



**CITY OF WESTFIELD, IN**  
**BoardofZoningAppeals\_Meeting\_Cancelled\_02\_15\_2022**

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*Tuesday, February 15, 2022 at 07:00 PM*

**BOARD OR COMMISSION:** Board of Zoning Appeals (BZA)

**MEETING DATE:** Tuesday, February 15, 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**

**MEETING POSTPONED TO FEBRUARY 15, 2022**

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](mailto:planners@westfield.in.gov)

**OPENING OF REGULAR MEETING**

Documents: [Viewable online at: https://www.youtube.com/user/CityofWestfieldIN](https://www.youtube.com/user/CityofWestfieldIN)

Note the presence of a quorum

Approval of Minutes

January 11, 2022

Documents: [BZA Minutes - January 11, 2022](#)

Review Rules & Procedures

**ITEMS OF BUSINESS:**

**2202-VS-05 [PUBLIC HEARING**

**16780 Onward Drive**

**Ariana 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 - [cdrabtree@westfield.in.gov](mailto:cdrabtree@westfield.in.gov))

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

**2202-VS-06 [PUBLIC HEARING]**

**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](mailto:dcrabtree@westfield.in.gov))

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

**2202-VS-07 [PUBLIC HEARING]**

**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](mailto:dcrabtree@westfield.in.gov))

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

**2202-VU-03 [PUBLIC HEARING]**

**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](mailto:cernest@westfield.in.gov))

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Site Plan](#) | [Exhibit 4: Approved Secondary Plat](#) | [Exhibit 5: Letters from Director \(2005\)](#) | [Exhibit 6: Letter of Intent](#) | [Exhibit 7: Application](#)

**ITEMS CONTINUED TO A FUTURE MEETING:**

**None**

**REPORTS/COMMENTS:**

**Plan Commission Liaison**

**Community Development Department**

**ADJOURNMENT**



WESTFIELD-WASHINGTON  
BOARD OF ZONING APPEALS

February 15, 2022

2202-VU-03

Exhibit 1

**Petition Number:** 2202-VU-03

**Subject Site Address:** 16800 Southpark Drive (The "Property")

**Petitioner:** K M and G, LLC aka Hounds Town Westfield (The "Petitioner")

**Request:** The Petitioner is requesting 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).

**Current Zoning:** EI: Enclosed Industrial District

**Current Land Use:** Vacant Building / Flex Building

**Approximate Acreage:** 1.03 acres +/-

**Exhibits:**

1. Staff Report
2. Location Map
3. Site Plan
4. Approved Secondary Plat
5. Letters from Director (2005)
6. Letter of Intent
7. Application

**Staff Reviewer:** Caleb Ernest, Senior Planner

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**OVERVIEW**

**Location:** The subject Property is 1.03 acres +/- and is located at 16800 Southpark Drive (see **Exhibit 2**). The use of the Property is vacant, however a building has been constructed on the site, has been platted and is ready for a user (see **Exhibits 3 and 4**).

All of the surrounding properties are also zoned the EI District.

**Variance Request:** The Petitioner is requesting a Variance of Use to permit a High Intensity Retail (pet-oriented business) Use.

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**SUMMARY OF VARIANCES**

The Petitioner is requesting a Variance of Use to permit a High Intensity Retail Use because the City determines a pet-oriented business falls within this land use classification. This land use is currently not permitted in the EI District which is why the Petitioner is requesting this variance (see **Exhibit 6**). The proposed pet-oriented business will include dog and cat boarding, daycare and grooming.

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## **COMPREHENSIVE PLAN**

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

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

The Employment Corridor development policies also encourages employment-generating uses and related supporting service uses.

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## **PROCEDURAL**

**Public Notice:** The Board of Zoning Appeals is required to hold a public hearing on its consideration of the extension of the Existing Variance. This petition is scheduled to receive its public hearing at the February 15, 2022, BZA meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

**Conditions:** The UDO<sup>1</sup> 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 UDO<sup>2</sup> requires that the approval of the variance shall be memorialized in an acknowledgement of variance instrument prepared by the Department. The acknowledgement shall: (i) specify the granted variance and any commitments made or conditions imposed in granting of the variance; (ii) be signed by the Director, Property Owner and Applicant (if Applicant is different than Property Owner); and (iii) be recorded against the subject property in the Office of the Recorder of Hamilton County, Indiana. A copy of the recorded acknowledgement shall be provided to the Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

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

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

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

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

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

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#### **DEPARTMENT COMMENTS**

**Approval:** If the Board is inclined to approve the Variance of Use (2202-VU-03), then the Department recommends approval with the following conditions:

- **The High Intensity Retail Use shall only allow a pet-oriented business use as a permitted use;**
- **That the Petitioner shall record an acknowledgement of this approval with the Hamilton County Recorder's Office and return a copy of the recorded instrument to the Community Development Department.**

In addition, the Department recommends the following written findings of fact related to the Variance of Use:

#### **Recommended Findings for Approval:**

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

**Finding:** It is unlikely that the approval will be injurious to the public health, safety, morals, and general welfare of the community, because the use will provide a business and service for 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 proposed variance should not have a negative impact on surrounding properties because the operations of the proposed business will be mainly inside the building. Additionally, the proposed use is consistent with the adaptive uses within similar buildings in the business park area.

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

**Finding:** Not permitting the variance will result in the inability to operate a pet-oriented business utilizing dog and cat boarding and daycare. A pet-oriented business, classified in High Intensity Retail Use, is currently not permitted in the EI District. Per previous approvals (see **Exhibit 5**) grooming is already permitted on the Property.

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

**Finding:** Strict application of the terms of the zoning ordinance will result in practical difficulties in the inability for the business not being able to fully utilize and operate the facility without dog and cat boarding and daycare services. Additionally, grooming is already permitted on the Property (see **Exhibit 5**).

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

**Finding:** This use does not substantially alter the Comprehensive Plan, because the contemplated uses in the Comprehensive Plan suggest business uses. The proposed land use of this Variance is a pet-oriented business which will generate employees as well as provide a service retail use to the community.

**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.



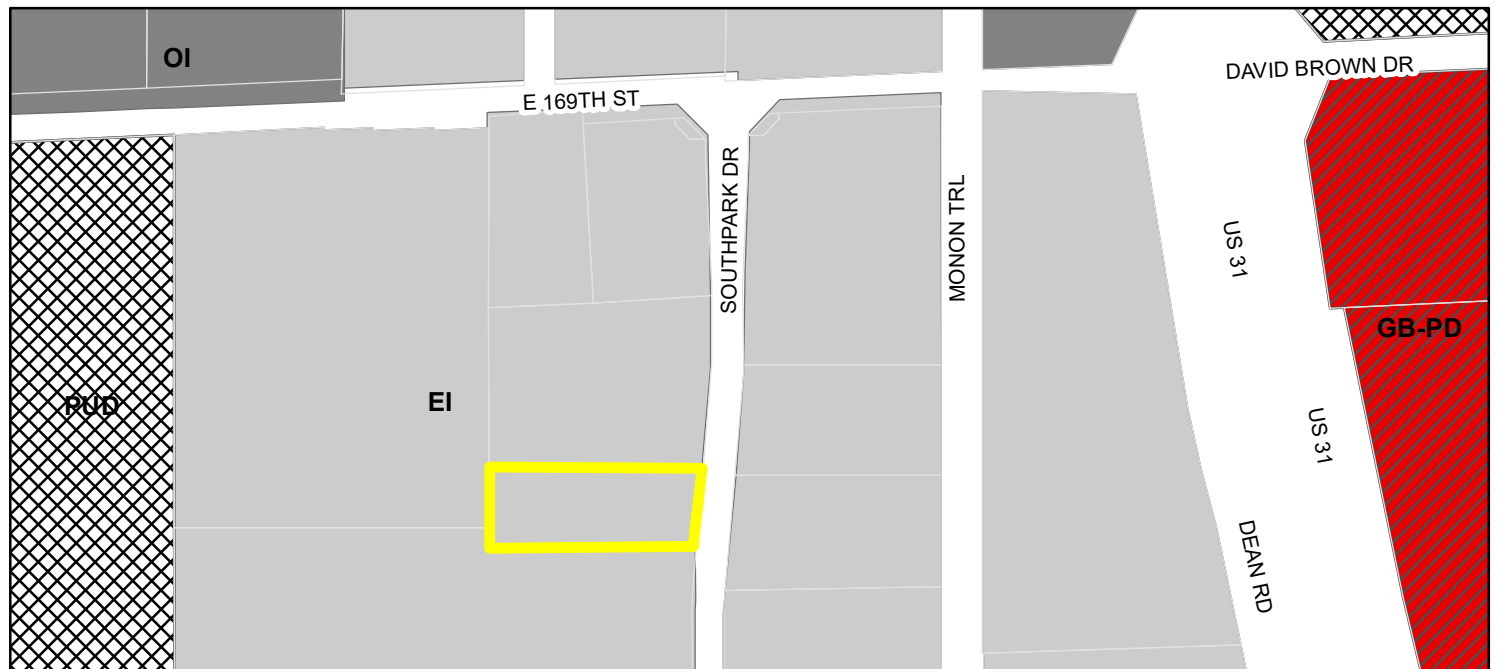
Property Location Map  
16800 Southpark Drive  
Variance of Use  
2202-VU-03



Aerial Location Map



Zoning Map



- Parcel
- Zoning - All**
- Zoning**
- GB-PD (General Business - Planned Development)
  - OI (Open Industrial)
  - PUD (Planned Unit Development)
  - EI (Enclosed Industrial)



# SECONDARY PLAT of Lot 1

## SOUTHPARK BUSINESS CENTER SUBDIVISION

### AN ADDITION TO THE CITY OF WESTFIELD

PART OF THE SOUTHEAST QUARTER OF SOUTHWEST QUARTER SECTION 1, TOWNSHIP 18 NORTH, RANGE 3 EAST  
LOCATED IN WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA  
PRIMARY PLAT DOCKET No. 1910-SPP-18

DULY ENTERED FOR TAXATION  
Subject to final acceptance for transfer  
22 day of January, 2020

Parcel # *Robin M. Hill Auditor of Hamilton County*

**BEC, LLC**

INSTRUMENT No. 200100025042

3.259 Ac. +/-

ZONED EI

2020003781 PLAT \$30.00  
01/22/2020 02:13:45P 2 PGS  
Jennifer Hayden  
HAMILTON County Recorder IN  
Recorded as Presented

PCS slide 1102

N 90°00'00" E  
352.69'

ZONED EI (US 31 OVERLAY ZONE)

20' SIDE YARD

**LOT 1 SOUTHPARK  
BUSINESS CENTER**

1.030 Ac. +/-  
44,866 sq.ft.

CAPPED REBAR FOUND @  
0.42' EAST & 0.07' NORTH  
OF PROPERTY CORNER

20' U. & D. E.  
INSTR. #2002-20665

20' SIDE YARD

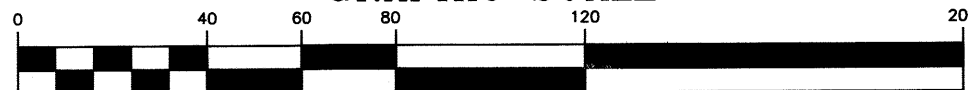
S 90°00'00" W  
341.42'

20' U. & D. E.  
INSTR. #200200020665

POINT OF BEGINNING - JJK INVESTMENTS II, LLC  
IRON REBAR FOUND  
0.18' WEST & 0.09' NORTH  
OF LOT CORNER

**SECONDARY PLAT**

**GRAPHIC SCALE**



1 inch = 40 ft.

(ASSUMED BEARING)

SOUTH LINE SE 1/4, SW 1/4,  
SECTION 1, T 18 N, R 3 E

S87°14'09"W 774.24' MEASURED  
SOUTHEAST CORNER SOUTHWEST 1/4, SECTION 1, T 18 N, R 3 E  
MONUMENT FOUND PER H.C.S.O.

#### LEGEND

- ▲ SECTION CORNER MONUMENT
- CAPPED REBAR FD / MAG NAIL
- KWA CAPPED 5/8" x 30" REBAR SET
- B.S.L. - BUILDING SETBACK LINE
- sq. ft. - SQUARE FEET
- Ac. - ACRES
- L. - LANDSCAPING
- D. - DRAINAGE
- U. - UTILITY
- S. - SANITARY
- EST. or E. - EASEMENT
- RIGHT OF WAY
- CENTERLINE
- SETBACK
- EASEMENT
- LOT LINE
- SECTION LINE

16800

STREET ADDRESS NUMBER

SOURCE OF TITLE:  
BEC, LLC  
INSTRUMENT No. 200100025042

OWNER:  
BEC, LLC  
DICK COBB, MANAGING PARTNER  
47 WEST SPRINGHILL DRIVE,  
TERRE HAUTE, IN 47802

SUBDIVIDER:  
JJK INVESTMENTS II, LLC  
JIM KENT, MANAGING PARTNER  
P.O. BOX 930  
WESTFIELD, IN 46074

#### NOTES:

1. SITE INFORMATION  
SITE SIZE 1.030 Ac. or 44,866 sq.ft.
2. THE BASIS OF BEARINGS IS BASED ON THE SURROUND PROPERTIES IN SOUTHPARK BUSINESS CENTER. THE AUTO CAD FILE HAS BEEN ROTATED TO MATCH THE HAMILTON COUNTY SECTION CORNERS PER HCSO.
3. HORIZONTAL DATUM HORIZONTAL DATUM IS BASED ON HAMILTON COUNTY SURVEYOR SECTION CORNER TIES USING NAD 83 AND INDIANA EAST STATE PLAN COORDINATES.

