanda Rubadue, Associate Planner, City of Westfield
2728 East 171st Street, Westfield, IN 46074, (317) 804-3170

Administration

(317) 804-3040 office
(317) 804-3190 fax

2728 East 171st Street
Westfield, IN 46074
westfield.in.gov

VARIANCE APPLICATION

OFFICE
USE ONLY

DOCKET #: 1912-VU-07

FILING DATE: October 31, 2019

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

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: Pamela Howard (STAFF NAME) DATE: October 17, 2019

PRIOR OR RELATED DOCKET NUMBERS

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

PRIMARY PLAT: _____ SECONDARY PLAT: _____ VARIANCE(S): 1011-VU-05; 1603-VU-03

APPLICANT INFORMATION

APPLICANT'S NAME: Robert J. Esler TELEPHONE: 317-867-2627

ADDRESS: 14736 Laredo Court, Carmel, Indiana 46032 EMAIL: bob@bobsgarage.biz

PROPERTY OWNER'S NAME: Esler Properties, LLC TELEPHONE: 317-867-2627

ADDRESS: 16708 Dean Road, Westfield, Indiana 46074 EMAIL: bob@bobsgarage.biz

REPRESENTATIVE'S NAME: John J. Morse TELEPHONE: 317-686-1540

COMPANY: Morse & Bickel, P.C. EMAIL: Morse@MorseBickel.com

ADDRESS: 320 N. Meridian Street, Suite 600, Indianapolis, Indiana 46204

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 16708 Dead Road, Westfield, Indiana 46074

COUNTY PARCEL ID #(S): 09-09-01-00-00-014.000

EXISTING ZONING DISTRICT(S): Enclosed Industrial EXISTING LAND USE(S): Automobile Repair

VARIANCE REQUEST



VARIANCE OF LAND USE

CODE CITATION: Indiana Code § 36-7-4-918.4



VARIANCE OF DEVELOPMENT STANDARD(S) CODE CITATION: _____

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

STATEMENT OF INTENT (EXPLANATION OF REQUEST - ATTACH SEPARATE SHEET IF NECESSARY): Requesting variance to continue to use this property for another 5 years as follows:

- 1) an auto repair facility;
- 2) outdoor storage: a) 10-15 surface spaces for storage of RVs, campers, boats, moving trucks, and storage trailer; and
b) 30 covered spaces for vehicle and RV storage;
- 3) indoor storage for hot tubs, car parts, and vehicles;
- 4) small office space for moving company; and
- 5) continuing to make improvements to property and building.



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) John J. Morse
Applicant/Representative (printed)

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

Witness my hand and Notarial Seal this ____ day of February, 2020.

State of Indiana, County of Marion, SS:

Notary Public Signature

Notary Public (printed)

PROPERTY OWNER AFFIDAVIT

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

Property Owner (signature)* Robert J. Esler
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 February, 2020.

State of Indiana, 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 TOWNSHIP APPLICATION FORM
FINDINGS OF FACT (VARIANCE OF USE)



APPLICANT: Robert J. Esler

DOCKET #: 1912-VU-07

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 unlikely that allowing the business practices of Esler Properties, LLC to continue to be located on the Property for a temporary period of time will be injurious to the public health, safety, morals, and general welfare of the community.
- B. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The Property and the surrounding area were developed without the existing U.S. Highway 31 Overlay standards being in effect. None of the surrounding area complies with the Overlay standards. Approving the variance would result in the character of the area to remain unchanged.
- C. The need for the variance arises from some condition particular to the property involved because: The business practices of Esler Properties, LLC are not permitted within the Enclosed Industrial (EI) zoning and are excluded uses under the U.S. Highway 31 overlay.
- D. The strict application of the terms of the Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought because: The business practices of Esler Properties, LLC are not permitted within the Enclosed Industrial (EI) zoning and are excluded uses under the U.S. Highway 31 overlay.
- E. The variance of use does not interfere substantially with the Comprehensive Plan because: The Westfield-Washington Comprehensive Plan (the "Comprehensive Plan") includes this area in the Employment Corridor. The Comprehensive Plan recommends this Highway Corridor be reserved for employment-generating uses and related supporting service uses. The continued use of the Property as described in the Statement of Intent would not interfere substantially with the Comprehensive Plan.

