



CITY OF WESTFIELD, IN
BoardofZoningAppeals_Meeting_Agenda_03_08_2022

Tuesday, March 08, 2022 at 07:00 PM

BOARD OR COMMISSION: Board of Zoning Appeals (BZA)

MEETING DATE: Tuesday, March 08, 2022 at 07:00 PM

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

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

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

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

OPENING OF REGULAR MEETING

Note the presence of a quorum

Approval of Minutes

February 15, 2022

Documents: [BZA February 15, 2022 Minutes](#)

Review Rules & Procedures

ITEMS OF BUSINESS:

2203-VS-08 [PUBLIC HEARING]

16280 Ambia Circle

Peter and Stacy Miller

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

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

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

2203-VS-09 [PUBLIC HEARING]

16745 Glen Way

Joseph and Cynthia Mallon

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

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

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

ITEMS CONTINUED TO A FUTURE MEETING:

2203-VS-10 [CONTINUED]

1111 E. 156th Street

Mike Buland

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

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

REPORTS/COMMENTS:

Plan Commission Liaison

Community Development Department

ADJOURNMENT



Westfield-Washington Township Board of Zoning Appeals (BZA)

Minutes of the Tuesday, February 15, 2022 BZA Meeting

Presented for approval: February 8, 2022

The Westfield-Washington Township Board of Zoning Appeals met at 7:00 p.m. on Tuesday, February 15, 2022 at Westfield City Hall.
This meeting was postponed February 8, 2022 to February 15, 2022.

Active Links for this meeting:

[February 15, 2022 BZA Agenda & Exhibits](#)

[February 15, 2022 YouTube Video](#)

OPENING OF MEETING

[YouTube Time: 0:03](#)

Roll Call

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

BZA Members Present Virtually: None

BZA Members Absent: Jeff Boller.

City Staff Present: Daine Crabtree, Senior Planner

City Staff Present Virtually: Caleb Ernest, Senior Planner

Legal Counsel Present: Kayla Moody Grant with Taft Stettinius & Hollister LLP.

APPROVAL OF MINUTES

McCarty motioned to approve the January 11, 2022 Minutes.
Fortier seconded. Motion passed. Vote 4-0.

REVIEW RULES AND PROCEDURES

Crabtree reviewed BZA rules and procedures.

ITEMS OF BUSINESS

2202-VS-05 [PUBLIC HEARING]

[YouTube Time: 3:27](#)

16780 Onward Drive / Adriana Reynolds

The Petitioner requests a Variance of Development Standard to encroach seven (7) feet into the thirty (30) foot Minimum Rear Yard Setback to accommodate a swimming pool and deck on 0.34 acres +/- in the SF2: Single-family Low-Density District (Article 4.5(E)(3)(a)).

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

Staff presentation/No Petitioner presentation.

Public Hearing for 2202-VS-05 opened at 7:04 p.m.

- No public comments.

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 15, 2022 Page 1 of 4

Public Hearing for 2202-VS-05 closed at 7:05 p.m.

BZA comments/Petitioner responses.

McCarty motioned to approve 2202-VS-05 subject to the two recommended conditions stated in the motion.

Morales seconded. Motion passed. Vote 4-0.

Schmitz motioned to adopt Staff's Findings of Fact for 2202-VS-05.

Fortier seconded. Motion passed. Vote 4-0.

2202-VS-06 [PUBLIC HEARING] [YouTube Time: 8:17](#)

16824 Onward Drive / Travis Walton

The Petitioner requests a Variance of Development Standard to encroach nine (9) feet into the thirty (30) foot Minimum Rear Yard Setback to accommodate a swimming pool and deck on 0.34 acres +/- in the SF2: Single-family Low-Density District (Article 4.5(E)(3)(a)).

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

Staff presentation/No Petitioner presentation.

Public Hearing for 2202-VS-06 opened at 7:09 p.m.

- No public comments.

Public Hearing for 2202-VS-06 closed at 7:10 p.m.

BZA comments/Petitioner responses.

Fortier motioned to approve 2202-VS-06 subject to the two recommended conditions stated in the motion.

McCarty seconded. Motion passed. Vote 4-0.

Schmitz motioned to adopt Staff's Findings of Fact for 2202-VS-06.

Morales seconded. Motion passed. Vote 4-0

2202-VS-07 [PUBLIC HEARING] [YouTube Time: 13:02](#)

645 McNamara Court / Ryan Warzynski

The Petitioner requests a Variance of Development Standard to encroach thirteen (13) feet into the thirty (30) foot Minimum Rear Yard Setback to accommodate a swimming pool and deck on 0.34 acres +/- in the SF2: Single-family Low-Density District (Article 4.5(E)(3)(a)).

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

Staff presentation/No Petitioner presentation.

Public Hearing for 2202-VS-07 opened at 7:14 p.m.