**KEELER-WEBB ASSOCIATES**  
Consulting Engineers-Planners-Surveyors

486 GRADLE DRIVE  
CARMEL, INDIANA 46032  
PHONE (317) 574-0140  
FAX (317) 574-1269  
PROJECT #1907-044b E-mail: odelhart@keelerwebb.com

DRAWN BY: ALD

CHECKED BY: ALD

DATE: 12-02-2019

SHEET No.

1 of 2

**AERIAL VICINITY MAP**



DULY ENTERED FOR TAXATION  
SUBJECT TO FINAL ACCEPTANCE FOR TRANSFER ON THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 2020.  
\_\_\_\_\_, AUDITOR OF HAMILTON COUNTY  
PARCEL No. \_\_\_\_\_

# SECONDARY PLAT of Lot 1

## SOUTHPARK BUSINESS CENTER SUBDIVISION

### AN ADDITION TO THE CITY OF WESTFIELD

PART OF THE SOUTHEAST QUARTER OF SOUTHWEST QUARTER SECTION 1, TOWNSHIP 18 NORTH, RANGE 3 EAST  
LOCATED IN WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA  
PRIMARY PLAT DOCKET No. 1910-SPP-18

PC5 Slide 1102

2020003781 PLAT \$30.00  
01/22/2020 02:13:45P 2 PGS  
Jennifer Hayden  
HAMILTON County Recorder IN  
Recorded as Presented

RECORD BEC, LLC  
LEGAL DESCRIPTION  
INSTRUMENT No. 200100025042

A part of the Southeast Quarter of the Southwest Quarter of Section 1, Township 18 North, Range 3 East of the Second Principal Meridian, in Hamilton County, Indiana, described as follows:

Commencing at the Southeast corner of said Quarter-Quarter Section; thence South 87 degrees 14 minutes 09 seconds West (assumed bearing), along the South line of said Quarter-Quarter Section, a distance of 774.24 feet; thence North 00 degrees 09 minutes 02 seconds West, a distance of 594.57 feet to the point of beginning; thence continuing North 00 degrees 09 minutes 02 seconds West, a distance of 388.00 feet; thence North 87 degrees 09 minutes 02 seconds East, parallel to the North line of said Quarter-Quarter Section, a distance of 367.10 feet, to a point on the westerly right-of-way of Southpark Drive, the following (3) courses are along said westerly right-of-way; thence (1) South 00 degrees 15 minutes 15 seconds East, a distance of 108.99 feet, to a curve to the right, the radius point of said curve lies South 89 degrees 44 minutes 45 seconds West, a distance of 125.00 feet; thence (2) along said curve an arc distance of 11.12 feet, to a point lying South 85 degrees 09 minutes 24 seconds East of said radius point; thence (3) South 04 degrees 50 minutes 36 seconds West, a distance of 287.18 feet; thence South 90 degrees 00 minutes 00 seconds West, a distance of 341.42 feet, to the point of beginning, containing 3.259 acres, more or less.

SOUTH 1.030 Ac. of BEC, LLC  
LEGAL DESCRIPTION

A part of the Southeast Quarter of the Southwest Quarter of Section 1, Township 18 North, Range 3 East of the Second Principal Meridian in Hamilton County, Indiana, described as follows:

Commencing at the Southeast corner of said Quarter-Quarter Section; thence South 87 degrees 14 minutes 09 seconds West (assumed bearing), along the South line of said Quarter-Quarter Section, a distance of 774.24 feet; thence North 00 degrees 09 minutes 02 seconds West, a distance of 594.57 feet to the POINT OF BEGINNING; thence continuing North 00 degrees 09 minutes 02 seconds West, a distance of 129.02 feet; thence North 90 degrees 00 minutes 00 seconds East, a distance of 352.69 feet, thence South 04 degrees 50 minutes 36 seconds West, a distance of 129.48 feet; thence South 90 degrees 00 minutes 00 seconds West, a distance of 341.42 feet, to the POINT OF BEGINNING, containing 1.030 Acres, more or less.

Also, a non-exclusive easement for access as set out in Non-exclusive Access Easement Agreement by and between CK Properties, LLC, and BEC, LLC, dated April 18, 2001 and recorded May 4, 2001 as Instrument 2001-25043, in the Office of the Recorder of Hamilton County, Indiana

Subject to Covenants, conditions, restrictions, and obligations, as set out in Declaration of Covenants and Restrictions recorded March 21, 2001, as Instrument 2001-14091 in the Office of the Recorder of Hamilton County, Indiana.

Subject to Declaration of Non-exclusive Utility Easement Dated June 18, 2001, and recorded June 19, 2001 as Instrument 2001-36580.

Plan Commission Certificate:

Under authority provided by I.C. 36-7, enacted by the general assembly of the State of Indiana, and all acts amendatory thereto, and an ordinance adopted by the City Council of the City of Westfield, Hamilton County, Indiana, this plat was given approval by the Westfield-Washington Township Advisory Plan Commission, as follows:

Approved by the Director of the Economic and Community Development Department of the City of Westfield, Hamilton County, Indiana, pursuant to the Westfield-Washington Township Unified Development Ordinance, on the

9<sup>th</sup> day of January, 2020, 2019.

Westfield-Washington Township Plan Commission

By: Kevin Todd  
Kevin Todd, Director  
Economic and Community Development Department  
Registered Land Surveyor's Certificate:

I, Adam L. DeHart, PS, hereby certify that I am a Registered Land Surveyor, licensed in compliance with the laws of the State of Indiana: That this plat correctly represents a survey completed by me on December 2, 2019, that all the monuments shown thereon actually exist or bond has been posted to cover the later installation of these monuments, and that all other requirements specified herein, done by me, have been met.

KEELER-WEBB ASSOCIATES  
CERTIFIED BY

Adam L. DeHart  
A.L. DeHART, PS  
STATE OF INDIANA  
REGISTRATION No. 29500025



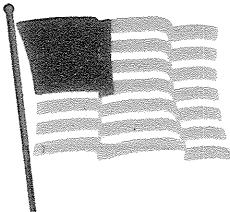
This instrument was based upon survey by Keeler-Webb Associates, Project No. 1907-044 dated December 2, 2019.  
This instrument prepared by Keeler-Webb Associates, A. L. DeHart, PS, 486 Gradle Drive, Carmel, Indiana 46032 (317) 574-0140  
This instrument was prepared for JJK Investments, II LLC, P.O. Box 930, Westfield, IN 46074.  
I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. A.L. DeHart, PS

**KEELER-WEBB ASSOCIATES**  
Consulting Engineers-Planners-Surveyors

486 GRADLE DRIVE  
CARMEL, INDIANA 46032  
PHONE (317) 574-0140  
FAX (317) 574-1269  
PROJECT #1907-044 E-mail: adehart@keelerwebb.com

DRAWN BY: ALD  
CHECKED BY: ALD  
DATE: 12-02-2019

SHEET No.  
2 of 2



Deed of Dedication:

We the undersigned owners of the real estate shown and described herein, do hereby certify that we have laid off, platted and subdivided, and do hereby lay off, plat and subdivide, said real estate in accordance with the within plat.

This subdivision shall be known and designated as PLAT OF LOT 1 in SOUTHPARK BUSINESS CENTER SUBDIVISION, an addition to WESTFIELD, Indiana, and contains 1 lot, numbered 1. All rights-of-way shown and not heretofore dedicated are hereby dedicated to the public. Front, side, and rear yard building setback lines are hereby established as shown on this plat, between which lines and the property lines of the street, there shall be erected or maintained no building or structure.

There are strips of ground shown on this plat and marked "easement", reserved for the use of public utilities for the installation of water and sewer mains, poles, ducts, lines and wires, subject at all times to the proper authorities and to the easement herein reserved. No permanent or other structures are to be erected or maintained upon said strips of land, but owners of lots in this subdivision shall take their titles subject to the rights of the public utilities.

The foregoing covenants, or restrictions, are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 2044, at which time said covenants, or restrictions, shall be automatically extended for successive periods of ten years unless changed by vote of a majority of the then owners of the building sites covered by these covenants, or restrictions, in whole or in part. Invalidity of any of the foregoing covenants, or restrictions, by judgment or court order shall in no way affect any of the other covenants or restrictions, which shall remain in full force and effect.

The right to enforce these provisions by injunction, together with the right to cause the removal, by due process of law, of any structure or part thereof erected, or maintained in violation hereof, is hereby dedicated to the public, and reserved to the several owners of the several lots in this subdivision and to their heirs and assigns.

Witnessed our hands and seals this 16 day of DECEMBER, 2019.

Dick Cobb  
BEC, LLC, Dick Cobb, Managing Partner

State of Indiana )  
SS)

Vigo County )

Before me the undersigned Notary Public, in and for the County and State, personally appeared BEC, LLC, Dick Cobb, Managing Partner, and acknowledges the execution of the foregoing instrument as his or her voluntary act and deed, for the purposes therein expressed.

Witness my hand and notary seal this 16<sup>th</sup> day of December, 2019.

Amanda K Hill  
Notary Public Signature

Amanda K Hill  
Notary Public Printed Name

05/06/2020  
Notary Public Commission Expiration Date

Jim Kent  
JJK INVESTMENTS II, LLC, Jim Kent, Managing Partner

State of Indiana )  
SS)

HAMILTON County )

Before me the undersigned Notary Public, in and for the County and State, personally appeared JJK INVESTMENTS II, LLC, Jim Kent, Managing Partner, and acknowledges the execution of the foregoing instrument as his or her voluntary act and deed, for the purposes therein expressed.

Witness my hand and notary seal this 13<sup>th</sup> day of December, 2019.

Maureen V. Cox  
Notary Public Signature

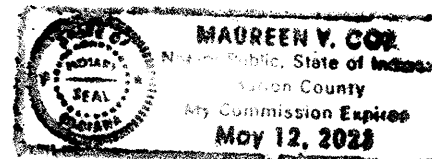
Maureen V. Cox  
Notary Public Printed Name

5-12-23  
Notary Public Commission Expiration Date

Board of Public Works and Safety Certificate:

This plat and the acceptance of any public rights-of-way dedicated herein is hereby approved on the 9<sup>th</sup> day of January, 20 20 by the Director of the Public Works Department of the City of Westfield, Indiana, on behalf of the Board of Public Works and Safety, pursuant to Resolution 15-120 enacted by the Board of Public Works and Safety on August 26, 2015, and Article 7.4(B) of the Unified Development Ordinance.

Jeremy Lollar  
Jeremy Lollar, Director  
Public Works Department



# TOWN OF WESTFIELD

## COMMUNITY DEVELOPMENT DEPARTMENT

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### WESTFIELD WASHINGTON TOWNSHIP

ADVISORY PLAN COMMISSION

BOARD OF ZONING APPEALS

ZONING ENFORCEMENT

BUILDING PERMITS

August 2, 2005

Mr. James J. Kent  
CK Properties, LLC  
PO Box 930  
Westfield, IN 46074

Dear Jim:

In response to your April 26, 2005, correspondence, with attachment (a copy of which is attached here), the Town agrees to the list of uses, including those under the "Monon" column heading on the four-page attachment and the seven (7) additional uses listed in your letter. I will notify the Town's attorney (by copy of this letter) of the Town's agreement with this use list for SouthPark Business Center and ask that he take the necessary steps to end the litigation. I will advise you if he indicates that there is action that you should take, if any. The Town will then record this letter and its attachments.

Thank you for your cooperation in resolving this issue.

Sincerely,



Kevin G. Buchheit, AICP  
Community Development Director

*CK Properties, LLC  
P.O. Box 930  
Westfield, IN 46074  
(317) 867-1139*

April 26, 2005

Mr. Kevin G. Buchheit  
Director Community Services  
Town of Westfield  
130 Penn Street  
Westfield, IN 46074

Re: SouthPark Business Center Approved Uses

Dear Mr. Buchheit:

As a follow up to our several conversations regarding the approved uses for Southpark Business Center I have enclosed a copy of the approved uses for SouthOak Industrial Park, which adjoins our park. During the PUD approval process we were advised that we would receive the same uses as SouthOak Industrial Park. Our park is not divided into three areas such as SouthOak Industrial Park, therefore requiring us to combine some of the uses.

We limited our uses to those approved for the Monon area of the SouthOak PUD. We combined six uses into this area which were listed in the Internal area of the SouthOak PUD those being:

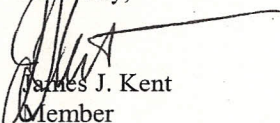
1. Truck cleaning, service, rental and repair – inside
2. Floor Covering
3. Machine welding tool and die shop
4. Manufacturer of cabinets
5. Manufacturer of cans and containers
6. Stamping and fabricating metal shop

Lastly, we added one additional use for an existing business already located in our Park prior to the creation of the U.S. 31 Overlay district.

