



CITY OF WESTFIELD, IN
BoardofZoningAppeals_Meeting_Agenda_01_11_2022

Tuesday, January 11, 2022 at 07:00 PM

BOARD OR COMMISSION: Board of Zoning Appeals (BZA)

MEETING DATE: Tuesday, January 11, 2022 at 07:00 PM

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

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

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

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

OPENING OF REGULAR MEETING

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

Note the presence of a quorum

Election of Officers

Approval of Minutes

December 14, 2021

Documents: [BZA Minutes - December 14, 2021](#)

Review Rules & Procedures

ITEMS OF BUSINESS:

2201-VS-01 [PUBLIC HEARING]

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 - cdrabtree@westfield.in.gov)

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

2201-VS-02 [PUBLIC HEARING]

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)

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Proposed Site Plan](#) | [Exhibit 4: Proposed House Plans](#) | [Exhibit 5: Application](#)

2201-VS-03 [PUBLIC HEARING]

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)

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

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)

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Site Plan](#) | [Exhibit 4: Application](#) | [Exhibit 5: Narrative Statement](#) | [Exhibit 6: Site Photos](#)

ITEMS CONTINUED TO A FUTURE MEETING:

None

REPORTS/COMMENTS:

Plan Commission Liaison

Community Development Department

ADJOURNMENT



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

January 11, 2022

2201-VS-02

Exhibit 1

Petition Number: 2201-VS-02

Subject Site Address: 512 N. Union Street ("the Property")

Petitioner: John Schaaf ("the Petitioner")

Request: The Petitioner requests a Variance of Development Standard to encroach five (5) feet into the ten (10) foot Side Yard Setback in the SF3: Single-family Medium Density District (Article 4.6(E)(2)).

Current Zoning: SF3 District

Current Land Use: Residential

Approximate Acreage: 0.61 acres +/-

Exhibits:

1. Staff Report
2. Location Map
3. Proposed Site Plan
4. Proposed House Plans
5. Application

Staff Reviewer: Caleb Ernest, Senior Planner

OVERVIEW

Location: The subject property is 0.61 acres +/- in size and is located at 512 N. Union Street, south of Hoover Street and Catherine Drive and north of SR 32 and Penn Street (see **Exhibit 2**). The Property is zoned the SF3 District. All the adjacent properties are also zoned the SF3 District.

Property History: The home on the Property was approximately constructed in the early 1900s.

Requested Variances: The Petitioner is requesting a Variance of Development Standard to encroach five (5) feet into the ten (10) foot Side Yard¹ Setback² in the SF3 District.

SUMMARY OF VARIANCE

The Petitioner proposes to build a home and pool on the Property. As shown in **Exhibit 3**, the proposed pool is located within the Side Yard Setback. The Petitioner is proposing to encroach five (5) feet into the ten (10) foot Side Yard Setback.

¹ "Side Yard" is defined in the UDO as "A Yard extending across the full depth of the Lot, the depth of which is the least distance between the Side Lot Line and the Side Yard Building Setback Line."

² "Side Yard Setback" is referring to the required Side Yard setback of thirty (30) feet in Article 4.2(E)(2) of the UDO.



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

January 11, 2022

2201-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 January 11, 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 UDO³ and Indiana law provide that the Board of Zoning Appeals may impose reasonable conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of the UDO upon any Lot benefited by a variance as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject Lot or upon public facilities and services. Such conditions shall be expressly set forth in the order granting the variance.

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

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

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



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

January 11, 2022

2201-VS-02

Exhibit 1

DEPARTMENT COMMENTS:

Approval: If the Board finds that adequate evidence is shown that the Variance of Development Standard meets the applicable review criteria, then the Department recommends approval of the Variance of Development Standard (2201-VS-02), with the recommended conditions and findings as set forth below:

Recommended Conditions of Approval:

1. That this encroachment variance only be permitted on the south Side Yard Setback of the Property;
2. That the home and pool be constructed substantially compliant with **Exhibit 3**;
3. 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.

Recommended Findings for Approval:

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

Finding: It is unlikely that approving the requested variance would be injurious to the public health, safety, morals, and general welfare of the community because the existing use is residential and will otherwise comply with the applicable standards of the AG-SF1 Zoning District and 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:*

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 use of the property will not change.

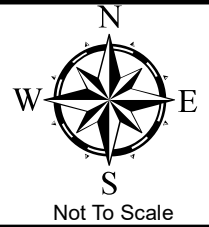
- 3) *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:*

Finding: Strict adherence to the zoning ordinance would result in the inability to install the deck addition and prevent bringing the existing deck structure into compliance with the UDO.

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.



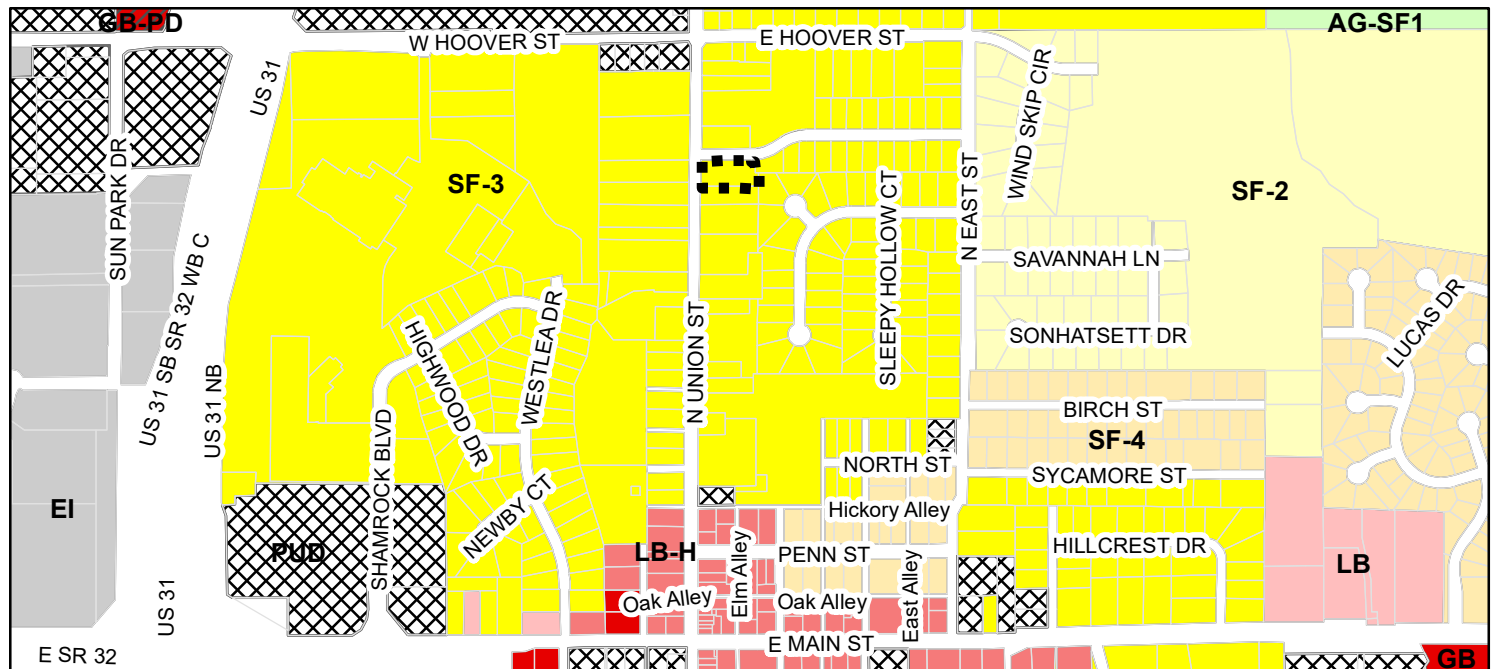
Property Location Map
512 N. Union Street
Variance of Development Standard
2201-VS-02



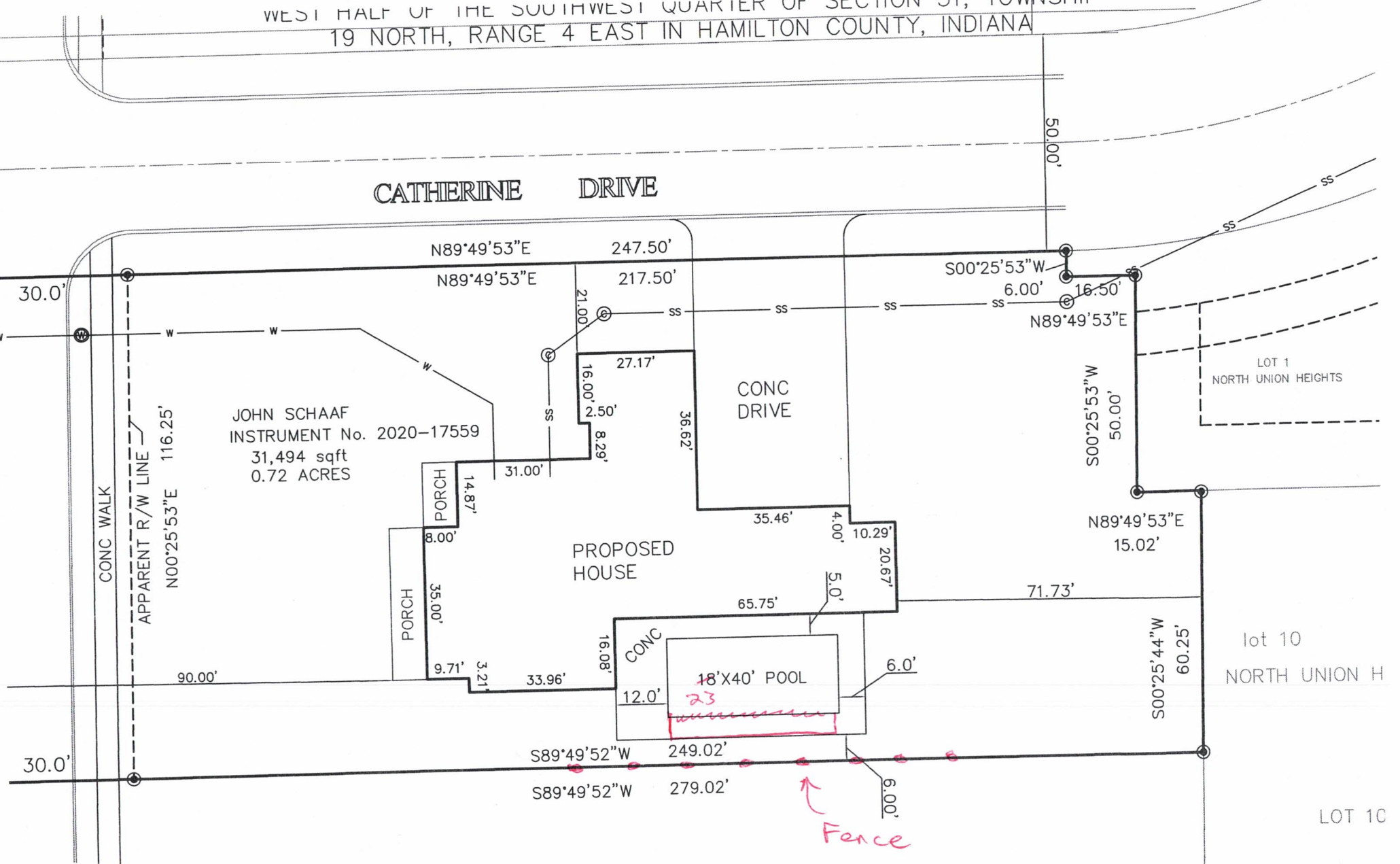
Aerial Location Map



Zoning Map



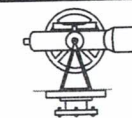
Parcel	LB (Local Business)
Zoning - All	LB-H (Local Business - Historical)
Zoning	PUD (Planned Unit Development)
AG-SF1 (Agriculture - Single Family - 1)	SF-2 (Single Family - 2)
EI (Enclosed Industrial)	SF-3 (Single Family - 3)
GB (General Business)	SF-4 (Single Family - 4)
GB-PD (General Business - Planned Development)	



WILLIAM E AND ELAINE K HARDING
INSTRUMENT No. 9909908944

Proposed use of property if variance is granted.

GRAPHIC SCALE



MILLER SURVEY

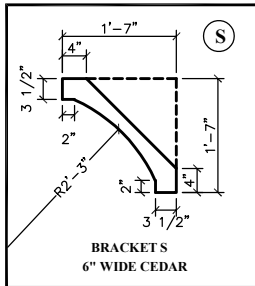
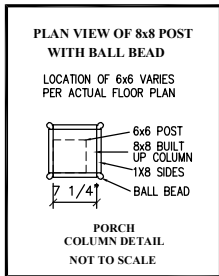
948 CONNER STREET
NOBLESVILLE INDIANA 4606

PH. # (317) 773-2644 FAX 773-

LOCATION: SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 10 NORTH RANGE 4 EAST IN
DRAW

Elevation drawings are for representation only. Due to actual framing materials specified by lumber supplier and to field constraints actual structure may vary from drawings.

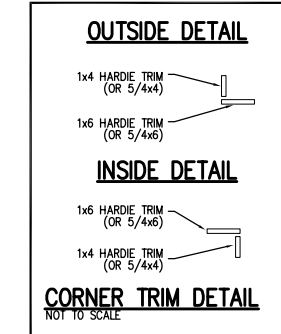
PRELIMINARY



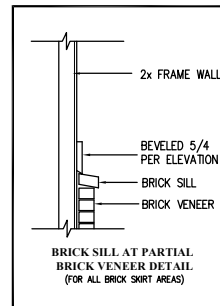
FRONT ELEVATION

3/32" SCALE ON 11x17 SHEET
3/16" SCALE ON 24x36 SHEET

ACTUAL GRADE AND STEPS MAY VARY FROM THESE ELEVATIONS;
FINAL GRADE & NUMBER OF STEPS WILL BE DETERMINED IN FIELD



NOTE: FRONT AND REAR FACING CORNER BOARDS TO BE 1x6 (OR 5/4x6). SIDE FACING CORNER BOARDS TO BE 1x4 (OR 5/4x4).