- No public comments.

Public Hearing for 2202-VS-07 closed at 7:15 p.m.

BZA comments/Petitioner responses.

Morales motioned to approve 2202-VS-07 subject to the two recommended conditions stated in the motion.

Fortier seconded. Motion passed. Vote 4-0.

Schmitz motioned to adopt Staff's Findings of Fact for 2202-VS-07.

McCarty seconded. Motion passed. Vote 4-0.

2202-VU-03 [PUBLIC HEARING] [YouTube Time: 17:50](#)

16800 Southpark Drive / K M and G, LLC aka Hounds Town Westfield by Keeler-Webb & Associates

The Petitioner requests a Variance of Use to permit a High Intensity Retail (pet-oriented business) use on 1.03 acres +/- in the EI: Enclosed Industrial District (Article 13.2).

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

Staff presentation/Petitioner presentation.

Public Hearing for 2202-VU-03 opened at 7:25 p.m.

- Public comments received were forwarded to the BZA members.

Public Hearing for 2202-VU-03 closed at 7:26 p.m.

BZA comments/Petitioner responses.

McCarty motioned to approve 2202-VU-03 subject to the two recommended conditions stated in the motion.

Fortier seconded. Motion passed. Vote 4-0.

Schmitz motioned to adopt Staff's Findings of Fact for 2202-VU-03.

Fortier seconded. Motion passed. Vote 4-0.

ITEMS CONTINUED TO A FUTURE MEETING

NONE

REPORTS/COMMENTS: [YouTube Time: 36:14](#)

- Plan Commission Liaison
- Community Development Department

ADJOURNMENT

McCarty motioned to adjourn the meeting. Fortier seconded. Motion passed. Vote 4-0.

The meeting adjourned at 7:38 p.m.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

Signature Page for BZA Minutes for February 15, 2022

Chairperson
Dave Schmitz

Secretary
Kevin M. Todd, AICP
Director



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

March 8, 2022

2202-VS-08

Exhibit 1

Petition Number: 2202-VS-08

Subject Site Address: 16280 Ambia Circle ("the Property")

Petitioner: Peter and Stacy Miller ("the Petitioners")

Request: The Petitioners requests a Variance of Development Standard to encroach seventeen (17) feet into the thirty (30) foot Minimum Rear Yard Setback on 0.25 acres +/- to accommodate a swimming pool and deck (Article 4.5)

Current Zoning: SF-3 Cluster

Current Land Use: Residential

Approximate Acreage: 0.25 acres +/-

Exhibits:

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

Staff Reviewer: Daine Crabtree, Senior Planner

OVERVIEW

Location: The subject property is 0.25 acres +/- in size (the "Property") and located at 16280 Ambia Circle in the Countryside subdivision (see **Exhibit 2**).

Requested Variances: The petitioner is requesting a Variance of Development Standard to encroach seventeen (17) feet into the thirty (30) foot Minimum Rear Yard Setback to accommodate a swimming pool and deck.

SUMMARY OF VARIANCE

SF-3 Cluster standards of the Westfield-Washington Township Unified Development Ordinance (UDO) sets forth a minimum Rear Yard Setback of thirty (30) feet for the property. The Petitioner is requesting this variance to encroach seventeen (17) feet into the Minimum Rear Yard Setback to accommodate a swimming pool and deck as illustrated on the Site Plan (see **Exhibit 3**).



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

March 8, 2022

2202-VS-08

Exhibit 1

COMPREHENSIVE PLAN

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

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

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

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Development Standard. This petition is scheduled to receive its public hearing at the March 8, 2022, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals’ Rules of Procedure.

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

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

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

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

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



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

March 8, 2022

2202-VS-08

Exhibit 1

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

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

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

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

DEPARTMENT COMMENTS:

Recommended Findings for Approval: If the Board is inclined to approve the Variance of Development Standards (2203-VS-08):

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

Finding: It is unlikely that approving the requested variance would be injurious to the public health, safety, morals, and general welfare of the community because the existing use and proposed improvements will otherwise comply with the applicable standards of the zoning of the SF-3 Cluster District.

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

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



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

March 8, 2022

2202-VS-08

Exhibit 1

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

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

Finding: Strict adherence to the zoning ordinance would result in a swimming pool and deck that does not meet the needs of the Petitioner.