C&I
CTIC # 427489 MJS

2011015058 WARR DEED \$20.00
03/23/2011 12:04:13P 2 PGS
Mary L. Clark
HAMILTON County Recorder IN
Recorded as Presented

RETURN TO:

Grantee's Address and Mail Tax Statements to: 14736 Laredo Ct., Carmel, IN 46032

Property Address:
16708 N. US31, Westfield, IN 46074

Tax ID No. 09-09-01-00-00-014.000

WARRANTY DEED

THIS INDENTURE WITNESSETH THAT

American Real Estate Investments No. 13, LLC, an Illinois limited liability company

CONVEY(S) AND WARRANT(S) TO

Esler Properties, LLC for Ten Dollars and other valuable consideration the receipt whereof is hereby acknowledged, the following described REAL ESTATE in Hamilton County, in the State of Indiana, to wit:

See Attached Exhibit A

Subject to taxes for the year 2010, due and payable in 2011, and taxes for all subsequent years.

Subject to covenants, restrictions and easements of record.

IN WITNESS WHEREOF, the Grantor has executed this deed this 15th day of November, 2010.

American Real Estate Investments No. 13, LLC
By First American Bank, its member

By: James M. Berton, First Vice President

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer
23 day of March, 2011
Dawn Cooverdale Auditor of Hamilton County
Parcel # 09-09-01-00-00-014.000

State of Illinois, County of Cook ss:

Before the undersigned, a Notary Public in and for said County and State, personally appeared the within named James M. Berton, First Vice President of First American Bank, Manager of American Real Estate Investments No. 13, LLC, an Illinois limited liability company who acknowledges the execution of the foregoing Deed and who, having been duly sworn, stated that the representations therein contained are true.

WITNESS, my hand and Seal this 15th day of November, 2010

My Commission Expires: Aug 12, 2013

ZARINA MASON

Printed Name of Notary Public

This instrument was prepared by:

Andrew S. Ryerson
McGuireWoods LLP
77 West Wacker Drive, Suite 4100
Chicago, IL 60601



I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

James M. Berton

NOTE: The individual's name in affirmation statement may be typed or printed.

GRANTEE MAILING ADDRESS and send tax bills to:

14736 Laredo Court, Carmel, IN 46032

Exhibit A

LEGAL DESCRIPTION

Parcel 1:

A part of the South half of the Southeast quarter of Section 1, Township 18 North, Range 3 East in Hamilton County, Indiana, described as follows:

Beginning at the intersection of the South line of said half section and the centerline of U.S. Highway No. 31, thence Northwesterly along said centerline on a 00 degree 30 minutes curve to the right 379.28 feet to a point, thence West along a line parallel to the South line of the South half of the Southeast quarter section of said Section 581.11 feet to a point in the East right of way line of the Monon Railroad; thence South along said right of way line 375.00 feet to a point in the South line of said half of said quarter section; thence East along said South line 664.38 feet to the Point of Beginning.

EASEMENT PARCEL:

A non-exclusive easement for ingress and egress as set forth in a Corporate Warranty Deed dated July 10, 1973 and recorded July 13, 1973 in Deed Record 267, page 369 as Instrument No. 5005.

PROPERTY DESCRIPTION - INSTRUMENT NO. 2010-20147

PARCEL 1:

A PART OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 18 NORTH, RANGE 3 EAST IN HAMILTON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF SAID HALF SECTION AND THE CENTERLINE OF U.S. HIGHWAY NO. 31; THENCE NORTHWESTERLY ALONG SAID CENTERLINE ON A 00 DEGREES 30 MINUTES CURVE TO THE RIGHT 379.28 FEET TO A POINT; THENCE WEST ALONG A LINE PARALLEL TO THE SOUTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER SECTION OF SAID SECTION 581.11 FEET TO A POINT IN THE EAST RIGHT OF WAY LINE OF THE MONON RAILROAD; THENCE SOUTH ALONG SAID RIGHT OF WAY LINE 375.00 FEET TO A POINT IN THE SOUTH LINE OF SAID HALF OF SAID QUARTER SECTION; THENCE EAST ALONG SAID SOUTH LINE 664.38 FEET TO THE POINT OF BEGINNING.

EASEMENT PARCEL:

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS AS SET FORTH IN A CORPORATE WARRANTY DEED DATED JULY 10, 1973 AND RECORDED JULY 13, 1973 IN DEED RECORD 267, PAGE 369 AS INSTRUMENT NO. 5005.