Due to current design & development improvements in our product, the Old Town Design Group, LLC, reserves the right to modify drawings without notice. Due to field conditions and the nature of custom home building, the actual construction may vary slightly from plans.

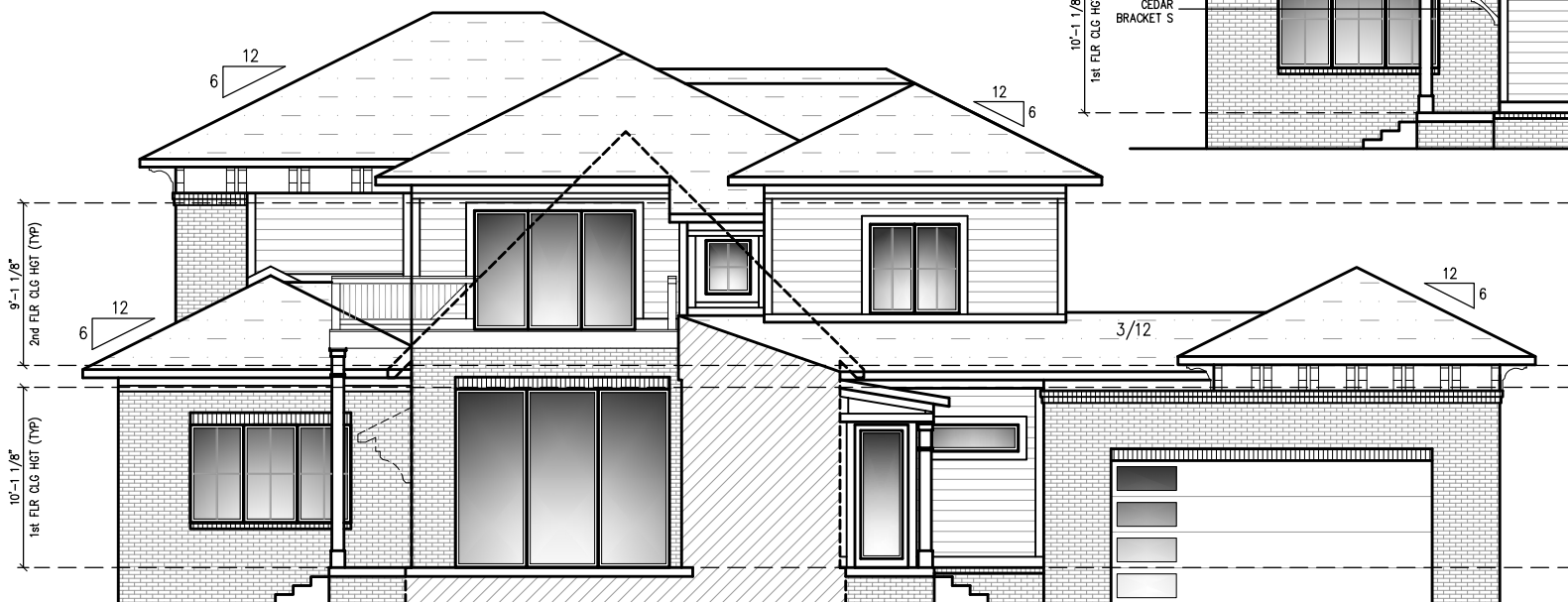
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CLIENT'S INITIALS _____ DATE _____

OLD TOWN
DESIGN GROUP

Preliminary Plan for the Schaaf Residence
512 N. Union St., Westfield, IN 46074
Outlot | Downtown Westfield

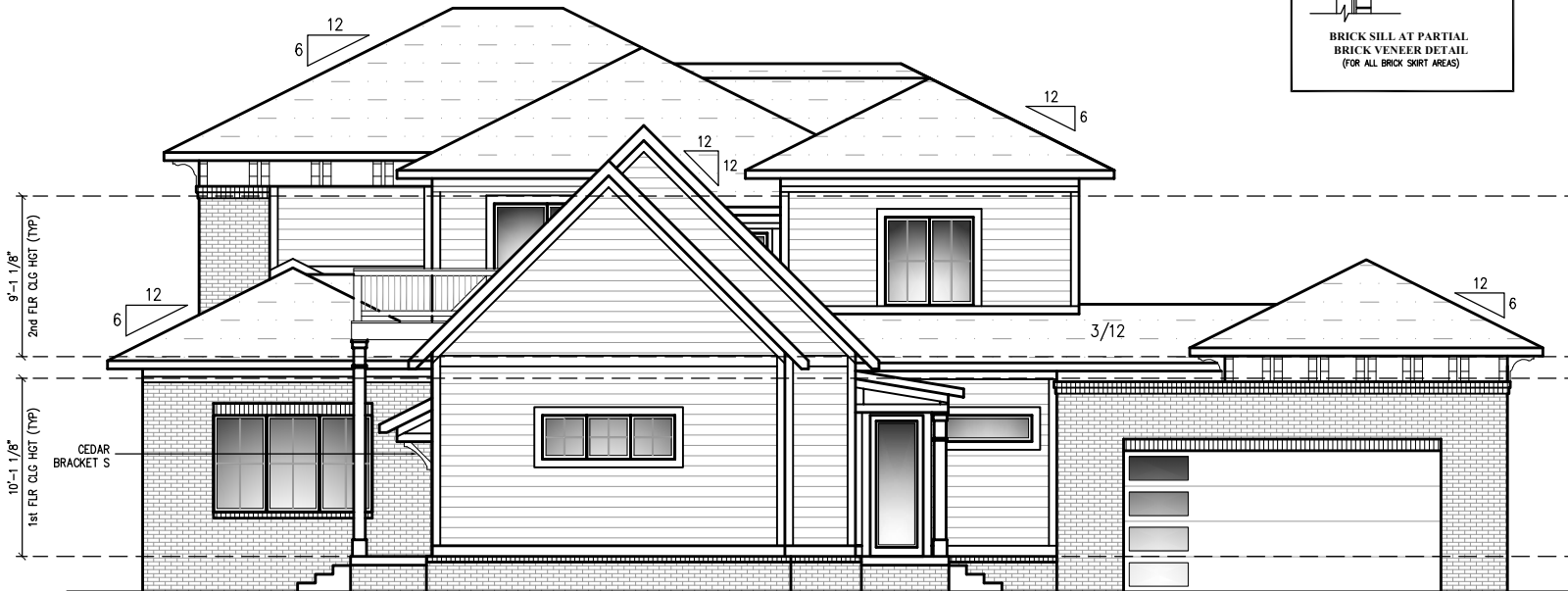
1
ADAM H.



REAR ELEVATION (BEYOND GARAGE)

3/32" SCALE ON 11x17 SHEET
3/16" SCALE ON 24x36 SHEET

ACTUAL GRADE AND STEPS MAY VARY FROM THESE ELEVATIONS;
FINAL GRADE & NUMBER OF STEPS WILL BE DETERMINED IN FIELD



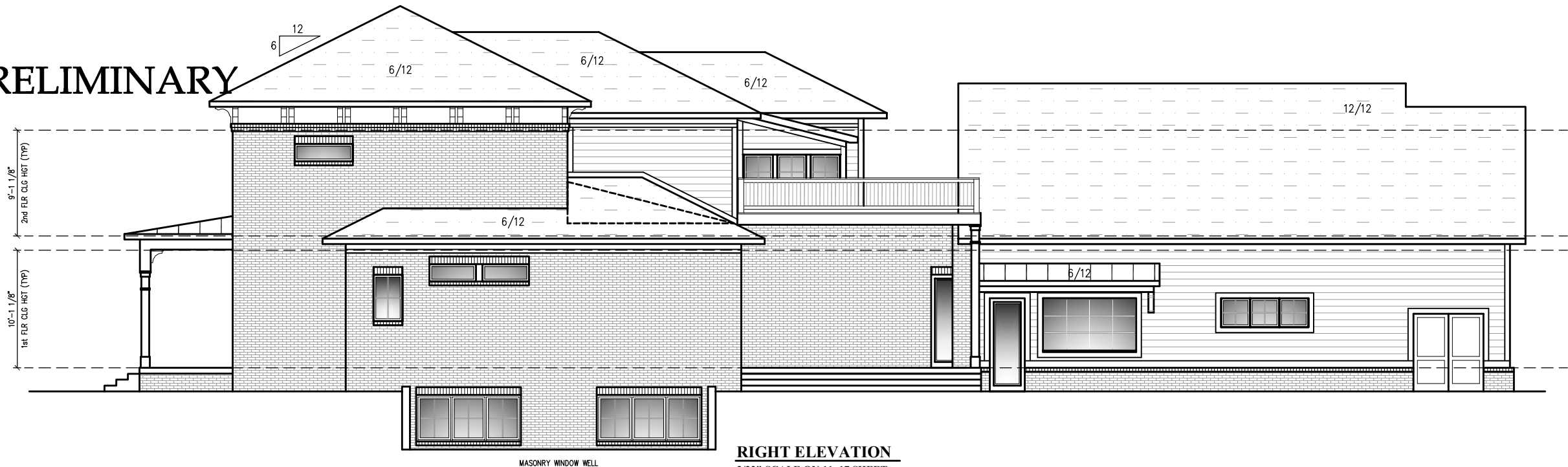
REAR ELEVATION

3/32" SCALE ON 11x17 SHEET
3/16" SCALE ON 24x36 SHEET

SQUARE FOOTAGE	
FIRST FLOOR AREA	2625 SF
SECOND FLOOR AREA	1839 SF
TOTAL FLOOR AREA	4464 SF
BASEMENT AREA	2625 SF
FINISHED BASEMENT	1783 SF
UNFINISHED STORAGE	842 SF
GARAGE AREA	1582 SF
CONFIRMATION DATE	21 JULY 2021

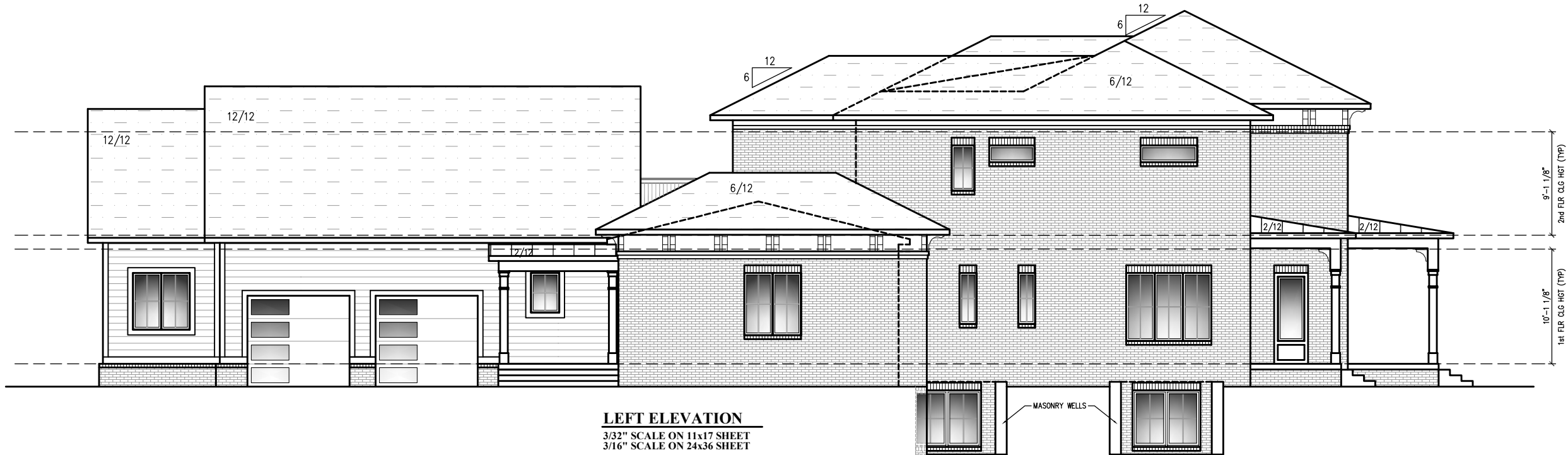
PRELIMINARY

PRELIMINARY



RIGHT ELEVATION
3/32" SCALE ON 11x17 SHEET
3/16" SCALE ON 24x36 SHEET

ACTUAL GRADE AND STEPS MAY VARY FROM THESE ELEVATIONS;
FINAL GRADE & NUMBER OF STEPS WILL BE DETERMINED IN FIELD



LEFT ELEVATION
3/32" SCALE ON 11x17 SHEET
3/16" SCALE ON 24x36 SHEET

ACTUAL GRADE AND STEPS MAY VARY FROM THESE ELEVATIONS;
FINAL GRADE & NUMBER OF STEPS WILL BE DETERMINED IN FIELD

PRELIMINARY

Elevation drawings are for representation only. Due to actual framing materials specified by lumber supplier and to field constraints actual structure may vary from drawings.