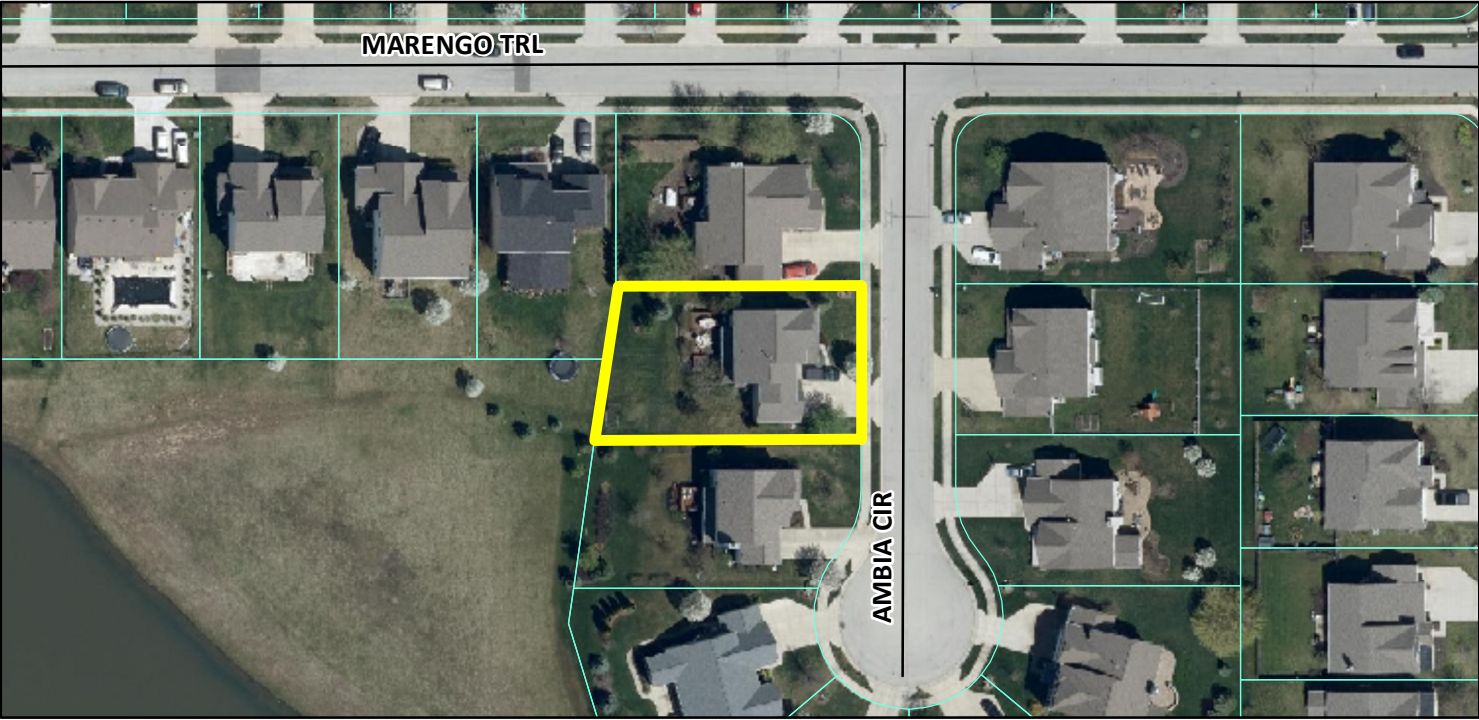
Recommended Conditions:

- That the Property be developed in substantial compliance with the Site Plan (**Exhibit 3**).
- That the Petitioner shall record an acknowledgement of this approval with the County Recorder's Office and return a copy of the recorded instrument to the Economic and Community Development Department.