RECEIVED

OCT 20 2010

WESTFIELD COMMUNITY
DEVELOPMENT DEPARTMENT

SURVEYOR'S REPORT

Surveyor's Report for Job #100937

In accordance with Title 865, Article 1.1, Chapter 12 of the Indiana Administrative Code, the following observations and opinions are submitted of the cause and amount of uncertainty in the position of the lines and corners established on this survey as a result of:

EXHIBIT "A"

PROJECT: 0710215

CODE: 5311

Sheet 1 of 1

PARCEL NO.: 249- Fee Simple with Partial Limitation of Access

Form WL-2

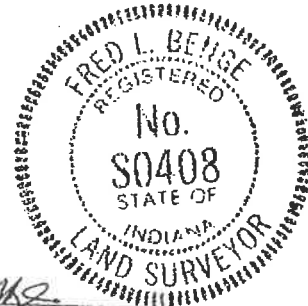
Key Number 29-09-01-000-014.000-015

Part of the Southeast Quarter of Section 1, Township 18 North, Range 3 East in Washington Township, Hamilton County, Indiana, and being that part of the grantors' land lying within the right of way lines depicted on the attached Right of Way Parcel Plat, marked **Exhibit "B"**, described as follows: Beginning at a point on the south line of ssaid quarter section South 87 degrees 27 minutes 51 seconds West 1,978.42 feet from the southeast corner of said quarter section which point is on the western boundary of U.S. 31; thence continuing South 87 degrees 27 minutes 51 seconds West 117.66 feet along said line; thence North 3 degrees 55 minutes 35 seconds West 301.55 feet to point "24901" on said plat; thence North 11 degrees 37 minutes 11 seconds West 72.89 feet to the north line of said grantors' land; thence North 87 degrees 27 minutes 51 seconds East 70.73 feet along said line to the western boundary of U.S. 31; thence along said boundary southeasterly 379.19 feet along an arc to the left and having a radius of 11,546.02 feet and subtended by a long chord having a bearing of South 12 degrees 31 minutes 17 seconds East and a length of 379.17 feet to the point of beginning, containing 0.765 acres more or less.

TOGETHER with the permanent extinguishment of all rights and easements of ingress and egress to, from, and across the limited access facility (to be known as U.S. 31 and as Project 0710215), to and from the grantors' abutting lands, along the lines described as follows: Beginning at a point on the South line of said quarter section South 87 degrees 27 minutes 51 seconds West 2,016.68 feet from the southeast corner of said quarter section, which point is on the south line of said grantors' land; thence North 7 degrees 10 minutes 12 seconds West 78.09 feet to point "24902" on said plat; thence North 3 degrees 28 minutes 23 seconds West 154.98 feet to point "24912" on said plat; thence North 4 degrees 33 minutes 08 seconds West 34.31 feet to the western boundary of U.S. 31 designated as point "24910" on said plat and the terminus. This restriction shall be a covenant running with the land and shall be binding on all successors in title to the said abutting lands.

This description was prepared for the Indiana Department of Transportation, by Fred L. Bengé, Indiana Registered Land Surveyor, License Number LS80040408, on the 8th day of April, 2011

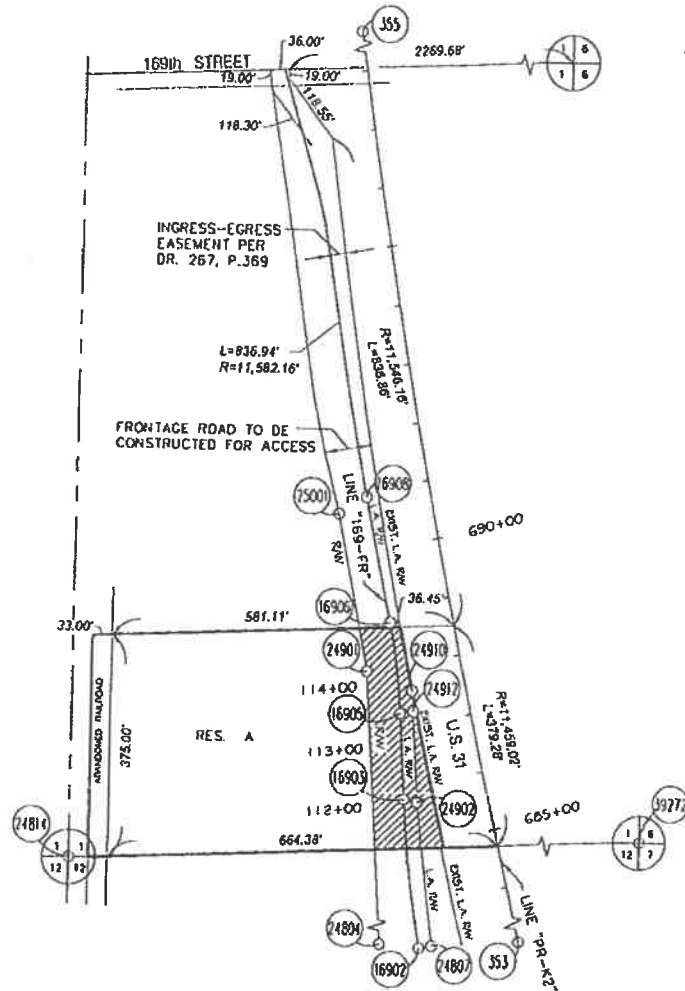

Fred L. Bengé



RIGHT-OF-WAY PARCEL PLAT

PREPARED BY R.W. ARMSTRONG & ASSOCIATES, INC.
FOR THE INDIANA DEPARTMENT OF TRANSPORTATION

SHEET 1 OF 1
0 100 200
SCALE: 1" = 200'



