



CITY OF WESTFIELD, IN
BoardofZoningAppeals_Meeting_Agenda_01_10_2023

Tuesday, January 10, 2023 at 07:00 PM

BOARD OR COMMISSION: Board of Zoning Appeals (BZA)

MEETING DATE: Tuesday, January 10, 2023 at 07:00 PM

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

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

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

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

OPENING OF REGULAR MEETING

Documents: [Online viewable @ 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 13, 2022

Documents: [December 13, 2022 BZA Minutes](#)

Review Rules & Procedures

ITEMS OF BUSINESS:

2301-VS-01 [PUBLIC HEARING]

1549 Chatham Villages Boulevard

CHLL, LLC by V3 Companies

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

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

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Letter of Intent](#)
| [Exhibit 4: Site Plan](#)

2301-VU-01 [PUBLIC HEARING]

16708 Dean Road

Esler Properties, LLC by Morse & Bickel

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

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

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Existing Site Conditions](#) | [Exhibit 4: 1912-VU-07 Acknowledgement of Variance](#) | [Exhibit 5: Petitioner's Application](#)

ITEMS CONTINUED TO A FUTURE MEETING

No Continued Items

REPORTS/COMMENTS:

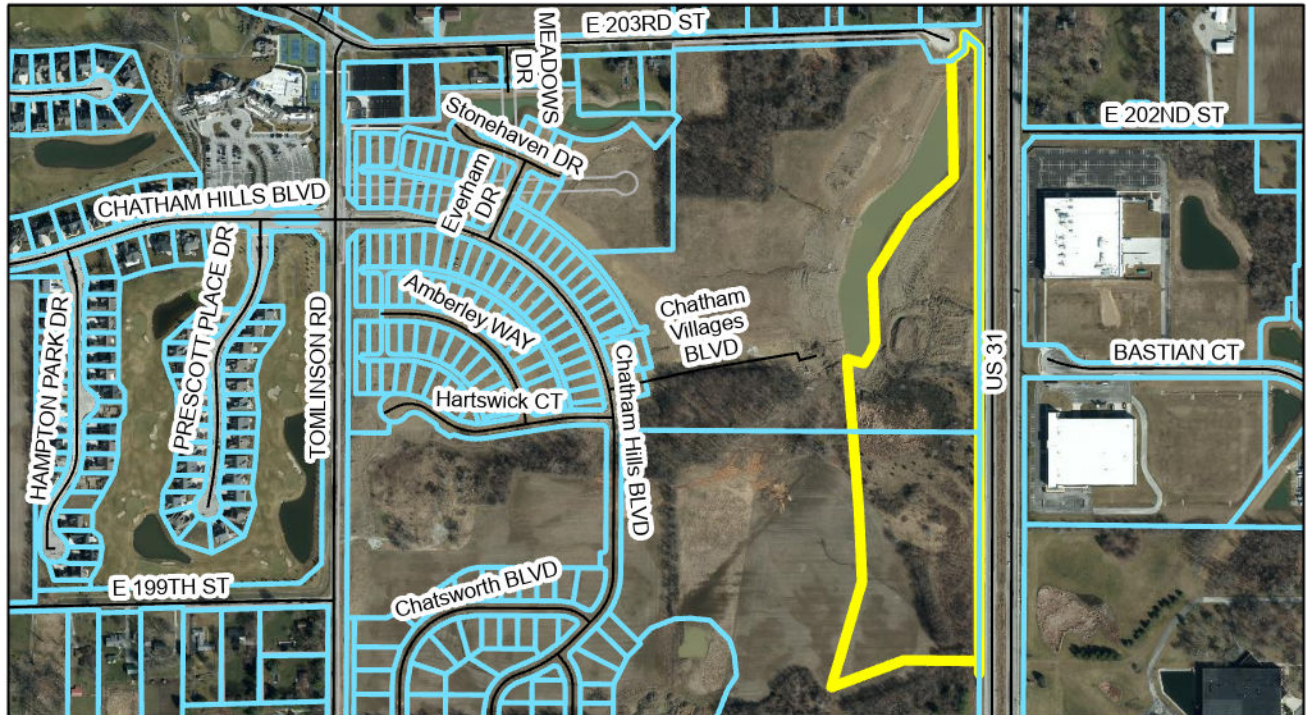
Plan Commission Liaison

Community Development Department

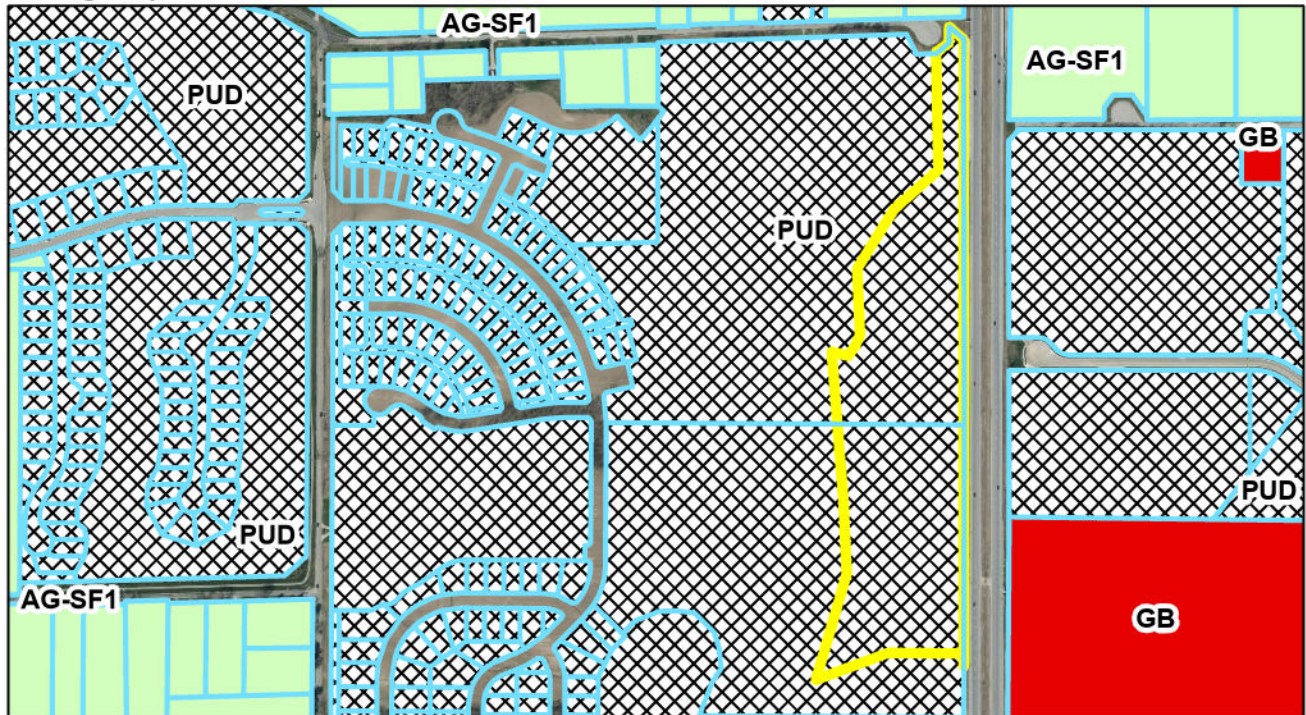
ADJOURNMENT



Aerial Location Map



Zoning Map

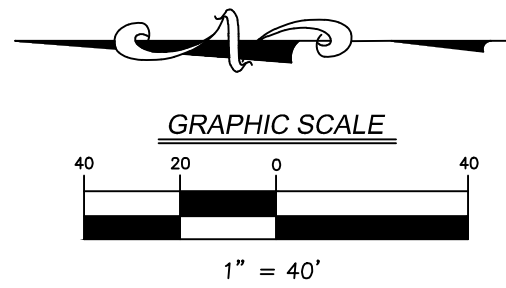
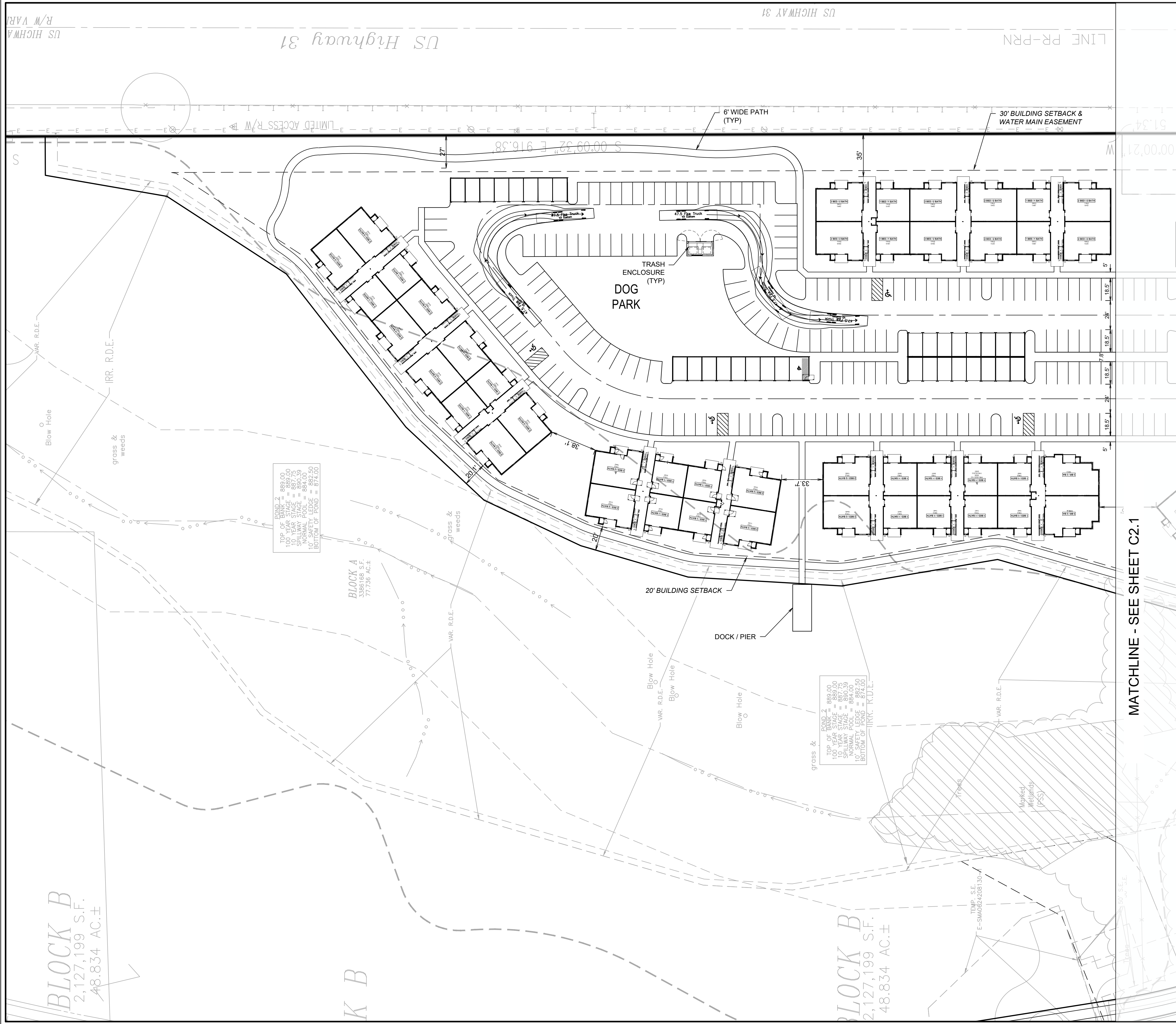


Legend

 Subject Parcel

0 0.07 0.15 0.3 Miles

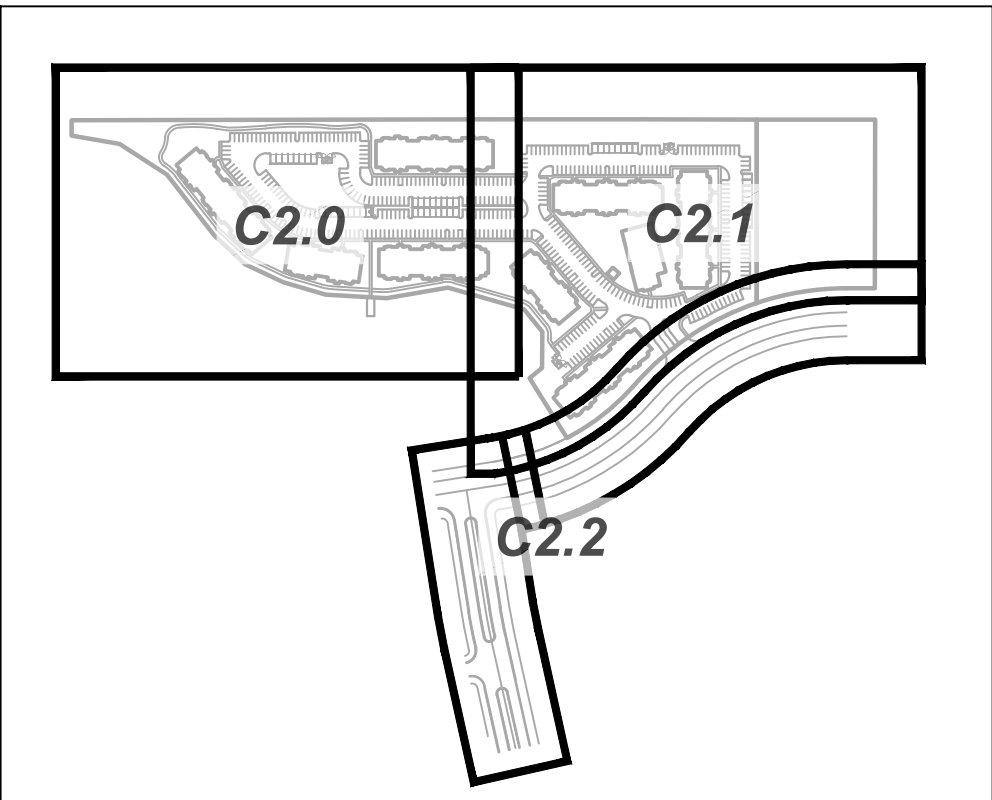


SITE DATA	
SITE AREA	= 11.6 AC
UNITS	= 250
PARKING	
STANDARD SPACES	= 391
ADA SPACES	= 9
GARAGE SPACES	= 48
ADA GARAGE SPACES	= 2
TOTAL SPACES	= 450

NOTES:

1. ALL DIMENSIONS SHOWN ARE TO BACK OF CURB UNLESS OTHERWISE NOTED.
2. ALL PROPOSED ON-SITE STRIPING SHALL BE PAINTED WHITE UNLESS OTHERWISE NOTED.
3. BUILDING DIMENSIONS ARE TO OUTSIDE FACE OF BUILDING UNLESS OTHERWISE NOTED.
4. ALL CURB AND GUTTER SHALL BE 18" UNLESS OTHERWISE NOTED.