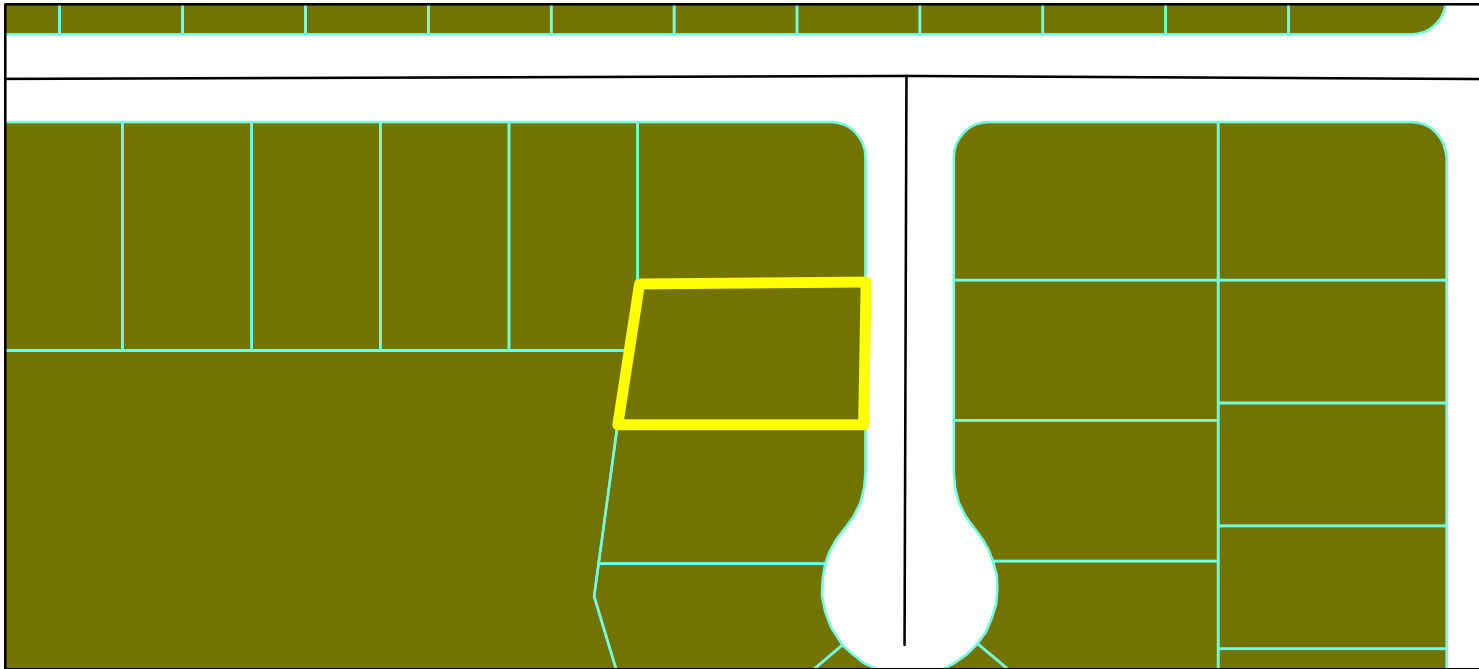
Denial: If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.

Aerial Location Map

 Site



Zoning Map



GIS.DBO.PW_Streets Zoning
Parcel
Parcel
Zoning - All
SF-3 Cluster

0 0.01 0.02
Miles



PREPARED FOR: NAME: MILLER

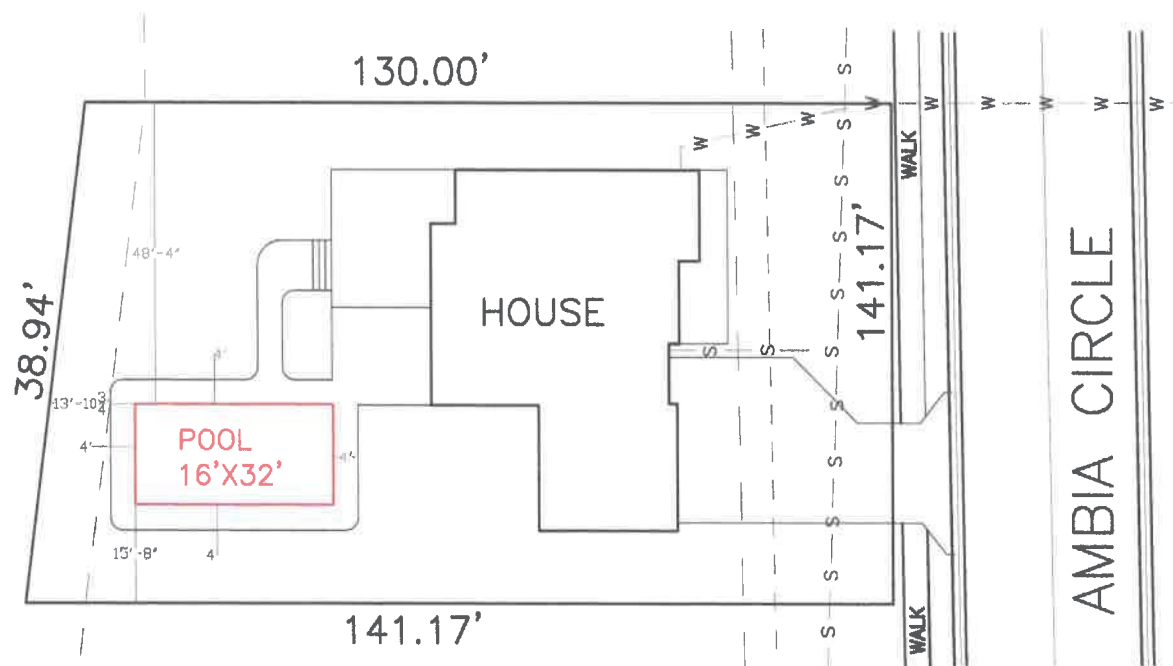
ADDRESS: 16280 Ambia Circle

DRAWING SCALE: 1:30

PROPOSED SQ. FT. POOL:

PROPOSED SQ. FT. POOL DECK:

DATE:



From: [Daine Crabtree](#)
To: [Daine Crabtree](#)
Subject: FW: pool arch
Date: Wednesday, March 2, 2022 3:40:01 PM

From: Stacy Miller <slkmiller18@outlook.com>
Date: October 14, 2021 at 05:15:35 EDT
To: Leslie Kelley <mgroupmanager2@gmail.com>
Subject: Re: pool arch

Thank you Leslie! I will keep you updated if we decide to make any changes to the placement of the pool, thank you for your input I appreciate your time.