POINT	NORTHINGS	EASTINGS	STATION	OFFSET	SIDE	LINE
353	53827.5171	48904.6038	679+85.52	0.00	--	"PR-K2"
355	58151.6862	48342.5853	723+59.67	0.00	--	"PR-K2"
16902	54123.6935	48651.4733	109+53.92	0.00	--	"169-FR"
16903	54373.8875	48620.3880	112+06.20	0.00	--	"169-FR"
16905	54520.2921	48611.5138	113+52.88	0.00	--	"169-FR"
16906	54671.2698	48590.7279	115+05.42	0.00	--	"169-FR"
16908	54881.0191	48545.3435	117+20.03	0.00	--	"169-FR"
24804	54006.7340	48592.1503	108+50.00	80.00	Lt	"169-FR"
24807	54127.8573	48673.0758	109+54.00	22.00	Rt	"169-FR"
24814	--	CALCULATED LOCATION				
24901	54588.9416	48552.5069	114+29.00	52.00	Lt	"169-FR"
24902	54369.0968	48642.7283	112+09.00	37.00	Rt	"169-FR"
24910	54557.8947	48630.6165	113+88.58	22.00	Rt	"169-FR"
24912	54523.7905	48633.3398	113+55.00	22.00	Rt	"169-FR"
25001	54852.4017	48498.3322	117+02.00	52.00	Lt	"169-FR"
39272	--	* REFER TO L.C.R.S.				

NOTE: STATION AND OFFSETS CONTROL OVER BOTH NORTH & EAST COORDINATES AND BEARINGS & DISTANCES

* SEE LOCATION CONTROL ROUTE SURVEY FOR ADDITIONAL POINTS

** CALCULATED LOCATION

SURVEYOR'S STATEMENT

TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAT, TOGETHER WITH THE "LOCATION CONTROL ROUTE SURVEY" RECORDED AS INSTRUMENT NO. 2000063311 IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA, (INCORPORATED AND MADE A PART HEREOF BY REFERENCE) COMPOSE A ROUTE SURVEY EXECUTED IN ACCORDANCE WITH INDIANA ADMINISTRATIVE CODE 845 IAC 1-12, ("RULE 12").

OWNER: HOWARD B. SAMUELS, TRUSTEE
PARCEL: 249
ROAD: U.S. 31
COUNTY: HAMILTON
SECTION: 1
TOWNSHIP: 18 NORTH
RANGE: 3 EAST
PROJECT: 0710215
DES. No.: 0900266
CODE: 5311
HATCHED AREA IS THE APPROXIMATE TAXING
DRAWN BY: D. TRUEBLOOD DATE: 04-05-11
CHECKED BY: F. DENCE DATE: 04-07-11
OUTCLAIM DEED INSTR. 2010006827 DATED: 02-11-2010
KEY No. 29-09-01-000-014.000-015 TAKING = 0.765 A.C.
FRED L. BENCE
REG. LAND SURVEYOR No. LS0408



Google Maps 16708 Dean Rd



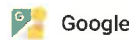
Imagery ©2019 Google, Imagery ©2019 IndianaMap Framework Data, Maxar Technologies, Map data ©2019 50 ft

Google Maps N Meridian St



Westfield, Indiana

Image capture: Sep 2018 © 2019 Google



Street View - Sep 2018



N Meridian St



Westfield, Indiana



Street View - Sep 2018

Image capture: Sep 2018 © 2019 Google

Google Maps 16708 Dean Rd



Imagery ©2019 Google, Imagery ©2019 IndianaMap Framework Data, Maxar Technologies, USDA Farm Service Agency, Map data ©2019 50 ft



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

March 10, 2020

2003-VS-05

Exhibit 1

Petition Number: 2003-VS-05

Subject Site Address: 18594 Cross Lakes Court (The "Property")

Petitioner: Patrick O'Brien & Dee Anna Lynn Bassett (The "Petitioner(s)")

Request: The Petitioner is requesting a Variance of Standard to modify the minimum rear yard setback from twenty-five (25) feet to ten (10) feet to accommodate an in-ground pool.

Current Zoning: Andover PUD District

Current Land Use: Residential

Approximate Acreage: 0.52 acres+/-

Exhibits:

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

Staff Reviewer: Daine Crabtree, Associate Planner

OVERVIEW

Location: The subject Property is 0.52 acres +/- in size and is located at 18594 Cross Lakes Court (see **Exhibit 2**). The Property is currently zoned the Andover PUD. The surrounding properties are also zoned the Andover PUD.