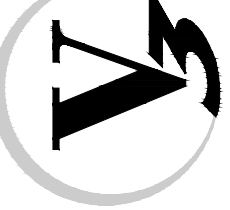


KEY MAP
N.T.S.



REVISIONS		ORIGINAL ISSUE DATE: 02/01/2023	
NO.	DATE	DESCRIPTION	

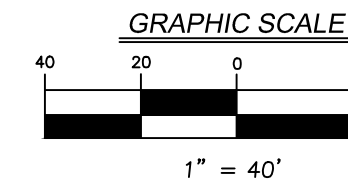
PROJECT NO.: 221428	PROJECT MANAGER: JOR	DESIGNED BY: NAL	DRAWN BY: GKB
SITE PLAN		CHATHAM VILLAGE APARTMENTS	
		PHASE	
		INDIANA	
		WESTFIELD	



619 N Pennsylvania Street
Indianapolis, IN 46204
317.423.0680
www.v3co.com

DRAWING NO.

C2.0

[illegible]

SITE PLAN

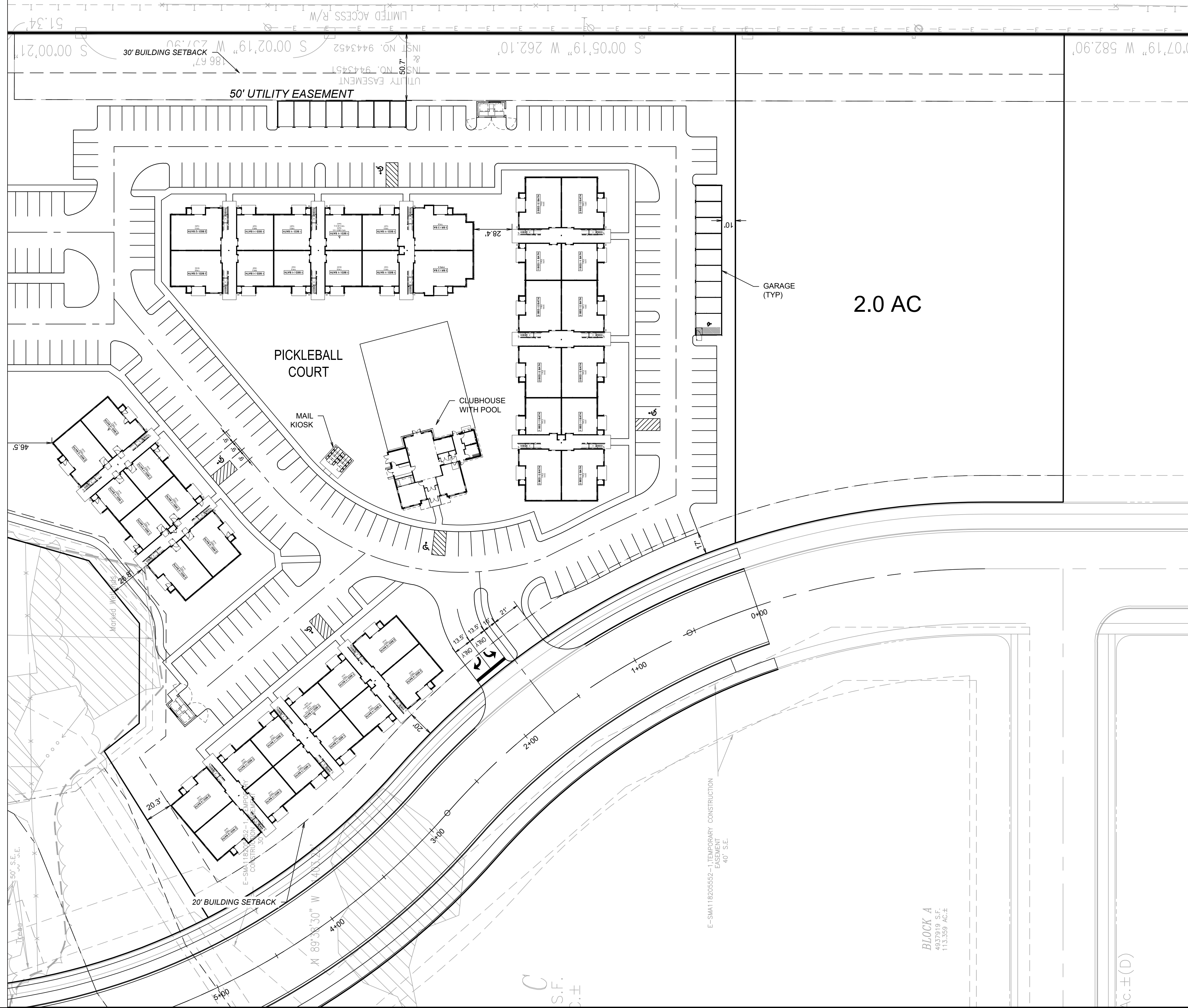
CHATHAM VILLAGE APARTMENTS

WESTFIELD PHASE INDIANA

619 N Pennsylvania Street
Indianapolis, IN 46204
317.423.0690
www.v3.co.com

 DRAWING NO.
C2.1

MATCHLINE - SEE SHEET C2.0



SITE DATA

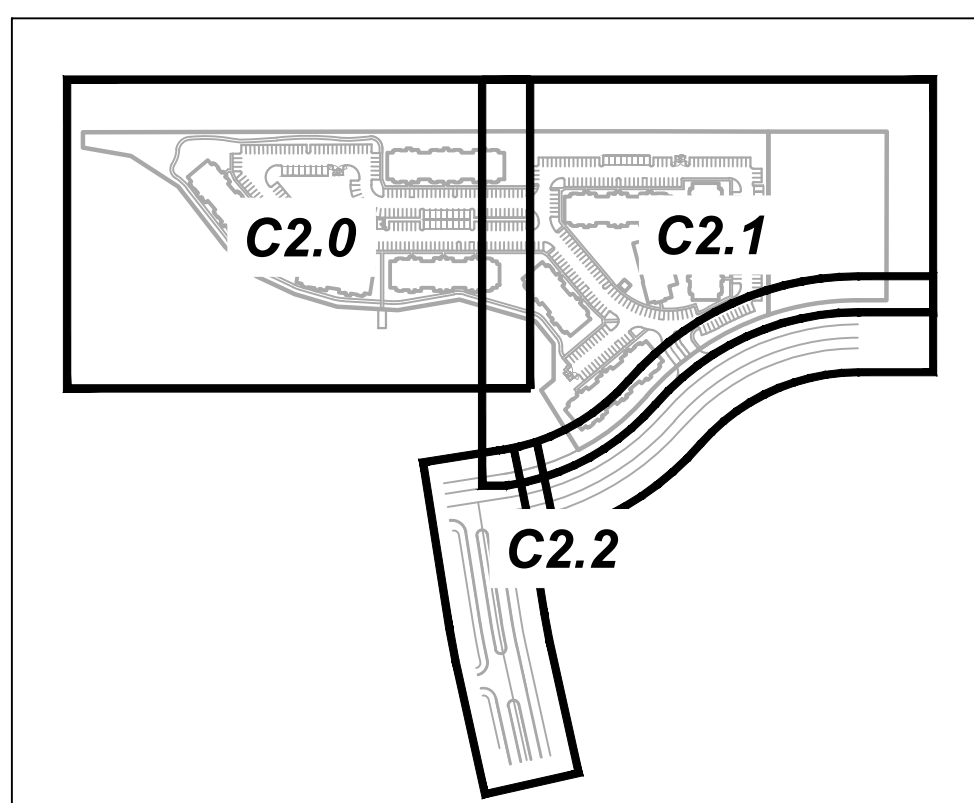
SITE AREA = 11.6 AC
UNITS = 250

PARKING

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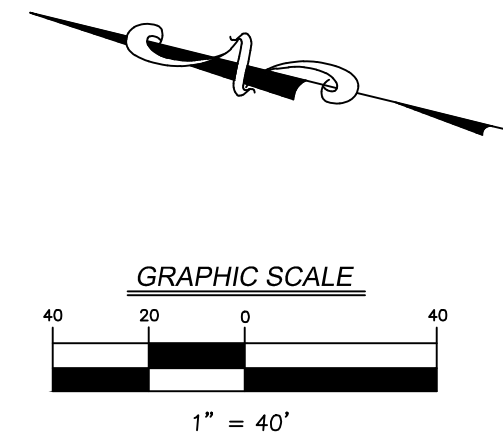
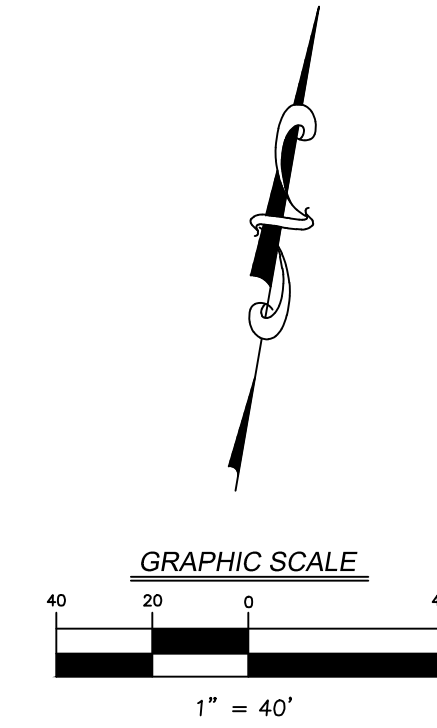
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4. ALL CURB AND GUTTER SHALL BE 18" UNLESS OTHERWISE NOTED.



KEY MAP
N.T.S.





 619 N Pennsylvania Street Indianapolis, IN 46204 317.423.0690 www.v3co.com	SITE PLAN - ROAD CHATHAM VILLAGE APARTMENTS WESTFIELD PHASE INDIANA	PROJECT NO.: 221428	ORIGINAL ISSUE DATE: 02/01/2023					
		PROJECT MANAGER: JOR	NO.	DATE	DESCRIPTION	NO.	DATE	DESCRIPTION
		DESIGNED BY: NAL						
		DRAWN BY: GKB						

DRAWING NO.

C2.2

December 16, 2022

VIA EMAIL (lgillingham@westfield.in.gov)

Lauren Gillingham, AICP | Senior Planner
Community Development
2728 East 171st Street
Westfield, IN 46074



**Re: CHLL, LLC – Chatham Village Luxury Apartments
Variance for Reduced Parking Ratio**

Dear Ms. Gillingham:

Please accept the enclosed application for a parking variance from CHLL, LLC (CHLL). CHLL is under contract to acquire land within the Chatham Village PUD for multi-family development. We are seeking a variance of the Unified Development Ordinance, Section 6.14 - G.11.c, to allow a parking ratio of 1.8 parking spaces per Dwelling Unit.

This requested variance will not be injurious to the public health, safety, morals, and general welfare of the community because the parking ratio of the development only impacts the future residents of the subject development alone, and no negative impact is expected to the surrounding properties or residents. Applicant has constructed and operated numerous, similar multi-family developments, for which a parking ratio of 1.8 or less has been more than sufficient to accommodate its residents, guests, and staff.

Further, the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner for the same reasons mentioned above. A parking ratio of 1.8 per Dwelling Unit is more than sufficient to accommodate parking on-site of the subject development and does not have any negative impact on adjacent property.

Lastly, the strict application of the terms of the Ordinance will result in practical difficulties in the use of the property because the subject property has an unusual, triangular shape at its north portion due to a master retention pond that intersects with I-31. This unusual shape makes site planning difficult and inefficient. CHLL's engineer has worked with the site parameters to accommodate as much parking as practical.

Thank you for your review of this requested variance.