Sent from my iPhone
Have a nice day!

On Oct 13, 2021, at 12:09, Leslie Kelley <mgroupmanager2@gmail.com> wrote:

Hello Stacy

They did not give a certain amount of distance from the easement. Typically, if fencing is installed they would have to be at least 5' from the easement.

Your pool request is approved as it stands but if you are able to go with their recommendations, further away from the easement, let me know so I can update the HOA.

Sincerely,

Leslie Kelley
Property Manager
M Group Management
Phone# 317-207-4281
Fax# 317-784-5987

Daine Crabtree | Senior Planner

Community Development | 2728 East 171st Street | Westfield, IN 46074
dcrabtree@westfield.in.gov | 317-416-2586

[Need to send me a file over 25MB?](#)



On Tue, Oct 12, 2021 at 10:31 AM Stacy Miller <slkmiller18@outlook.com> wrote:

Hi Leslie! I can bring this to Fox pools and see what they think as well. I do have a hot tub and significant landscaping we plan to keep near the pool area and incorporate that does hinder how far we can move the pool. Are there specific recommendations you all could offer? Are they looking for a certain distance from the easement? We do not plan to put a fence in because of the auto cover. I also have large dogs that I am trying to give as much yard as possible. I welcome any thoughts! Thanks!

Sent from my iPhone
Have a nice day!

On Oct 12, 2021, at 09:46, Leslie Kelley
<mgrouppmanager2@gmail.com> wrote:

Hello Stacy

The ARC suggests moving the pool a little closer to the house and away from the easement to allow for possible future landscaping or fencing.

Is this something that you could do?

Leslie Kelley
Property Manager
M Group Management
Phone# 317-207-4281
Fax# 317-784-5987

On Tue, Sep 14, 2021 at 2:05 PM Leslie Kelley
<mgrouppmanager2@gmail.com> wrote:

Thank you

Sincerely,

Leslie Kelley
Property Manager
M Group Management
Phone# 317-207-4281
Fax# 317-784-5987

On Tue, Sep 14, 2021 at 2:00 PM Stacy Miller

<slkmiller18@outlook.com> wrote:

<image0.jpeg>

Sent from my iPhone

Have a nice day!

On Sep 14, 2021, at 12:58, Leslie Kelley

<mgroupmanager2@gmail.com> wrote:

Thank you. Are you able to send me the plot map separately? It will not let me select and print it alone

Sincerely,

Leslie Kelley
Property Manager
M Group Management
Phone# 317-207-4281
Fax# 317-784-5987

On Tue, Sep 14, 2021 at 12:56 PM Stacy Miller

<Smiller18@msn.com<mailto:Smiller18@msn.com>>
wrote:

Hi Leslie, attaching a variety of photos for you. The pool will be similar to those in the photo. No diving board, auto pool cover that is the same color as the house. Concrete surround is minimal as in the picture and print. The picture is from google maps, marked up as to general location. If additional are needed happy to send.

[cid:17be53e803e4211b0811]

[cid:17be53e8044457b61bf2]

[cid:17be53e804447303a5e3]

[cid:17be53e8044a78358f44]

[cid:17be53e8044a79170755]

[cid:17be53e8044a79f87f66]

Sent from my iPhone

Have a nice day!

On Sep 14, 2021, at 10:46, Leslie Kelley

<mgroupmanager2@gmail.com<mailto:mgroupmanager2@gmail.com>>
wrote:

Hello

I received your pool request. Before I can
submit for approval, I will need the following:

1. Plot map from the city- that shows any easements, property lines, etc
2. Photo of a similar completed pool (this can be from the vendors website)
3. Photo of the current area

Thank you

Sincerely,

Leslie Kelley
Property Manager
M Group Management
Phone# 317-207-4281
Fax# 317-784-5987



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

March 8, 2022

2203-VS-09

Exhibit 1

Petition Number: 2203-VS-09

Subject Site Address: 16745 Glen Way ("the Property")

Petitioner: Joseph and Cynthia Mallon ("the Petitioner")

Request: The Petitioners requests a Variance of Development Standard to encroach seven (7) feet into the thirty (30) foot Minimum Rear Yard Setback on 0.38 acres +/- to accommodate a swimming pool and deck (Article 4.5)

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

Current Land Use: Residential

Approximate Acreage: 0.38 acres +/-

Exhibits:

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

Staff Reviewer: Daine Crabtree, Senior Planner

OVERVIEW

Location: The subject property is 0.38 acres +/- in size (the "Property") and located at 16745 Glen Way in the Brookside subdivision (see **Exhibit 2**).

