



CITY OF WESTFIELD, IN
BoardofZoningAppeals_Meeting_Agenda_02_14_2023

Tuesday, February 14, 2023 at 07:00 PM

BOARD OR COMMISSION: Board of Zoning Appeals (BZA)

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

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

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

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

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

OPENING OF REGULAR MEETING

Acknowledgement of Hatfield & Schmitz reappointments

Note the presence of a quorum

Approval of Minutes

January 10, 2023

Documents: [BZA Minutes - January 10, 2023](#)

Review Rules & Procedures

ITEMS OF BUSINESS:

2302-VU-02 [PUBLIC HEARING]

606 Hillcrest Drive

Trent Wood

The Petitioner requests a Variance of Use to permit a Professional Office use (Real Estate Office) on 0.41 acres +/- in the SF3: Single-Family Medium Density District (Chapter 13)

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

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

2302-VS-02 [PUBLIC HEARING]

3761 Shady Lakes Drive

Jennifer Miller

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

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

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Site Plan](#) | [Exhibit 4: Improvement Cross-Section](#) | [Exhibit 5: HOA Approval](#)

2302-SE-01 [PUBLIC HEARING]

Freemont Moore Road Equestrian Facility

Lakshan Salgado

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

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

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Statement of Intent](#) | [Exhibit 4: Existing Conditions](#) | [Exhibit 5: Future Building Location](#)

ITEMS CONTINUED TO A FUTURE MEETING

No Continued Items

REPORTS/COMMENTS:

Plan Commission Liaison

Community Development Department

ADJOURNMENT



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

February 14, 2023

2302-SE-01

Exhibit 1

Petition Number: 2302-SE-01

Subject Site Address: 19601, 19609, 19641 Freemont Moore Road (the “Properties” or cumulatively, the “Property”)

Petitioner: Lakshan S. Salgado (the “Petitioner”)

Request: The petitioner is requesting a Special Exception to allow an Equestrian Facility in the AG-SF1: Agriculture / Single-Family Rural District.

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

Current Land Use: Agriculture / Rural Residential

Approximate Acreage: 13.95 acres +/-

Exhibits:

1. Staff Report
2. Location Map
3. Statement of Intent
4. Existing Conditions
5. Future Building Location

Staff Reviewer: Lauren Gillingham, Senior Planner

OVERVIEW

Location: The subject Property is 13.95 acres +/- in size and located at 19601, 19609, and 19641 Freemont Moore Road (see **Exhibit 2**). The Property is zoned the AG-SF1: Agriculture / Single-Family Rural District (the “AG-SF1 District”). The Property contains a residence and multiple agricultural-related accessory structures. The immediately surrounding properties are zoned AG-SF1 as well. The Atwater subdivision, a part of the Springmill Trails PUD, is located two properties east of the Property.

Land Use: As summarized in **Exhibit 3** (the “Statement of Intent”) and depicted in **Exhibit 4** (the “Existing Conditions”), the Petitioner is requesting this Special Exception to allow an Equestrian Facility on the Property. Initially, horses being used in the operation of the Equestrian Facility will be housed in the existing barn on the Property. It is in the Petitioner’s plans for a future building for the Equestrian Facility to locate on the Property in the location generally shown in **Exhibit 5**.



The proposed use is defined as an Equestrian Facility¹ by the Unified Development Ordinance (the “UDO”), which is permitted as a Special Exception within the AG-SF1 District. The UDO² provides that the purpose of the AG-SF1 District is to “accommodate agricultural land uses and large-lot Single-family Dwellings.” The AG-SF1 District currently permits uses such as: farms and farm buildings, churches, golf courses, nurseries and greenhouses, schools, stables and single family dwellings. In addition to kennels, other Special Exception uses contemplated in the AG-SF1 District include: agritourism uses, large animal hospitals, private clubs and lodges, schools with dormitories, stockyards, riding stables, and zoos.

SPECIAL EXCEPTIONS

Definition: Chapter 12 (Definitions) of the Unified Development Ordinance (the “UDO”) defines a “Special Exception” as “[a] use that requires a greater degree of scrutiny and review because of its potential adverse impact upon the immediate neighborhood and the community that is reviewed by the Board of Zoning Appeals for its characteristics and impacts to determine its suitability in a given location for the Zoning District in which it is permitted.”

Use Table: Chapter 13 (Use Table) of the UDO provides that “[a] Special Exception designation is not meant to imply that the use will be disallowed, but that the use requires a greater degree of scrutiny and review because of its potential adverse impact upon the immediate neighborhood and the community. The Board of Zoning Appeals reviews a Special Exception and its characteristics and impacts to determine its suitability in a given location for those Zoning Districts in which it is permitted. The determination of whether the Special Exception may be approved shall be subject to a public hearing by the Board of Zoning Appeals and review in accordance with Article 10.11 Special Exceptions.”

Purpose: Article 10.11(B) (Processes and Permits; Special Exceptions; Purpose) of the UDO states “[a] Special Exception is a use that requires a greater degree of scrutiny and review because of its potential adverse impact upon the immediate neighborhood and the community. The Board reviews a Special Exception and its characteristics and impacts to determine its suitability in a given location for the Zoning District in which it is permitted. The determination of whether the Special Exception is approved shall be contingent upon: (i) the Special Exception meeting the standards of this Ordinance and those standards as set forth in this Article; and (ii) the Board weighing, in each case, the public need and benefit against the local impact, giving effect to the proposals of the Applicant for ameliorating adverse impacts through special site

¹ Chapter 12 of the UDO defines “Equestrian Facility” as “The use of land that is accessory to a permitted residential use on the Lot, for a horse, donkey, or mule facility operated for business purposes including but not limited to: horse ranches, boarding stables, riding schools and academies, horse exhibition facilities, pack stations, barns, stables, riding arenas (indoor and outdoor), corrals, and paddocks accessory and incidental to the above uses.”

² Article 4.2(A): AG-SF1: Agriculture / Single-Family Rural District; Propose and Intent.



planning and development techniques and contributions to the provisions of public improvements, sites, right-of-way and services.”

ANALYSIS

The below analysis coincides with the review criteria for a Special Exception set forth in the Unified Development Ordinance³, as summarized herein.

Criteria #1: The establishment, maintenance, or operation of the Special Exception will not be detrimental to or endanger the public health, safety, morals, or general welfare.

Comment: It is unlikely that approving the requested Special Exception would be injurious to the public health, safety, morals, and general welfare of the community because the use as proposed is consistent with the character of the area.

Criteria #2: The Special Exception will be designed, constructed, operated, and maintained so as to: (i) not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted; (ii) not substantially diminish and impair property value within the neighborhood; (iii) be harmonious and appropriate in appearance with the existing or intended character of the immediate vicinity; and (iv) not change the essential character of the area.

Comment: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The proposed Special Exception should not have a negative impact on surrounding properties because: (i) the operation and design of the use should not impact surrounding properties; (ii) the use is otherwise contemplated as appropriate in the AG-SF1 District; and (iii) the development and use of the site would otherwise comply with applicable regulations.

Criteria #3: The establishment of the Special Exception will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the Zoning District.

Comment: The Unified Development Ordinance contemplates the proposed use within the AG-SF1 District. The proposed operation and design of the use should not impact surrounding properties and will not impede the use and development of adjacent properties. The property will continue maintain its residential character and the proposed Special Exception would be compatible with other permitted uses of the AG-SF1 District and potential conflicts resulting from other future and adjacent uses should be diminutive.

³ Article 10.11 Processes and Permits; Special Exceptions; Review Criteria of the UDO.



Criteria #4: Adequate public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools have been or are being provided and the Special Exception will not result in excessive additional requirements at public expense for such public facilities and services.

Comment: A small, gravel parking lot will be provided for guests to park where none is available immediately adjacent to the existing horse barns.

Criteria #5: Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion and have vehicular approaches are designed as not to create an interference with traffic on surrounding rights-of-way.

Comment: The Special Exception is proposed to operate by appointment only and would be secondary to the existing residential use. As a result, additional traffic generated by the Special Exception and the impact on Little Eagle Creek Avenue is expected to be diminutive.