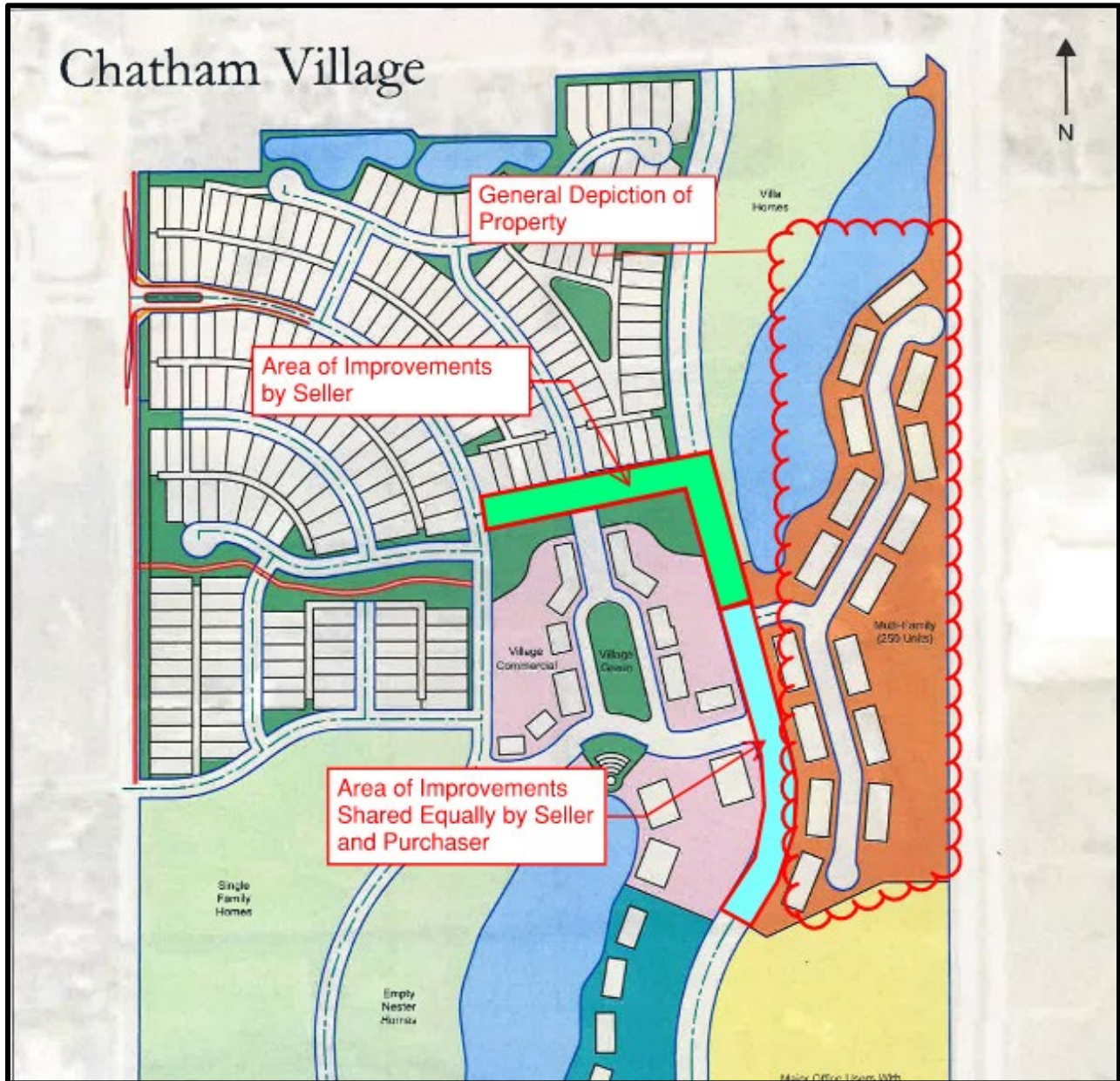
Sincerely,

CHLL, LLC

By: Jordan Dorsey
Its: Principal

EXHIBIT A

GENERAL DEPICTION OF PROPERTY





WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

January 10, 2023

2301-VS-01

Exhibit 1

Petition Number: 2301-VS-01

Subject Site Address: Approx. 1549 Chatham Villages Blvd. (the “Site”)

Petitioner: CHLL, LLC represented by V3 Companies (the “Petitioner”)

Request: The Petitioner requests a Variance of Development Standard to reduce the minimum number of off-site parking spaces required for multi-family dwellings. (*UDO Article 6.14(G)(11)(c) as it relates to Sec. 8.7 of Chatham Hills PUD Amendment VI (Ord. 19-51)*)

Current Zoning: Chatham Hills PUD (*Ord. 13-24*) and all applicable amendments; underlying zone is General Office (GO)

Current Land Use: Vacant

Approximate Acreage: 11.6 acres +/- (not yet subdivided from parent parcels)

Exhibits:

1. Staff Report
2. Location Map
3. Petitioner’s Letter of Intent
4. Preliminary Site Plan

Staff Reviewer: Lauren Gillingham, AICP, Senior Planner

OVERVIEW

Property Location: Shown in Exhibit A of the Petitioner’s Letter of Intent, the subject site is approx. 11.6 acres +/- of land at the southwest corner of E 203rd St and US 31 (see Exhibits 2 and 3). The exact parcel has not yet been subdivided, but it will include land from two existing parcels – Chatham Villages Sec. 2 Block C and Chatham Villages Sec. 2 Block B. The Site is zoned Chatham Hills Planned Development (PUD) District, Campus Office Subdistrict, and is excluded from the Hwy 31 Overlay District (the “Overlay District”). Adjacent properties to the west and south are also zoned Chatham Hills PUD District; properties to the east (across Hwy 31) are zoned Northpoint PUD.



Property History: The subject site was added to the Chatham Hills PUD in Spring 2019 through Chatham Hills PUD Amendment VII (*Ord. 19-51*). The amendment contemplates a mix of single family detached, multifamily, commercial, and office uses within a variety of subareas. Although this site is in the Campus Office Subarea, primarily intended for general office and business uses, the PUD does permit a maximum of 250 multifamily units within the subarea.

There have been no previous variance requests on the site.

SUMMARY OF VARIANCES

The Petitioner requests a Variance of Development Standard to reduce the amount of off-street parking required by the underlying zoning district from two spaces per dwelling unit to 1.8 spaces per dwelling unit. This is a relatively common request for multifamily developments; within the last five years, at least four PUDs have been approved by APC with multifamily parking ratios at or below the 1.8 spaces per dwelling unit requested by the petitioner, including the multifamily sections of The Trails (*Ord. 19-45*), Wheeler Landing (*Ord. 21.05*), Union Square (*Ord. 19-38*), and Grand Park Village (*Ord. 18-33*).

While the request is common, the fact that it is coming to the BZA as a variance is a bit unusual. Previously, it was department policy that properties within PUDs were not eligible for variances and that any variation from the PUD standards required a text amendment to the entire PUD ordinance, even for minor requests affecting single parcels.

In an attempt to find a middle ground, it was determined that variances are permitted in PUDs as long as the standard being varied from is that of the underlying UDO and not specifically written into (or amended by) the PUD ordinance, and does not alter the concept or intent of the initial PUD ordinance in a manner outlined in UDO Art. 10, Sec. 10.10(G):

1. *Changes that shall require an amendment to a PUD District Ordinance include changes which alter the concept or intent of the initial PUD District, as determined by the Director, which shall include but are not limited to:*
 - a. *Increases in density or intensity.*
 - b. *Changes in the proportion or allocation of land Uses.*
 - c. *Changes in the list of approved Uses.*



- d. Changes in the locations of uses outside of the parameters set forth by the PUD District Ordinance. 10 Table of Contents Basic Provisions 1 2*
 - e. Changes in functional uses of Open Space, where such change constitutes an intensification of use of the Open Space.*
 - f. Changes in the final governing agreements where such changes conflict with the Concept Plan approval.*
2. *The procedure for amending an approved PUD District Ordinance ("text amendment") shall be the same as the procedure for the adoption of the initial PUD District Ordinance as set forth herein.*

Staff agrees that a minor reduction in parking does not alter the concept or intent of the PUD and does not require a PUD amendment or approval from the Plan Commission or City Council.

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of this petition. This petition is scheduled to receive its public hearing at the January 10th, 2023, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the BZA Rules of Procedure.

Conditions: The UDO¹ and Indiana Code § 36-7-4-918.4 provide that the Board of Zoning Appeals may impose reasonable conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of the UDO upon any Lot benefited by a variance as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject Lot or upon public facilities and services. Such conditions shall be expressly set forth in the order granting the variance.

Acknowledgement of Variance: If the Board of Zoning Appeals approves this petition, then the UDO² 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;

¹ Article 10.14(I) Processes and Permits; Variances; Conditions of the UDO.

² Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.



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

Variance of Development Standard: The Board of Zoning Appeals shall approve or deny variances from the terms of the UDO. A variance of development standard 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;
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

DEPARTMENT COMMENTS

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

Recommended Conditions:

1. The variance shall be limited to the 11.6 acres +/- shown in Exhibit A of the Statement of Intent.
2. The Development Plan must meet all over applicable standards of the PUD and UDO.
- 3.

Recommended Findings for Approval:

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

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

Finding: It is unlikely that a 10% reduction to the number of off-street parking will be injurious to the public health, safety, morals, and general welfare of the community.



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

Finding: It is very unlikely the use and value of adjacent property will be affected in a substantially adverse manner by the reduction in parking. Approving the variance would result in the character of the area remaining unchanged.

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

Finding: In some respects, this development is an in-fill project, utilizing a narrow, triangular shaped lot not particularly suited to the commercial or office developments also permitted in the Campus Office subarea. Denial of the variance request would cause difficulties in the overall site design and could negatively impact the efficient use of the site.