Requested Variances: The petitioner is requesting a Variance of Development Standard to encroach seven (7) feet into the thirty (30) foot Minimum Rear Yard Setback to accommodate a swimming pool and deck.

SUMMARY OF VARIANCE

SF-2 standards of the Westfield-Washington Township Unified Development Ordinance (UDO) sets forth a minimum Rear Yard Setback of thirty (30) feet for the property. The Petitioner is requesting this variance to encroach seven (7) feet into the Minimum Rear Yard Setback to accommodate a swimming pool and deck as illustrated on the Site Plan (see **Exhibit 3**).



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

March 8, 2022

2203-VS-09

Exhibit 1

COMPREHENSIVE PLAN

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

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

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

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Development Standard. This petition is scheduled to receive its public hearing at the March 8, 2022, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals’ Rules of Procedure.

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

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

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

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

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



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

March 8, 2022

2203-VS-09

Exhibit 1

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

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

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

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

DEPARTMENT COMMENTS:

Recommended Findings for Approval: If the Board is inclined to approve the Variance of Development Standards (2203-VS-09):

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

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

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

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



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

March 8, 2022

2203-VS-09

Exhibit 1

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

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

Finding: Strict adherence to the zoning ordinance would result in a swimming pool and deck that does not meet the needs of the Petitioner.

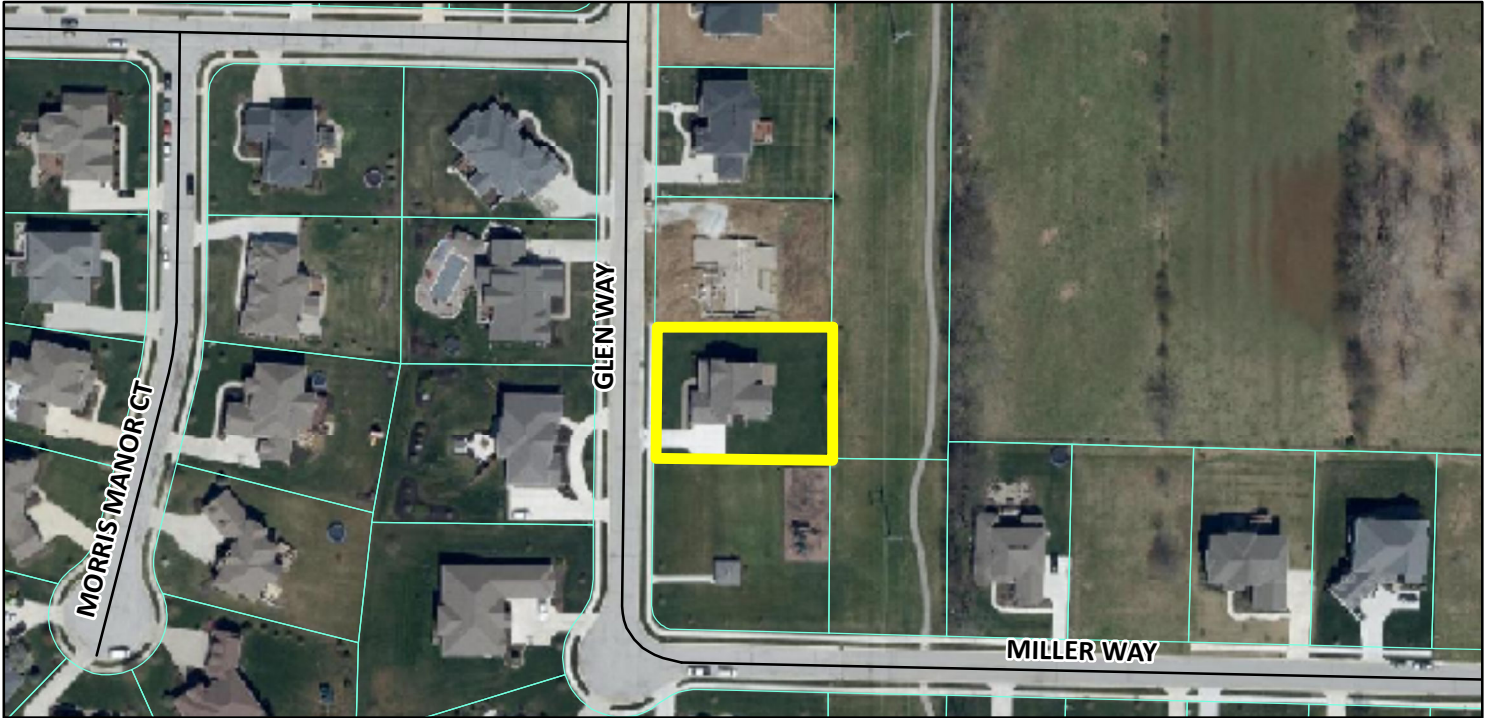
Recommended Conditions:

- That the Property be developed in substantial compliance with the Site Plan (**Exhibit 3**).
- That the Petitioner shall record an acknowledgement of this approval with the County Recorder's Office and return a copy of the recorded instrument to the Economic and Community Development Department.