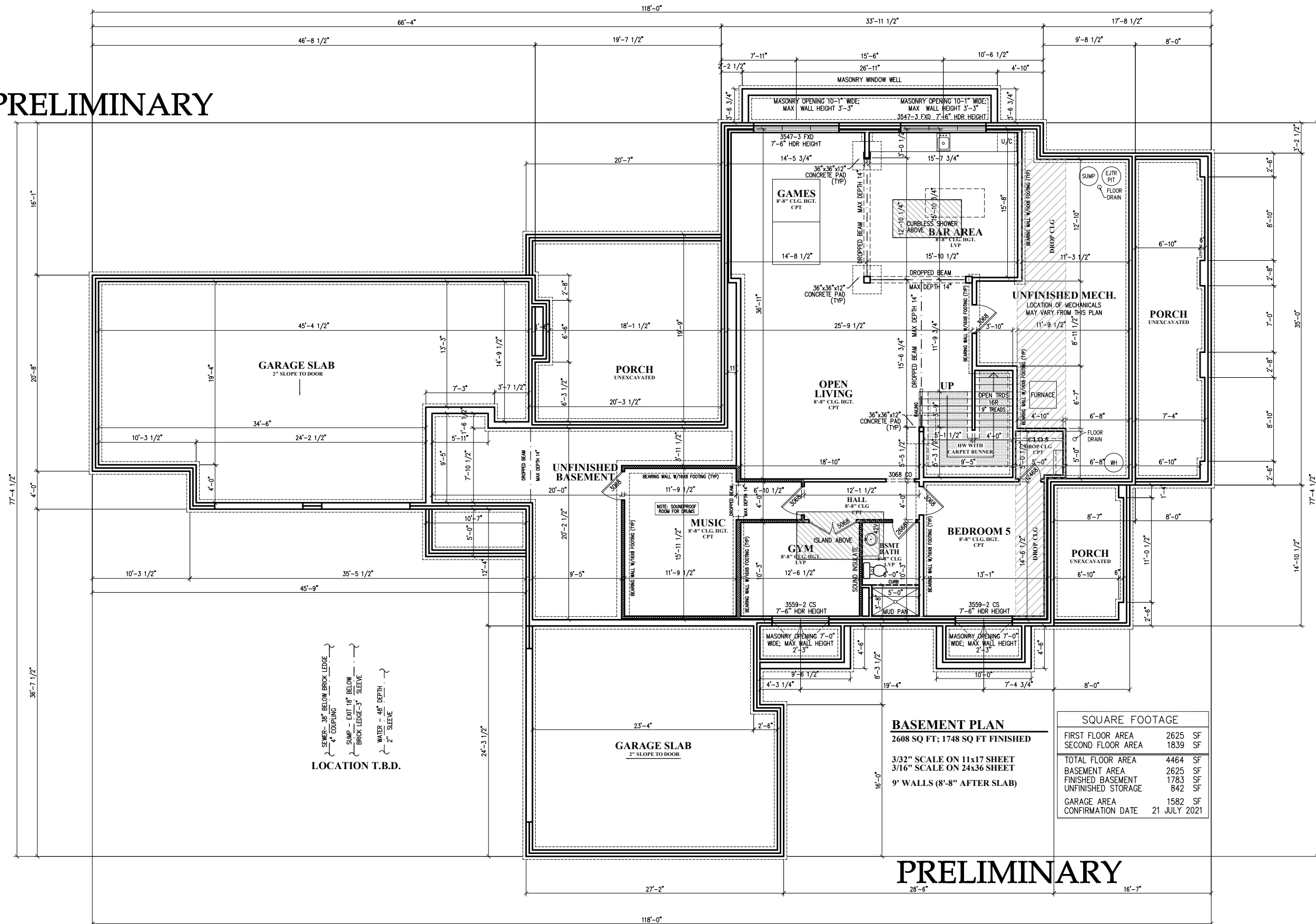
Preliminary Plan for the Schaaf Residence
512 N. Union St., Westfield, IN 46074
Outlot | Downtown Westfield

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OLD TOWN
DESIGN GROUP

PRELIMINARY



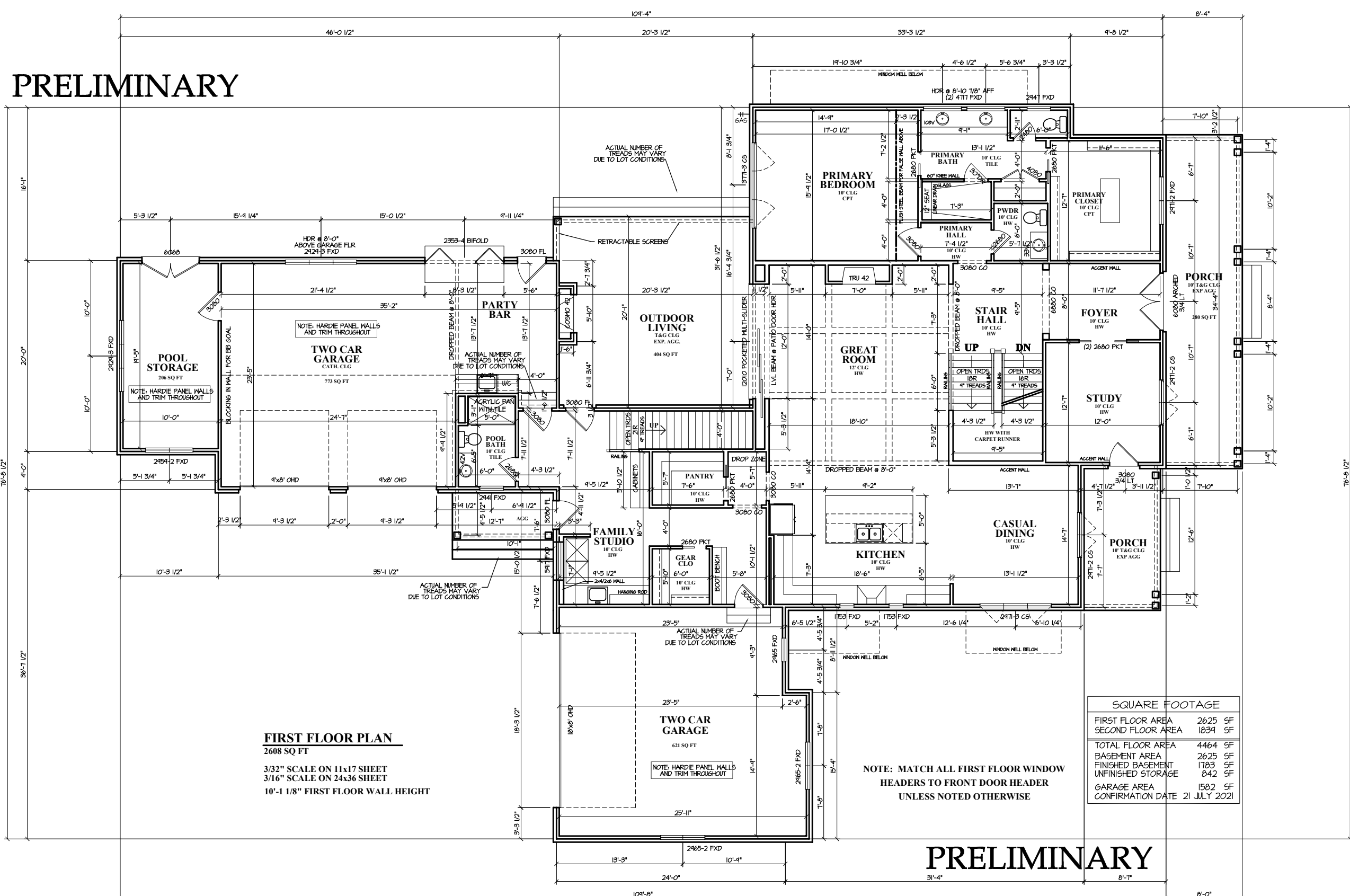
Preliminary Plan for the Schaaf Residence
512 N. Union St., Westfield, IN 46074
Outlot | Downtown Westfield

OLD TOWN
DESIGN GROUP

Due to constant design & developmental improvements in our product, the Old Town Design Group, LLC, reserves the right to modify drawing without notice.

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CLIENT'S INITIALS _____ DATE _____



FIRST FLOOR PLAN
2608 SQ FT
3/32" SCALE ON 11x17 SHEET
3/16" SCALE ON 24x36 SHEET
10'-1 1/8" FIRST FLOOR WALL HEIGHT

SQUARE FOOTAGE	
FIRST FLOOR AREA	2625 SF
SECOND FLOOR AREA	1839 SF
TOTAL FLOOR AREA	4464 SF
BASEMENT AREA	2625 SF
FINISHED BASEMENT	1783 SF
UNFINISHED STORAGE	842 SF
GARAGE AREA	1582 SF
CONFIRMATION DATE	21 JULY 2021

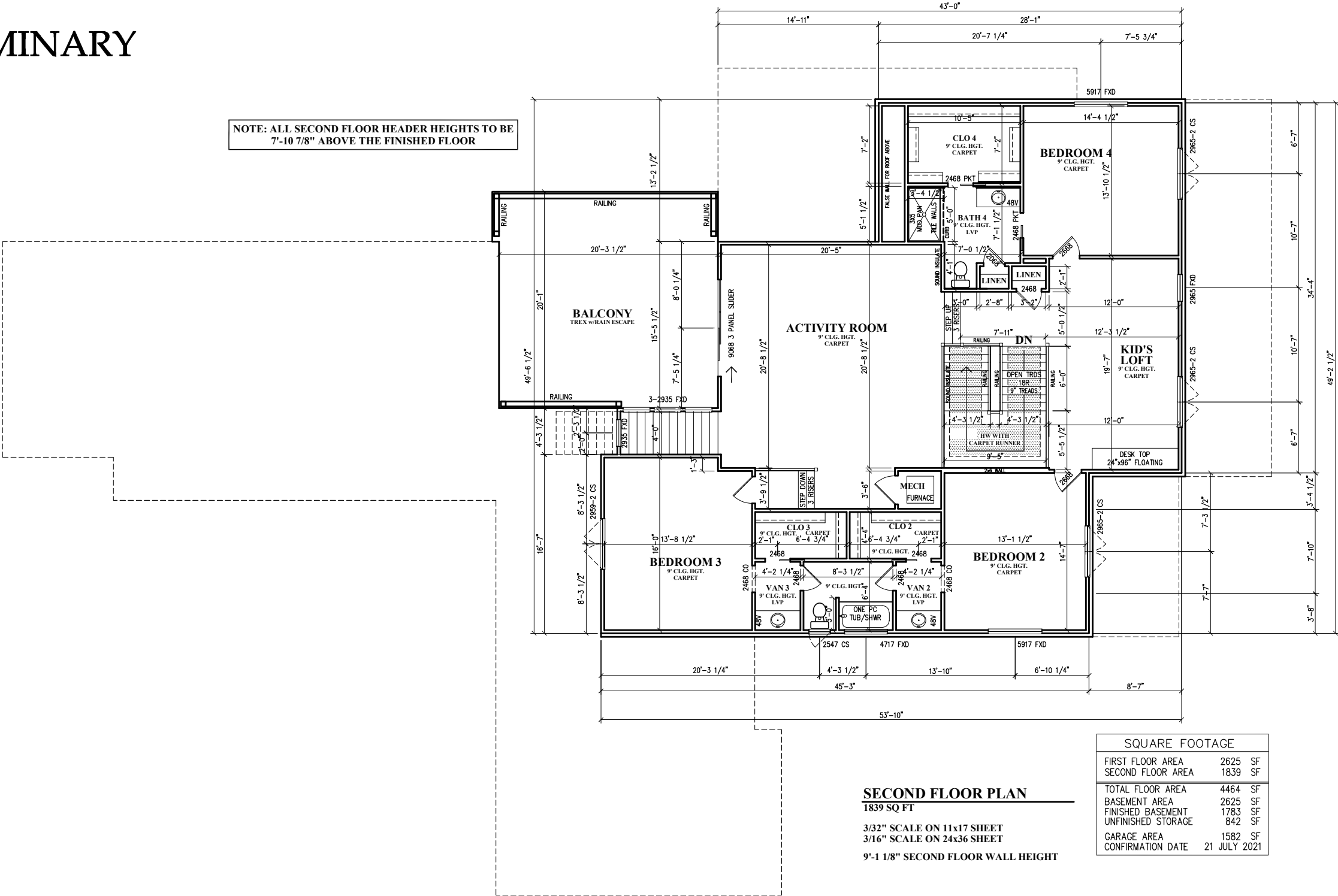
Preliminary Plan for the Schaaf Residence
512 N. Union St., Westfield, IN 46074
Outlot | Downtown Westfield

OLD TOWN
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PRELIMINARY



PRELIMINARY

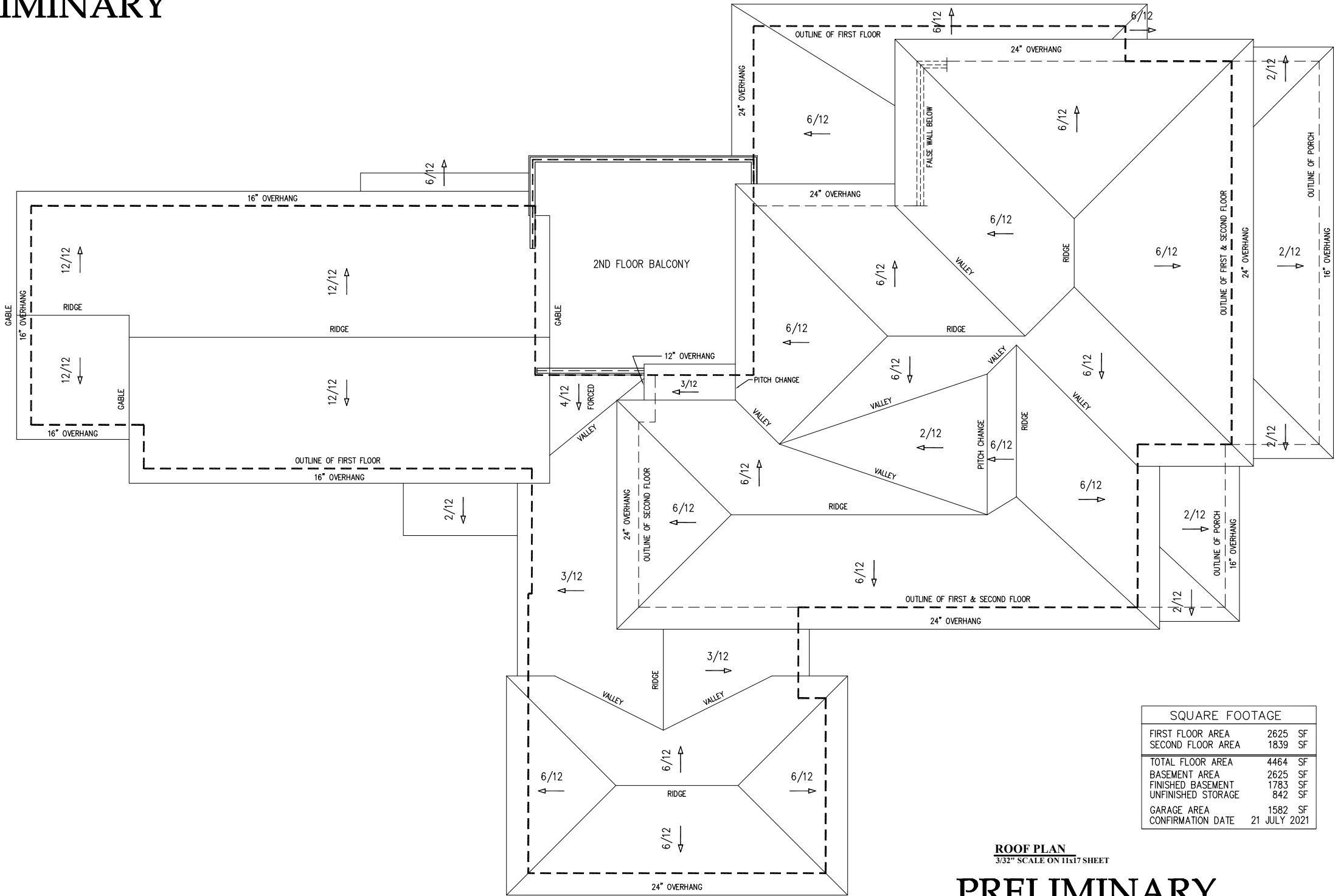
Preliminary Plan for the Schaaf Residence
512 N. Union St., Westfield, IN 46074
Outlot | Downtown Westfield

This is a conceptual design & development. Improvements to this plan, in whole or in part, are prohibited. The Old Town Design Group, LLC, reserves the right to modify design without notice. Due to field conditions and the nature of construction, the actual construction may vary slightly from plans.