Criteria #6: The Special Exception will be harmonious with and in accordance with the objectives of the Comprehensive Plan.

Comprehensive Plan: The Westfield-Washington Township Comprehensive Plan identifies this Property within the "Rural Northwest" land use classification.

The Comprehensive Plan identifies appropriate land uses in this land use classification to include: (i) Single-family detached houses on large lots or in a Rural or Conservation Subdivision; (ii) accessory dwellings; (iii) equestrian uses; (iv) agriculture, including artisan farms⁴; and (v) institutional uses.

Development policies of this land use classification, which are applicable to the proposed use, include⁵: (i) Large-scale commodity farms (crops and livestock) are subject to eventual change due to growth pressure; (ii) allow the continuation of the historic rural patterns, including homestead farms artisan farms, and equestrian uses; (iii) preserve the night sky by limiting lighting.

Criteria #7: The Special Exception will be located in a Zoning District where such use is permitted and that all other requirements of the Zoning District and the Unified Development Ordinance, and as may be applicable to such use, will be met.

⁴ Appendix A of the Westfield-Washington Township Comprehensive Plan defines "Artisan Farm" as "[a] small farm with owners living on site that produces goods or services for the local table market (not the commodity market). This term includes but is not limited to orchards, tree nurseries, hay, vegetables, and the raising of limited numbers of animals such as horses, llamas, alpacas, sheep, goats, and chickens.

⁵ Westfield-Washington Township Comprehensive Plan, page 32.



Comment: The Unified Development Ordinance contemplates the use within the AG-SF1 District. The use and property will otherwise comply with or exceed the applicable standards of the AG-SF1 District.

PROCEDURAL

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

Conditions: The UDO⁶ and Indiana law provide that the Board of Zoning Appeals in granting a Special Exception, may prescribe conditions and limitations concerning the use, construction, character, location, landscaping, screening, parking and other matters relating to the purposes and objectives of this Ordinance upon the premises benefited by a Special Exception as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property or upon public facilities and services. Any conditions prescribed by the Board shall be recorded in the Office of the Recorder of Hamilton County, Indiana. Violation of any such condition or limitation shall be a violation of this Ordinance and shall constitute grounds for revocation of the Special Exception or related Improvement Location Permit, pursuant to Chapter 11: Enforcement & Penalties.

Review Criteria: The Board of Zoning Appeals may approve a Special Exception only upon a determination that the Special Exception at the proposed location meets the following⁷:

1. The establishment, maintenance, or operation of the Special Exception will not be detrimental to or endanger the public health, safety, morals, or general welfare.
2. The Special Exception will be designed, constructed, operated, and maintained so as to:
(i) not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted; (ii) not substantially diminish and impair property value within the neighborhood; (iii) be harmonious and appropriate in appearance with the existing or intended character of the immediate vicinity; and (iv) not change the essential character of the area.
3. The establishment of the Special Exception will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the Zoning District.

⁶ Article 10.11(I) Processes and Permits; Special Exceptions; Conditions of the UDO.

⁷ Article 10.11 Processes and Permits; Special Exceptions; Review Criteria of the UDO.



4. Adequate public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools have been or are being provided and the Special Exception will not result in excessive additional requirements at public expense for such public facilities and services.
5. Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion and have vehicular approaches are designed as not to create an interference with traffic on surrounding rights-of-way.
6. The Special Exception will be harmonious with and in accordance with the objectives of the Comprehensive Plan.
7. The Special Exception will be located in a Zoning District where such use is permitted and that all other requirements of the Zoning District and this Ordinance, and as may be applicable to such use, will be met.

DEPARTMENT COMMENTS

Approval: If the Board finds that adequate evidence is shown that the Special Exception meets the applicable review criteria, then the Department recommends approving the Special Exception, with the recommended conditions below, and adopting the written review criteria findings as summarized herein.

Recommended Conditions:

1. The Equestrian Facility shall be limited to horse stables, boarding, training, and other similar services as determined by the Director of Community Development;
2. A maximum of eighteen (18) horses shall be permitted to be stabled on the Property at any given time;
3. Future structural improvements related to the Special Exception shall be generally located in/around the area outlined in **Exhibit 5**;
4. Manure and other disposable items shall be removed from the Property on a weekly basis;
5. No added impervious surfaces for driveways and/or parking shall be permitted than those existing at the time of the approval of this Special Exception;
6. No equestrian events open to the general public shall take place on the Property; and
7. The Petitioner shall record an acknowledgement of this approval with the Hamilton County Recorder's Office and return a copy of the recorded instrument to the Economic and Community Development Department.



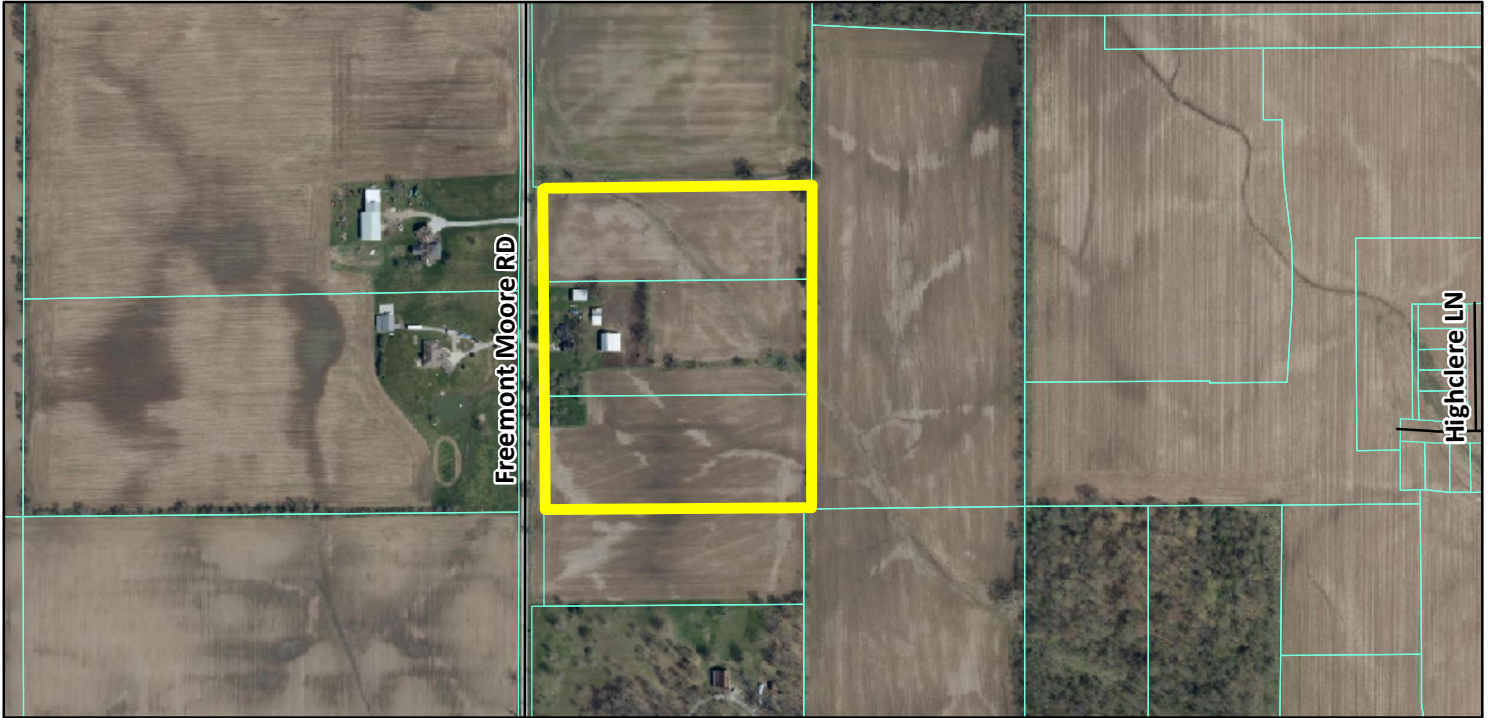
WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