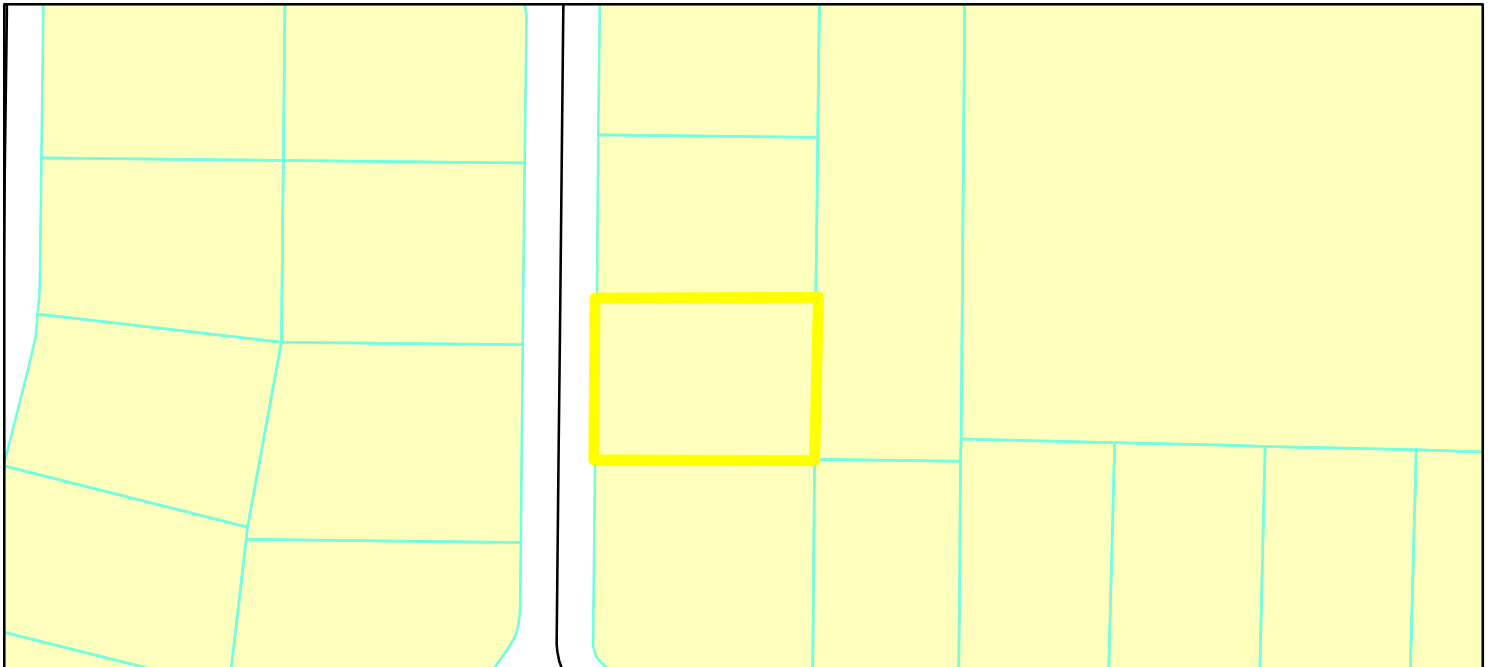
Denial: If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.

Aerial Location Map

 Site



Zoning Map



GIS.DBO.PW_Streets
Parcel
Parcel
Zoning - All

Zoning
SF-2 (Single Family - 2)

0 0.01 0.02
Miles



THESE DIMENSIONS, 9.27.2015, TO THE SURVEYED DATA, HAVE BEEN BASED ON THE RECORD OF THE PLANS AND THE SURVEYOR'S FIELD NOTES. THE SURVEYOR HAS NOT CONDUCTED A FIELD VERIFICATION OF THE EXISTING DIMENSIONS. THE SURVEYOR HAS NOT CONDUCTED A FIELD VERIFICATION OF THE EXISTING DIMENSIONS. THE SURVEYOR HAS NOT CONDUCTED A FIELD VERIFICATION OF THE EXISTING DIMENSIONS.