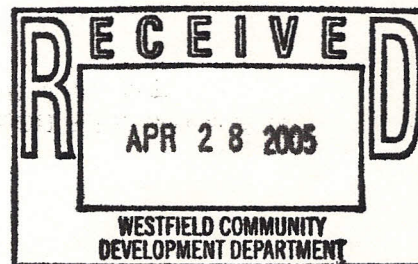
1. Landscape care and maintenance contractor – Inside

I hope this list meets with the approval of the Westfield Town Council so we can bring closure to our litigation without further legal expense to either party. As always we appreciate the help we receive from your department.

Sincerely,

  
James J. Kent  
Member

JJK/bs



5/8/03

## Southoak Industrial Park Uses

*Joe Calderon*

| TYPE OF BUSINESS                                          | MONON | INTERNAL | SOUTHERN |
|-----------------------------------------------------------|-------|----------|----------|
| Advertising & business signs (including fabrication)      | X     | X        | X        |
| Antiques                                                  | X     | X        | X        |
| Art School                                                | X     | X        | X        |
| Assembly operations of pre-manufactured parts, components | X     | X        |          |
| Assembly repair & manufacture of light component parts    | X     | X        | X        |
| Auction Rooms-Inside                                      | X     | X        | X        |
| Auto parts sales inside                                   | X     | X        |          |
| Auto Rental-Inside                                        | X     | X        | X        |
| Auto repair Garages                                       | X     | X        |          |
| Auto rustproofing                                         | X     | X        |          |
| Auto Sales, new & used, service and repair-Inside         | X     | X        | X        |
| Auto Storage-inside                                       | X     | X        | X        |
| Mobile home rental/sales/service/repair-Inside            |       | X        |          |
| Truck cleaning, service, rental & repair-Inside           | X     | X        |          |
| Bakeries                                                  | X     | X        | X        |
| Banks & Savings & loan Assoc.                             | X     | X        | X        |
| Barber & Beauty Schools                                   | X     | X        | X        |
| Bicycle sales, rental & Service                           | X     | X        |          |
| Blueprinting, Photocopying job printing                   | X     | X        | X        |
| Boat & Trailer Sales and Service-inside storage           | X     | X        |          |
| Book Stores                                               | X     | X        | X        |
| Bottling of Alcoholic & Non-Alcoholic Beverages           | X     | X        |          |
| Camera Stores                                             | X     | X        | X        |
| Car Wash-Indoor                                           | X     | X        |          |
| Caskets & Casket Supplies                                 | X     | X        |          |
| Cemetery Monument Sales                                   | X     | X        |          |
| Cemeteries-Pet                                            | X     | X        | X        |
| China & Glassware Shops                                   | X     | X        | X        |
| Civic Clubs                                               | X     | X        | X        |
| Coffee Roasting-wholesale                                 | X     | X        | X        |
| Coin Shops                                                | X     | X        | X        |
| Commissary, food, catering service                        | X     | X        |          |
| Concrete contractors                                      | X     | X        |          |
| Consumer Service Offices                                  | X     | X        | X        |
| Crating & Packaging Service                               | X     | X        |          |
| Credit Union offices                                      | X     | X        | X        |
| Mustard Stands                                            | X     | X        |          |
| Dancing Schools                                           | X     | X        |          |
| Data Processing                                           | X     | X        | X        |

| TYPE OF BUSINESS                                   | MONON | INTERNAL | SOUTHERN |
|----------------------------------------------------|-------|----------|----------|
| Delicatessen                                       | X     | X        |          |
| Dentist                                            | X     | X        | X        |
| Distributors-inside storage                        | X     | X        | X        |
| Education Institutions Public and Private          | X     | X        |          |
| Electrical Contractors                             | X     | X        | X        |
| Electrical Supply Store-wholesale                  | X     | X        | X        |
| Engineering & Research Labs                        | X     | X        |          |
| Exterminators                                      | X     | X        |          |
| Fabric Shops-wholesale                             | X     | X        | X        |
| Farm implement sales and service-inside            | X     | X        | X        |
| Fire Stations                                      | X     | X        | X        |
| Floor Covering                                     | X     | X        |          |
| Florist-wholesale                                  | X     | X        | X        |
| Frozen food stores and lockers                     | X     | X        | X        |
| Furniture Stores-wholesale                         | X     | X        | X        |
| Furrier Shops-Wholesale                            | X     | X        | X        |
| Galleries                                          | X     | X        |          |
| Garden & lawn materials & supply stores-wholesale  | X     | X        |          |
| General construction company                       | X     | X        |          |
| Glass fabrication and installation                 | X     | X        |          |
| Government Offices-Universities                    | X     | X        |          |
| Greenhouses-wholesale                              | X     | X        |          |
| Gymnasiums                                         | X     | X        |          |
| Health Fitness and Exercise Center                 | X     | X        |          |
| Hobby Shops-Wholesale                              | X     | X        | X        |
| Home remodeling company                            | X     | X        |          |
| Home remodeling supplies and materials-wholesale   | X     | X        | X        |
| Hospitals (Minor) Medical & Dental clinics & Labs  | X     | X        | X        |
| Indoor Sports and Recreational Facilities          | X     | X        |          |
| Industrial Schools & Training Facilities           | X     | X        |          |
| Insurance Companies                                | X     | X        | X        |
| Interior Decorating                                | X     | X        | X        |
| Jewelry Stores-Wholesale                           | X     | X        | X        |
| Language Schools                                   | X     | X        |          |
| Laundromats & dry cleaning pick up & drop off only | X     | X        |          |
| Lawyers                                            | X     | X        | X        |
| Locksmith                                          | X     | X        | X        |
| Luggage Stores-Wholesale                           | X     | X        |          |
| Lumber/building materials-Inside                   | X     | X        | X        |
| Lunch Counters                                     | X     | X        |          |

| TYPE OF BUSINESS                                                  | MONON | INTERNAL | SOUTHERN |
|-------------------------------------------------------------------|-------|----------|----------|
| Mail Order                                                        | X     | X        | X        |
| Machine welding tool & die shops                                  | (X)   | X        |          |
| Major appliance store-wholesale                                   | X     | X        | X        |
| Manufacture & assembly Communications equipment                   | X     | X        | X        |
| Manufacture & assembly of Major Household appliances              |       | X        |          |
| Manufacture & assembly of marine equipment                        | X     | X        |          |
| Manufacture & assembly of office equipment                        | X     | X        |          |
| Manufacture of cabinets                                           | (X)   | X        |          |
| Manufacture of cans & containers                                  | (X)   | X        |          |
| Manufacture of cloth products from finished material              | X     | X        |          |
| Manufacture of furniture                                          | X     | X        |          |
| Manufacture of instruments                                        | X     | X        |          |
| Manufacture of Jewelry                                            | X     | X        |          |
| Manufacture of Musical Instruments                                | X     | X        |          |
| Manufacture of non-alcoholic beverage                             | X     | X        |          |
| Manufacture of office machinery                                   | X     | X        |          |
| Manufacture of Optical Goods                                      | X     | X        |          |
| Manufacture of paper boxes & paper products from finished paper   | X     | X        |          |
| Manufacture of portable household appliances, electric hand tools | X     | X        |          |
| Manufacture of Recording Instruments, Phonograph Records, etc.    | X     | X        |          |
| Manufacture tools, implements, machinery                          | X     | X        |          |
| Mattress manufacture & upholstery                                 | X     | X        |          |
| Millinery-wholesale                                               | X     | X        | X        |
| Miniature Golf, Archery, Driving Range, Trampoline Centers-Inside | X     | X        |          |
| Milk Processing, Bottling & Mfg. Of Milk Products                 | X     | X        |          |
| Motorcycle Sales, Service & Repair-Wholesale-Inside               | X     | X        |          |
| Music, Records, Instruments-wholesale                             | X     | X        | X        |
| Newspaper distribution station                                    | X     | X        |          |
| Newspaper Publishing                                              | X     | X        |          |
| Office Buildings-General Purpose                                  | X     | X        | X        |
| Optometrists                                                      | X     | X        | X        |
| Paint and wallpaper stores                                        | X     | X        |          |
| Painting and decorating contractors                               | X     | X        |          |
| Pet Grooming                                                      | X     | X        |          |
| Pharmaceutical, Medicine & Cosmetic Mfg.                          | X     | X        |          |
| Philanthropic Institutions                                        | X     | X        | X        |
| Photography School                                                | X     | X        | X        |
| Photography Studio                                                | X     | X        | X        |
| Photography Supplies-wholesale                                    | X     | X        | X        |
| Physicians                                                        | X     | X        | X        |

| TYPE OF BUSINESS                                                             | MONON | INTERNAL | SOUTHERN |
|------------------------------------------------------------------------------|-------|----------|----------|
| Picture Framing-wholesale                                                    | X     | X        | X        |
| Plumbing contractors                                                         | X     | X        |          |
| Plumbing showrooms & shop                                                    | X     | X        |          |
| Police Station                                                               | X     | X        | X        |
| Post Office                                                                  | X     | X        | X        |
| Printing and Photocopies                                                     | X     | X        |          |
| Private Clubs and lodges                                                     | X     | X        |          |
| Professional & Technical Schools                                             | X     | X        |          |
| Radio & TV Service                                                           | X     | X        | X        |
| Real Estate offices                                                          | X     | X        | X        |
| Roller and Ice Skating rinks-Inside                                          | X     | X        |          |
| Roofing contractors                                                          | X     | X        |          |
| Root Beer Stands                                                             | X     |          |          |
| Schools & Kindergartens                                                      | X     | X        |          |
| Secondary food processing & packaging (initially processed off the premises) | X     | X        |          |
| Self Storage facilities-Inside                                               | X     | X        |          |
| Septic System Contractors                                                    |       | X        |          |
| Sewing Machine Sales & Service-wholesale                                     | X     | X        | X        |
| Sheet metal shop/contractors                                                 | X     | X        |          |
| Shoe Repair-wholesale                                                        | X     | X        | X        |
| Stamping & fabricating metal shops                                           | X     | X        |          |
| Storage & transfer of Household Goods-Inside                                 | X     | X        |          |
| Storm doors, windows, awnings, siding contractors-manufacture                | X     | X        | X        |
| Tailer or Seamstress                                                         | X     | X        | X        |
| Taxidermist                                                                  | X     | X        |          |
| Tennis-Indoor                                                                | X     | X        |          |
| Testing laboratories                                                         | X     | X        |          |
| Tire & Auto Service Center                                                   |       | X        |          |
| Toy wholesale store                                                          | X     | X        | X        |
| Tool & light equipment rental-Inside                                         | X     | X        |          |
| Travel Business office                                                       | X     | X        | X        |
| Typewriter/copy machine, Sales, Rental & Service                             | X     | X        | X        |
| Upholsters                                                                   | X     | X        | X        |
| Utilities-Regulated by Indiana Utility Regulatory Commission                 | X     | X        | X        |
| Warehouses-inside storage                                                    | X     | X        | X        |
| Wearing Apparel & Accessory-wholesale                                        | X     | X        |          |
| Wholesalers-inside storage                                                   | X     | X        | X        |
| Wireless Communication Service Facilities                                    | X     | X        | X        |

# KEELER-WEBB ASSOCIATES



*Consulting Engineers · Planners · Surveyors*

TELEPHONE (317) 574-0140      [www.keelerwebb.com](http://www.keelerwebb.com)

486 Gradle Drive  
Carmel, Indiana 46032

January 14, 2022

Attn: Planning Department &  
Westfield Board of Zoning Appeals  
2728 E 171st St  
Westfield, IN 46074

Re.:    Hounds Town Westfield  
       16800 Southpark Dr  
       Westfield, IN

## LETTER OF INTENT / PROJECT NARRATIVE

Keeler-Webb Associates is acting as Agent, Surveyor and Engineer for Mr. Jim Kent with JJK Investments II, LLC, the Owner, and Michele Dusing with KMan&G, LLC dba Hounds Town Westfield, the Petitioner. In 2020, JJK Investments II, LLC, purchased the subject real estate platted as Lot 1 Southpark Business Center Subdivision from BEC, LLC. The lot is also known as 16800 Southpark Drive and surrounded by EI zoning. The 1.030 Ac. lot was recently developed with a one-story 9,600 sq. ft. Industrial Building and other site improvements in 2021.

Previously, Southpark Business Center and BEC, LLC secured some development standard variances and use variances for the initial development of the EI business park in 1999 and 2001 as follows:

99-V-36 - Variances of Development Standard to permit Lot sizes ranging from 1.35 to 2.90 acres with no more than nine (9) Lots on the 22-acre parcel and a 900-foot-long cul-de-sac length, requested by CK Properties, LLC for Southpark Business Center.

0103-VU-04 – permitted Automobile/truck cleaning service, rental, and repair use in the US 31 Overlay Zone (this affected the parent tract of land owned by BEC, LLC which included Lot 1), requested by BEC, LLC for Excel Collision Center.