February 14, 2023
2302-SE-01
Exhibit 1

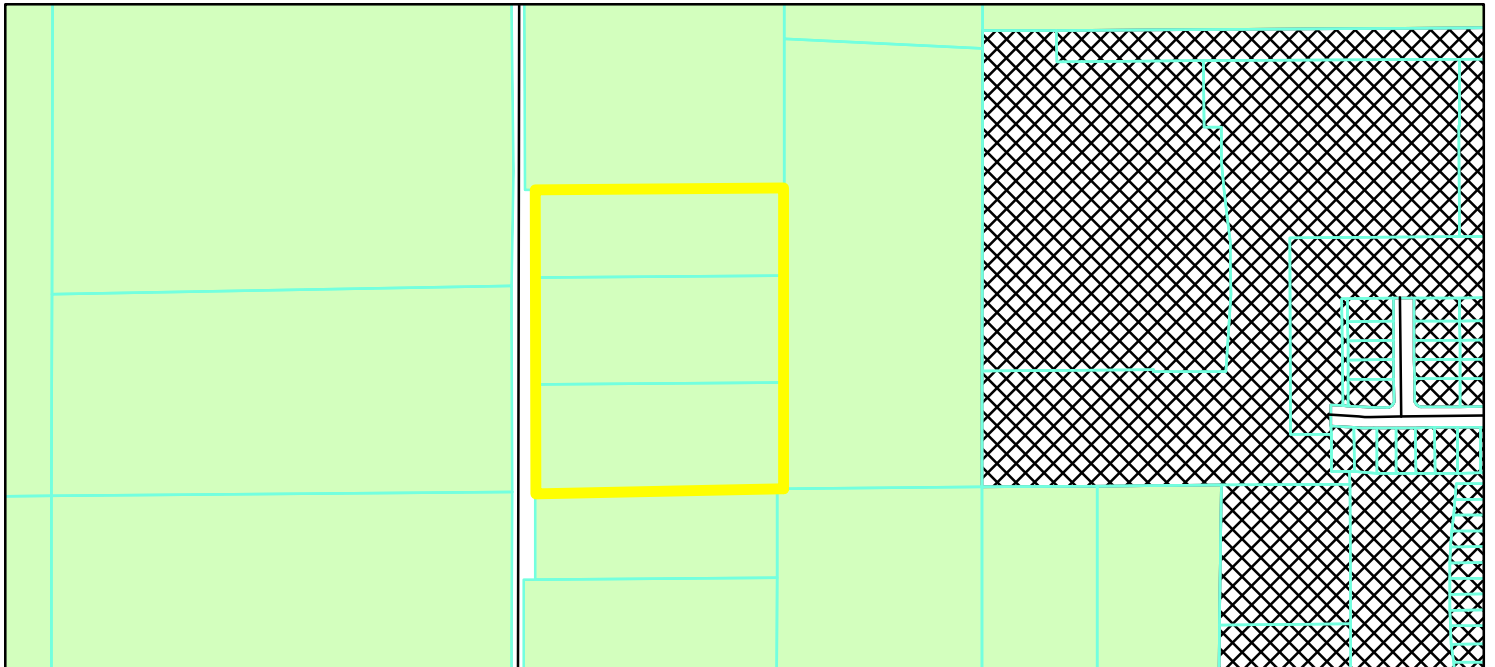
Denial: If the Board is inclined to reject or deny the Special Exception, then the Department recommends denying the Special Exception, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence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

Aerial Location Map

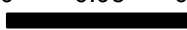
 Site



Zoning Map



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

0 0.05 0.1
 Miles



Statement of applicant:

Applicant desires to extend the existing private horse barn facility to an equestrian facility.

Existing buildings will be used. Future planned building will be an indoor area for training and riding to allow for year-round convenience when building permit(s) are submitted and approved.

The applicant proposes to use existing buildings and facilities to board approximately 12 horses at any given time and a few additional horses in the summertime for training purposes.

The facility will operate on a general dusk to dawn policy.

Manure and other disposable items are currently being removed by Waste Management with adequately sized removal dumpsters on a weekly basis and will be continued or capacity adjusted on a need to basis.

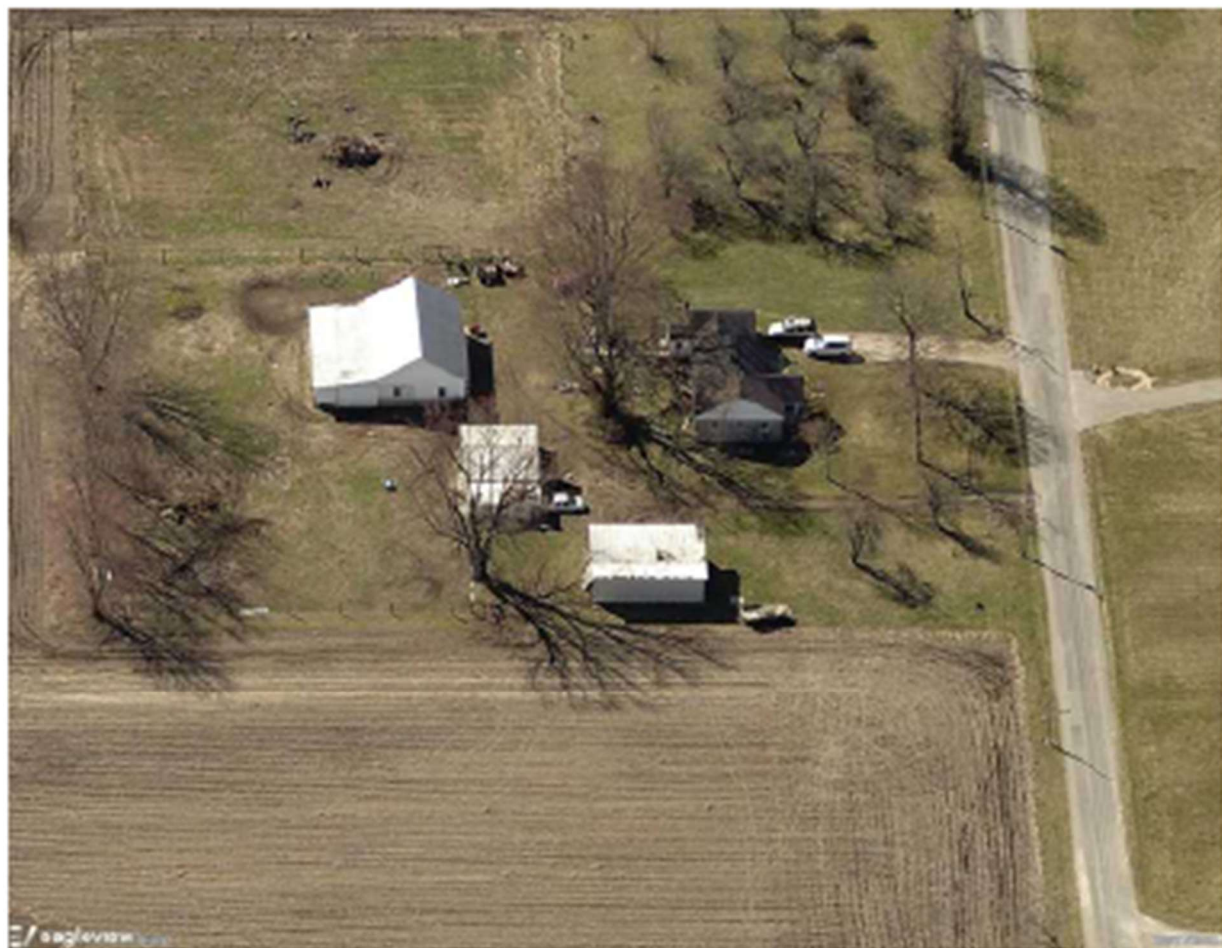
The property has 2 driveways allowing for a circular drive for ingress and egress and requires no further driveway permits.

The land is not in a development corridor and in a permitted Agricultural AG-2 zone.