Property History: The Secondary Plat for Andover, The Lakes at Grassy Branch, Section 2A, was recorded on September 8, 2016 (Instrument No. 2016046397).

Variance Request: The Petitioner is requesting a Variance of Standard to modify the minimum rear yard setback from twenty-five (25) feet to ten (10) feet, as further described herein.

SUMMARY OF VARIANCE

The Property is currently subject to the Andover PUD District Standards and in accordance with underlying zoning classification of SF2: Single-Family Low Density District as set forth in the PUD. The underlying zoning sets forth a minimum rear yard setback line of twenty-five (25) feet. The Petitioner is requesting this variance to modify the minimum rear yard setback line from twenty-five (25) feet to ten (10) feet to accommodate an in-ground pool, as illustrated on the Site Plan (see **Exhibit 3**).



A similar variance of standard modifying the rear yard setback from twenty-five (25) feet to seven (7) feet for a pool in the Andover PUD, specifically the Lakes of Grassy Branch, Section 2B, was granted at the February 13, 2018, BZA meeting.

COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan (The "Plan") identifies the property within the "New 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 New Suburban classification is designed to accommodate detached dwellings, attached dwellings, institutional uses, recreational uses, artisan farms and equestrian uses³. The Plan also contemplates New 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 Standard. This petition is scheduled to receive its public hearing at the March 10, 2020, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

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

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 39-43 of the Westfield and Washington Township Comprehensive Plan; Chapter 2; Land Use Plan; New Suburban.

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



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

March 10, 2020

2003-VS-05

Exhibit 1

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

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

DEPARTMENT COMMENTS

Approval: If the Board is inclined to approve the Variance of Standard (2003-VS-05), then the Department recommends the findings as set forth below, for the variance:

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 and proposed improvements will otherwise comply with the applicable standards of the underlying zoning of the SF2: Single-Family Low Density District. The pool and its setbacks has been approved by the applicable HOA (see **Exhibit 5**)

⁶ Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

March 10, 2020

2003-VS-05

Exhibit 1

- 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.

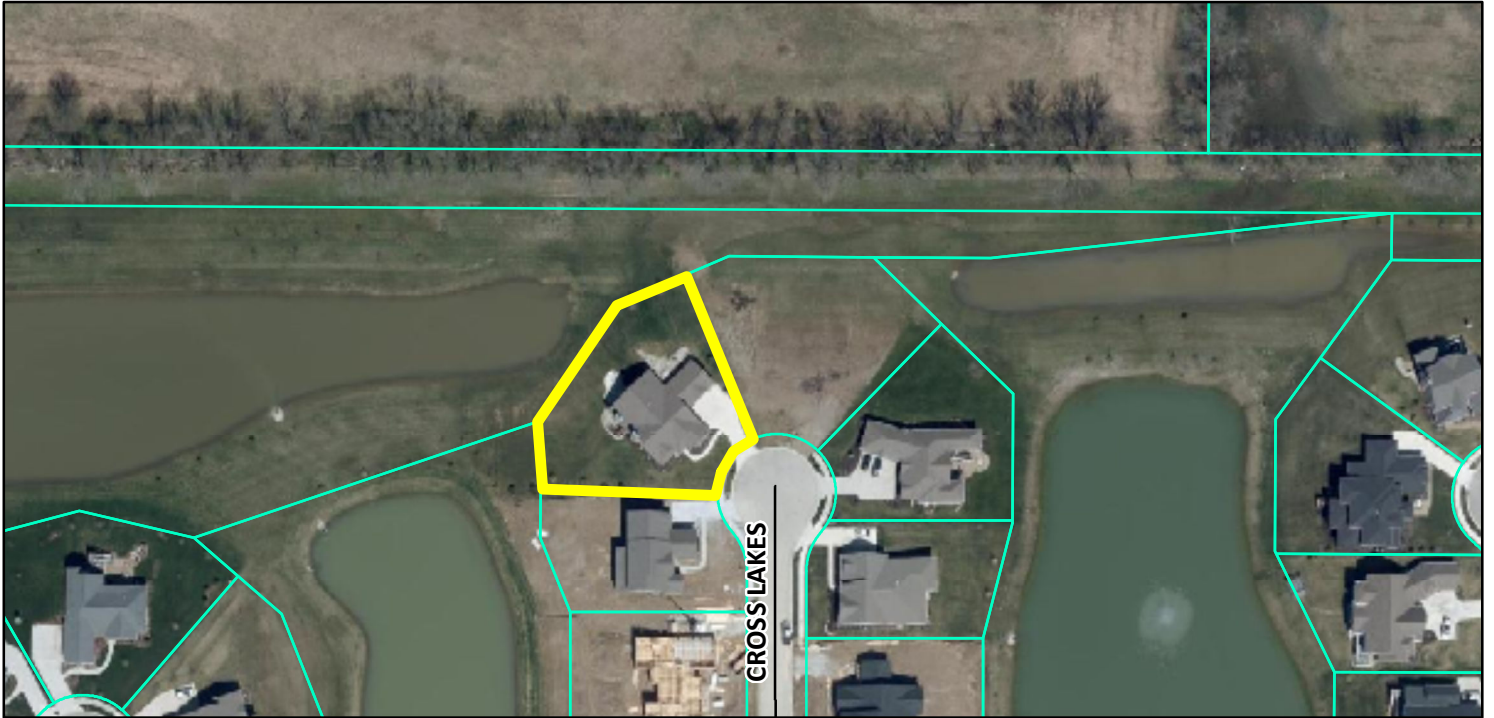
- 3) *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:*