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PRELIMINARY



SQUARE FOOTAGE	
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SECOND FLOOR AREA	1839 SF
TOTAL FLOOR AREA	4464 SF
BASEMENT AREA	2625 SF
FINISHED BASEMENT	1783 SF
UNFINISHED STORAGE	842 SF
GARAGE AREA	1582 SF
CONFIRMATION DATE	21 JULY 2021

ROOF PLAN
3/32" SCALE ON 11x17 SHEET
PRELIMINARY

Preliminary Plan for the Schaaf Residence
512 N. Union St., Westfield, IN 46074
Outlot | Downtown Westfield

ROOF

ADAM. H.

This is a contract design & development. Improvements in our product, the Old Town Design Group, LLC, reserve the right to modify drawings without notice. Due to field conditions and the nature of construction, the actual construction may vary slightly from plans.

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CLIENT'S INITIALS _____ DATE _____

VARIANCE APPLICATION

OFFICE USE ONLY

DOCKET #: 2201-VS-02 FILING DATE: 12/2/21
FILING FEE: \$ _____ FEE PLUS \$ _____ PER ADDITIONAL VARIANCE (@ _____) = \$ _____

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: Caleb Earnest (STAFF NAME) DATE: _____

PRIOR OR RELATED DOCKET NUMBERS

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

APPLICANT INFORMATION

APPLICANT'S NAME: John Schaaf TELEPHONE: 317-370-5457
ADDRESS: 110 N Union Street, Westfield, IN 46074 EMAIL: john@schaafcpcpa.com
PROPERTY OWNER'S NAME: John Schaaf TELEPHONE: 317-370-5457
ADDRESS: 509 N Union Street, Westfield, IN 46074 EMAIL: john@schaafcpcpa.com
REPRESENTATIVE'S NAME: John Schaaf TELEPHONE: 317-370-5457
COMPANY: self EMAIL: john@schaafcpcpa.com
ADDRESS: 110 N Union Street, Westfield, IN 46074

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 512 N Union Street, Westfield, IN 46074
COUNTY PARCEL ID #(S): 09-06-31-03-02-001.000
EXISTING ZONING DISTRICT(S): SF3 EXISTING LAND USE(S): Residential

PROPERTY AND PROJECT INFORMATION

☐ VARIANCE OF LAND USE CODE CITATION: _____
☒ VARIANCE OF DEVELOPMENT STANDARD(S) CODE CITATION: 4.6E2

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

STATEMENT OF INTENT (EXPLANATION OF REQUEST - ATTACH SEPARATE SHEET IF NECESSARY):
I am in the process of building a primary residence on this property. As construction has begun, I have discovered it would be
beneficial to the overall property if the setback on the south side neighboring the parcel owned by William and Elaine
Harding were reduced from 10 feet to 5 feet to accomodate a larger pool on the south side of the 512 N Union property.

I have spoken to the Hardings at 432 N Union (the adjacent parcel) and they do not oppose this.

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)

John Schaaf
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 12 day of November, 2021
State of Indiana, County of Hamilton, SS: _____

[Signature]
Notary Public (signature)

JoEllen Smith
Notary Public (printed)

JOELLEN SMITH
NOTARY PUBLIC - SEAL
STATE OF INDIANA
COMMISSION NUMBER NP0721377
MY COMMISSION EXPIRES JULY 17, 2027

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)*

John Schaaf
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 12 day of November, 2021
State of Indiana, County of Hamilton, SS: _____

[Signature]
Notary Public (signature)

JoEllen Smith
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.

JOELLEN SMITH
NOTARY PUBLIC - SEAL
STATE OF INDIANA
COMMISSION NUMBER NP0721377
MY COMMISSION EXPIRES JULY 17, 2027

FINDINGS OF FACT (VARIANCE OF USE)

APPLICANT: John Schaaf

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: John Schaaf

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: _____
Reducing this setback will not harm the adjacent property owner.

- 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 structure on the adjacent parcel (432 N Union) is approximately 11.5 feet from the property line.
A fence will be erected on the southern border of 512 N Union street. 432 N Union will not be affected regardless if the pool on 512 N Union extends to 5 feet or 10 feet from that fence - 432 N Union will still have a fence at the same location restricting their use to 11.5 feet regardless if the pool on 512 N Union is 5 feet or 10 feet from their property/the fence.

- C. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property because: _____
I own lots on 509 N Union and 420 N Union. 509 N Union is worth approx 900K and I have subdivided 420 N Union into 2 lots, where, on each, I am working with Old Town to build and sell 2 homes each worth approx 1.3M. My desire is for N Union street to flourish and be a boulevard of grand homes. To achieve this desire, I have decided to build a rather large and expensive home on 512 N Union for my personal use in order to show the public that it is "alright" to build expensive and grand homes on N Union street - in order to build a residence worthy of N Union street, i need 5 more feet on the south side of the property to allow a larger and more useable pool.

GENERAL INSTRUCTIONS

- A. **Pre-Filing Conference:** A pre-filing conference is required for all petitions. An appointment must be made with the Community Development Department (the "Department") to discuss a petition prior to filing. An application will not be considered filed until a pre-filing conference has occurred. Applicants are encouraged to incorporate the Department's comments into the application prior to filing.
- B. **Filing Petition:** A petition shall be filed with the Department by the filing deadline in accordance with the Schedule of Meeting and Filing Dates. In order to be deemed a complete petition, a petition shall include the following:
- | | |
|---|--|
| ☒ Completed Application | ☒ Legal Description |
| ☐ Draft Public Notice | ☐ List of Adjoining Property Owners (as provided by County) |
| ☐ Property Owner Consent | ☐ TAC Delivery Affidavit (if TAC is determined to be necessary) |
| ☒ Site Plan (to scale) | ☐ Copy of Property Deed |
| ☒ 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

January 11, 2022

2201-VS-03

Exhibit 1

Petition Number: 2201-VS-03

Subject Site Address: 15030 Little Eagle Creek ("the Property")

Petitioner: Kylan Stuck ("the Petitioner")

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

Current Zoning: AG-SF1 District

Current Land Use: Residential

Approximate Acreage: 0.70 acres +/-

Exhibits:

1. Staff Report
2. Location Map
3. Project Drawings
4. Application

Staff Reviewer: Caleb Ernest, Senior Planner

OVERVIEW

Location: The subject property is 0.70 acres +/- in size and is located at 15030 Little Eagle Creek, north of 146th Street past Shelborne Road (see **Exhibit 2**). The Property is zoned the AG-SF1 District. All the adjacent properties are also zoned the AG-SF1 District.

Property History: The home on the Property was constructed in 1977. In 2011 a deck was added onto the home. In 2013 a shed was added to the Property.

Requested Variances: The Petitioner is requesting a Variance of Development Standard to encroach seventeen (17) feet into the thirty (30) foot Side Yard¹ Setback² in the AG-SF1 District.

¹ "Side Yard" is defined in the UDO as "A Yard extending across the full depth of the Lot, the depth of which is the least distance between the Side Lot Line and the Side Yard Building Setback Line."

² "Side Yard Setback" is referring to the required Side Yard setback of thirty (30) feet in Article 4.2(E)(2) of the UDO.



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

January 11, 2022

2201-VS-03

Exhibit 1

SUMMARY OF VARIANCE

The Petitioner is proposing to build an addition to the existing deck on the Property. The deck is considered legal nonconforming and is located within the thirty (30) foot Side Yard Setback. Therefore, the deck addition is also located within the thirty (30) foot Side Yard Setback. The Petitioner is requesting to encroach seventeen (17) feet into the Side Yard Setback which would accommodate both the existing deck and deck addition.

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 January 11, 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 UDO³ and Indiana law provide that the Board of Zoning Appeals may impose reasonable conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of the UDO upon any Lot benefited by a variance as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject Lot or upon public facilities and services. Such conditions shall be expressly set forth in the order granting the variance.

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

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

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



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

January 11, 2022

2201-VS-03

Exhibit 1

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

DEPARTMENT COMMENTS:

Approval: If the Board finds that adequate evidence is shown that the Variance of Development Standard meets the applicable review criteria, then the Department recommends approval of the Variance of Development Standard (2201-VS-03), with the recommended conditions and findings as set forth below:

Recommended Conditions of Approval:

1. That the deck addition shall be installed in substantial compliance with **Exhibit 3**;
2. That this encroachment variance only be permitted for the existing deck and deck addition as shown in **Exhibit 3**;
3. 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.

Recommended Findings for Approval:

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

Finding: It is unlikely that approving the requested variance would be injurious to the public health, safety, morals, and general welfare of the community because the existing use is residential and will otherwise comply with the applicable standards of the AG-SF1 Zoning District and 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:*

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 use of the property will not change.

Findings continued on the next page.



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

January 11, 2022

2201-VS-03

Exhibit 1

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

Finding: Strict adherence to the zoning ordinance would result in the inability to install the deck addition and prevent bringing the existing deck structure into compliance with the UDO.

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.



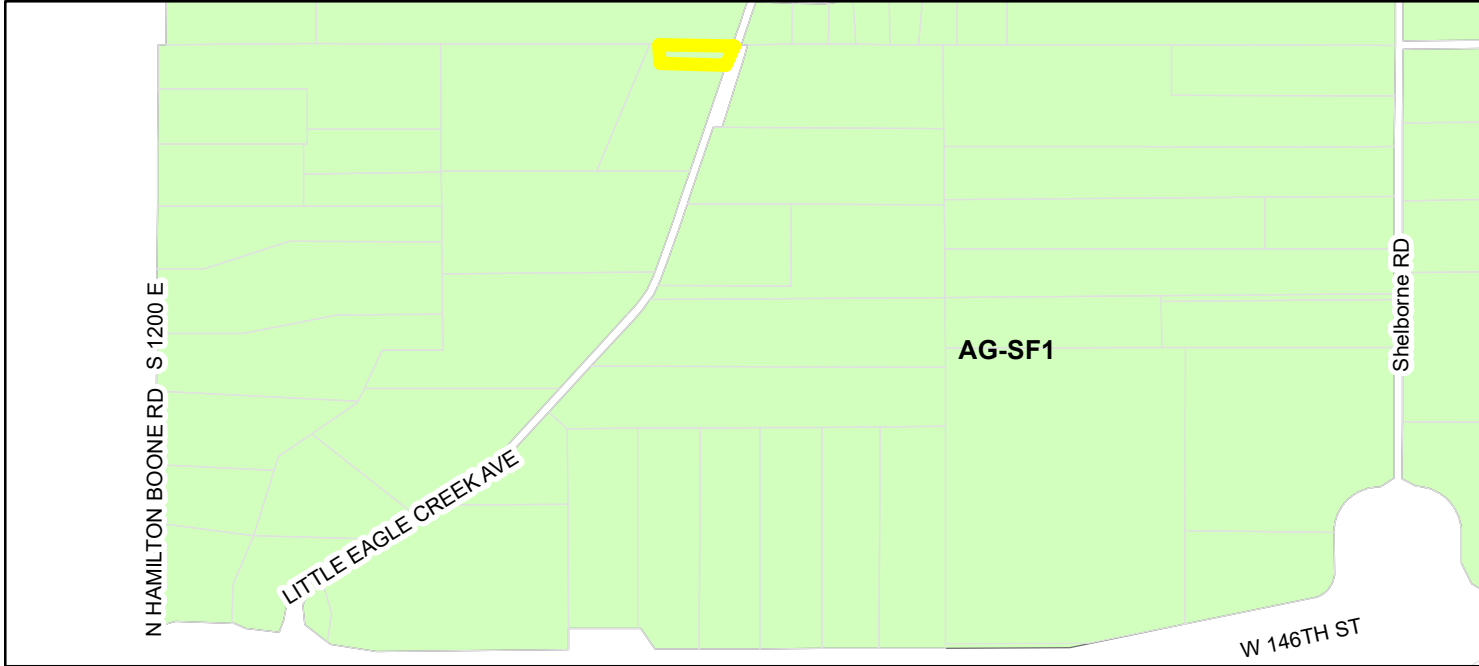
Property Location Map
15030 Little Eagle Creek
Variance of Development Standard
2201-VS-03



Aerial Location Map



Zoning Map



Parcel Zoning
Zoning - All AG-SF1 (Agriculture - Single Family - 1)

Kylow & Becky Stuck
15030 Little Eagle Creek Ave 46077

New 15x16' Screened Porch

New 12x16 Deck Addition

EXISTING Deck
Floor

EXISTING Deck

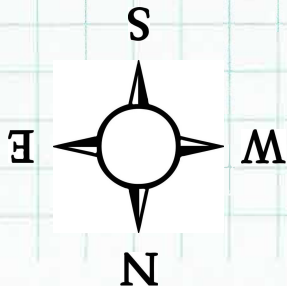
step
Downs

New Deck
Addition

2x8 Joists
16" o.c.