0103-VS-32-34 - Variances of Development Standard modifying Zoning and US Highway 31 Overlay Zone standards to match EI setbacks, (this affected the parent tract of land owned by BEC, LLC which included Lot 1), requested by BEC, LLC for Excel Collision Center.

0104-VS-41-46 - Variances of Development Standards modifying Zoning and US Highway 31 Overlay Zone standards to match EI Zoning setbacks, gross floor area reduced from a

minimum of 15,000 sq.ft. to 0 sq. ft., buildings can have less than 8 corners, and sloped roofs of over 100' are not required to have gable, dormer or other change in roof plane, requested by CK Properties, LLC for Southpark Business Center.

Recently, the following variances were approved to legally establish Lot 1 as platted:

1908-VS-14 - reduce the Minimum Lot Width from one-half (0.5) the depth of the Lot to 0.365 the depth of the Lot, requested by JJK Investments II, LLC for the recently developed speculative building site development.

1908-VS-15 - increase the Maximum Lot Coverage from thirty-five percent (35%) to seventy percent (70%) in the EI: Enclosed Industrial District and the US Highway 31 Overlay District and to modify a commitment of a previously approved Variance of Development Standard (99-V-36) to reduce the Minimum Lot Size from 1.32 acres to 1.030 acres, requested by JJK Investments II, LLC for the recently developed speculative building site development.

On August 2, 2005, Westfield forwarded a letter from the Planning Director at the direction of the defining the allowable uses for Southpark Business Center. The letter and use table are attached to this application, please note "Pet grooming" was an allowed use.

Upon approval of the Special Exception and Variance of Use, Hounds Town Westfield will be the first franchise in Indiana to be open for business. Hounds Town USA was founded by a New York City Police Officer as one of the first members of the Department's elite Canine Unit. In 1984, he became the Department's Canine Training Officer, and went on to have a 40+ year career in canine management. Hounds Town USA currently has twenty-five successful locations and more coming soon in seventeen states.

The site plan attached to this petition represents the as-built condition of the entire lot. The only planned improvements to the site will include a new seven' tall vinyl fence at the rear of the building for outdoor pet exercising. The remainder of the site and existing building meets the needs of the tenant. Additionally, there will be some minor remodeling of the interior office space to accommodate Hounds Town Westfield.

We are requesting to have the Board of Zoning Appeals hold a public hearing for the following Special Exception and Variance of Use in the US 31 Overlay Zone:

1. UDO Chapter 13 Use Table – Kennel (SE) special exception – requesting approval for Dog and Cat boarding, day care and grooming.
2. UDO Chapter 13 Use Table – Kennel (E) excluded use in US 31 Overlay Zone – requesting approval for Dog and Cat boarding, day care and grooming.

Storm water is collected, sheet drains, and conveyed across the turf and pavement to Filter strip and Vegetated Swale (BMPs). After cleaning the stormwater on-site within the BMP's stormwater will be discharged via private storm sewer into the Southpark Business Center Regional Detention Pond. The existing site has all utilities available on the site or in the adjacent Southpark Drive right-of-way. Other than the requested variances this site has been designed to be in compliance with Westfield Design Standards and UDO.

This redevelopment project will enhance the tax base for the local schools and will not be a burden to the system. The design of the structure will meet requirements set in local and state codes/ordinances, utility standards, and will provide a necessary service for the health, safety, and welfare of the public. There is sufficient capacity of all the utilities available to this site, and no off-site improvements or upgrades will be necessary to construct or operate this facility. This project is being submitted for your review and comment prior to the BZA public hearing. If there are any questions or concerns, please do not hesitate to contact us at any time.

Respectfully,  
KEELER-WEBB ASSOCIATES

A handwritten signature in black ink, appearing to read 'A DeHart', is positioned above the printed name.

Adam DeHart, PS, EMT-P, CPESC, CESSWI  
Project Manager

## VARIANCE APPLICATION

OFFICE USE ONLY

DOCKET #: \_\_\_\_\_ FILING DATE: \_\_\_\_\_

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

### PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: PAMELA HOWARD (STAFF NAME) DATE: 01/12/2022

### PRIOR OR RELATED DOCKET NUMBERS

CHANGE OF ZONING: \_\_\_\_\_ AMENDMENTS: \_\_\_\_\_ DEVELOPMENT PLAN: \_\_\_\_\_  
PRIMARY PLAT: \_\_\_\_\_ SECONDARY PLAT: \_\_\_\_\_ VARIANCE(S): SEE ATTACHED

### APPLICANT INFORMATION

APPLICANT'S NAME: K M AND G, LLC aba HOUNDS TOWN WESTFIELD  
ADDRESS: 411 FIRST AVE SE, CARMEL, IN 46032

TELEPHONE: 765-602-0327  
EMAIL: jay@houndstownusa.com

PROPERTY OWNER'S NAME: JJK INVESTMENTS II, LLC C/O JIM KENT  
ADDRESS: PO BOX 930, WESTFIELD, IN 46074

TELEPHONE: 317-710-4325  
EMAIL: jkent@dacco.com

REPRESENTATIVE'S NAME: ADAM DEHART  
COMPANY: KEELER-WEBB ASSOCIATES  
ADDRESS: 486 GRADLE DR, CARMEL, IN 46032

TELEPHONE: 317-574-0140  
EMAIL: adehart@keelerwebb.com

### PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 16800 SOUTHPARK DR, WESTFIELD, IN  
COUNTY PARCEL ID #(S): 09-09-01-00-00-021.112  
EXISTING ZONING DISTRICT(S): EI (Enclosed Industrial) EXISTING LAND USE(S): VACANT BUILDING

### PROPERTY AND PROJECT INFORMATION

☒ VARIANCE OF LAND USE CODE CITATION: 13.2 USE TABLE  
☐ VARIANCE OF DEVELOPMENT STANDARD(S) CODE CITATION: \_\_\_\_\_

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

STATEMENT OF INTENT (EXPLANATION OF REQUEST - ATTACH SEPARATE SHEET IF NECESSARY):  
THE KENNEL USE IS AN EXCLUDED USE IN THE US 31 OVERLAY. THE FACILITY AT 16800 SOUTHPARK DR WOULD  
INCLUDE DOG AND CAT BOARDING, DAYCARE AND GROOMING ACTIVITIES.

**APPLICANT AFFIDAVIT**

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

[Signature]  
Applicant/Representative (signature)

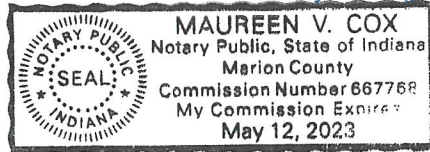
Michele F Dusing  
Applicant/Representative (printed)

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 14<sup>th</sup> day of January, 2022  
State of INDIANA, County of HAMILTON, SS: HAMILTON

Maureen V. Cox  
Notary Public (signature)

Maureen V. Cox  
Notary Public (printed)



**PROPERTY OWNER AFFIDAVIT**

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

[Signature]  
Property Owner (signature)\*

Jim Kent  
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 14<sup>th</sup> day of January, 2022  
State of INDIANA, County of HAMILTON, SS: HAMILTON

Maureen V. Cox  
Notary Public (signature)

Maureen V. Cox  
Notary Public (printed)

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

**FINDINGS OF FACT (VARIANCE OF USE)**

**APPLICANT:** \_\_\_\_\_ **DOCKET #:** \_\_\_\_\_

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

A. The use will not be injurious to the public health, safety, morals, and general welfare of the community because: \_\_\_\_\_  
THE PETITIONER PROVIDES A NECESSARY SERVICE FOR THE COMMUNITY. THE SERVICES PROVIDED  
BY THE PETITIONER IMPROVE THE HEALTH, SAFETY, MORALS AND WELFARE OF THE PETS, STAFF AND CLIENTS.

B. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because: THE FACILITY WILL OPERATE MAINLY INSIDE THE BUILDING AND HAVE MINIMAL IMPACT ON THE  
SURROUNDING PROPERTY, THEREFORE, IT IS UNLIKELY THE PETITIONERS USE WILL AFFECT PROPERTY VALUES.

C. The need for the variance arises from some condition particular to the property involved because: THE LOT LIES WITHIN THE  
US 31 OVERLAY, WHICH EXCLUDES A KENNEL AS A USE. THE PROPOSED FACILITY WILL BE FOR DOG AND CAT DAYCARE, BOARDING,  
AND GROOMING WHICH ARE NOT SPECIFIED ON THE UDO USE TABLE. PET GROOMING IS ALLOWED PER THE  
WESTFIELD LETTER DATED AUGUST 2, 2005.

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: PET GROOMING IS ALLOWED IN SOUTHPARK BUSINESS CENTER PER THE WESTFIELD LETTER  
DATED AUGUST 2, 2005. THE PETITIONER WOULD NOT BE ABLE TO FULLY UTILIZE THE FACILITY WITHOUT DOG AND CAT  
DAYCARE AND BOARDING SERVICES.

E. The variance of use does not interfere substantially with the Comprehensive Plan because: KENNEL AS A USE IS ALLOWED  
BY SPECIAL EXCEPTION ON A CASE BY CASE BASIS.

## GENERAL INSTRUCTIONS

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



WESTFIELD-WASHINGTON TOWNSHIP  
BOARD OF ZONING APPEALS

February 15, 2022

2202-VS-05

Exhibit 1

**Petition Number:** 2202-VS-05

**Subject Site Address:** 16780 Onward Drive ("the Property")

**Petitioner:** Ariana Reynolds ("the Petitioner")

**Request:** The Petitioner requests a Variance of Development Standard to encroach seven (7) feet into the thirty (30) foot Minimum Rear Yard Setback on 0.34 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:** 0.34 acres +/-

**Exhibits:**

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

**Staff Reviewer:** Daine Crabtree, Senior Planner

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**OVERVIEW**

**Location:** The subject property is 0.34 acres +/- in size (the "Property") and located at 16780 Onward Drive in the Springmill Park 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.

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**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**).

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WESTFIELD-WASHINGTON TOWNSHIP  
BOARD OF ZONING APPEALS

February 15, 2022

2202-VS-05

Exhibit 1

### **COMPREHENSIVE PLAN**

The Westfield-Washington Township Comprehensive Plan (The "Plan") identifies the property within the "Existing Suburban" land use classification<sup>1</sup>. 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.<sup>2</sup>

The Existing Suburban classification is designed to accommodate detached dwellings, attached dwellings, institutional uses, and recreational uses<sup>3</sup>. 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 February 15, 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 UDO<sup>4</sup> 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

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

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

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

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



WESTFIELD-WASHINGTON TOWNSHIP  
BOARD OF ZONING APPEALS

February 15, 2022

2202-VS-05

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 UDO<sup>5</sup> 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 (2202-VS-05):

- 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:*

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



**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.

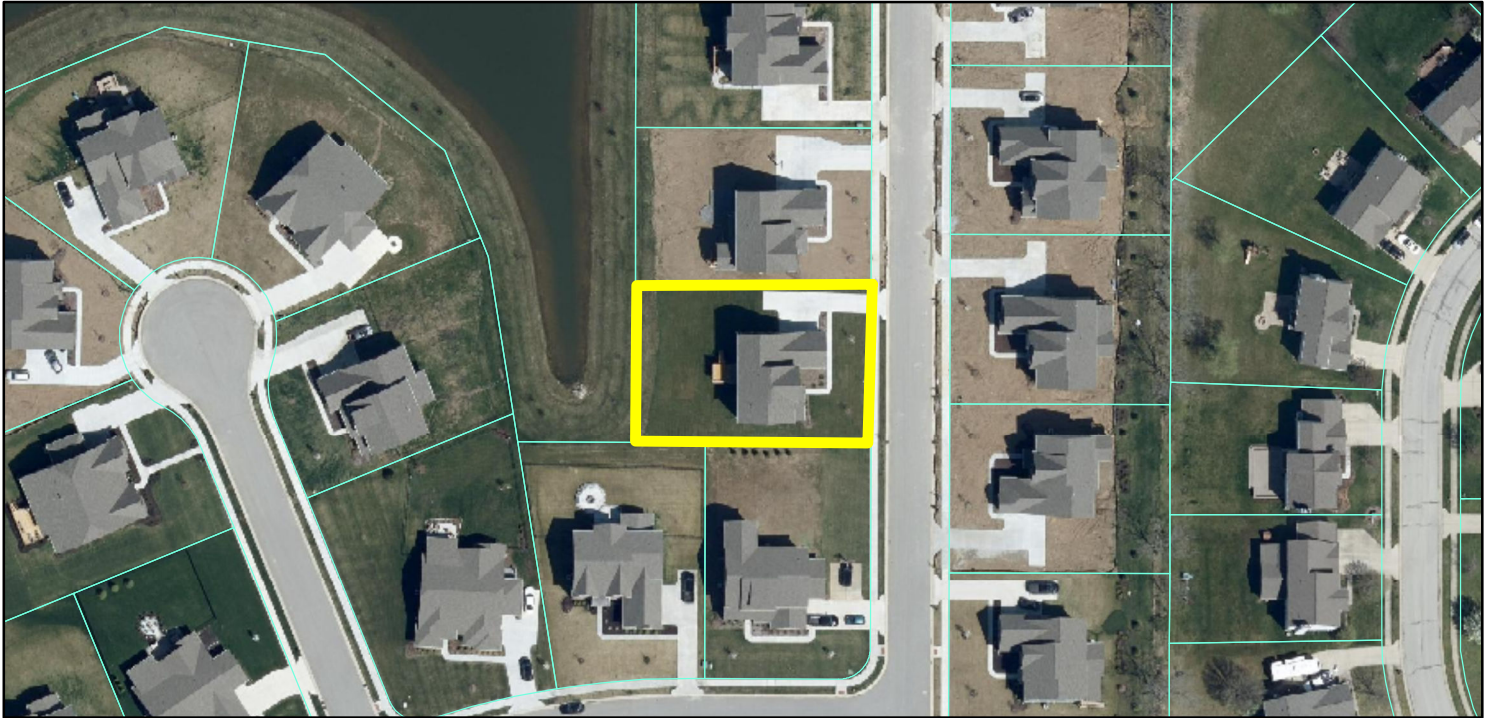
**Recommended Conditions:**

- 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.