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.

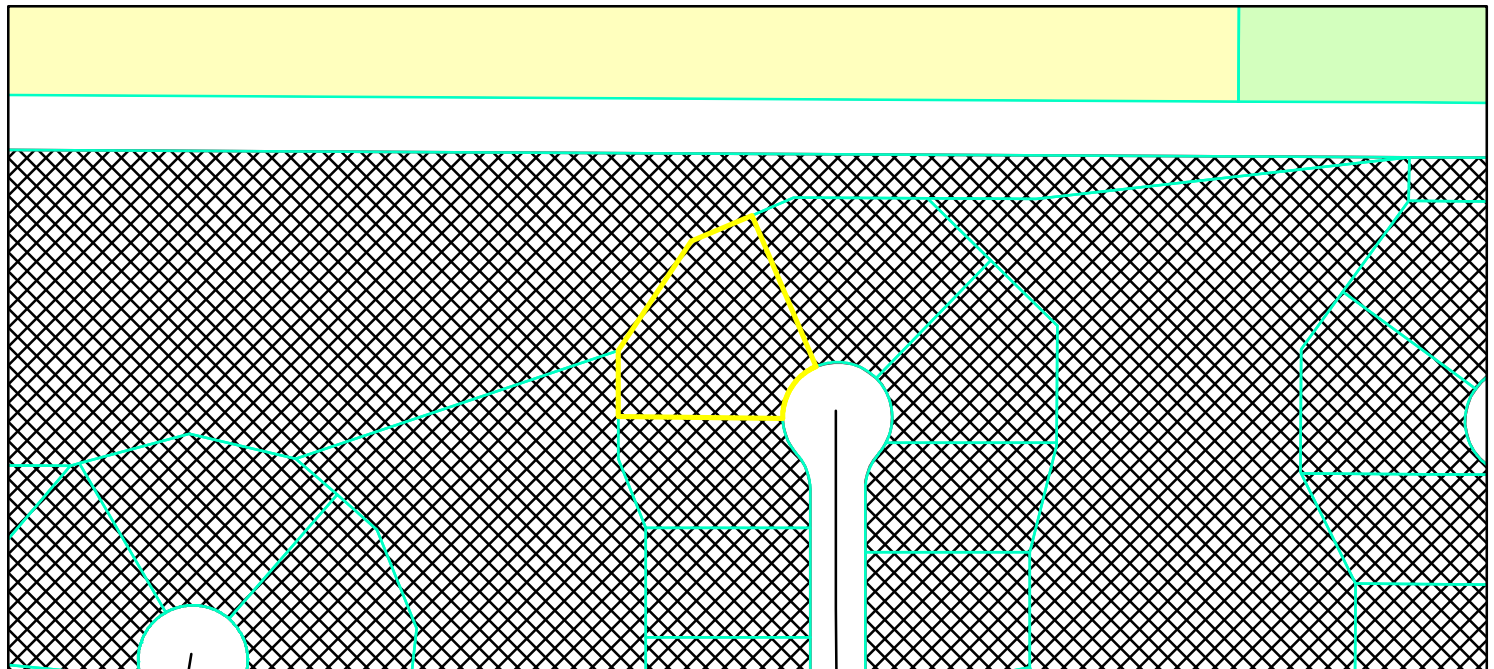
Denial: If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.