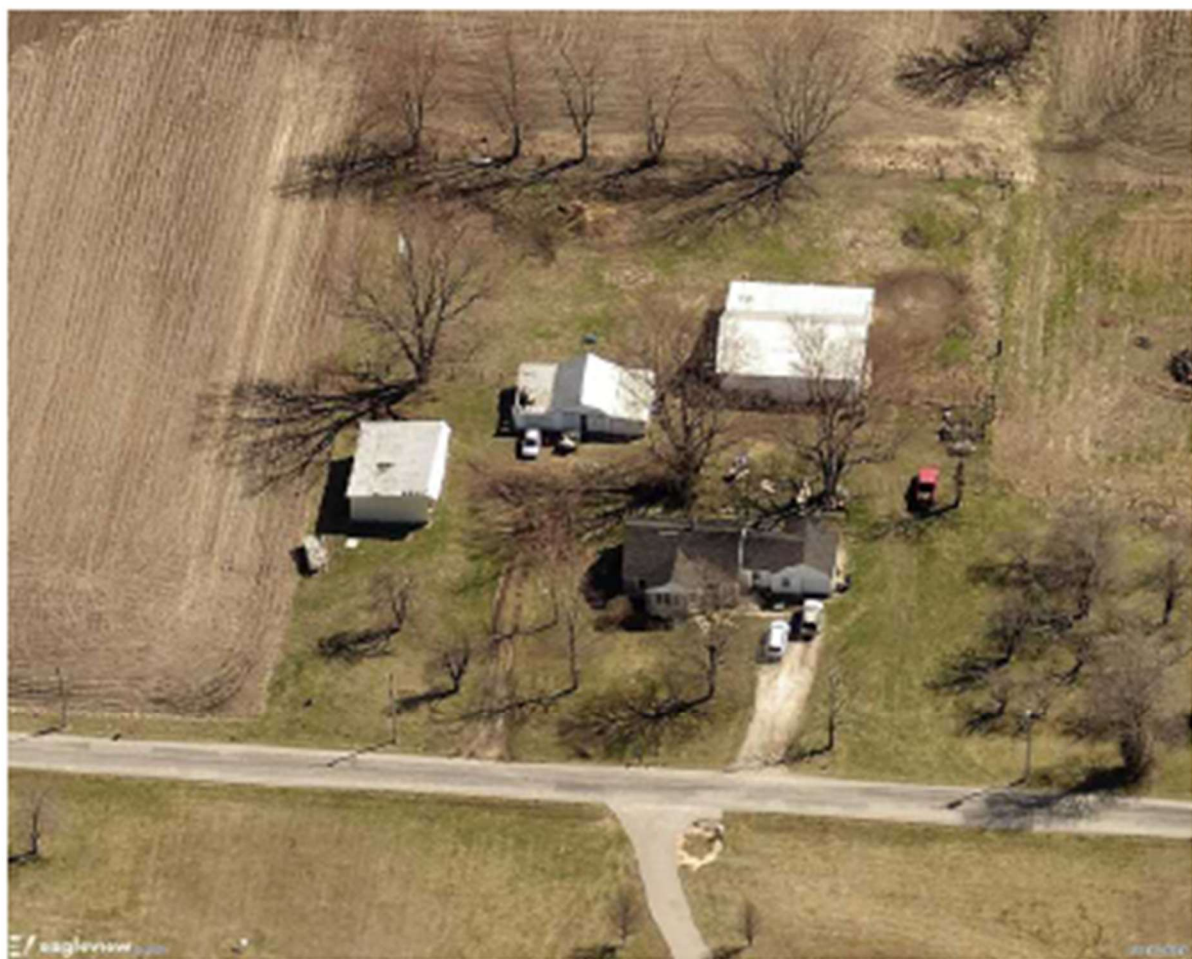
There is no issue with setbacks as building are preexisting and no right-of-way is violated.



North Side



West Side





Freemont Moore Rd.

19609 Freemont Rd., Sheridan, I



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

February 14, 2023

2302-VS-02

Exhibit 1

Petition Number: 2302-VS-02

Subject Site Address: 3761 Shady Lakes Drive ("the Property")

Petitioner: Jennifer Miller ("the Petitioner")

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

Current Zoning: [Andover PUD \(Ord. 03-40\)](#)

Current Land Use: Residential

Approximate Acreage: 0.45 acres +/-

Exhibits:

1. Staff Report
2. Location Map
3. Site Plan
4. Improvement Cross-Section
5. HOA Approval

Staff Reviewer: Daine Crabtree, Senior Planner

OVERVIEW

Location: The subject property is 0.45 acres +/- in size (the "Property") and located at 3761 Shady Lake Drive in the Lakes at Shady Nook subdivision which is located in the Andover PUD (see **Exhibit 2)**.

Requested Variances: The petitioner is requesting two (2) Variances of Development Standard to accommodate a swimming pool and deck as shown on the Site Plan (**Exhibit 3)**. The requested variances are as follows:

- To encroach nine (9) feet into the twenty-five (25) foot Minimum Rear Yard Setback;
 - To exceed the Maximum Lot Coverage (40%) set forth in the Andover PUD
-



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

February 14, 2023

2302-VS-02

Exhibit 1

SUMMARY OF VARIANCE

The Property is located in Parcel D of the Andover PUD. The Development Standards Matrix in the Andover PUD sets forth a Minimum Rear Yard Setback of twenty-five (25) feet and a Maximum Lot Coverage percentage of forty percent (40%) for Parcel D. The Petitioner is requesting to exceed the Maximum Lot Coverage and encroach nine (9) feet into the twenty-five (25) foot Minimum Rear Yard Setback.

Maximum Lot Coverage is defined in the UDO as, "A measure of intensity of land Use that represents the portion of a site that is impervious (ie: does not absorb water) and includes but is not limited to all areas of a Lot improved by buildings, sidewalks, parking structures, Driveways, Street, Private Street, sidewalks, and any other area of concrete or asphalt".

All improvements will be located outside of existing drainage and utility easements on the Property.

COMPREHENSIVE PLAN

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

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

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

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

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

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



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

February 14, 2023

2302-VS-02

Exhibit 1

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 14, 2023, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

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

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

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

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

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

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



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

February 14, 2023

2302-VS-02

Exhibit 1

DEPARTMENT COMMENTS:

Recommended Findings for Approval: If the Board is inclined to approve the Variance of Development Standards (2302-VS-02):

- 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 Andover PUD zoning district.

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

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

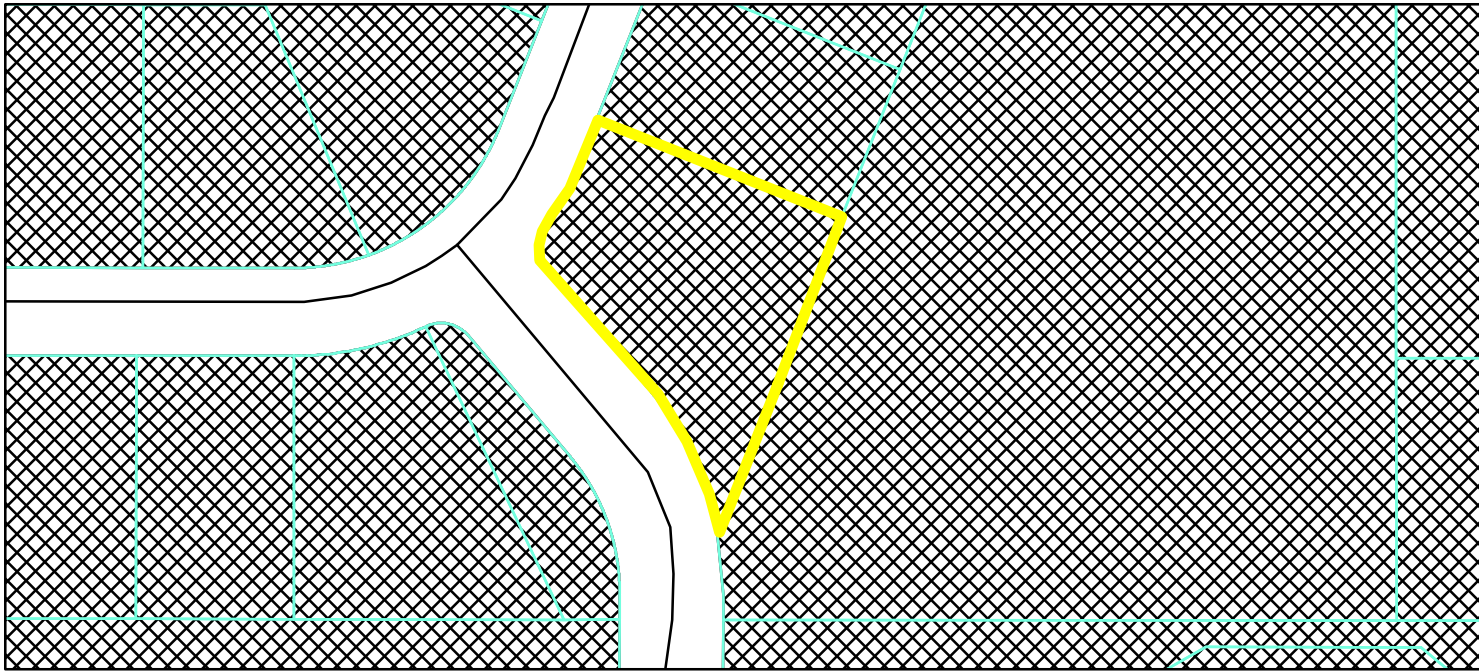
Denial: If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.