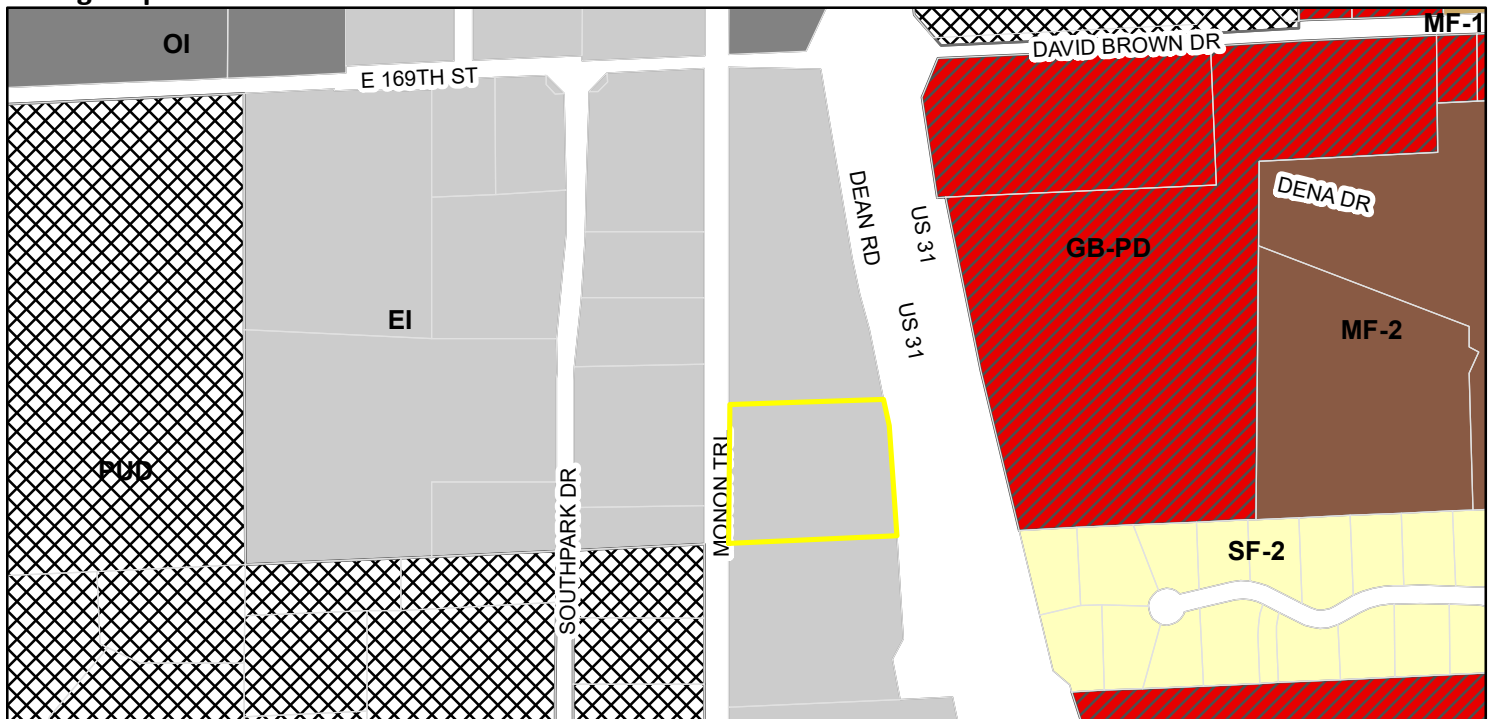
Denial: If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.

Aerial Location Map

 Site



Zoning Map



Zoning

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

Google Maps 16708 Dean Rd



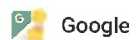
Imagery ©2019 Google, Imagery ©2019 IndianaMap Framework Data, Maxar Technologies, Map data ©2019 50 ft

Google Maps N Meridian St



Westfield, Indiana

Image capture: Sep 2018 © 2019 Google



Street View - Sep 2018

Google Maps N Meridian St



Westfield, Indiana



Street View - Sep 2018

Image capture: Sep 2018 © 2019 Google

Google Maps 16708 Dean Rd



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



ACKNOWLEDGEMENT OF VARIANCE

Document Cross Reference Number: 2011015058

This ACKNOWLEDGEMENT, made this 27th day of August, 2020, by Kevin M. Todd, Community Development Director, City of Westfield, Indiana (the "Director") WITNESSETH:

WHEREAS, on Tuesday, March 10, 2020, the Westfield-Washington Township Board of Zoning Appeals (the "Board") heard Petition No. 1912-VU-07 (the "Petition"), filed by Robert Esler of Esler Properties, LLC (d/b/a Bob's Garage) (the "Property Owner"), for a Variance of Use from the Westfield-Washington Township Unified Development Ordinance regarding property commonly known as 16708 Dean Road, Westfield, IN 46074 (Parcel No: 09-09-01-00-00-014.000) and more particularly described in **Exhibit A** (the "Property").

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

WHEREAS, the Board voted three (3) to zero (0) to approve the Petition with the following conditions:

1. The uses shall be limited to the uses described as items 1-4 on the Statement of Intent (see **Exhibit B**).
2. Approval of the variance excludes item 5 on the Statement of Intent.
3. Approval of this variance shall expire on December 31, 2022. Any request to extend the time limit of this variance shall be reviewed and approved by the Board of Zoning Appeals prior to December 31, 2022.
4. The Pole Sign Structure, in its entirety, shall be removed within 60 days of the March 10, 2020, hearing.

NOW, THEREFORE, the Director hereby declares that all the Property as it is held and shall be held, conveyed, hypothecated or encumbered, leased, rented, used, or occupied and improved, is subject to the Variance of Use approved by the Board on March 10, 2020. Unless otherwise modified herein, this Variance of Use shall run with the land, and shall be binding upon the owner, heirs and assigns, and all parties having an interest in and to the Property or any part or parts thereof subject to such Variance of Use, and shall inure to the benefit of the owner and every one of his/her successors in title to any real estate in the Property.

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

COMMUNITY DEVELOPMENT DEPARTMENT

“DIRECTOR”

Kevin M. Todd, DIRECTOR
Community Development Department, City of Westfield, IN

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

IN WITNESS WHEREOF, the Property Owner has executed this instrument, on the ____ day of _____, 2020.

Esler Properties, LLC
By Robert Esler, Managing Member

Date

STATE OF _____)
) SS:
COUNTY OF _____)

Signed and acknowledged before me this ____ day of _____, 2020.
(SEAL)

Signature of Notary Public

Printed name of Notary Public

My County of Residence: _____

My Commission Expires: _____

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

Prepared by: Pam Howard, Senior Planner, City of Westfield
2728 East 171st Street, Westfield, IN 46074, (317) 804-3170

EXHIBIT A
Legal Description

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

TOGETHER WITH THE PERMANENT EXTINGUISHMENT OF ALL RIGHTS AND EASEMENTS OF INGRESS AND EGRESS TO, FROM, AND ACROSS THE LIMITED ACCESS FACILITY (TO BE KNOWN AS U.S. 31 AND AS PROJECT 0710215), TO AND FROM THE GRANTORS' ABUTTING LANDS, ALONG THE LINES DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE OF SAID QUARTER SECTION SOUTH 87 DEGREES 27 MINUTES 51 SECONDS WEST 2,016.68 FEET FROM THE SOUTHEAST CORNER OF SAID QUARTER SECTION, WHICH POINT IS ON THE SOUTH LINE OF SAID GRANTORS' LAND; THENCE NORTH 7 DEGREES 10 MINUTES 12 SECONDS WEST 78.09 FEET TO POINT "24902" ON SAID PLAT; THENCE NORTH 4 DEGREES 33 MINUTES 08 SECONDS WEST 34.31 FEET TO THE WESTERN BOUNDARY OF U.S. 31 DESIGNATED AS POINT "24910" ON SAID PLAT AND THE TERMINUS. THIS RESTRICTION SHALL BE A COVENANT RUNNING WITH THE LAND AND SHALL BE BINDING ON ALL SUCCESSORS IN TITLE TO THE SAID ABUTTING LANDS.