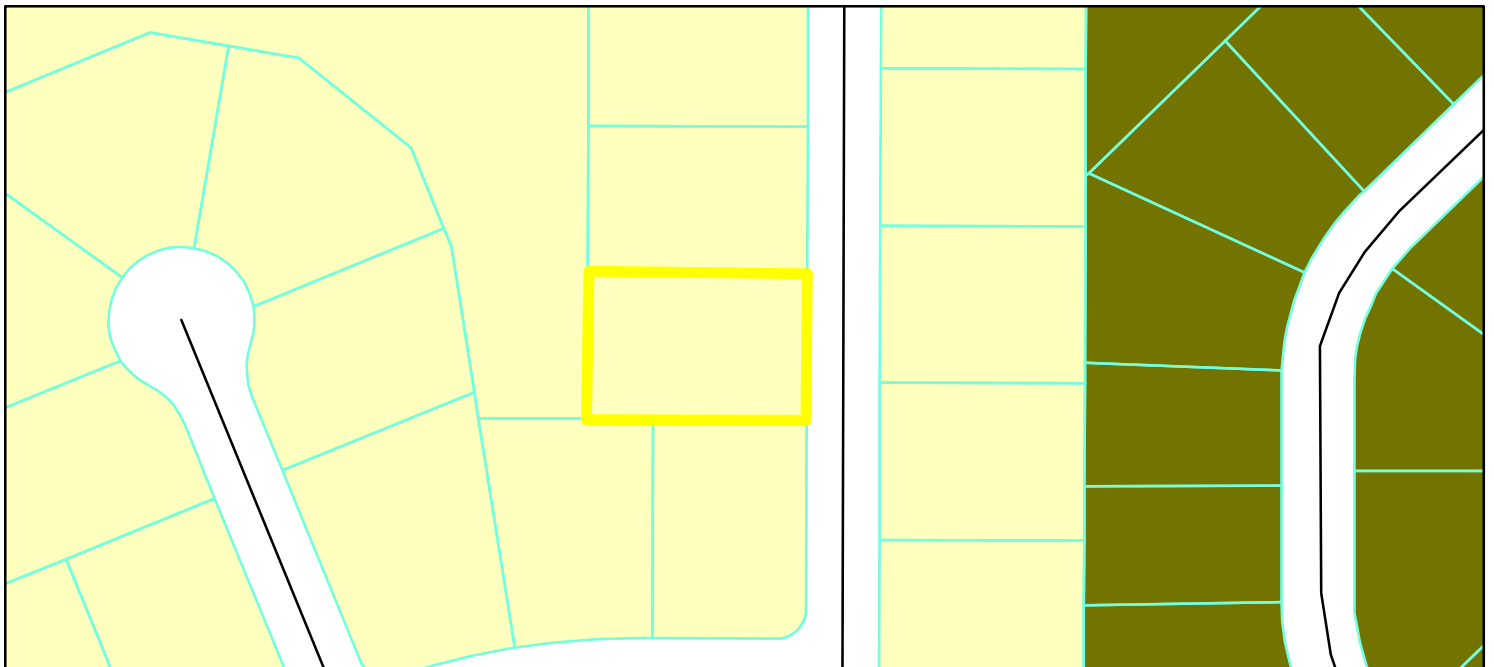
**Denial:** If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board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

Aerial Location Map

 Site



Zoning Map



GIS.DBO.PW\_Streets  
Parcel  
Parcel  
Zoning - All

0 0.01 0.02  
Miles



REYNOLDS

ADDRESS: 16780 ONWARD DRIVE  
CITY: WESTFIELD ST:IN ZIP: 46074  
COUNTY: HAMILTON  
TWP:  
POOL MFG: ALPHA CON. SF:  
WATER: TRUCK DIRT: HAUL  
AUTOCOVER: UNDERTRACK  
DC: DC PM: SB DESIGNER: BH

TOC:

P/F/H:

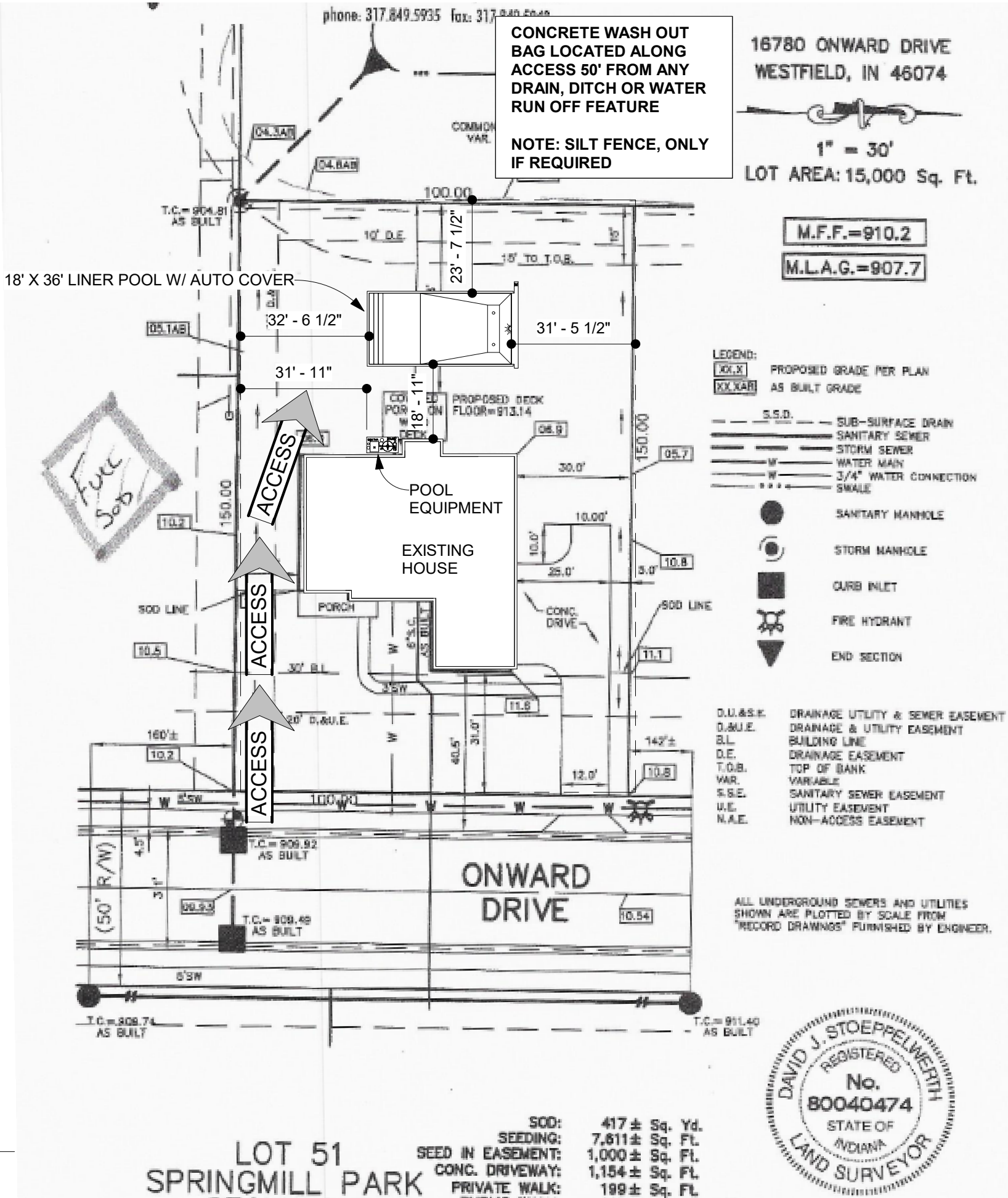
RLS/RCS:

**NOTE:**  
PLOT IS PROVIDED  
FOR PERMITTING ONLY. DO NOT  
BUILD OFF OF THIS SHEET. REFER  
TO OTHER SHEETS FOR  
CONSTRUCTION DETAILS.



Date  
01-13-2022

P0



1 PLOT PLAN  
1" = 30'-0"

COMMON AREA #4  
VAR. D.&U.E.

100.00

10' D.E.

15'

5' TO T.O.B.

10' D.&U.E.

30.0'

150.00

16.0'

PORCH



20' D.&U.E.

31.0'

| Plant Legend |     |                                |
|--------------|-----|--------------------------------|
| Symbol       | Qty | Common                         |
|              | 1   | Autumn Brilliance Serviceberry |
|              | 12  | Bobo Hydrangea                 |
|              | 9   | Bobo Hydrangea                 |
|              | 12  | Coreopsis                      |
|              | 1   | Flowering Dogwood              |
|              | 29  | Green Giant Arborvitae         |
|              | 3   | Japanese Pieris                |
|              | 16  | Karl Foerster Grass            |
|              | 7   | Palace Purple Coral Bell       |
|              | 7   | Weigela                        |

Design by:

Reynolds Residence

Midwest Landscape Industries

2828 N Catherwood  
Indianapolis, IN

Phone Number: 317-672-3788  
E-mail: Company E-mail Address

Site Address  
16780 Onward Dr  
Westfield, IN 46074

Landscape/ Hardscape Plan  
Scale: 1"=10'  
11x17

Page  
1/1



### Architectural Approval Form

(Please be as detailed as possible, lack of information delays the process)

- ❖ Allow sufficient time per your governing documents for approval process- *This process could take less time and you will be notified of your approval/denial via email*
- ❖ **All proposals MUST include a Surveyor's Plot Plan of your individual lot with area of proposed change clearly marked to scale – *\*\*if you submit a request without the appropriate Plot Plan or other required information, your request will be rejected. The Plot Plan should have been included in your closing paperwork when you purchased the home- if not, you can reach out to your local Recorder/Assessor's office to obtain a copy\*\****
- ❖ Homeowner is responsible for obtaining any necessary building permits

Name Michael & Ariana Reynolds Lot Number 51  
Address 16780 Onward Dr Community Springmill Park  
Phone 317-695-19114 Email michael.b.reynolds@gmail.com

Please describe the change in detail including proposed structure, materials to be used and/or size(height) and square footage.

18x36 pool to be installed in back yard. Also, trees and landscaping with pergola to

OMNI-PROPERTY.COM

List any required building permits. \_\_\_\_\_

As marked on you plat plan, does this addition/improvement extend into any Common Area, Drainage, Utility, or Sewer Easement, Landscape or Lake Easement? No

*\*\*If you choose to build onto an easement at any time, it will be at your own risk. If entering an easement is necessary, it's recommended that you obtain a proper variance from your local city/county office.*

Who will be performing the work? Pools of Fun & Midwest Landscaping.

What is the proposed start date? Feb 2022

Does your property border a lake or walking trail? Borders the pond

**By signing below, I understand that I am required to obtain Board approval before making any improvements/additions to my home by the Covenants and Restrictions. I acknowledge my obligation to allow sufficient time for the processing of my request.**

Signature  Date 10/19/2021

Return to:

Load your application and all necessary forms to the portal where you can track the progress of your request. If you do not have internet access, you can also mail or fax the request.

OMNI Management Services, Inc.