Aerial Location Map

 Site

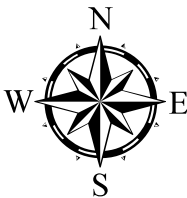


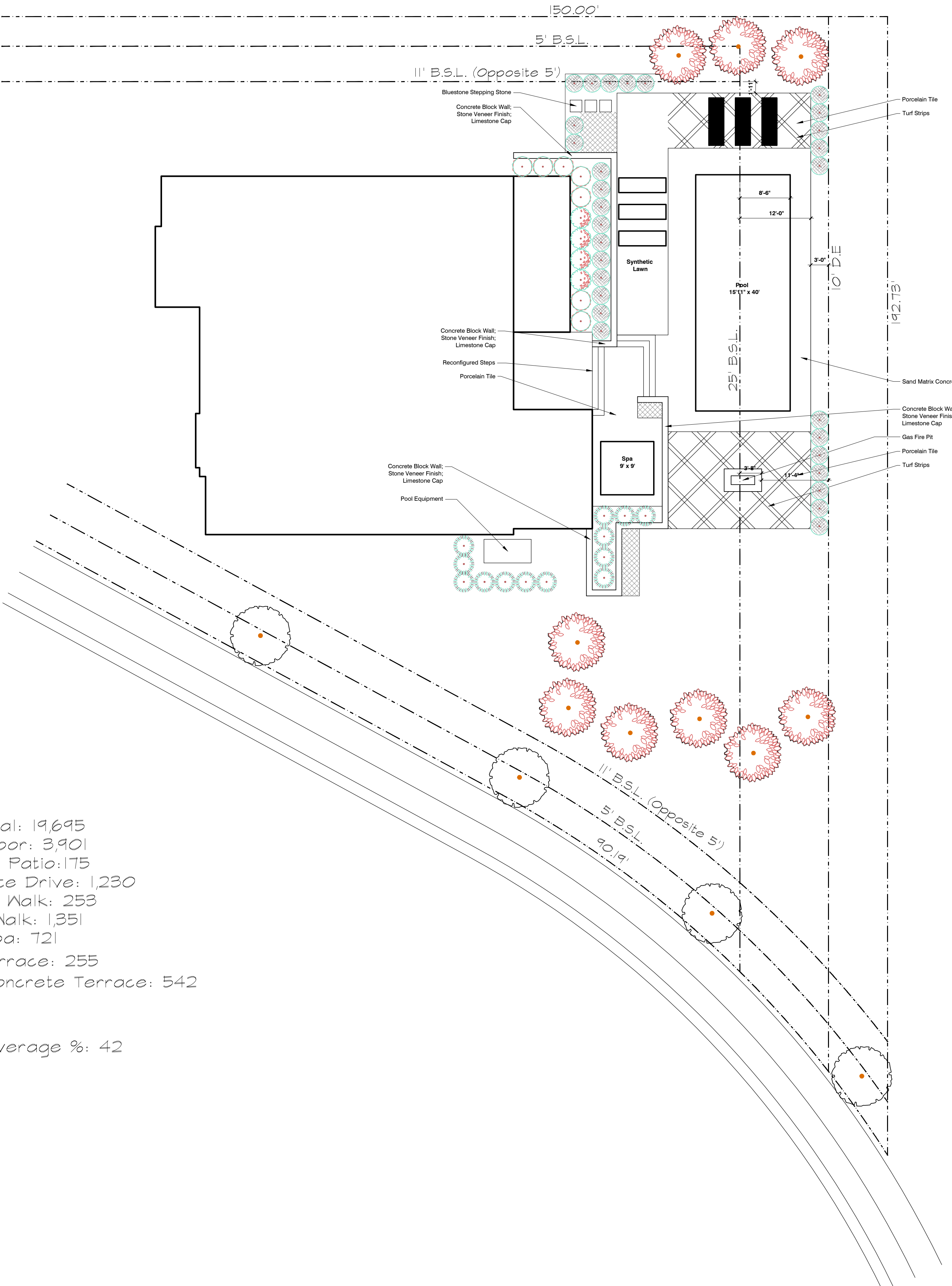
Zoning Map



GIS.DBO.PW_Streets Zoning
Parcel
Parcel
Zoning - All
 PUD (Planned Unit Development)

0 0.0125 0.025
Miles





Existing:

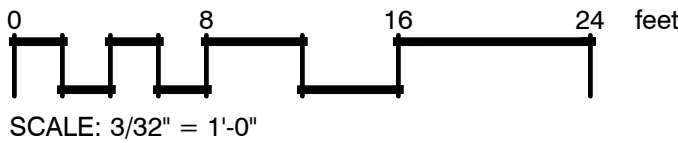
Lot Total: 19,695
Main Floor: 3,901
Existing Patio: 175
Concrete Drive: 1,230
Private Walk: 253
Public Walk: 1,351

Lot Coverage %: 35

Proposed:

Lot Total: 19,695
Main Floor: 3,901
Existing Patio: 175
Concrete Drive: 1,230
Private Walk: 253
Public Walk: 1,351
Pool/Spa: 721
Spa Terrace: 255
Pool Concrete Terrace: 542

Lot Coverage %: 42



This drawing is an instrument of service and shall remain the property of Land Design Studio, LLC and shall not be reproduced, published, or used with out the consent of Land Design Studio, LLC.

Land Design Studio, LLC assumes no liability for any elements constructed from this plan. It is the responsibility of the purchaser of this plan to perform the following before beginning construction:

- 1) Builder or contractor must verify all dimensions prior to proceeding with construction.
- 2) Contractor must verify compliance with all local building and zoning codes in the area where the elements are to be constructed.

Caution must be exercised in making any changes in this plan. Only a qualified engineer or landscape architect should attempt modifications as even minor changes could lead to major problems in another area.

