



**CITY OF WESTFIELD, IN**  
**BoardofZoningAppeals\_Meeting\_Agenda\_12\_08\_2015**

*Tuesday, December 08, 2015 at 07:00 PM*

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

**MEETING DATE:** Tuesday, December 08, 2015 at 07:00 PM

**MEETING PLACE:** Westfield City Hall- Assembly Room

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

**OPENING OF REGULAR MEETING**

Note the presence of a quorum

Approval of Minutes - November 10, 2015

Documents: [November 10, 2015, Minutes](#)

Review BZA Rules & Procedures

**ITEMS OF BUSINESS:**

**1512-VS-17 [PUBLIC HEARING]**

**14291 Thatcher Lane**

**Huntington Bank by Expedite the Diehl**

The petitioner is requesting a Variance of Development Standard to modify a previously granted variance to allow for an increase of the permitted Sign Area for an Outlot (Article 6.17(J)(8)(a)).

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Application](#) | [Exhibit 4: Proposed Sign Elevations](#) | [Exhibit 5: Proposed Sign Locations](#) | [Exhibit 6: Village Park Monument Sign Standards](#) | [Exhibit 7: Findings 1512-VS-17](#)

**1512-VS-18 [PUBLIC HEARING]**

**14291 Thatcher Lane**

**Huntington Bank by Expedite the Diehl**

The petitioner is requesting a Variance of Development Standard to modify a previously granted variance to: (i) allow for a Monument Sign to be permitted for an Outlot (Article 6.17(J)(8)(b)); and (ii) allow the Monument Sign along the Outlot's Thatcher Lane frontage.

Documents: [Exhibit 8: Findings 1512-VS-18](#)

**1512-VS-19 [PUBLIC HEARING]**

**14291 Thatcher Lane**

***Huntington Bank by Expedite the Diehl***

The petitioner is requesting a Variance of Development Standard to modify a previously granted variance to allow four (4) signs to be located on the Outlot's accessory drive-through structures.

Documents: [Exhibit 9: Findings 1512-VS-19](#)

**1511-VU-09 [PUBLIC HEARING]**

**2228 E. State Road 38**

***Ronald Clifford by Coots, Henke & Wheeler, P.C.***

The petitioner is requesting a Variance of Use to allow the “assembly of pre-manufactured parts, components” in the AG-SF1: Agriculture/Single-Family Rural District (Chapter 13: Use Table).

Documents: [Exhibit 1 - Staff Report](#) | [Exhibit 2 - Location Map](#) | [Exhibit 3 -Existing Conditions Exhibit](#) | [Exhibit 4 - Site Plan](#) | [Exhibit 5 - Petitioner's Narrative](#) | [Exhibit 6 - Petitioner's Application](#) | [Exhibit 7 - Code Enforcement Packet](#)

**1511-VS-16 [PUBLIC HEARING]**

**2228 E. State Road 38**

***Ronald Clifford by Coots, Henke & Wheeler, P.C.***

The petitioner is requesting Variances of Development Standard for a reduction of (i) the Minimum Lot Area (Article 4.2(E)(2)); (ii) the Minimum Lot Frontage (Article 4.2(C)); and (iii) the Side and Rear Yard Minimum Building Setback Line (Article 4.2(D)) in the AG-SF1: Agriculture/Single-Family Rural District.

Documents: [Exhibit 1 - Staff Report](#) | [Exhibit 2 - Location Map](#) | [Exhibit 3 - Existing Conditions Exhibit](#) | [Exhibit 4 - Property Survey](#) | [Exhibit 5 - Petitioner's Narrative](#) | [Exhibit 6 - Petitioner's Application](#) | [Exhibit 7 - Improvement Location Permit Materials](#)

**REPORTS/COMMENTS:**

**APC LIAISON**

**ECD STAFF**

**ADJOURNMENT**

The Westfield Washington Township Board of Zoning Appeals met at 7:00 p.m. on Tuesday, November 10, 2015, at Westfield City Hall. Members present included Martin Raines, Bill Sanders and Dave Schmitz. Also present were Jesse Pohlman, Senior Planner; and Brian Zaiger, City Attorney.