6x6 Posts

(2) 2x12 Beams



Deck Framing Plan

Kylan & Becky Stuck
15030 Little Eagle Creek Ave 46077

New 15x16' Screenshot Porch

New 12x16' Deck Addition

36" Black
Aluminum
Railings

EXISTING Deck
Floor

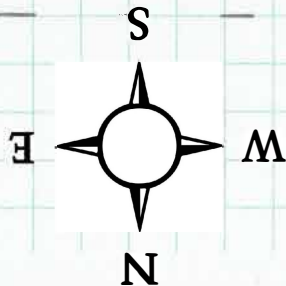
EXISTING Deck

New Deck
Addition

step
Down

OUTLETS (6)

Switches (2)



Electrical Plan

Kylan & Becky Stuck
15030 Little Eagle Creek Ave 46077

New 15x16' Screened Porch

New 12x16' Deck Addition

36" Black
Aluminum
Railings

EXISTING Deck
Floor

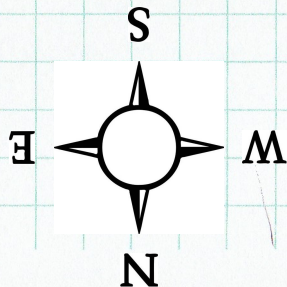
EXISTING Deck

New Deck
Addition

STEP
Down

Screen
to Floor

36" Knee wall



Floor Plans $\frac{1}{4}" = 1'$

6x6 Footing Detail

(2) 2x12 Beams

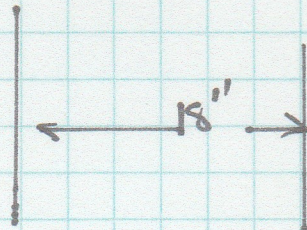
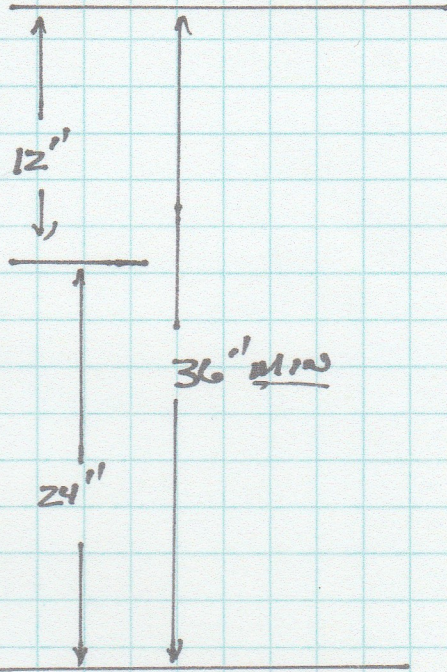
6
x
6

GRODE

12" Concrete Surround

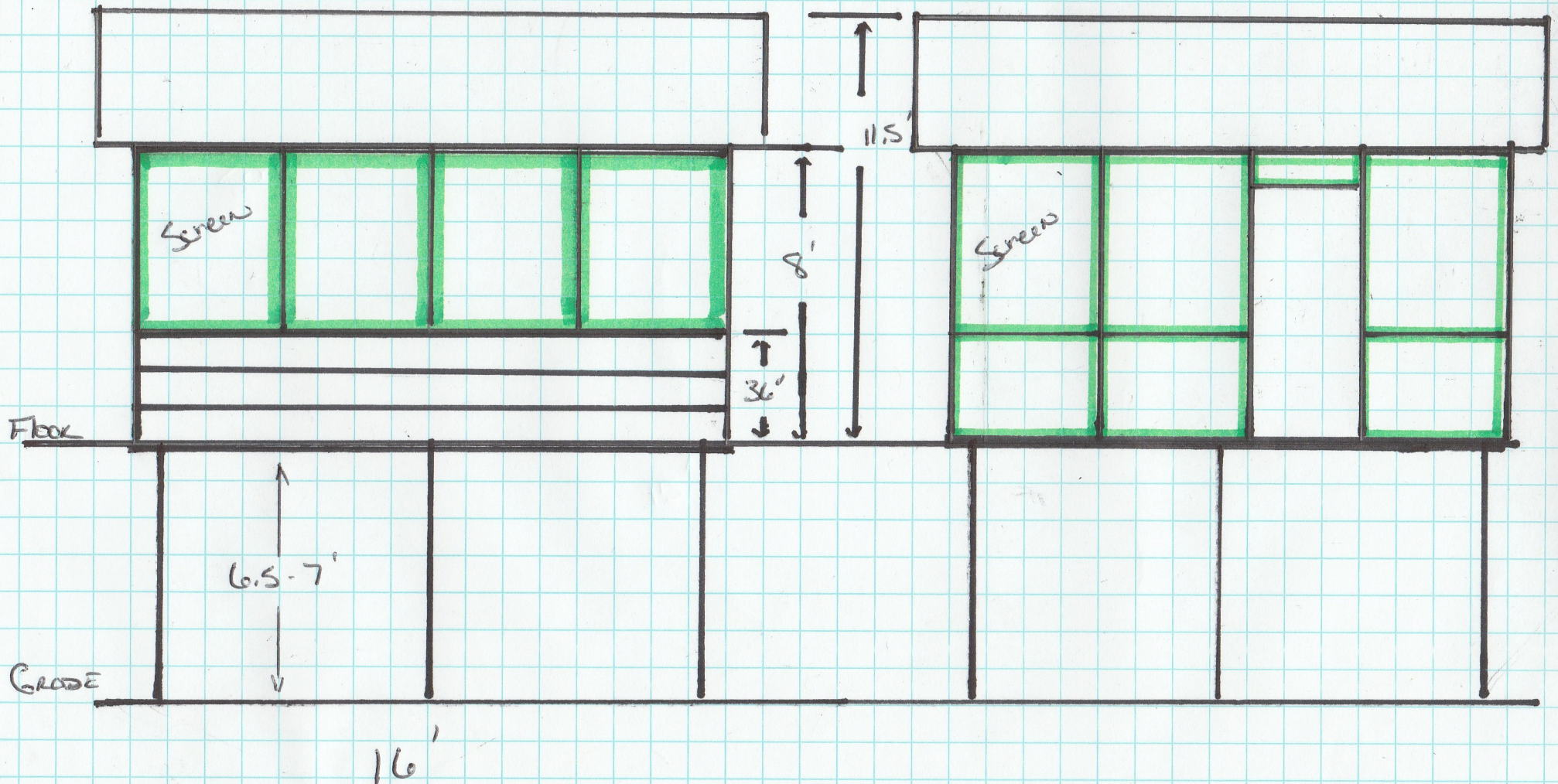
Simpson
6x6 Post
Base

24" min Concrete Footing



East Elevation

West Elevation



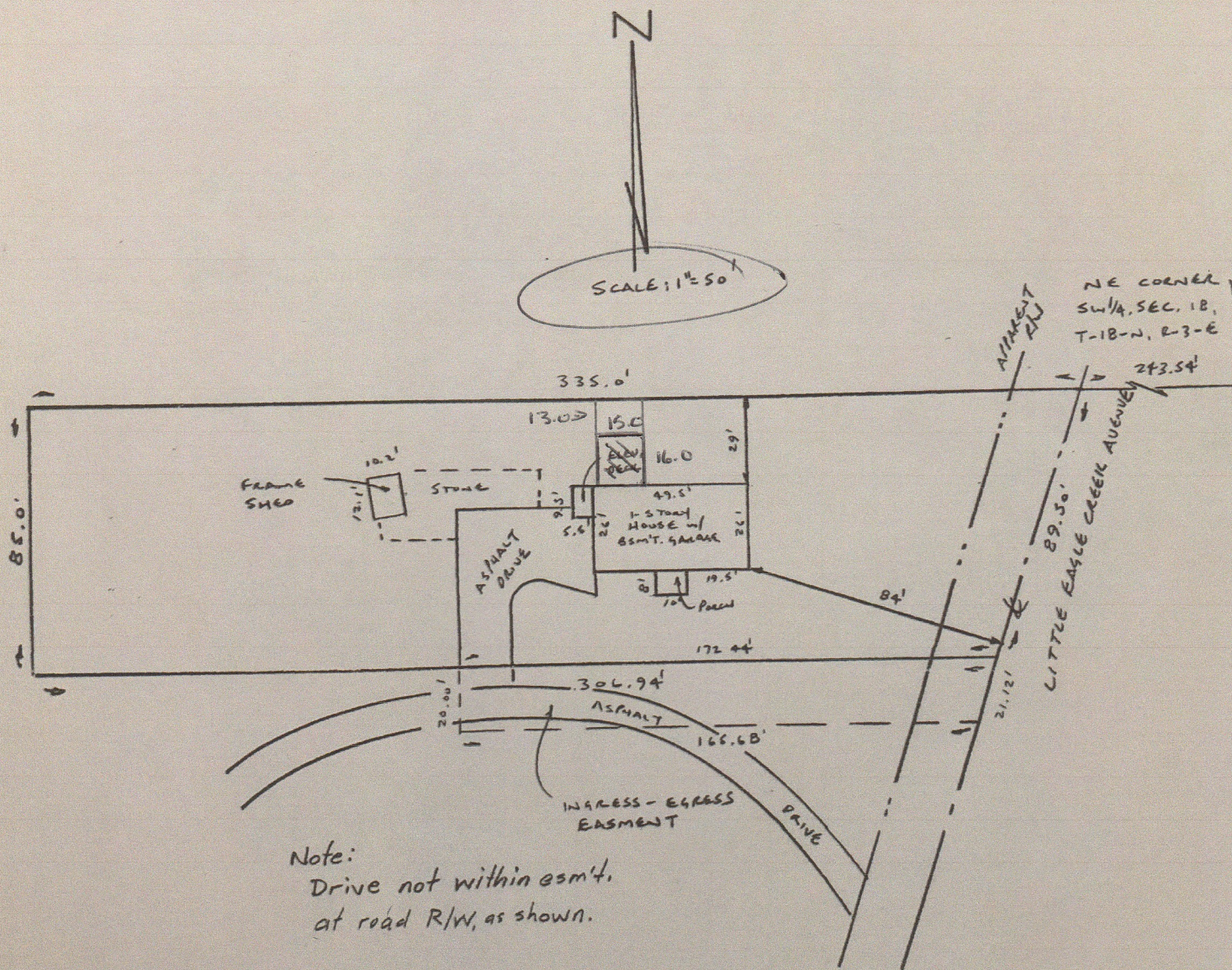
SURVEYOR LOCATION REPORT

THIS REPORT IS DESIGNED FOR USE BY A TITLE INSURANCE COMPANY WITH RESIDENTIAL LOAN POLICIES. NO CORNER MARKERS WERE SET AND THE LOCATION DATA HEREIN IS BASED ON LIMITED ACCURACY MEASUREMENTS. THEREFORE, NO LIABILITY WILL BE ASSUMED FOR ANY USE OF THIS DATA FOR CONSTRUCTION OF NEW IMPROVEMENTS OR FENCES.

This is to certify that the subject ^{dwelling} property does does not X lie within that Special Flood Hazard Area Zone "A"
The accuracy is subject to map scale uncertainty and to any other uncertainty in location or elevation on Community
Panel Number 180083 0013C of the Flood Insurance Rate Maps, effective date 3/11/83.

PROPERTY ADDRESS: 15030 Little Eagle Creek

See attached sheet for Legal Description



TITLE COMPANY: BROWN & ASSOCIATES, L.L.C.

LENDER: AMTRUST FINANCIAL SERVICES, INC.

I hereby certify to the parties named above that the real estate described herein was inspected under my supervision on the date indicated and that to the best of my knowledge, this report conforms with the requirements contained in Sections 27 through 29 of 865 IAAC 1-1-12 for a SURVEYOR LOCATION REPORT.