Date:
January 20, 2023

Revisions:
January 25, 2023
January 28, 2023

Scale:
3/32" = 1'

Drawn By:
PTS

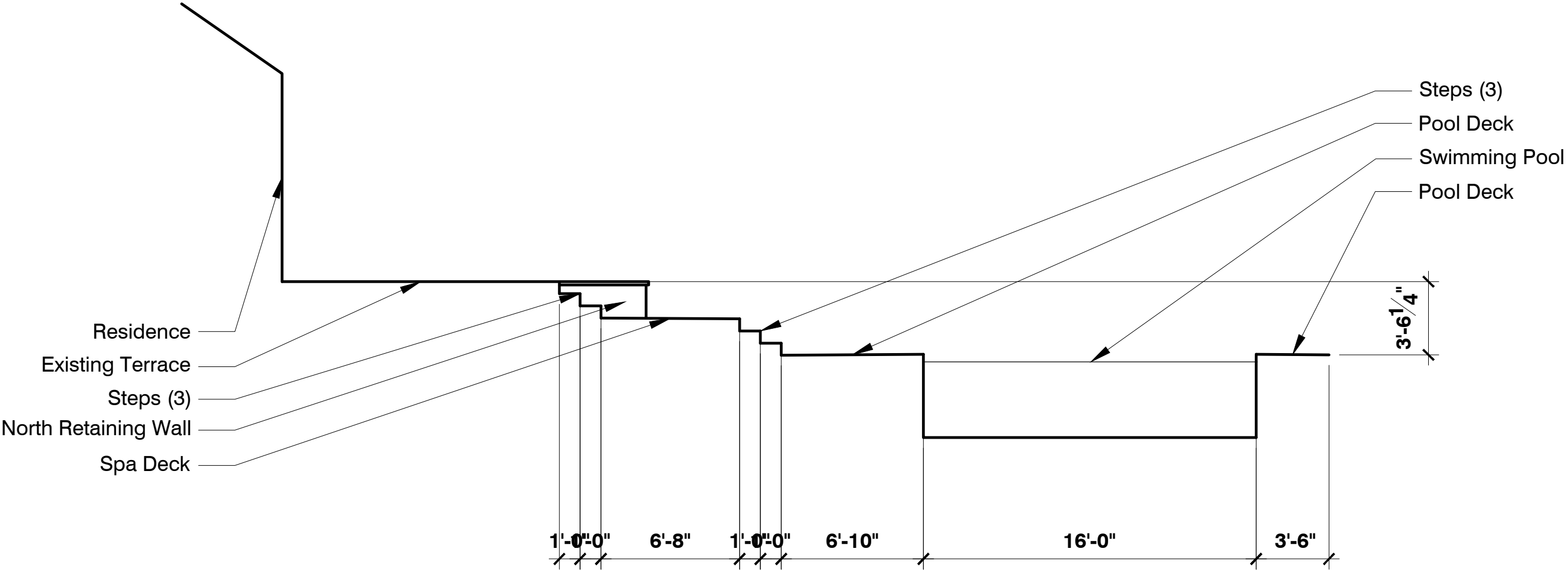


Miller Residence

3761 Shady Lake Drive

L1.0

Sheet 1 of 1



Lakes of Westfield Property Owners Association, Inc.

Date: January 23, 2023

Shane or Jennifer Miller
3761 Shady Lake Dr
Westfield, IN 46074

Account No: 144501620

Re: Pool

Approval Letter

Dear Shane or Jennifer Miller:

Congratulations! Your architectural request for a pool installation has been approved as submitted.

The purpose of the review process is to promote and ensure a high level of quality, harmony and conformity throughout the neighborhood by using the rules set forth in the Covenants, Conditions and Restrictions (CCR) found in the Declaration.

The Board appreciates your cooperation and due diligence in following this architectural review process. If you have any questions or comments, please feel free to contact me at 317-827-0150 or mmarsh@ekirkpatrick.com.

On behalf of Lakes of Westfield Property Owners Association, Inc.,
Kirkpatrick Management Company, Agent

A handwritten signature in cursive script that reads "Molly Marsh".

Molly Marsh
Community Association Manager



Petition Number: 2302-VU-02

Subject Site Address: 606 Hillcrest Drive (the "Property")

Petitioner: Trent Wood

Request: The Petitioner is requesting a Variance of Use to permit a Professional Office use on .47 acres +/- in the SF-3 Zoning District.

Current Zoning: SF-3 Single-family Medium Density District

Current Land Use: Residential

Approximate Acreage: 0.41 acre +/-

Exhibits:

1. Staff Report
2. Location Map
3. Application

Staff Reviewer: Ryan Collingwood, Associate Planner

PROPERTY INFORMATION

The subject Property is 0.41 acres +/- in size and located at 606 Hillcrest Drive (see **Exhibit 2**). The Property is zoned SF-3 Single-family Medium Density District.

ANALYSIS

Upon the Property currently exists a Single-Family Detached residence (the "Residence"). Based on historic aerials, the Residence appears to have been built between 1962 and 1974. The Property is zoned SF-3 Single-family Medium Density District and has been since 1977 when zoning was established in Westfield.

The Property is located within the "[Downtown](#)" designation on the Westfield-Washington Township Comprehensive Plan [map](#). The Property is not located within the Grand Junction Subdistrict, for which the eastern boundary is approximately located at N. East Street.

PROCEDURAL

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



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

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

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

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

COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan contemplates the Property as "[Downtown](#)" in classification.

The "Downtown" classification identifies commercial, offices, retail, residential (neighborhood and high density), cottage industries, institutional, entertainment, and public open green spaces as appropriate [land uses](#). Moreover, a variety of land uses is encouraged within the "Downtown" classification of the Comprehensive Plan.



The "Downtown" classification also identifies Redevelopment Opportunities which specifically notes the future potential to convert existing residences into businesses and office uses along State Road 32.

DEPARTMENT COMMENTS

If the Board is inclined to approve 2302-VU-02, The Department recommends the following condition and findings:

Recommended Conditions:

- The proposed Professional Office use shall be limited to Real Estate Office or a substantially similar use as determined by the Director of Community Development;
- The existing Residence on the Property and/or any additional improvements to said Residence must remain residential in character as determined by the Director of the Community Development Department;
- Hours of Operation for a Professional Office use on the Property shall be limited to 8am to 6pm Monday through Friday and 8am to 2pm on Saturday with no hours of operation on Sundays;
- That the Petitioner record an acknowledgement of this approval with the Hamilton County Recorder's Office and return a copy of the recorded instrument to the Community Development Department

Recommended Findings for Variance of Use (2302-VU-02):

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

Finding: It is unlikely that allowing a business defined as 'Professional Office' to locate on the Property will be injurious to the public health, safety, morals, and general welfare of the community because the proposed conditions of approval would require the Property to remain residential in nature with hours of operation consistent with a normal workday.

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

Finding: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner as the proposed use will be utilizing improvements currently existing on the



Property which is consistent with the character of the surrounding area and any improvements to the Property must remain residential in nature.

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

Finding: The use of Professional Office is not permitted in the SF-3: Single-family Medium Density District.

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

Finding: The existing SF-3 zoning conflicts with the Property's proposed use of a Professional Office. Without the requested variance, the Petitioner will be unable to use the Property as described in the Statement of Intent.