Aerial Location Map

 Site



Zoning Map



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

0 0.0225 0.045
Miles



THE LAKES AT GRASSY BRANCH

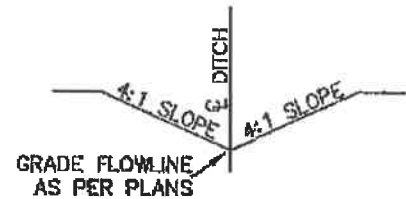
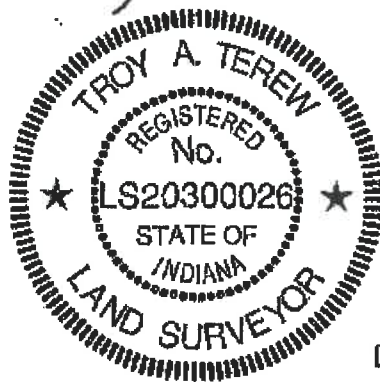
SECTION 2A
INST.#2016-046397
LOT #70

WESTFIELD, INDIANA
18594 CROSS LAKES COURT

PLOT PLAN

PREPARED FOR
HEARTH & STONE BUILDERS

LOT SIZE: 22,745 SQ.FT.
CONC. DRIVEWAY: 1,215± SQ.FT.
PUBLIC WALK: 206± SQ.FT.
PRIVATE WALK: 162± SQ.FT.
SEEDING: 11,687± S.F.
SOD: 663± SQ.YD.
MAIN FLOOR
LOT COVERAGE %: 16.2%

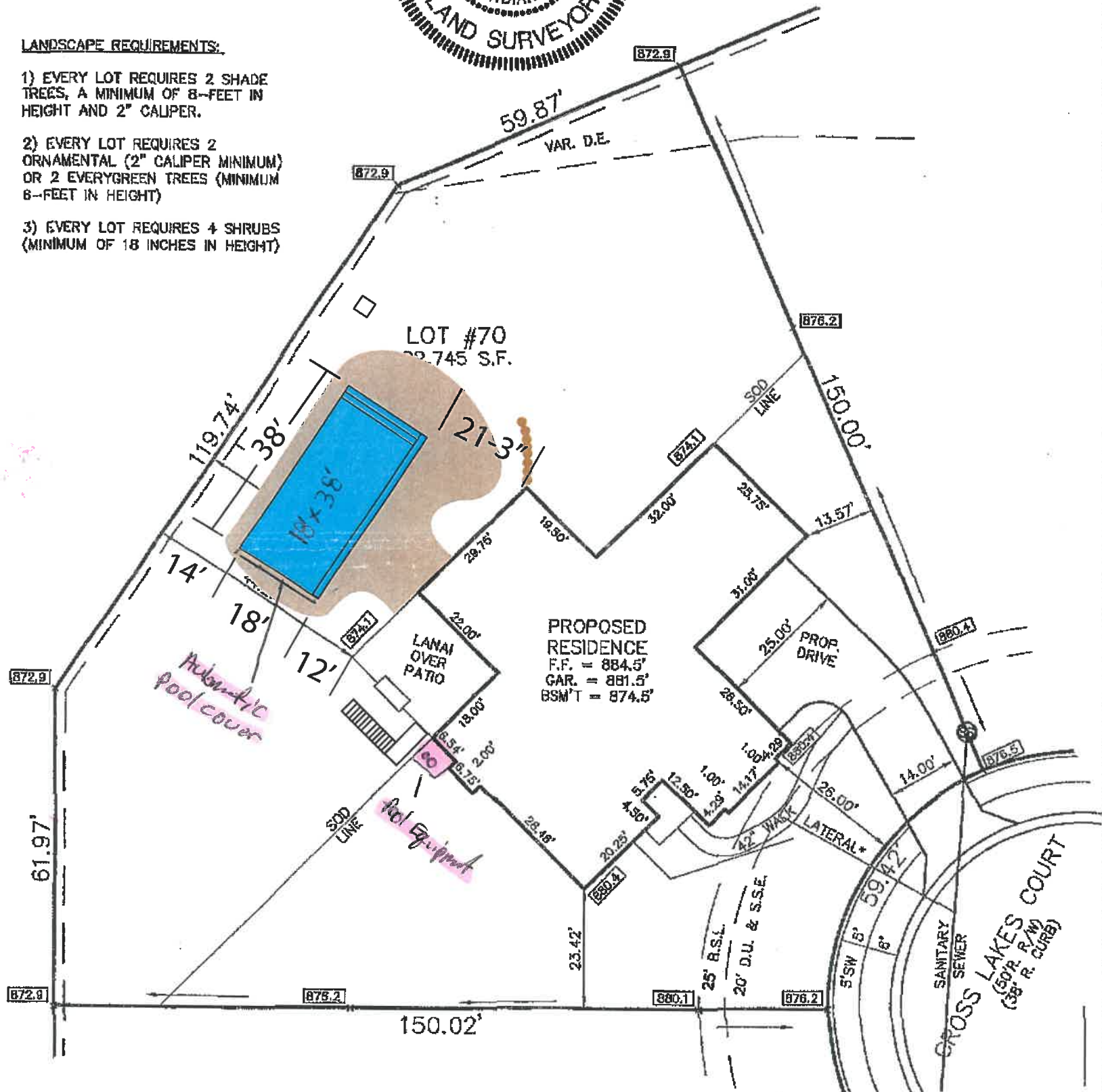


TYPICAL SWALE SECTION

NOTE: BUILDER TO ENSURE POSITIVE DRAINAGE AWAY FROM STRUCTURE(S)