1.75 x 9.5
LVL

5/12 Pitch

5/8" T-1-11

3/4" OSB

2x6 Rafters 16" o.c

(2) 2x8 Beams

Wall Section

2x8 Joists 16" o.c

(2) 2x12 Beams

GRADE

12' Concrete Surround

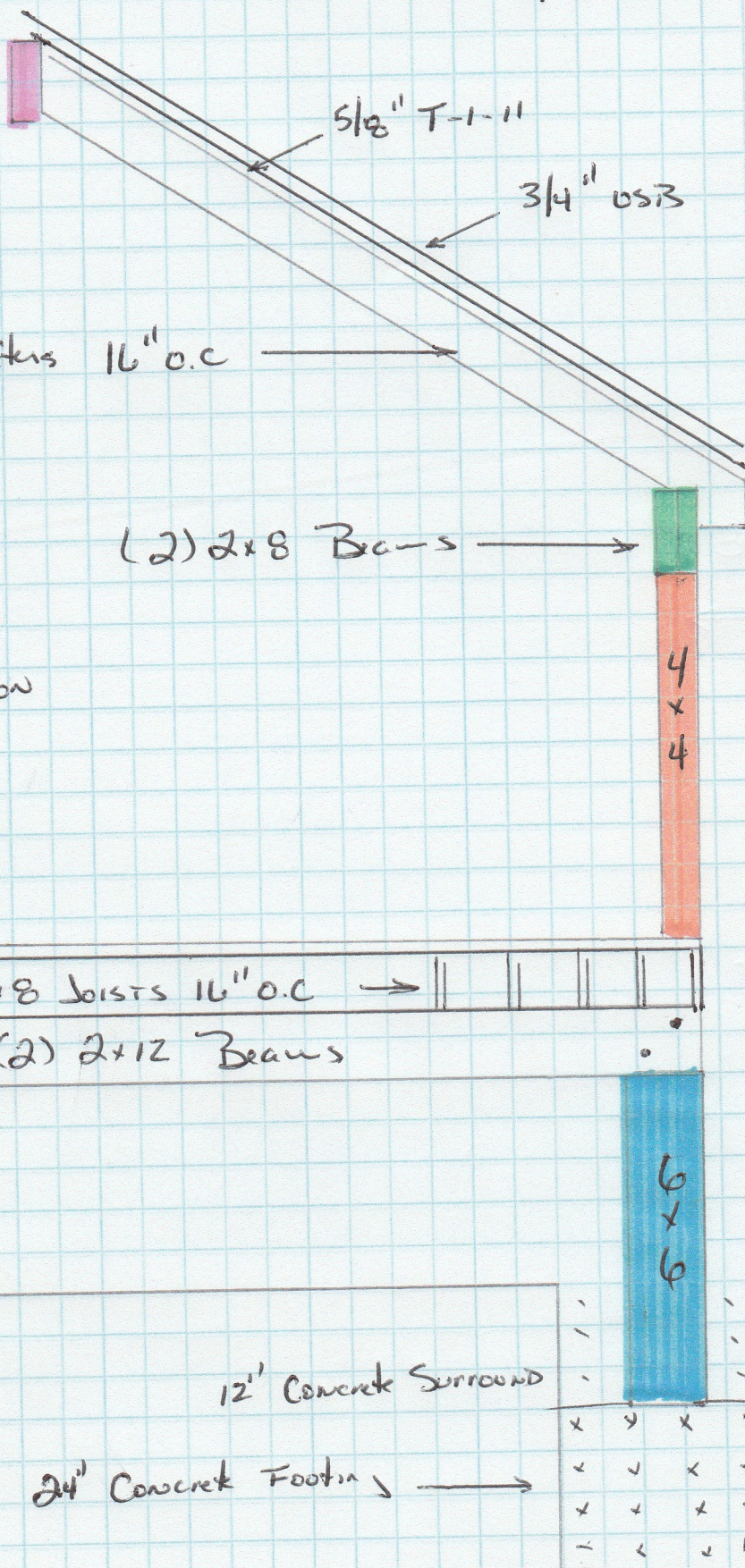
24" Concrete Footing

4
x
4

6
x
6

36

18



VARIANCE APPLICATION

OFFICE USE ONLY

DOCKET #: _____ FILING DATE: _____

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

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: _____ (STAFF NAME) DATE: _____

PRIOR OR RELATED DOCKET NUMBERS

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

PRIMARY PLAT: _____ SECONDARY PLAT: _____ VARIANCE(S): _____

APPLICANT INFORMATION

APPLICANT'S NAME: _____ TELEPHONE: _____

ADDRESS: _____ EMAIL: _____

PROPERTY OWNER'S NAME: _____ TELEPHONE: _____

ADDRESS: _____ EMAIL: _____

REPRESENTATIVE'S NAME: _____ TELEPHONE: _____

COMPANY: _____ EMAIL: _____

ADDRESS: _____

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: _____

COUNTY PARCEL ID #(S): _____

EXISTING ZONING DISTRICT(S): _____ EXISTING LAND USE(S): _____

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): _____

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:
- | | |
|---|--|
| ☐ Completed Application | ☐ Legal Description |
| ☐ Draft Public Notice | ☐ List of Adjoining Property Owners (as provided by County) |
| ☐ Property Owner Consent | ☐ TAC Delivery Affidavit (if TAC is determined to be necessary) |
| ☐ Site Plan (to scale) | ☐ Copy of Property Deed |
| ☐ 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
BOARD OF ZONING APPEALS

January 11, 2022
2201-VU-01 & 2201-VS-04
Exhibit 1

Petition Number: 2201-VU-01 & 2201-VS-04

Subject Site Address: 1827 W. 151st Street (the "Property")

Petitioner: Kent Kirby (the "Petitioner")

Representative: Church Church Hittle & Antrim

Request: Variance of Use: The Petitioner requests a Variance of Use to permit an outside storage use on 5 acres +/- in AG-SF1: Agriculture / Single-family Rural District.

Variance of Standard: The Petitioner requests a Variance of Development Standard to permit outside storage of Recreational Vehicles in a Residential District on 5 acres +/- in AG-SF1: Agriculture / Single-family Rural District.

Current Zoning: AG-SF1: Agriculture / Single-family Rural

Current Land Use: Residential/Outside storage

Approximate Acreage: 5.0 acres+/-

Exhibits:

1. Staff Report
2. Location Map
3. Site Plan
4. Application
5. Narrative Statement
6. Site Photos

Staff Reviewer: Rachel Riemenschneider, Associate Planner

OVERVIEW

Location: The subject Property is 5.0 acres +/- in size and is located at 1827 W. 151st Street (the "Property") (see Exhibit 2). The Property is zoned AG-SF1: Agriculture / Single-family Rural.

Property History: The Property has had an outdoor storage facility on the premises since approximately 1994. The zoning ordinance in effect at the time this activity began was the Comprehensive Zoning Ordinance of Westfield-Washington Township 1977 (Revised January 1991). Outdoor storage facilities (or an equivalent) was not a permitted use, nor was outdoor storage for home businesses permitted (page 20):



PERMITTED HOME OCCUPATIONS SHALL NOT INCLUDE...EXTERIOR DISPLAY OR EXTERIOR SIGNS, EXCEPT AS SUCH ARE PERMITTED BY THE SIGN ORDINANCE. THERE SHALL BE NO EXTERIOR STORAGE OF EQUIPMENT OR MATERIALS USED IN SUCH HOME OCCUPATIONS.

Additionally, the two parcels were initially one parcel, but were illegally split in 2007. Unpermitted signs have also been posted on the site in the past. These infractions will not be remedied through variances, but the Petitioner will coordinate with the Community Development department to correct these matters.

VARIANCE REQUESTS

Variance of Use: The Petitioner requests a Variance of Use to permit an outside storage use on 5 acres +/- in AG-SF1: Agriculture / Single-family Rural District. The Unified Development Ordinance (UDO) does not define outdoor storage facility as a use in any zoning district. The closest defined use is "Self-Storage Facility", which specifies that the storage takes place in "self-contained units."¹

Variance of Standard: The Petitioner requests a Variance of Development Standard to permit outside storage of Recreational Vehicles² in a Residential District³ on 5 acres +/- in AG-SF1: Agriculture / Single-family Rural District. UDO Article 6.12(B)(1)(a) states that, in a Residential District, "No more than one (1) Recreational Vehicle or any towable vehicle shall be stored or parked outdoors on a residential parcel at any time." The Petitioner will, by definition, violate this standard any time there is more than one (1) Recreational Vehicle parked on the property.

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Use and Variance of Development Standard. This petition is scheduled to receive its public hearing at the January 11, 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.

¹ **Self-Storage Facility:** A Building or groups of Buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage or personal property. Facility may include related accessory Uses including, without limitation, any one (1) or combination of the following: (i) administrative offices; (ii) ancillary retail sales (e.g., moving and packing supplies); (iii) mail or delivery boxes, and (iv) any other facilities approved by the Director that compliment and are intended as ancillary to serve such a facility.

² **Recreational Vehicle:** Any boat, boat trailer, trailer, camping trailer, travel trailer, pick-up, coach, motor home or other unit built or mounted on a vehicle or chassis, without permanent foundation, which may legally be driven or towed by a motor vehicle on a highway.

³ **District, Residential:** Shall mean and refer to individually, or collectively, an Agricultural District, Single-family District and/or Multi-family District.



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 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.

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;

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.

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:

If the Board is inclined to approve the Variances, the staff recommends the following conditions for both the Variance of Use and the Variance of Standard:

Recommended Conditions for Approval:

1. That the Petitioner shall combine the two parcels (08-09-16-00-00-009.002 and 08-09-16-00-00-009.001) within 180 days of approval of this variance;
2. That the Petitioner shall dedicate the necessary right-of-way for 151st Street through a separate instrument and return a copy of the recorded instrument to the Community Development Department within 180 days of approval of this variance;
3. That any signage related to the use shall be regulated by the Individual Nonresidential Signs standards (6.17(H));
4. That the outside storage shall be limited to Recreational Vehicles, as defined by the UDO, and shall only take place within the area highlighted in red in the Site Plan (see **Exhibit 3**);
5. That the Petitioner shall install supplemental screening on the existing mound, either landscaping consistent with Buffer Yard A of the UDO Buffer Yard Standards (6.8(N)) or opaque fencing within 180 days of approval of this variance (see **Exhibit 3**);
6. That the Variance of Use shall expire December 31, 2024; and
7. That the Petitioner records an Acknowledgement of Variance with the Hamilton County Recorder's Office and returns a copy of the recorded instrument to the Community Development Department.

Recommended Findings for Variance of Use (2201-VU-01):

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



Finding: It is unlikely that continuing to allow the outside storage use on the Property will be injurious to the public health, safety, morals, and general welfare of the community because the Property will continue to operate as it has for the last 25 years.

- 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 has existed in this location prior to the adjacent uses.

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

Finding: The outdoor storage facility use is not permitted within any zoning district set forth by the UDO.

- 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 Petitioner would be required to discontinue his outdoor storage facility use if the zoning ordinance is strictly applied. This use is not allowed in any zoning district, therefore any relocating within the City of Westfield will require a Variance of Use.

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

Finding: The Westfield-Washington Comprehensive Plan (the "Comprehensive Plan") includes this Property in the area designated as "New Suburban." The primary use of this property will remain residential, with the outdoor storage facility as a secondary use.

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.

Recommended Findings for Variance of Development Standard (2201-VS-04):

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



Finding: The Variance of Development Standard requests will not be injurious to the public health, safety, morals, and general welfare of the community because, while the Petitioner is requesting to increase the number of vehicles permitted to be parked on the property, they will still need to adhere to the standards governing outdoor storage of recreational vehicles.

- 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 outdoor storage facility was located on this Property before the adjacent uses located here, and the area dedicated to outdoor storage cannot expand per the conditions of this variance.

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

Finding: The strict application of the zoning ordinance will result in the inability to continue to operate the outdoor storage facility on the property.

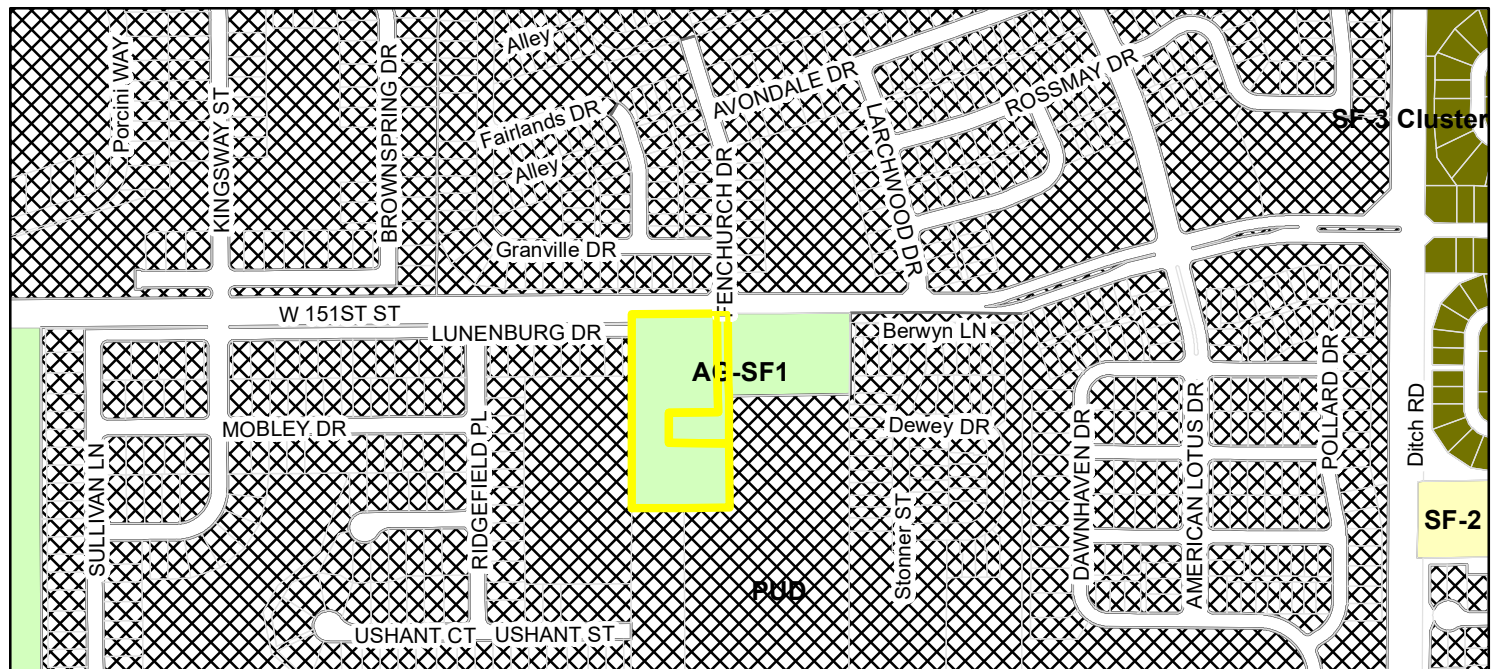
Denial: If the Board is inclined to reject or deny the Variance of Development Standard, then the Department recommends denying the Variance of Development Standard, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant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

Aerial Location Map

 Site



Zoning Map



 Site **Zoning**  SF-2 (Single Family - 2)
 Parcel  AG-SF1 (Agriculture - Single Family - 1)  SF-3 Cluster
 PUD (Planned Unit Development)

SITE PLAN

PART OF THE SE QUARTER, SECTION 16, TOWNSHIP 18 NORTH, RANGE 3 EAST
WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA

LAND DESCRIPTION

PARCEL I:

PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 18 NORTH, RANGE 3 EAST DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 18 NORTH, RANGE 3 EAST IN HAMILTON COUNTY, INDIANA, THENCE EAST IN AND ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER 300.00 FEET TO A POINT, THENCE SOUTH PARALLEL TO THE WEST LINE OF SAID SOUTHEAST QUARTER SECTION 350.00 FEET TO A POINT, THENCE WEST AND PARALLEL TO SAID NORTH LINE 170.00 FEET TO A POINT, THENCE SOUTH PARALLEL TO SAID WEST LINE 100.00 FEET TO A POINT, THENCE EAST PARALLEL TO SAID NORTH LINE 200.00 FEET TO A POINT, THENCE SOUTH PARALLEL TO SAID WEST LINE 210.00 FEET TO A POINT, THENCE WEST PARALLEL TO SAID NORTH LINE 330.00 FEET TO A POINT IN SAID WEST LINE, THENCE NORTH IN AND ALONG SAID WEST LINE 660.00 FEET TO THE PLACE OF BEGINNING, CONTAINING IN ALL 4.300 ACRES, MORE OR LESS.