EXHIBIT B
Statement of Intent



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

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



WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM
VARIANCE APPLICATION



OFFICE
USE ONLY

DOCKET #: 2301-VU-01

FILING DATE: 12/13/22

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

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: Pamela Howard (STAFF NAME) DATE: December 1, 2022

PRIOR OR RELATED DOCKET NUMBERS

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

PRIMARY PLAT: _____ SECONDARY PLAT: _____ VARIANCE(S): 1011-VU-05; 1603-VU-03; 1912-VU-07

APPLICANT INFORMATION

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

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

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

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

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

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

ADDRESS: 1411 Roosevelt Ave., Suite 102, Indianapolis, Indiana 46201

PROPERTY AND PROJECT INFORMATION

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

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

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

VARIANCE REQUEST

☒ VARIANCE OF LAND USE CODE CITATION: Indiana Code § 36-7-4-918.4

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

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

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

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



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.

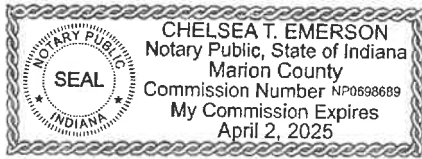
John J. Morse
Applicant/Representative (signature)

John J. Morse
Applicant/Representative (printed)

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

Witness my hand and Notarial Seal this 8th day of December, 2022.

State of Indiana, County of Marion, SS:



Chelsea T. Emerson
Notary Public Signature
Chelsea T. Emerson
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.

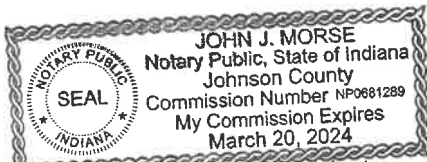
Robert J. Esler
Property Owner (signature)*

Robert J. Esler
Property Owner (printed)

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

Witness my hand and Notarial Seal this 13th day of December, 2022.

State of Indiana, County of Hamilton, SS:



John J. Morse
Notary Public Signature
John J. Morse
Notary Public (printed)

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

WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM
FINDINGS OF FACT (VARIANCE OF USE)



APPLICANT: Robert J. Esler

DOCKET #: _____

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

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

WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM
FINDINGS OF FACT (VARIANCE OF DEVELOPMENT STANDARD)



APPLICANT: Robert J. Esler

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: _____
It is unlikely that allowing the business practices of Esler Properties, LLC to continue to be located on the Property for a temporary period of time will be injurious to the public health, safety, morals, and general welfare of the community.

- B. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The Property and the surrounding area were developed without the existing U.S. Highway 31 Overlay standards being in effect. None of the surrounding area complies with the Overlay standards. Approving the variance would result in the character of the area to remain unchanged.

- C. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property because: _____
the business practices of Esler Properties, LLC are not permitted within the Enclosed Industrial (EI) zoning and are excluded uses under the U.S. Highway 31 overlay

WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM

VARIANCE APPLICATIONS



GENERAL INSTRUCTIONS

- A. **Pre-Filing Conference:** A pre-filing conference is required for all petitions. An appointment must be made with the Economic and 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 10, 2023

2301-VU-01

Exhibit 1

Petition Number: 2301-VU-01

Subject Site Address: 16708 Dean Road (the “Property”)

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

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

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

Current Land Use: Commercial

Approximate Acreage: 4.59 acres +/-

Exhibits: 1. Staff Report
2. Location Map
3. Existing Site Conditions
4. Acknowledgement of Variance (1912-VU-07)
5. Petitioner’s Application

Staff Reviewer: Daine Crabtree, Senior Planner

OVERVIEW

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



Property History: On November 9, 2010, the Westfield-Washington Board of Zoning Appeals (the “BZA”) approved a variance of use (Case Number: 1011-VU-05, the “First Variance”) with conditions to allow the temporary operation of an automobile repair facility at 16708 Dean Road, now owned by Esler Properties, LLC, within the U.S. Highway 31 Overlay District. As a condition of the First Variance approval, the Repair Business was to terminate by December 31, 2015.

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

On March 10, 2020, the BZA permitted the same four (4) variances that are being requested with this extension for a time limit of two (2) years to expire December 31, 2022. As such, the Property has been out of compliance for ten (10) calendar days as of the date of the public hearing for this request.

SUMMARY OF VARIANCES

The Petitioner has submitted a request to extend the existing variances on the Property for an additional five (5) years. If the Board is inclined to approve the extension of the existing variances, the Board may suggest a time of expiration different from the Petitioner. The existing variances proposed for extension are:

1. Auto Service Facility: Auto and motorcycle service uses are categorized as a High Intensity Retail¹ use in the Unified Development Ordinance. High Intensity Retail uses are permitted only in the General Business (GB) District and are an excluded use in the US Highway 31 Overlay.

¹ The UDO defines Retail, High Intensity as “[r]etail businesses that have a high impact on neighboring properties, traffic generation, and public safety. Example businesses include, but are not limited to: building finishes store (large), building supply store (large), department store (large), discount store (large), furniture store (large), grocery/supermarket (large), home electronics/appliance store (large), office supplies (large), sporting goods (large), superstore, variety store (large), auto and motorcycle service uses (e.g., parts sales, tire sales and/or repair, service garage, rust proofing, storage, car wash), pet-oriented businesses (e.g., pet shop, obedience schools, grooming), toy store (large). Generally, a business over twelve thousand (12,000) square feet qualifies as larger for purposes of this definition.”



2. Outside Storage of vehicles, boats, and trailers: For the variances granted in 2020, the Petitioner requested permission for ten to fifteen (10 – 15) surfaces spaces for storage of RV's, campers, boats, moving trucks, and storage trailers; and an additional thirty (30) covered spaces for vehicle and RV storage. The same request is listed in the Statement of Intent on the Petitioner's Application (**Exhibit 5**). The Department has determined this to be a Self-Storage Facility². While Self-Storage Facilities are permitted in the EI District, it is an excluded Use in the Overlay District.
3. Warehouse (inside storage): The Petitioner is requesting to permit indoor storage for hot tubs, car parts, and vehicles. This is considered a warehousing and distribution operations (inside storage) use. While this use is permitted in the EI District, it is an excluded use in the Overlay District.
4. Trucking Company: As described in the Statement of Intent, the Petitioner is requesting to permit a small office space for a moving company. Though not defined in the UDO, the department has determined this to be a trucking company. While trucking companies are permitted in the EI District, they are an excluded us in the Overlay District.

COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan identifies this Property within the "Employment Corridor"³ land use classification. The Employment Corridor is discussed in the Highway Corridors chapter of the Comprehensive Plan; and contemplates uses that would encourage employment growth in Westfield, including but not limited to: "office and service uses, research and development, and retail and institutional uses that are subordinate to and supportive of the office and service uses."⁴

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of this petition. This petition is scheduled to receive its public hearing at the

² The UDO defines Self-Storage Facility as "[a] Building or groups of Buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage or personal property. Facility may include related accessory uses including, without limitation, any one or combination of the following: (i) administrative offices; (ii) ancillary retail sales (e.g., moving and packing supplies); (iii) mail or delivery boxes, and (iv) any other facilities approved by the Director that compliment and are intended as ancillary to serve such a facility."