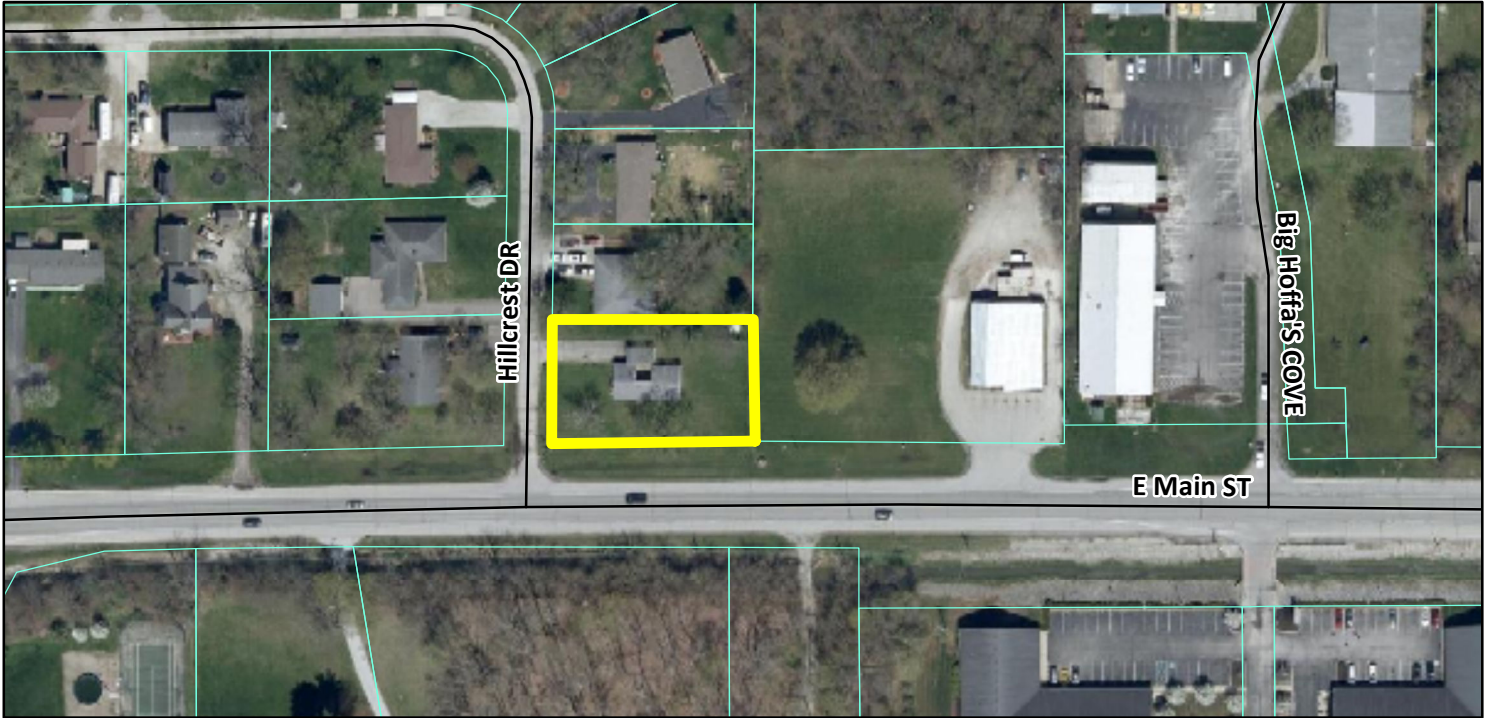
- 5) *The approval does not interfere substantially with the comprehensive plan:*

Finding: The Westfield-Washington Comprehensive Plan (the "Comprehensive Plan") includes this property within the area designated as "Downtown". Therefore, the proposed land use concurs with the Comprehensive Plan as the "Downtown" classification contemplates land uses such as office and commercial.

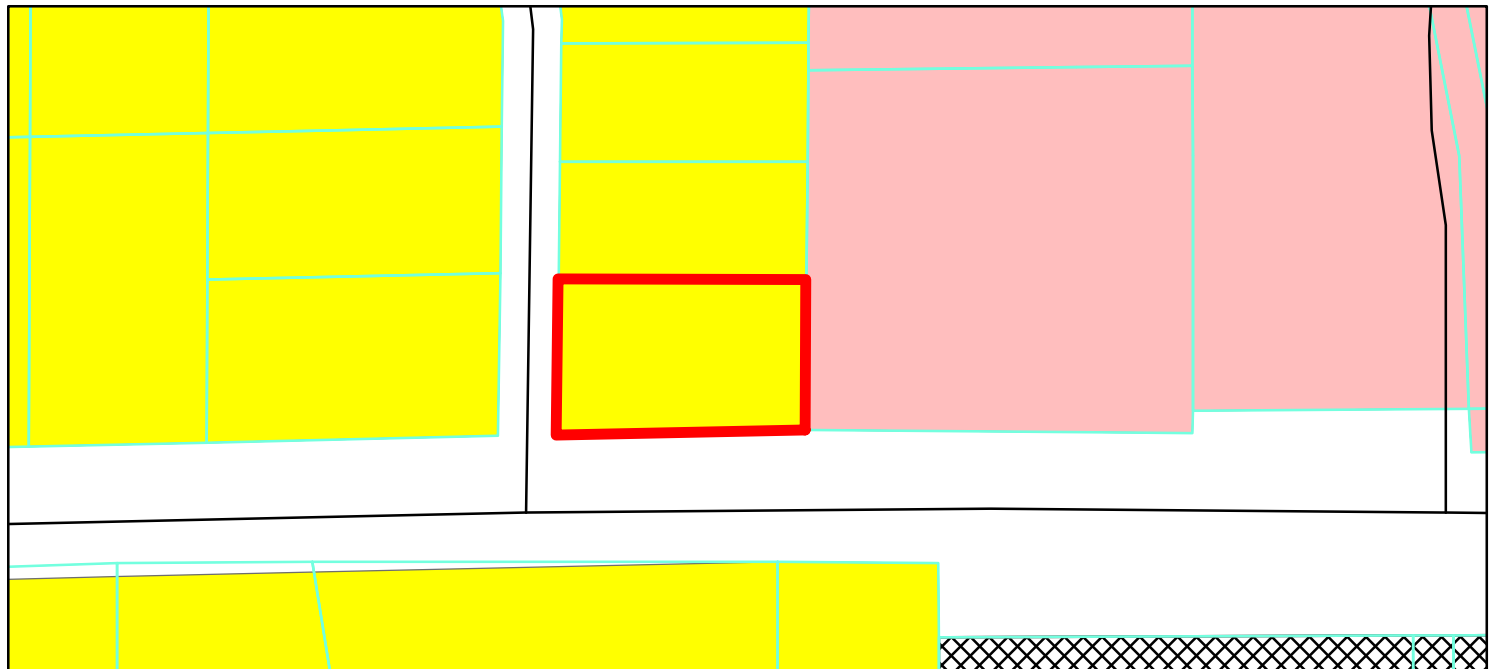
Denial: If the Board is inclined to reject or deny the Variance of Use, then the Department recommends denying the Variance of Use, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence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

Aerial Location Map

 Site



Zoning Map



GIS.DBO.PW_Streets
Parcel
Parcel
Zoning - All

LB (Local Business)
PUD (Planned Unit Development)
SF-3 (Single Family - 3)

0 0.0125 0.025
Miles



VARIANCE APPLICATION

OFFICE USE ONLY

DOCKET #: 2302-VU-02 FILING DATE: 1/18/23
FILING FEE: \$ _____ FEE PLUS \$ _____ PER ADDITIONAL VARIANCE (@ _____) = \$ _____

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: DAINE CRABTREE (STAFF NAME) DATE: 1/6/23

PRIOR OR RELATED DOCKET NUMBERS

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

APPLICANT INFORMATION

☒ APPLICANT'S NAME: Trent Wood TELEPHONE: 317.558.8323
ADDRESS: 14349 Hawthorne Dr. Carmel IN 46033 EMAIL: trent@nucleusre.com
☒ PROPERTY OWNER'S NAME: MPT Real Estate LLC TELEPHONE: 317.753.0292
ADDRESS: 12699 Mustard Seed Ct. Fishers, IN 46038 EMAIL: jpratt@isg-service.com
REPRESENTATIVE'S NAME: _____ TELEPHONE: _____
COMPANY: _____ EMAIL: _____
ADDRESS: _____

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 606 Hillcrest Dr.
COUNTY PARCEL ID #(S): 09-06-31-03-09-013.000
EXISTING ZONING DISTRICT(S): SF3 EXISTING LAND USE(S): RES

PROPERTY AND PROJECT INFORMATION

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

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

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

Real Estate office for Nucleus Real Estate brokered by eXp Realty, LLC. Agents will
work out of the office Monday - Friday, 8am - 6pm + occasionally on Saturday mornings.