PARCEL NUMBER: 08-09-016-00-700-009-01-001

PARCEL II:

PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 18 NORTH, RANGE 3 EAST, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 18 NORTH, RANGE 3 EAST IN HAMILTON COUNTY, INDIANA, 300.00 FEET EAST OF THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER, RUNNING THENCE EAST IN AND ALONG SAID NORTH LINE 30.00 FEET TO A POINT, THENCE SOUTH PARALLEL TO THE WEST LINE OF SAID SOUTHEAST QUARTER 450.00 FEET TO A POINT, THENCE WEST AND PARALLEL TO SAID NORTH LINE 200.00 FEET TO A POINT, THENCE NORTH AND PARALLEL TO SAID WEST LINE 100.00 FEET TO A POINT, THENCE EAST AND PARALLEL TO SAID NORTH LINE 170.00 FEET TO A POINT, THENCE NORTH AND PARALLEL TO SAID WEST LINE 350.00 FEET TO THE PLACE OF BEGINNING, CONTAINING IN ALL 0.700 ACRES, MORE OR LESS.

PARCEL NUMBER: 08-09-16-00-00-009.002

FLOOD ZONE DEFINITION

ZONE EXPLANATION

"X" AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN.

THE SUBJECT PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS ESTABLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY NATIONAL FLOOD INSURANCE PROGRAM AS PER SCALED INTERPRETATION OF FLOOD RATE MAP #18057C01150, AREA IN ZONE "X" MAP DATED 11-19-2014.

LEGEND

- OVERHEAD UTILITY
- ELECTRIC PEDESTAL
- ELECTRIC METER
- SEPTIC LID
- SQUARE STORM INLET
- UTILITY POLE

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

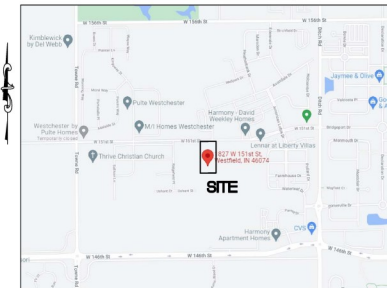
THE WITHIN PLAT AND SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE POLICY AND ARE THEREFORE SUBJECT TO ANY STATEMENT OF FACTS REVEALED BY EXAMINATION OF SCHEDULE "A" AND SCHEDULE "B" OF A TITLE POLICY.

THIS SURVEY PLAT HAS BEEN PREPARED FOR USE ON THIS PARTICULAR PROJECT AND FOR THE EXCLUSIVE USE OF THE PERSON(S) OR ENTITY HEREON NAMED AND IS NOT CERTIFIED TO OR TO BE USED BY ANY OTHER PARTY. THE EVIDENCE, POSSESSION, OWNERSHIP, CONDITIONS ETC. COULD CHANGE CONSTANTLY AND THE USE OF THIS SURVEY IS LIMITED ONLY TO THE DATE INDICATED HEREIN.

THE LOCATION OF THE TITLE LINES AND CORNERS ARE SUBJECT TO THE EVIDENCE FOUND IN THE PERFORMANCE OF THIS SURVEY. ADDITIONAL EVIDENCE PRESENTED TO MILLER SURVEYING, INC. MAY ALTER THE LOCATION OF THE TITLE LINES AND CORNERS.

VICINITY MAP

NOT TO SCALE



BENCHMARK INFORMATION

HORIZONTAL AND VERTICAL CONTROL:

COORDINATE SYSTEM:

US STATE PLANE 1983 (AT GROUND)

PROJECT DATUM:

WORLD GEODETIC SYSTEM (WGS 1984)

VERTICAL DATUM

NAVD 88

ZONE:

INDIANA EAST 1301

GEOD MODEL:

GEOD12A (CONUS)

COORDINATE UNITS US SURVEY FEET

DISTANCE UNITS US SURVEY FEET

HEIGHT UNITS US SURVEY FEET

Limits of storage area

Supplemental screening

UTILITY NOTE

THIS SURVEY REFLECTS ABOVE GROUND INDICATIONS OF EXISTING UTILITIES. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

GRAPHIC SCALE 0 25 50 100 SCALE: 1" = 50'		REV. DATE BY DESCRIPTION	
REVISIONS		DATE BY DESCRIPTION	
MILLER SURVEYING, INC. 948 CONNER STREET HAMILTON COUNTY, INDIANA 46504 PH. # (317) 773-2644 FAX 773-2694		DRAWN BY: KNA PREPARED BY: KNA SCALE: 1" = 50' FIELD BOOK: DC DATE: 12-1-2021 PAGE: JOB NUMBER: B40254 SURVEY 4 FILE:	
LOCATION: PART OF THE SOUTH EAST QUARTER, SECTION 16, T18N, R3E, WASHINGTON TWP., HAMILTON COUNTY, INDIANA		FIELD WORK COMPLETED: 12-1-21	
CLIENT: CDDA		DESCRIPTION: SITE PLAN	

VARIANCE APPLICATION

OFFICE USE ONLY

DOCKET #: _____ FILING DATE: _____

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

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: Rachel Riemenschneider (STAFF NAME) DATE: 9/30/2021

PRIOR OR RELATED DOCKET NUMBERS

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

PRIMARY PLAT: _____ SECONDARY PLAT: _____ VARIANCE(S): _____

APPLICANT INFORMATION

APPLICANT'S NAME: Kent Kirby TELEPHONE: 317.714.6725

ADDRESS: 1827 West 151st Street, Westfield, IN 46074 EMAIL: _____

PROPERTY OWNER'S NAME: Kent Kirby TELEPHONE: 317.714.6725

ADDRESS: 1827 West 151st Street, Westfield, IN 46074 EMAIL: _____

REPRESENTATIVE'S NAME: Andrew Wert TELEPHONE: 317.776.5262

COMPANY: Church Church Hittle + Antrim EMAIL: awert@cchalaw.com

ADDRESS: 116 North Union Street, Westfield, IN 46074

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 1827 West 151st Street, Westfield, IN 46074

COUNTY PARCEL ID #(S): 08-09-16-00-00-009.001, 08-09-16-00-00-009.002

EXISTING ZONING DISTRICT(S): AG-SF1 EXISTING LAND USE(S): residential

PROPERTY AND PROJECT INFORMATION

☒ VARIANCE OF LAND USE CODE CITATION: UDO 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):

Applicant is seeking a Variance of Use in order to continue an outdoor storage activity that has existed behind his residence since 1996. A 5-year approval is being sought, with any extension to require Board of Zoning Appeals approval. Please see attached narrative statement.

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.

Andrew Wert
Applicant/Representative (signature)

Andrew Wert
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 30th day of November, 2021
State of Indiana, County of Hamilton, SS: _____

Promise A. Mundt
Notary Public (signature)

Promise A. Mundt
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.

Ken Kirby
Property Owner (signature)*

KENT J KIRBY
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 10th day of November, 2021
State of Indiana, County of Hamilton, SS: _____

Promise A. Mundt
Notary Public (signature)

Promise A. Mundt
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: Kent Kirby 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 storage of trailers, tractors, recreational vehicles and boats has been ongoing since 1996. The area of outdoor storage is less than one acre. There has been no history of health, safety and welfare issues as a result of this use.

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: there is no expansion of the outdoor storage contemplated. Commitments offered with this petition will define the area of storage and limit its future expansion.

C. The need for the variance arises from some condition particular to the property involved because: this property has been owned and occupied by the current owner for 32 years. The residential use and associated vehicle storage area in the rear have not changed. What has changed is the recent encroachment of suburban residential subdivisions in the surrounding area. Approval of the Variance of Use will document the limitations of the non-conforming use.

D. The strict application of the terms of the Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought because: the storage operation has been low-key and secondary in nature to the residential use since its establishment 25 years ago. In that time, Westfield land use regulations have evolved that render the outdoor storage use non-conforming. While marginal expansion of the storage area has occurred over the years, it has largely been the surface area improvements as opposed to number of vehicles stored.

E. The variance of use does not interfere substantially with the Comprehensive Plan because: the Land Use Concept Map in the Westfield-Washington Township Comprehensive Plan identifies this area as New Suburban, a residential designation. The primary use of the property continues to be single family residential.

FINDINGS OF FACT (VARIANCE OF DEVELOPMENT STANDARD)

APPLICANT: Kent Kirby

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: _____
the storage of towable vehicles has been ongoing since 1996. The area of vehicle storage is less than one acre on a five acre parcel.
one acre. There has been no history of health, safety and welfare issues as a result of this use.

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: there is no expansion of the outdoor storage contemplated. Development has occurred around the subject property despite the existence of the vehicle storage area. Commitments offered with this petition will prevent further expansion.

C. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property because: _____
the property owner and use of the property have not changed in 25 years. Recent suburbanization of the surrounding area has made it prudent to document and limit the extent of the vehicle storage use.

Narrative Statement

Kent Kirby, 1827 West 151st Street

Variance of Use petition

Kent Kirby has resided at 1827 West 151st Street for 32 years. For the last 25 years, he has operated an outdoor storage operation behind his home. Less than one acre in area, the storage consists of recreational and commercial vehicles. It is screened from view by an earthen mound. Mr. Kirby was recently cited by Westfield Planning for operation of a use not permitted in the AG-SF1 zoning district.

The accompanying petition seeks a Variance of Use approval for a period of five years. The area of outdoor storage will not exceed its current limits. The existing two tax parcels will be combined into one conforming parcel.

While the storage area has expanded over the years, recent changes have largely been improvements to the surface area. We respectfully request approval of this Variance of Use petition for a five year period.

Site Photos (page 1 of 3)

Kent Kirby, 1827 West 151st Street

Variance of Use petition

Driveway entrance



West side of property looking south



Site Photos (page 2 of 3)

Kent Kirby, 1827 West 151st Street

Variance of Use petition

West side of property looking west



West side of property looking north



South side of property looking east



Site Photos (page 3 of 3)

Kent Kirby, 1827 West 151st Street

Variance of Use petition

Drainage inlet on west side of property



Southwest corner of property looking northeast onto storage yard



Remains of an agricultural building



End of driveway looking north





Westfield–Washington Township Board of Zoning Appeals (BZA)

Minutes of the Tuesday, December 14, 2021 BZA Meeting

Presented for approval: January 11, 2022

The Westfield-Washington Township Board of Zoning Appeals met at 7:00 p.m.
on Tuesday, December 9, 2021 at Westfield City Hall.

Active Links for this Meeting:

[December 14, 2021 BZA Agenda & Exhibits](#)

[December 14, 2021 YouTube Video](#)

Minutes are also available to be acquired or viewed at the City of Westfield Community Development office.

OPENING OF MEETING *YouTube Time: 0:27*

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 and Caleb Ernest, Senior Planner

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

APPROVAL OF MINUTES

Fortier motioned to approve the November 9, 2021 Minutes.

Boller seconded. Motion passed. Vote 5-0.

REVIEW RULES AND PROCEDURES

Crabtree reviewed BZA rules and procedures.

ITEMS OF BUSINESS

2112-VS-44 [PUBLIC HEARING] *YouTube Time: 3:23*

1589 S. Waterleaf Drive / LandWorx Engineering, LLC

The Petitioner requests a Variance of Development Standard to permit a dumpster enclosure in the Front Yard setback of the 0.88 acre +/- Property in the Harmony Planned Unit Development District (Article 6.1(H)(2)).

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

Petitioner presentation

Public Hearing for 2112-VS-44 opened at 7:05 p.m.

- No public comments.

Public Hearing for 2112-VS-44 closed at 7:06 p.m.

BZA comments/Petitioner responses.

Agendas for all City meetings are updated and available at our website.

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

BZA Minutes: 10/9/2021

Page 1 of 3

McCarty motioned to approve 2112-VS-44 subject to the two recommended conditions stated in the motion.

Fortier seconded. Motion passed. Vote 5-0.

Schmitz motioned to adopt Staff's Findings of Fact for 2112-VS-44.

Boller seconded. Motion passed. Vote 5-0.

2112-VS-45 [PUBLIC HEARING] *YouTube Time: 9:40*

Monon Hills Entry Sign/ Noah Herron

The Petitioner requests a Variance of Development Standard to increase the maximum Sign Area of a residential Monument Sign from thirty-two (32) square feet to one hundred and forty (140) square feet in the Monon Hills PUD District (Article 6.17(G)(1)(a)).

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

No Petitioner presentation.

Public Hearing for 2112-VS-45 opened at 7:11 p.m.

- No public comments.

Public Hearing for 2112-VS-45 closed at 7:12 p.m.

BZA comments/Petitioner and Staff responses.

Fortier motioned to approve 2112-VS-45 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 2112-VS-45.