P.O. Box 441570

Indianapolis, IN 46244

Phone (317)541-0000

Fax (317)541-0002

# Official Architectural Review

(Please do not write on this page)

☐ Approved

☒ Approved with restrictions Pending approval from the City of Westfield of  
zoning variance request by the homeowner

☐ Deferred, additional information requested

☐ Denied

ARB Signature 

Date 01 / 10 / 2022

Return to:  
OMNI management services, Inc.  
P.O. Box 441570  
Indianapolis, IN 46244  
Phone (317)541-0000  
Fax (317)541-0002

|                                |                                          |
|--------------------------------|------------------------------------------|
| <b>TITLE</b>                   | Reynolds ARCH Request                    |
| <b>FILE NAME</b>               | Reynolds arch request.pdf                |
| <b>DOCUMENT ID</b>             | 6533510737b7e2552fdce00991826e32bd6f2603 |
| <b>AUDIT TRAIL DATE FORMAT</b> | MM / DD / YYYY                           |
| <b>STATUS</b>                  | ● Completed                              |

## Document History



SENT

**01 / 10 / 2022**

18:21:09 UTC

Sent for signature to Sunshine Lawrence  
(slawrence@omni-property.com) from  
michael.b.reynolds@gmail.com  
IP: 208.38.246.48



VIEWED

**01 / 10 / 2022**

18:35:18 UTC

Viewed by Sunshine Lawrence (slawrence@omni-property.com)  
IP: 38.124.54.231



SIGNED

**01 / 10 / 2022**

18:36:33 UTC

Signed by Sunshine Lawrence (slawrence@omni-property.com)  
IP: 38.124.54.231



COMPLETED

**01 / 10 / 2022**

18:36:33 UTC

The document has been completed.



WESTFIELD-WASHINGTON TOWNSHIP  
BOARD OF ZONING APPEALS

February 15, 2022

2202-VS-06

Exhibit 1

**Petition Number:** 2202-VS-06

**Subject Site Address:** 16824 Onward Drive ("the Property")

**Petitioner:** Travis Walton ("the Petitioner")

**Request:** The Petitioner requests a Variance of Development Standard to encroach nine (9) feet into the thirty (30) foot Minimum Rear Yard Setback on 0.34 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:** 0.34 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 0.34 acres +/- in size (the "Property") and located at 16824 Onward Drive in the Springmill Park subdivision (see **Exhibit 2**).

Requested Variances: The petitioner is requesting 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.

---

**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 nine (9) 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

February 15, 2022

2202-VS-06

Exhibit 1

### **COMPREHENSIVE PLAN**

The Westfield-Washington Township Comprehensive Plan (The “Plan”) identifies the property within the “Existing Suburban” land use classification<sup>1</sup>. 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.<sup>2</sup>

The Existing Suburban classification is designed to accommodate detached dwellings, attached dwellings, institutional uses, and recreational uses<sup>3</sup>. 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 February 15, 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 UDO<sup>4</sup> 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

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

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



WESTFIELD-WASHINGTON TOWNSHIP  
BOARD OF ZONING APPEALS

February 15, 2022

2202-VS-06

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 UDO<sup>5</sup> 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 (2202-VS-06):

- 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:*

---

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



WESTFIELD-WASHINGTON TOWNSHIP  
BOARD OF ZONING APPEALS

February 15, 2022

2202-VS-06

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.

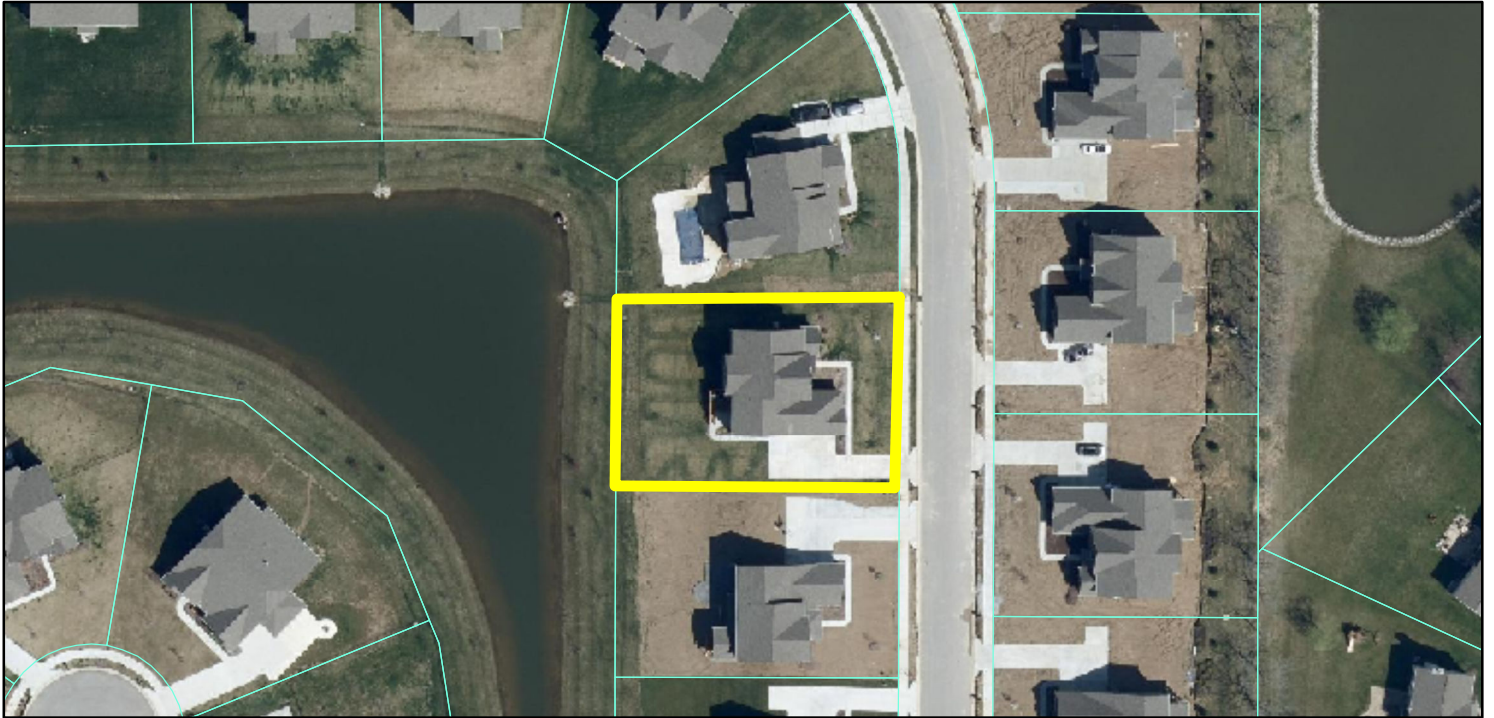
**Recommended Conditions:**

- 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.

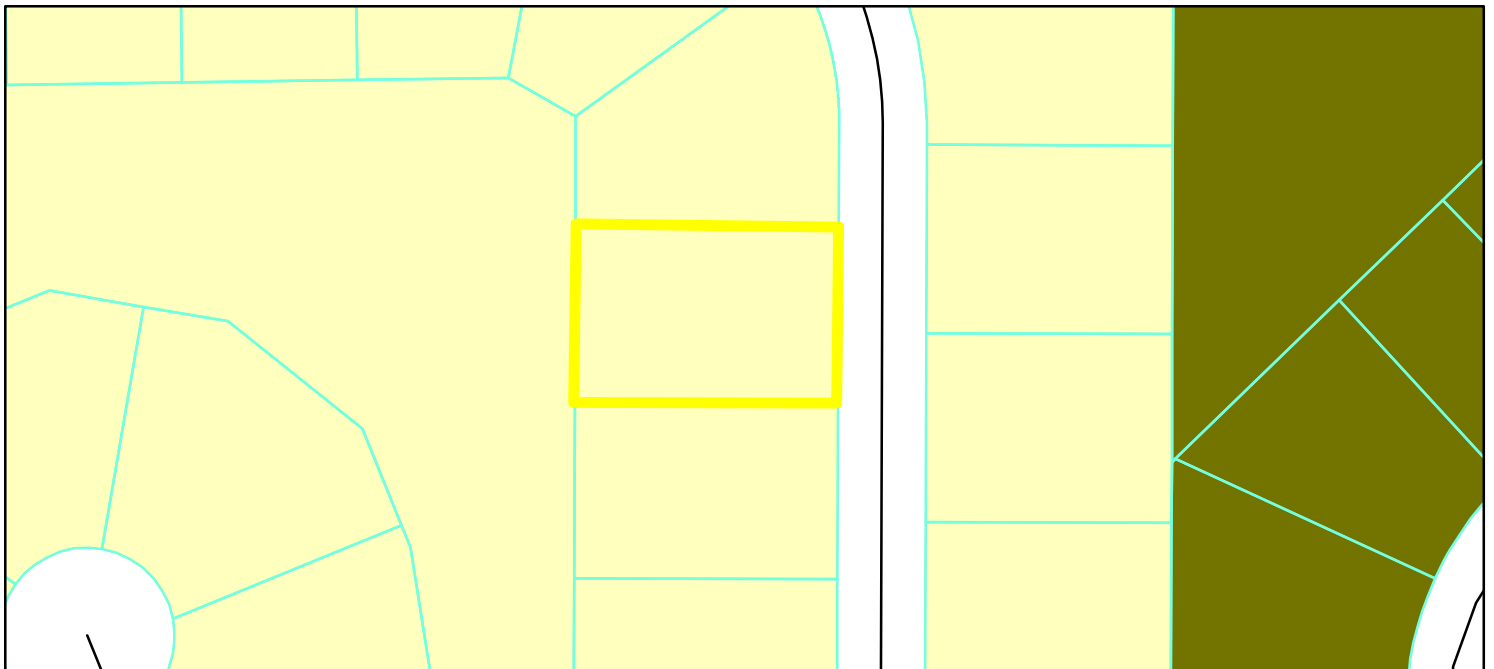
**Denial:** If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board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

Aerial Location Map

 Site



Zoning Map



GIS.DBO.PW\_Streets  
Parcel  
Parcel  
Zoning - All  
Zoning  
SF-2 (Single Family - 2)  
SF-3 Cluster

0 0.01 0.02  
Miles

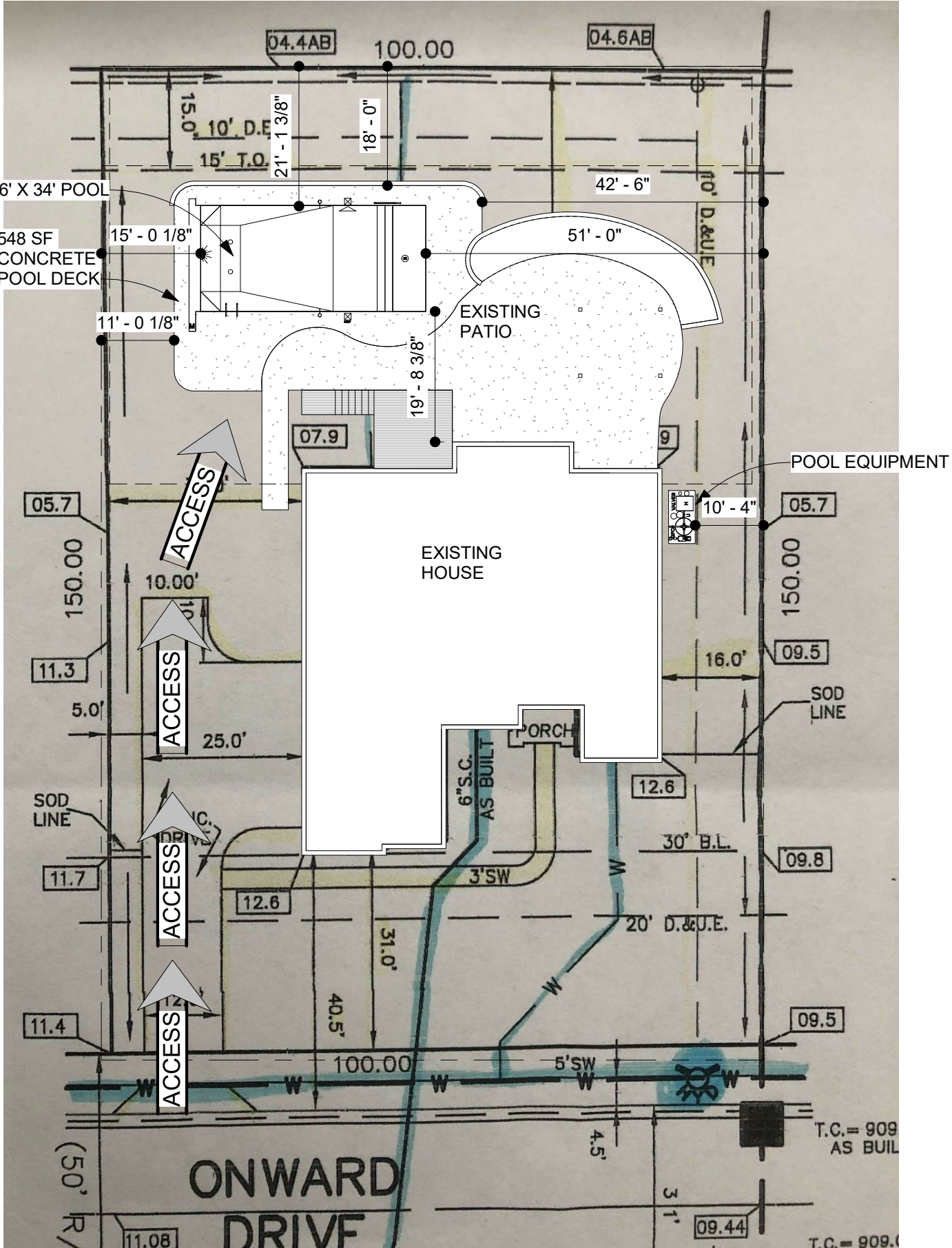


WALTON

ADDRESS: 16824 ONWARD DRIVE  
CITY: WESTFIELD ST:IN ZIP:  
COUNTY: HAMILTON  
TWP:  
POOL MFG: ALPHA CON. SF:  
WATER: TRUCK DIRT: HAUL  
AUTOCOVER: UNDERTRACK  
DC: KM PM: SB DESIGNER: BH

TOC:  
P/F/H:  
RLS/RCS:

**NOTE:**  
PLOT IS PROVIDED  
FOR PERMITTING ONLY. DO NOT  
BUILD OFF OF THIS SHEET. REFER  
TO OTHER SHEETS FOR  
CONSTRUCTION DETAILS.