LANDSCAPE REQUIREMENTS:

- 1) EVERY LOT REQUIRES 2 SHADE TREES, A MINIMUM OF 8- FEET IN HEIGHT AND 2" CALIPER.
- 2) EVERY LOT REQUIRES 2 ORNAMENTAL (2" CALIPER MINIMUM) OR 2 EVERYGREEN TREES (MINIMUM 8- FEET IN HEIGHT)
- 3) EVERY LOT REQUIRES 4 SHRUBS (MINIMUM OF 18 INCHES IN HEIGHT)



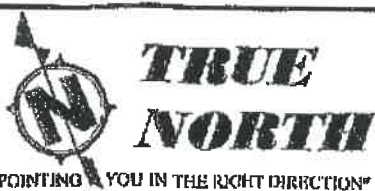
NOTE:

- DRIVE ENTRY TO CONFORM WITH TOWN OF WESTFIELD STD.
- SEE SHEET 2 FOR CLEAN WATER PERMIT EROSION CONTROL PLAN
- THE LOCATIONS, DIMENSIONS, AND WIDTH ALONG THE PROPOSED PUBLIC SIDEWALK WERE SCALED OR TAKEN FROM ENGINEERING CONSTRUCTION PLANS PREPARED BY OTHERS OR AS PROVIDED.
- VERIFY SANITARY LATERAL LOCATION PRIOR TO CONSTRUCTION
- IT SHALL BE THE RESPONSIBILITY OF THE BUILDER/CONTRACTOR TO VERIFY THE BUILDING DIMENSIONS, BUILDING LOCATIONS, THE LOCATION OF OTHER PERTINENT FEATURES AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION. THE INTENDED USE OF THIS PLOT PLAN IS FOR SECURING BUILDING PERMITS ONLY AND SHALL NOT BE USED FOR ANY OTHER PURPOSE.

LEGEND

000.0 — PROPOSED GRADE
000.0 — EXISTING GRADE

SHEET 1 OF 2



LAND DEVELOPMENT CONSULTING
& LAND SURVEYING SERVICES
11650 Ollo Road, Suite#1000-289
Fishers, Indiana 46037
Phone: (317)-841-8754
Fax: (317)-841-8762
E-mail: Troy@Truenorthindy.com

DRWN: TAT
JOB# 16-662

DATE: 09/20/16
REV: 10/13/16

SCALE: 1" = 30'

SIDELOAD: 5' MIN./16' TOTAL
FRONTLOAD: 8' MIN./16' TOTAL
25' REAR YARD

F.F.E. HSE: 884.5'
F.F.E. GAR: 881.5'
F.F.E. BSM'T: 874.5'





Lakes of Westfield Property Owners Association, Inc.

c/o Community Management Services, Inc.
941 E. 86th Street, STE 225
Indianapolis, IN 46240

February 3, 2020

Patrick and Dee Anna Bassett
18594 Cross Lakes Court
Westfield, IN 46074

re: 18594 Cross Lakes Court

Dear Patrick and Dee Anna Bassett,

After review of the Lakes of Westfield Property Owners Association, Inc. Architectural Approval Form regarding the above-referenced property, we have approved your request. Our approval of this improvement is based on the following information and includes additional restrictions on page 2:

Enclosed is your architectural control approval authorization. Please keep this for your records. We appreciate your patience and cooperation through this process.

Should there be any questions regarding this approval please contact me at your convenience.

On behalf of the Lakes of Westfield Property Owners Association, Inc. Architectural Review Committee as agent,

Sincerely,

Valerie Atwell
317-631-2213
VLA@communityms.net

Cc: homeowner file

Official Architectural Review

(Please do not write on this page)

☐ Approved

☒ Approved with restrictions: Pool with concrete deck/patio and automatic cover approved per submitted plan, drawing, picture, signed waiver and all restrictions on page 1. Construction must be completed within 90 days from the date of this letter, or project must be resubmitted for further review.

☐ Deferred, additional information requested _____

☐ Denied

ARB Signature


on Behalf of Westfield POA

Date: February 3, 2020

Community Management Services, Inc.

941 E. 86th Street, STE 225

Indianapolis, IN 46240

(317) 631-2213