Boller seconded. Motion passed. Vote 5-0

2112-VS-46 [PUBLIC HEARING] *YouTube Time: 18:04*

18148 Lake Winds Drive / Mudslingers, Inc.

The Petitioner requests a Variance of Development Standard to encroach three (3) feet into the twenty-five (25) foot Rear Yard Setback on 0.31 acres +/- in the Andover PUD District due to a swimming pool and deck foundation error.

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

No Petitioner presentation.

Public Hearing for 2112-VS-46 opened at 7:19 p.m.

- No public comments.

Public Hearing for 2112-VS-46 closed at 7:21 p.m.

No BZA comments.

Boller motioned to approve 2112-VS-46 subject to the three recommended conditions stated in the motion.

Morales seconded. Motion passed. Vote 5-0.

Agendas for all City meetings are updated and available at our website.

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

BZA Minutes: 10/9/2021

Page 2 of 3

2112-VU-09 [PUBLIC HEARING] *YouTube Time: 24:11*

4202 W. SR 32 / J-Maq Holdings, LLC by Joy Skidmore

The Petitioner requests to extend an existing Variance of Use which permits a machine shop use on 29.18 acres +/- in the AG-SF1: Agriculture/Single-Family Rural District.

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

BZA questions/Petitioner responses.

Public Hearing for 2112-VU-09 opened at 7:30 p.m.

- No public comments.

Public Hearing for 2112-VU-09 closed at 7:31 p.m.

McCarty motioned to approve 2112-VU-09 subject to the seven recommended conditions stated in the motion.

Boller seconded. Motion passed. Vote 5-0.

Schmitz motioned to adopt Staff's Findings of Fact for 2112-VU-09.

Fortier seconded. Motion passed. Vote 5-0.

ITEMS CONTINUED TO A FUTURE MEETING

NONE

REPORTS/COMMENTS: *YouTube Time: 33:46*

- Plan Commission Liaison
- Community Development Department

ADJOURNMENT

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

The meeting adjourned at 7:36 p.m.

Chairperson
Dave Schmitz

Secretary
Kevin M. Todd, AICP
Director

Agendas for all City meetings are updated and available at our website.

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

BZA Minutes: 10/9/2021

Page 3 of 3



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

January 11, 2022

2201-VS-01

Exhibit 1

Petition Number: 2201-VS-01

Subject Site Address: 220 Zenith Drive ("the Property")

Petitioner: Keith Lash ("the Petitioner")

Request: The Petitioner requests a Variance of Development Standard to encroach ten (10) 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 220 Zenith Drive (see **Exhibit 2**).

Requested Variances: The petitioner is requesting 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.

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 ten (10) 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

January 11, 2022

2201-VS-01

Exhibit 1

COMPREHENSIVE PLAN

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

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

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

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Development Standard. This petition is scheduled to receive its public hearing at the January 11, 2022, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals’ Rules of Procedure.

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

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

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

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

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



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

January 11, 2022

2201-VS-01

Exhibit 1

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

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

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

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

DEPARTMENT COMMENTS:

Recommended Findings for Approval: If the Board is inclined to approve the Variance of Development Standards (2201-VS-01):

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

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

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

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



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

January 11, 2022

2201-VS-01

Exhibit 1

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

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

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

Recommended Conditions:

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

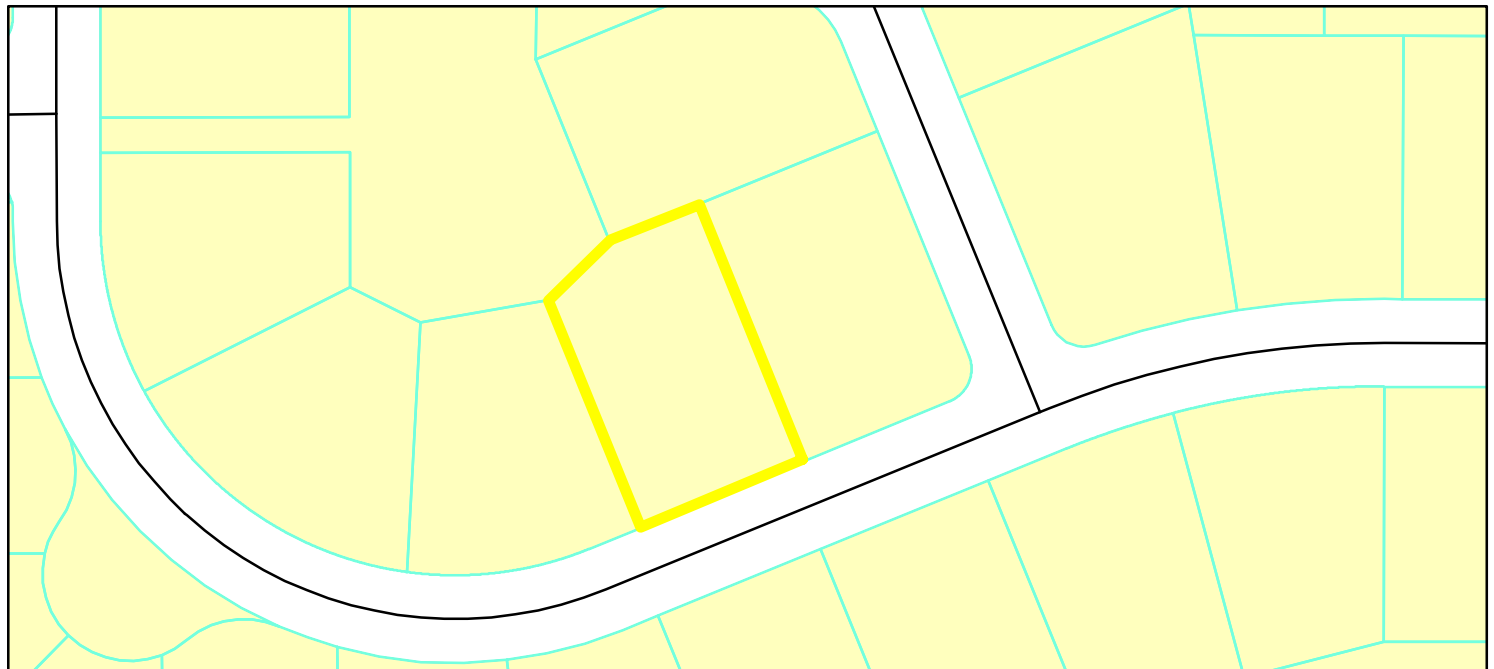
Denial: If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.

Aerial Location Map

 Site



Zoning Map



GIS.DBO.PW_Streets
Parcel
Parcel
Zoning - All

Zoning
SF-2 (Single Family - 2)

0 0.0125 0.025
Miles





STOEPPELWERTH

ALWAYS ON

7965 East 106th Street, Fishers, IN 46038-2505
phone: 317.849.5935 fax: 317.849.5942

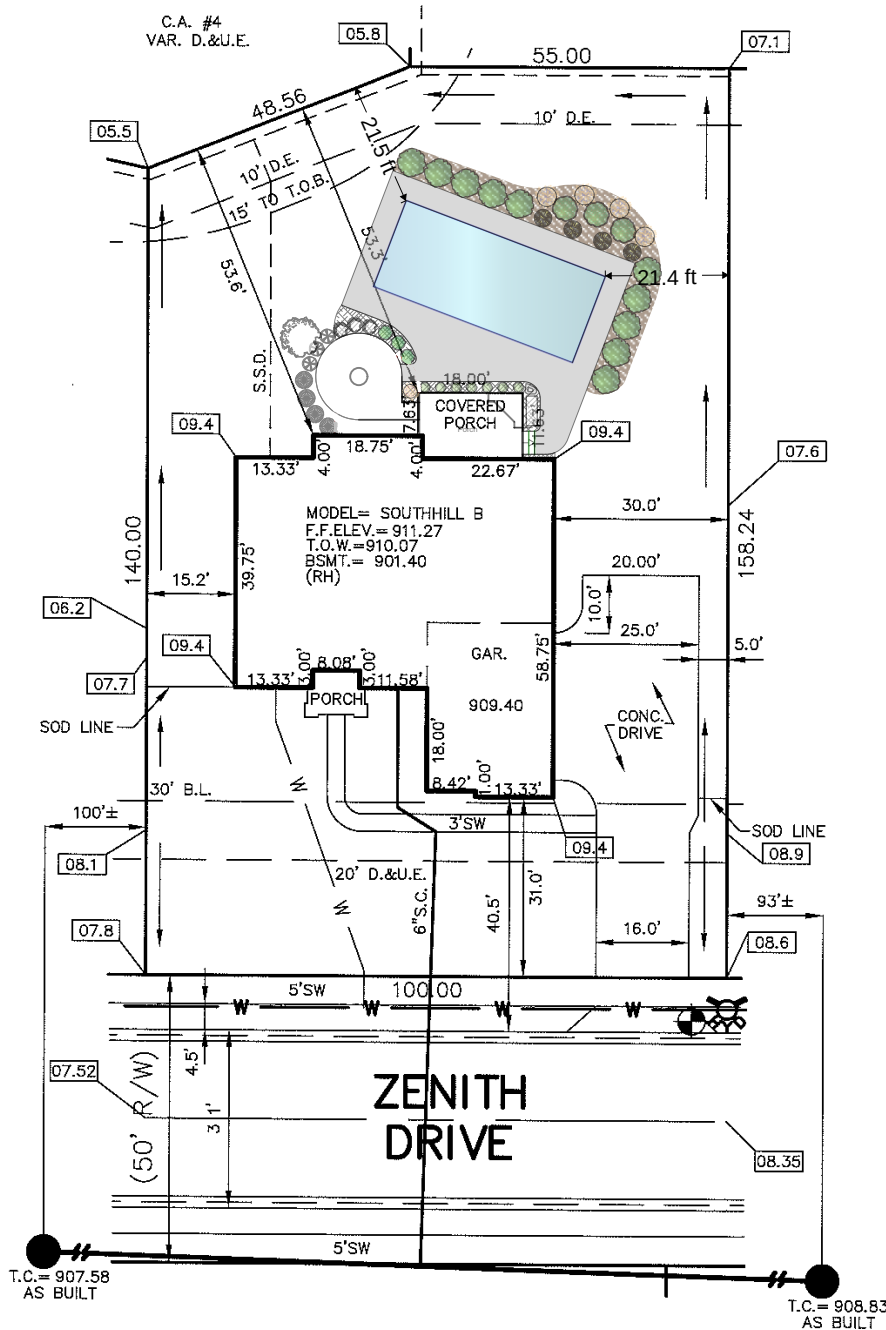
JOB ID SMPK.61

CONTROL# 76173 CAL

220 ZENITH DRIVE
WESTFIELD, IN 46074

LAKE #1
N.P.=899.00
100YR=902.76

C.A. #4
VAR. D.&U.E.



1" = 30'

LOT AREA: 15,414 Sq. Ft.

M.L.A.G.=907.7

LEGEND:

- XX.X PROPOSED GRADE PER PLAN
- XX.XAB AS BUILT GRADE
- S.S.D. SUB-SURFACE DRAIN
- SANITARY SEWER
- STORM SEWER
- W WATER MAIN
- W 3/4" WATER CONNECTION
- SW SWALE

- SANITARY MANHOLE
- STORM MANHOLE
- CURB INLET
- FIRE HYDRANT

- M.L.A.G. MINIMUM LOWEST ADJACENT GRADE
- D.U.&S.E. DRAINAGE UTILITY & SEWER EASEMENT
- D.&U.E. DRAINAGE & UTILITY EASEMENT
- B.L. BUILDING LINE
- D.E. DRAINAGE EASEMENT
- T.O.B. TOP OF BANK
- VAR. VARIABLE
- S.S.E. SANITARY SEWER EASEMENT
- U.E. UTILITY EASEMENT
- N.A.E. NON-ACCESS EASEMENT
- C.A. COMMON AREA

ALL UNDERGROUND SEWERS AND UTILITIES
SHOWN ARE PLOTTED BY SCALE FROM
DESIGN PLANS FURNISHED BY ENGINEER
THE ACTUAL FIELD LOCATION MAY VARY.

LOT 61
SPRINGMILL PARK
SECTION 1

INST. #2015066900
P.C. #5, SLIDE #444

SOD: 407 ± Sq. Yd.
SEEDING: 7,685 ± Sq. Ft.
SEED IN EASEMENT: 1,273 ± Sq. Ft.
CONC. DRIVEWAY: 1,411 ± Sq. Ft.
PRIVATE WALK: 186 ± Sq. Ft.
PUBLIC WALK: 420 ± Sq. Ft.
APRON: 175 ± Sq. Ft.
ADDITIONAL SOD: 712 ± Sq. Yd.
TO REAR EASEMENT



David J. Stoepfelwerth



November 21, 2021

Heather and Keith Lash
220 Zenith Drive,
Westfield, IN 46074

Dear Heather and Keith Lash,

As you are aware, OMNI management services is the property manager for Springmill Park. One of Omni's responsibilities is to inform homeowners when their Architectural Approval Submission has been approved or denied by the Board of Directors.

Based upon the information submitted, your request for Pool has been *APPROVED*.

Please notify the community when the project is complete, so we may conduct our inspection for conformity to these plans.

Please note that the Architectural Approval Committee and the Association has no liability or responsibility for any defects in the plans, specifications or other materials submitted to them and moreover holds no responsibility for defects in any work done on these projects. Further, it is the responsibility of the homeowner and their contractor to obtain any building permits required by the Local Code Authority and to contact Call Before You Dig at 811 for them to mark utilities. Additions are subject to the Local Zoning Ordinance and must be reviewed for setbacks and other issues by the City Zoning Authority. In addition, if there are easements on the lot regarding utilities or civil agencies that any improvements may be subject to removal or alterations which is not the liability or responsibility of the Community or Association. Liabilities when projects are constructed upon easements are the owner's responsibility.

Sincerely,

Sunshine Lawrence
Property Manager
slawrence@omni-property.com
Omni Management Services, Inc.