1 PLOT PLAN  
1" = 20'-0"



January 21, 2022

Travis and Jessica Walton  
16824 Onward Drive  
Westfield, IN 46078

Dear Travis and Jessica,

Your current architectural request for the pool has been “approved with conditions” due to the pending approval from The City of Westfield zoning variance request.

Please contact me with any questions that you may have.

Thank You,

Sunshine Lawrence  
Property Manager  
Omni Management Services



**Sunshine Lawrence**  
Property Manager

P.O. Box 441570  
Indianapolis, IN 46244  
**phone** 317 541 0000  
[slawrence@omni-property.com](mailto:slawrence@omni-property.com)

PO Box 441570  
Indianapolis, IN 46244  
Phone 317-541-0000/Fax 317.541-0002



WESTFIELD-WASHINGTON TOWNSHIP  
BOARD OF ZONING APPEALS

February 15, 2022

2202-VS-07

Exhibit 1

**Petition Number:** 2202-VS-07

**Subject Site Address:** 645 McNamara Court ("the Property")

**Petitioner:** Ryan Warzynski ("the Petitioner")

**Request:** The Petitioner requests a Variance of Development Standard to encroach thirteen (13) feet into the thirty (30) foot Minimum Rear Yard Setback on 0.35 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:** 0.35 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 0.35 acres +/- in size (the "Property") and located at 645 McNamara Court in the Village Farms subdivision (see **Exhibit 2**).

**Requested Variances:** The petitioner is requesting 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.

---

**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 thirteen (13) feet into the Minimum Rear Yard Setback to accommodate a swimming pool and deck as illustrated on the Site Plan (see **Exhibit 3**).

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WESTFIELD-WASHINGTON TOWNSHIP  
BOARD OF ZONING APPEALS

February 15, 2022

2202-VS-07

Exhibit 1

### **COMPREHENSIVE PLAN**

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The Existing Suburban classification is designed to accommodate detached dwellings, attached dwellings, institutional uses, and recreational uses<sup>3</sup>. The Plan also contemplates Existing Suburban to:

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### **PROCEDURAL**

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WESTFIELD-WASHINGTON TOWNSHIP  
BOARD OF ZONING APPEALS

February 15, 2022

2202-VS-07

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 UDO<sup>5</sup> 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.

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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 (2202-VS-07):

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

**Finding:** It is unlikely that 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:*

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



WESTFIELD-WASHINGTON TOWNSHIP  
BOARD OF ZONING APPEALS

February 15, 2022

2202-VS-07

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.

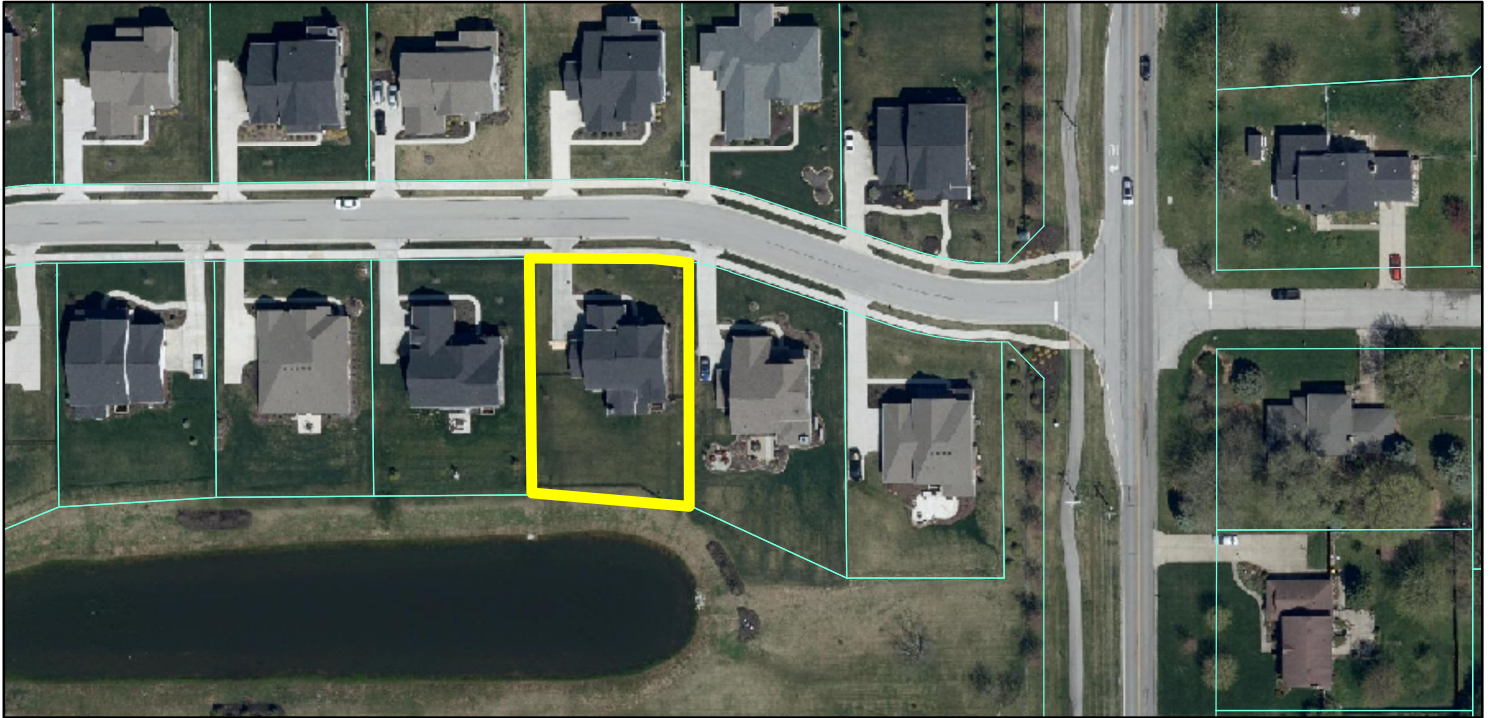
**Recommended Conditions:**

- That the Property be developed in substantial compliance with the Site Plan (**Exhibit 3**).
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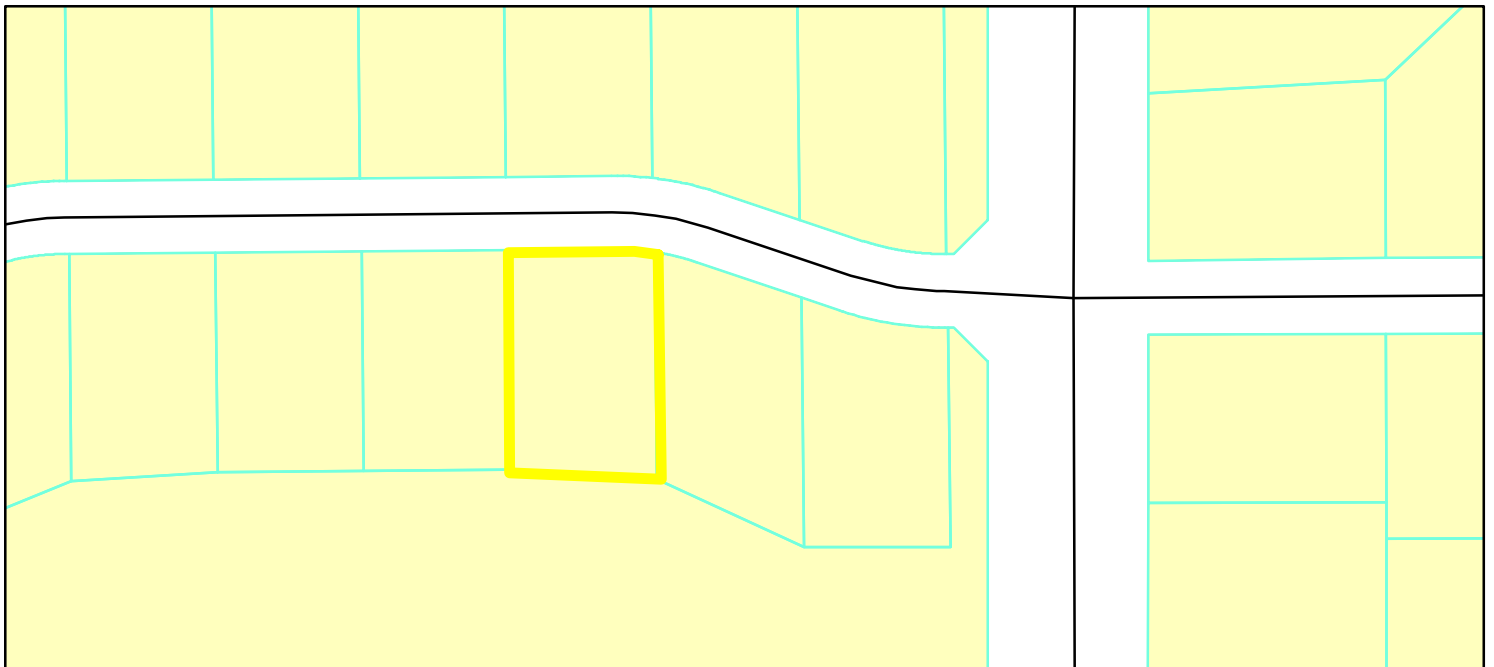
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Aerial Location Map

 Site



Zoning Map

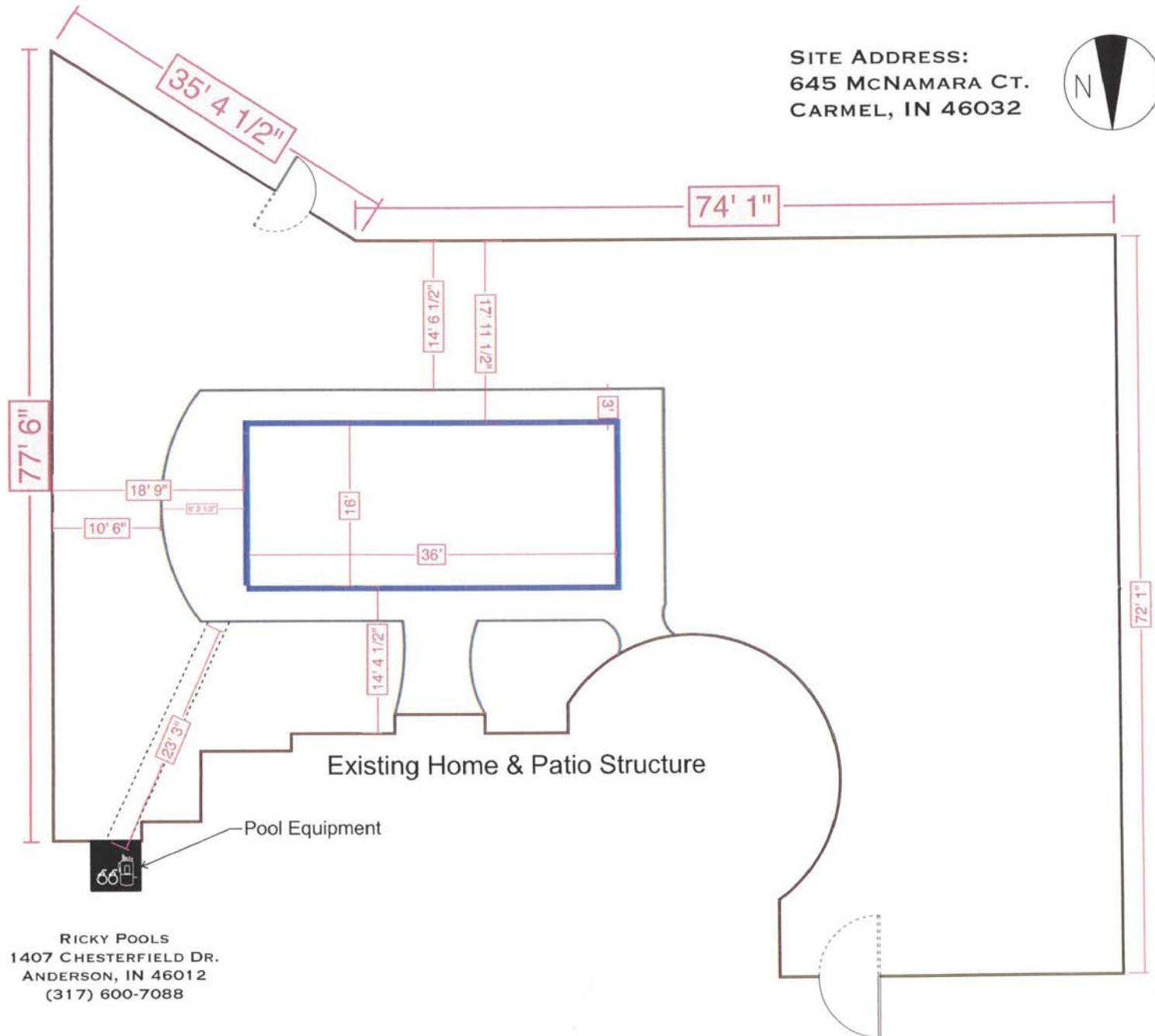


GIS.DBO.PW\_Streets Zoning  
 Parcel  
 SF-2 (Single Family - 2)  
Zoning - All

0 0.01 0.02  
Miles



SITE ADDRESS:  
645 MCNAMARA CT.  
CARMEL, IN 46032



RICKY POOLS  
1407 CHESTERFIELD DR.  
ANDERSON, IN 46012  
(317) 600-7088



## Westfield-Washington Township Board of Zoning Appeals (BZA)

Minutes of the Tuesday, January 11, 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, January 11, 2022 at Westfield City Hall.