APPLICANT AFFIDAVIT

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


Applicant/Representative (signature)

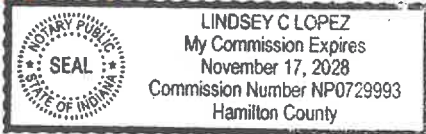
William T. Wood
Applicant/Representative (printed)

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 17 day of January, 2023
State of Indiana, County of Hamilton, SS:

Lindsey C Lopez
Notary Public (signature)


Notary Public (printed)



PROPERTY OWNER AFFIDAVIT

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


Property Owner (signature)*

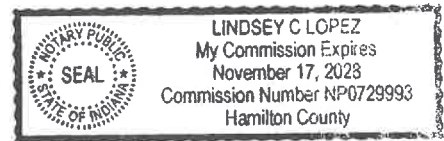
Jeffrey Pratt, Member MPT Real Estate LLC
Property Owner (printed)

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 17 day of January, 2023
State of Indiana, County of Hamilton, SS:

Lindsey C Lopez
Notary Public (signature)


Notary Public (printed)



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

FINDINGS OF FACT (VARIANCE OF USE)

APPLICANT: _____ 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: _____

- 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: _____

- C. The need for the variance arises from some condition particular to the property involved because: _____

- 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: _____

- E. The variance of use does not interfere substantially with the Comprehensive Plan because: _____

FINDINGS OF FACT (VARIANCE OF DEVELOPMENT STANDARD)

APPLICANT: _____

DOCKET #: _____

In taking action on a variance request, the Board of Zoning Appeals uses the following decision criteria to approve or deny a variance, as established by Indiana Code, and the Board may impose reasonable conditions as part of its approval. The applicant must address the criteria below (if multiple variances of development standard are being requested, then this sheet should be completed separately for each requested variance). A variance of land use may be approved by the Board of Zoning Appeals only upon a determination that the Board finds all of the following to be true:

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

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: _____

C. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property because: _____

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:
- | | |
|--|--|
| <ul style="list-style-type: none"> ☒ Completed Application ☒ Draft Public Notice ☒ Property Owner Consent (S.O.) ☒ Site Plan (to scale) ☒ Statement of Intent | <ul style="list-style-type: none"> ☒ Legal Description - ON DEED ☒ List of Adjoining Property Owners (as provided by County) ☒ TAC Delivery Affidavit (if TAC is determined to be necessary) ☒ Copy of Property Deed Elevations, photographs or other supporting information necessary to explain the nature of the requested variance(s) |
|--|--|
- C. **Filing Fee Check:** After the filing of an application, the Department will advise the applicant of the applicable filing fee amount, which is due and payable (checks made out to "City of Westfield") within two (2) weeks of filing.
- D. **Technical Advisory Committee (TAC):** The applicant is responsible for submitting a copy of the application and related information to Technical Advisory Committee members prior to filing, if determined by the Department to be necessary. An affidavit confirming delivery of information is required to be completed and signed by the applicant and submitted with the petition. Technical Advisory Committee meetings are held in the City Services Building (2728 East 171st Street, Westfield, IN 46074) in accordance with the Schedule of Meeting and Filing Dates. A representative must be present at this meeting.
- E. **Public Hearing and Notice:** All variance petitions require a public hearing by the Board of Zoning Appeals. The public hearing is held at City Hall, 130 Penn Street, Westfield, Indiana, in accordance with the Schedule of Meeting and Filing Dates. Notice of the hearing is required in accordance with the Board's Rules of Procedure:
1. **Newspaper Publication:** Notice of the hearing will be published in the Hamilton County Reporter and The Times. The Department will handle the newspaper publication requirement.
 2. **Mailed Public Notice:** The applicant is responsible to send public notice by certified mail with proof of mailing (certificate of mailing) to all interested parties, postmarked at least ten (10) days prior to the hearing. A list of adjacent property owners may be obtained from the **Hamilton County Auditor, Office of Transfers and Mapping** (33 North 9th Street, Noblesville, IN 46060, (317) 776-9624), and shall include all owners of property to a depth of two (2) ownerships of no direct or indirect financial or other interest to the applicant or property owner or one eighth of a mile (1/8), whichever is less.
 3. **Public Notice Sign:** The applicant is responsible to post a public notice sign(s) on the property at least ten (10) days prior to the public hearing. The Department will determine sign locations and will make signs available for the applicant to obtain in the office of the Department.
 4. **Affidavit of Notice of Public Hearing:** The applicant shall deliver a copy of the mailed notice and a signed affidavit, verifying that the notices were mailed and the public notice sign(s) was posted on the subject property, to the Department at least four (4) calendar days prior to the public hearing.
- F. **Ex-parte Communication:** In no event shall applicants or other interested parties contact or attempt to communicate with members of the Board in regard to a filed variance petition prior to the public hearing.
- G. **Revised Materials:** If the applicant wishes to submit additional or revised information than what is filed, then the applicant shall submit those to the Department no later than ten (10) days prior to the public hearing.
- H. **Board's Consideration:** Following the public hearing, the Board may either approve, approve with conditions, deny or continue the petition.
- I. **Resource:** Please see the Board's Rules of Procedure for more detailed procedural information.



Westfield-Washington Township Board of Zoning Appeals (BZA)

Minutes of the Tuesday, January 10, 2023 BZA Meeting

Presented for approval: February 14, 2023

The Westfield-Washington Township Board of Zoning Appeals
met at 7:00 p.m. on Tuesday, January 10, 2023 at Westfield City Hall.

Active Links for this meeting:

[January 10, 2023 BZA Agenda & Exhibits](#)

[January 10, 2023 YouTube Video](#)

OPENING OF MEETING

[YouTube Time: 0:10](#)

Roll Call

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

BZA Members Present Virtually: Jeannine Fortier.

BZA Members Absent: None.

City Staff Present: Daine Crabtree, Senior Planner and Lauren Gillingham, Senior Planner.

City Staff Present Virtually: None

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

ELECTION OF OFFICERS

[YouTube Time: 0:36](#)

Motion: Nominate Dave Schmitz as BZA Chair for 2023.

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

Motion: Nominate Victor McCarty as BZA Vice-Chair for 2023.

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

Motion: Nominate Jeannine Fortier as BZA Pro-Tempore for 2023.

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

APPROVAL OF MINUTES

Boller motioned to approve the December 13, 2022 Minutes.

[YouTube Time: 3:37](#)

McCarty seconded. Motion passed. Vote 5-0.

REVIEW RULES AND PROCEDURES

Crabtree reviewed BZA rules and procedures.

ITEMS OF BUSINESS

2301-VS-01 [PUBLIC HEARING]

[YouTube Time: 6:00](#)

1549 Chatham Villages Boulevard / CHLL, LLC by V3 Companies

The Petitioner requests a Variance of Development Standard to modify the required minimum number of parking spaces on 14.4 acres +/- in the Chatham Villages PUD (underlying UDO Article 6.14(G)(11)(c)).

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

Staff presentation / Petitioner presentation / BZA comments.

Public Hearing for 2301-VS-01 opened at 7:09 p.m.

- No public comments.

Public Hearing for 2301-VS-01 closed at 7:11 p.m.

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

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

BZA comments / Petitioner responses.

McCarty motioned to approve 2301-VS-01 subject to the two recommended conditions stated in the motion.

Boller seconded. Motion passed. Vote 5-0.

Schmitz motioned to adopt Staff's Findings of Fact for 2301-VS-01.

Boller seconded. Motion passed. Vote 5-0.

2301-VU-01 [PUBLIC HEARING]

[YouTube Time: 27:09](#)

16708 Dean Road / Esler Properties, LLC by Morse & Bickel

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

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

Staff presentation / Petitioner presentation / BZA comments.

Public Hearing for 2301-VU-01 opened at 7:37 p.m.

- No public comments.

Public Hearing for 2301-VU-01 closed at 7:39 p.m.

BZA comments / Petitioner responses.

Hatfield motioned to approve 2301-VU-01 subject to the recommended conditions stated in the motion.

McCarty seconded. Motion passed. Vote 5-0.

Schmitz motioned to adopt Staff's Findings of Fact for 2301-VU-01.

Hatfield seconded. Motion passed. Vote 5-0.

ITEMS CONTINUED TO A FUTURE MEETING

No Continued Items.

REPORTS/COMMENTS:

[YouTube Time: 44:30](#)

- Plan Commission Liaison
- Community Development Department

ADJOURNMENT

Boller motioned to adjourn the meeting. McCartney seconded. Motion passed. Vote 5-0.

The meeting adjourned at 7:46 p.m.

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

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

BZA Minutes for January 10, 2023 Page 2 of 3

Signature Page for BZA Minutes for January 10, 2023

Chairperson
Dave Schmitz

Secretary
Kevin M. Todd, AICP
Director