³ Westfield-Washington Township Comprehensive Plan, Land Use Concept Map (pg. 24).

⁴ Pages 53-55 of the Westfield and Washington Township Comprehensive Plan.



January 10, 2023, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

Conditions: The UDO⁵ and Indiana Code § 36-7-4-918.4 provide that the Board of Zoning Appeals may impose reasonable conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of the UDO upon any Lot benefited by a variance as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject Lot or upon public facilities and services. Such conditions shall be expressly set forth in the order granting the variance.

Acknowledgement of Variance: If the Board of Zoning Appeals approves this petition, then the UDO⁶ 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.

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

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

⁵ Article 10.14(I) Processes and Permits; Variances; Conditions of the UDO.

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



DEPARTMENT COMMENTS

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

Recommended Conditions:

1. The uses shall be limited to the uses described as items 1-4 on the Statement of Intent on the Petitioner's Application (see **Exhibit 5**).
2. Approval of this variance shall expire on **December 31, 202X**. Any request to extend the time limit of this variance shall be reviewed and approved by the Board of Zoning Appeals prior to **December 31, 202X**.

Recommended Findings for Approval:

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

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

Finding: It is unlikely that allowing the extension of existing variances for commercial uses on the Property for a temporary period of time will be injurious to the public health, safety, morals, and general welfare of the community.

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

Finding: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The Property and the surrounding area were developed without the existing U.S. Highway 31 Overlay standards being in effect. None of the surrounding area complies with the Overlay standards. Approving the variance would result in the character of the area to remain unchanged.

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

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

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



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

January 10, 2023

2301-VU-01

Exhibit 1

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

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

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

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



Westfield-Washington Township Board of Zoning Appeals (BZA)

Minutes of the Tuesday, December 13, 2022 BZA Meeting

Presented for approval: January 10, 2023

The Westfield-Washington Township Board of Zoning Appeals
met at 7:00 p.m. on Tuesday, December 13, 2022 at Westfield City Hall.

Active Links for this Meeting:

[December 13, 2022 BZA Agenda & Exhibits](#)

[December 13, 2022 YouTube Video](#)

OPENING OF MEETING

[YouTube Time: 0:01](#)

Roll Call

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

BZA Members Present Virtually: None.

BZA Members Absent: None.

City Staff Present: Daine Crabtree, Senior Planner; Ryan Collingwood, Associate Planner; and Weston Rogers, Associate Planner.

City Staff Present Virtually: None

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

Approval of Minutes

Fortier motioned to approve the November 15, 2022 Minutes.
McCarty seconded. Motion passed. Vote 5-0.

Review Rules and Procedures

Crabtree reviewed BZA rules and procedures.

ITEMS OF BUSINESS

2212-VS-36 [PUBLIC HEARING]

[YouTube Time: 2:51](#)

20253 Willenhall Court / Lennar Homes of Indiana, LLC

The Petitioner requests a Variance of Development Standard to encroach five (5) inches into the five (5) foot Minimum Side Yard Setback (south) on 0.2 acres +/- in the Northpoint PUD District due to a foundation error.

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

Staff presentation / Petitioner presentation

Public Hearing for 2212-VS-36 opened at 7:04 p.m.

- No public comments.

Public Hearing for 2212-VS-36 closed at 7:06 p.m.

McCarty motioned to approve 2212-VS-36 subject to the recommended condition stated in the motion.
Hatfield seconded. Motion passed. Vote 5-0.

Schmitz motioned to adopt Staff's Findings of Fact for the approval of 2212-VS-36.
Fortier seconded. Motion passed. Vote 5-0.

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

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

2212-VU-16 [PUBLIC HEARING]

[YouTube Time: 8:26](#)

605 Hillcrest Drive / Dennis A Hunt Insurance and Financial Services

The Petitioner requests a Variance of Use to permit a Professional Office use (Insurance and Finance Institution) in the SF3: Single-Family Medium Density District (Chapter 13).

(Planner: Weston Rogers – wrogers@westfield.in.gov)

Staff presentation / Petitioner presentation / BZA comments and questions / Staff and Petitioner responses.

Public Hearing for 2212-VU-16 opened at 7:13 p.m.

- No public comments.

Public Hearing for 2212-VU-16 closed at 7:15 p.m.

BZA comments and questions / Staff responses.

Fortier motioned to approve 2212-VU-16 subject to the recommended conditions stated in the motion.

Boller seconded. Motion passed. Vote 5-0.

Schmitz motioned to adopt Staff's Findings of Fact for the approval of 2212-VU-16.

McCarty seconded. Motion passed. Vote 5-0.

2212-VU-17 [PUBLIC HEARING]

[YouTube Time: 19:18](#)

758 North Union Street / Achieve Therapy Services, Inc.

The Petitioner requests a Variance of Use to permit a Professional Office use (Physical Rehabilitation Service) in the MF-1: Multi-Family Low Density District (Chapter 13).

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

Staff presentation / Petitioner presentation.

Public Hearing for 2212-VU-17 opened at 7:22 p.m.

- No public comments.

Public Hearing for 2212-VU-17 at 7:24 p.m.

BZA comments and questions / Petitioner responses / Staff responses.

Boller motioned to approve 2212-VU-17 subject to the recommended conditions stated in the motion.

McCarty seconded. Motion passed. Vote 5-0.

Schmitz motioned to adopt Staff's Findings of Fact for the approval of 2212-VU-17.

Fortier seconded. Motion passed. Vote 5-0.

2212-VU-18 & 2212-VS-37 [PUBLIC HEARING]

[YouTube Time: 29:29](#)

17925 Sun Park Drive / Practical Property Group

The Petitioner is requesting the extension of an existing Variance of Use and existing Variance of Development Standards to permit temporary relief from the US Highway 31 Overlay Zone for a landscaping contractor use (Construction Trade Office) (Article 5.2 & Chapter 13)

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

Staff presentation / Petitioner presentation.

Public Hearing for 2212-VU-18 & 2212-VS-37 opened at 7:35 p.m.

- No public comments.

Public Hearing for 2212-VU-18 & 2212-VS-37 closed at 7:36 p.m.

BZA comments.

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

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

McCarty motioned to approve 2212-VU-18 subject to the recommended conditions stated in the motion. Fortier seconded. Motion passed. Vote 5-0.

Schmitz motioned to adopt Staff's Findings of Fact for the approval of 2212-VU-18. McCarty seconded. Motion passed. Vote 5-0.

McCarty motioned to approve 2212-VS-37 subject to the recommended conditions stated in the motion. Boller seconded. Motion passed. Vote 5-0.

Schmitz motioned to adopt Staff's Findings of Fact for the approval of 2212-VS-37. McCarty seconded. Motion passed. Vote 5-0.

REPORTS/COMMENTS:

[YouTube Time: 40:47](#)

- Plan Commission Liaison
- Community Development Department

ADJOURNMENT

Boller motioned to adjourn the meeting. Fortier seconded. Motion passed. Vote 5-0.
The meeting adjourned at 7:43 p.m.

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Signature Page for BZA Minutes for December 13, 2022

Chairperson
Dave Schmitz

Secretary
Kevin M. Todd, AICP
Director