Active Links for this meeting:

[January 11, 2022 BZA Agenda & Exhibits](#)

[January 11, 2022 YouTube Video](#)

### **OPENING OF MEETING**

*YouTube Time: 0:20*

#### **Roll Call**

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

**BZA Members Present Virtually:** None

**BZA Members Absent:** All present.

**City Staff Present:** Daine Crabtree, Senior Planner

**City Staff Present Virtually:** Caleb Ernest, Senior Planner

**Legal Counsel Present:** Beth Copeland with Taft Stettinius & Hollister LLP.

### **CHANGE TO AGENDA**

*YouTube Time: 0:45*

#### **WITHDRAWN:**

##### **2201-VU-01 & 2201-VS-04 [PUBLIC HEARING]**

**1827 W 151st Street** / Kent Kirby by Church Church Hittle + Antrim

The Petitioner requests a Variance of Use to permit an outside storage use and a Variance of Development Standard to permit outside storage of Recreational Vehicles in a Residential District on 5 acres +/- in the AG-SF1: Agriculture/Single-Family Rural District (Article 13 & Article 6.2(B))

(Planner: Rachel Riemenschneider – [rriemenschneider@westfield.in.gov](mailto:rriemenschneider@westfield.in.gov))

### **ELECTION OF OFFICERS**

*YouTube Time: 1:16*

Motion: Nominate Dave Schmitz as BZA Chair for 2022.

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

Motion: Nominate Victor McCarty as BZA Vice-Chair for 2022.

Motion by: Boller; Second: Schmitz. Motion passed. Vote 5-0.

Motion: Nominate Jeff Boller as BZA Pro-Tempore for 2022.

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

### **APPROVAL OF MINUTES**

*YouTube Time: 5:15*

Fortier motioned to approve the December 14, 2021 Minutes.

Boller seconded. Motion passed. Vote 5-0.

## **REVIEW RULES AND PROCEDURES**

Crabtree reviewed BZA rules and procedures.

## **ITEMS OF BUSINESS**

### **2201-VS-01 [PUBLIC HEARING]**

*YouTube Time: 7:53*

#### **220 Zenith Drive / Keith Lash**

The Petitioner requests a Variance of Development Standard to encroach ten (10) feet into the thirty (30) foot Minimum Rear Yard Setback to accommodate a swimming pool and deck on 0.35 acres +/- in the SF2: Single Family Low-Density District (Article 4.5).  
(Planner: Daine Crabtree – dcrabtree@westfield.in.gov)

Staff presentation.

Public Hearing for 2201-VS-01 opened at 7:09 p.m.

- No public comments.

Public Hearing for 2201-VS-01 closed at 7:10 p.m.

BZA comments/Petitioner responses.

Boller motioned to approve 2201-VS-01 subject to the two recommended conditions stated in the motion.

Morales seconded. Motion passed. Vote 5-0.

Schmitz motioned to adopt Staff's Findings of Fact for 2201-VS-01.

Fortier seconded. Motion passed. Vote 5-0.

### **2201-VS-02 [PUBLIC HEARING]**

*YouTube Time: 13:50*

#### **512 N Union Street / John Schaaf**

The Petitioner requests a Variance of Development Standard to encroach five (5) feet into the ten (10) foot Minimum Side Yard Setback on 0.61 acres +/- in the SF3: Single Family Medium-Density District (Article 4.6(E)(2)).  
(Planner: Caleb Ernest – cernest@westfield.in.gov)

Staff presentation.

No Petitioner presentation.

Public Hearing for 2201-VS-02 opened at 7:15 p.m.

- One comment forwarded. One public comment at meeting.

Public Hearing for 2201-VS-02 closed at 7: p.m.

BZA comments/Petitioner responses.

McCarty motioned to approve 2201-VS-02 subject to the three recommended conditions stated in the motion.

Boller seconded. Motion passed. Vote 5-0.

Schmitz motioned to adopt Staff's Findings of Fact for 2201-VS-02.

Fortier seconded. Motion passed. Vote 5-0

**2201-VS-03 [PUBLIC HEARING]**      *YouTube Time: 25:40*

**15030 Little Eagle Creek Avenue** / Kylan Stuck

The Petitioner requests a Variance of Development Standard to encroach seventeen (17) feet into the thirty (30) foot Minimum Side Yard Setback on 0.70 acres +/- in the AG-SF1: Agriculture/Single-Family Rural District (Article 4.2(E)(2)).

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

Staff presentation.

No Petitioner presentation.

Public Hearing for 2201-VS-03 opened at 7:27 p.m.

- No public comments.

Public Hearing for 2201-VS-03 closed at 7:28 p.m.

BZA comments/Petitioner responses.

Fortier motioned to approve 2201-VS-03 subject to the three recommended conditions stated in the motion.

McCarty seconded. Motion passed. Vote 5-0.

Schmitz motioned to adopt Staff's Findings of Fact for 2201-VS-03.

Boller seconded. Motion passed. Vote 5-0.

#### **ITEMS CONTINUED TO A FUTURE MEETING**

*NONE*

#### **REPORTS/COMMENTS:**      *YouTube Time: 32:23*

- Plan Commission Liaison
- Community Development Department

#### **ADJOURNMENT**

Schmitz motioned to adjourn the meeting. McCarty seconded. Motion passed. Vote 5-0.

The meeting adjourned at 7:34 p.m.

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Chairperson  
Dave Schmitz

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Secretary  
Kevin M. Todd, AICP  
Director

**From:** [Ryan Warzynski](#)  
**To:** [Daine Crabtree](#)  
**Subject:** Fwd: Zoning Variance Application - Pool Installation  
**Date:** Thursday, February 10, 2022 12:59:24 PM  
**Attachments:** [THE VILLAGE FARMS.pdf C&R 2018.pdf](#)

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**WARNING: This external email is from  
[ryan@317company.com](mailto:ryan@317company.com).**

This is the email string from one of the board members and HOA as well as the board copied on it.

**Ryan Warzynski– Owner**

**317 Company LLC**

[www.317company.com](http://www.317company.com)

Begin forwarded message:

**From:** Ryan Warzynski <[ryan@317company.com](mailto:ryan@317company.com)>  
**Date:** January 13, 2022 at 2:18:54 PM CST  
**To:** Maureen Schriner <[propertymanager@thevillagefarms.com](mailto:propertymanager@thevillagefarms.com)>  
**Cc:** BOD <[bod@thevillagefarms.com](mailto:bod@thevillagefarms.com)>  
**Subject: Re: Zoning Variance Application - Pool Installation**

Thank you for the reply, we will actually be substantially farther back from the lot line then 549 McNamara Court. They had a swimming pool installed last year and had to get the same variance approval from the city. We will be closer to 18 feet to our property line before the easement in common area even begin.

**Ryan Warzynski– Owner**

**317 Company LLC**

[www.317company.com](http://www.317company.com)

On Jan 13, 2022, at 2:18 PM, Maureen Schriner  
<[propertymanager@thevillagefarms.com](mailto:propertymanager@thevillagefarms.com)> wrote:

Ryan,

Village Farms C&R's (attached). Please make sure you are not within a side or back easement.

Thank you,  
Maureen Schriner

## **COVENANTS OF THE PLAT THE VILLAGE FARMS**

### **First Section through Fifth Section**

(Additional sections have incorporated these Covenants of the Plat by reference as each section has been approved and recorded.)

The undersigned, Ralph L. Wilfong, owner of the real estate described in the plat of The Village Farms, First Section, does hereby layoff, plat and subdivide the same in accordance with the foregoing plat of The Village Farms, First Section.

This subdivision shall be known and designated as "The Village Farms", First Section, and shall be subject to the following:

1. All streets shown and not heretofore dedicated are hereby dedicated to the public for its use.
2. There are strips of ground as shown on the within plat marked "Utility Easement" (UE); "Drainage Easement" (DE); "Sewer Easement" (SE); "Trail Easement" (TE); "Overflow Easement" (OE), either separate or in any combination of the five, which are reserved for the use of the public utility companies, governmental agencies and other owners in the addition as follows:
  - (a) "Utility Easements" (UE) are created for the use of all public utility companies, not including transportation companies, for the installation and maintenance of mains, ducts, poles, lines, wires, and also all rights and uses specified for sewer easements as hereinafter designated;
  - (b) "Drainage Easements" (DE) are created to provide paths and courses for area and local storm drainage, either overland or in adequate underground conduit, to serve the needs of this and adjoining ground and/or the public drainage system;
  - (c) "Sewer Easements" (SE) are created for the use of the local governmental agencies or private utilities having jurisdiction over the storm and sanitary waste disposal system of said city or county for the purpose of installation and maintenance of sewers that are a part of its system;
  - (d) "Trail Easements" (TE) are created for the use of the lot owners of this addition and any neighboring section or subdivision bearing the same name, their respective families, guests and invitees, for horseback riding, jogging, bicycling, or walking trails.
  - (e) "Overflow Easements" (OE) are created for the use of the governmental unit of the addition and for the benefit of the lot owners in the maintenance and operation of the lake and water course.

The owners of all the lots in this addition will take title subject to the rights of the public utilities, governmental agencies and the rights of other owners in this addition to said easements herein granted for ingress and egress in, along and through the strips of

ground for the purposes herein stated. No permanent or other structure shall be erected or maintained upon said easements, including fences or temporary structures of any kind.

3. All lots in this subdivision shall be known and designated as residential lots. No residential building shall be erected, altered, placed or permitted to remain on any lot other than one (1) single family dwelling.

4. No building shall be erected, placed or altered on any lot in this subdivision unless and until the plot plan showing the location of such building have been approved as to conformity and harmony of external design and location with existing structures in the subdivision and as to the topography and finished ground elevation of such lot by Ralph L. Wilfong ("Owner") or any person to whom the right of such approval has been assigned by Owner; PROVIDED, however, that such requirement shall be conclusively deemed satisfied for all purposes if any such building or alteration is substantially completed without the filing by Owner or any such assignee of an action to enjoin such building or alteration. The requirements set forth in this paragraph may be assigned only in writing by Owner to any person or entity and may be waived by Owner to any successor or assign with respect to any lot or lots.

5. Owner retains the ownership of the Common Properties and reserves the right to place of record an instrument entitled "Declaration of Covenants and Restrictions". Such Declaration of Covenants and Restrictions shall contain such terms, conditions and provisions as are deemed advisable by Owner for the development and preservation of the real estate herein described. Such Declaration of Covenants and Restrictions may have the option for Owner to provide for, among other things, the following:

**The Village Farms**



▪ **Maureen Schriner** | *Property Manager*

**The Village Farms, Inc. - Homeowners Association**

PO Box 717, Westfield, Indiana 46074

Office/Mobile: 317.816.7010

website | email

This message is intended solely for the attention and use of the named addressee(s). If you are not the intended recipient, or person responsible for delivering this information to the intended recipient, kindly notify us immediately by reply email. Thank you.

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**From:** Ryan Warzynski [mailto:ryan@317company.com]

**Sent:** Thursday, January 13, 2022 10:22 AM

**To:** BOD <bod@thevillagefarms.com>

**Subject:** Zoning Variance Application - Pool Installation

**Importance:** High

Good morning-

We are in the process of applying for a variance to the 30' setback on our property. We are looking to have an inground pool installed, following all of the HOA guidelines, but we require a variance from the City Of Westfield first. After the pool installation, we will still have a 17' setback. The rear of our property adjoins the common area and pond. I wanted to give everyone a heads up about the application, Daine Crabtree, Senior Planner for The City Of Westfield is assisting me with the application process and recommended I notify you all ahead of time as well.

We are at 645 McNamara Ct., Carmel, IN 46032

**Ryan Warzynski – Owner**

**317 Company LLC**

[www.317company.com](http://www.317company.com)

Phone (317) 764-7230

Fax (317) 550-4295