1" Equal 30'

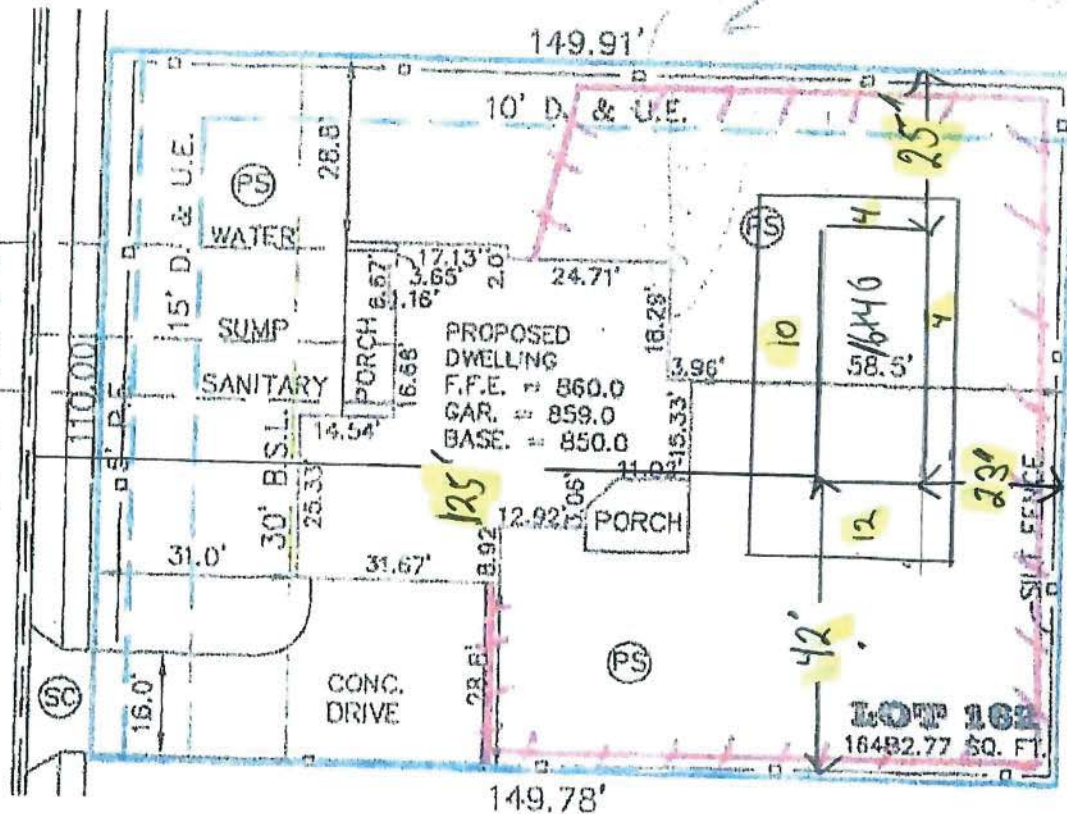
NOTES

NO DEVELOPMENT PLAN FOUND OR PROVIDED.

THE ELEVATIONS SHOWN WERE BASED OFF THE HAMILTON COUNTY GIS WEBSITE.

THE UTILITIES SHOWN ARE PROPOSED AND SHOULD BE VERIFIED IN THE FIELD BEFORE CONSTRUCTION.

GLEN WAY
50' R/W



Joseph Mallon
312-282-76291

16745 GLEN WAY

HILLER SURVEYING 948 CONNER ST. NOBLESVILLE, IN. Ph. 773-2644
SITE PLAN IS NOT COMPLETE AND/OR VALID WITHOUT BOTH PAGES.

16x40 Fiberglass Monolith 36x86" Deep
Pool 640 sq ft
Deck 1040 sq ft
Total 1680 sq ft
Pump-Filter-Heater-Auto Cover

NOTE: THIS DRAWING IS NOT INTENDED TO BE REPRESENTED AS A RETRACEMENT ORIGINAL BOUNDARY SURVEY, A ROUTE SURVEY OR A SURVEYOR LOCATION

A • R • M • O • U • R

PROPERTY MANAGEMENT, LLC

“We Manage Neighborhoods, like they’re Our Own”

September 27, 2021

Joseph and Cindy Mallon
16745 Glen Way
Westfield, IN 46062

I am pleased to inform you the Architectural Review Committee has approved your request for the following item(s):

Install 40' x 15' inground pool with stamped concrete patio and outdoor kitchen pavilion per request submitted. Install landscaping per DeVries landscaping design.

Please be aware of the following conditions:

- You ensure that the pool plan meets local zoning requirements.
- You are responsible for maintaining proper drainage in the area affected by the work.

It is your responsibility to obtain any necessary permits and follow the guidelines mandated by the county, city, or state and to ensure all improvements are within your property lines and setbacks. Also, be aware that you are responsible at your expense to move anything in the easement if a utility company needs to have access to that area. This approval covers the inground pool but does not address an outdoor kitchen.

If you have any questions, please feel free to contact our office. Thank you for submitting your request.

Regards,

Nancy Bates

Managing Agent
Armour Property Management, LLC