### **APPROVAL OF MINUTES**

Schmitz moved to approve the October 13, 2015, meeting minutes.

Sanders seconded, and the motion passed by 3-0 vote.

Raines motioned to approve the 2016 Schedule of Meetings and Filing Dates

Sanders seconded, and the motion passed 3-0.

Pohlman reviewed the Public Hearing Rules and Procedures.

### **ITEMS OF BUSINESS**

**1511-VS-15**  
PUBLIC HEARING

#### **336 Elnora Lane (Countryside)**

*Josh Netherton*

The petitioner is requesting a Variance of Development Standard for a reduction in the Rear Yard Minimum Building Setback Line in the SF-3 Cluster: Single Family Medium Density District (Article 4.6(E)(3)).

Pohlman presented an overview of the requested variance, as summarized in the Department's report, and noted the petitioner was in attendance to answer any questions.

Public Hearing opened at 7:07 p.m.

No public comments.

Public Hearing closed at 7:08 p.m.

Schmitz motioned to approve the petition.

Sanders seconded, and the motion passed 3-0.

Sanders moved to adopt the Department's recommended findings of fact.

Schmitz seconded, and the motion passed 3-0.

**REPORTS/COMMENTS**

Plan Commission Liaison report by Schmitz.

Economic and Community Development Department, no report.

Rothrock motioned to adjourn the meeting.

Sanders seconded, and the motion passed.

The meeting adjourned at 7:10 p.m.

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Chairperson  
Martin Raines

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Secretary  
Matthew S. Skelton, Esq., ACIP  
Director



WESTFIELD-WASHINGTON  
BOARD OF ZONING APPEALS

December 8, 2015

1511-VU-09

Exhibit 1

**Petition Number:** 1511-VU-09

**Subject Site Address:** 2228 E. SR 38 Street (Parcel No. 08-06-18-00-00-026.000) (the "Property")

**Petitioner:** Ronald Clifford by Coots, Henke & Wheeler, P.C. (the "Petitioner")

**Request:** The petitioner is requesting a variance of use to allow for the "assembly operations of pre-manufactured parts, components" in the AG-SF1: Agriculture / Single-Family Rural District (Chapter 13: Use Table).

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

**Current Land Use:** Detached single-family home and detached accessory structure

**Approximate Acreage:** 1.26 acres +/-

**Exhibits:**

1. Staff Report
2. Location Map
3. Existing Conditions Exhibit
4. Site Plan
5. Petitioner's Narrative
6. Petitioner's Application
7. Code Enforcement Materials

**Staff Reviewer:** Jeffrey M. Lauer, Associate Planner

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**PROPERTY INFORMATION**

The subject property (Parcel No. 08-06-18-00-00-026.000) is 1.26 acres +/- in size and is located on the north side of State Road 38; approximately two thousand one hundred (2,100) feet east of US Highway 31 (see **Exhibit 2**). The Property is zoned AG-SF1: Agriculture / Single-Family Rural ("AG-SF1") District. The surrounding properties are also zoned the AG-SGF1 District. Macgregor Park is located immediately adjacent to the west of the Property.



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### **PROPERTY HISTORY:**

Improvement Location Permit: The existing Single-Family Dwelling on the Property was constructed between 1962 and 1974.<sup>1</sup> On June 20, 1994, a building permit was issued for an addition to the rear of the dwelling. On August 12, 1999, a building permit for an Accessory Structure was issued, described as a twenty-four (24) foot by forty-six (46) foot workshop. A final inspection was completed on December 30, 1994.

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### **ANALYSIS**

Issue: This petition request is the result of an existing violation (EN-15-03-06) on the Property. The violation, which began as a complaint filed with the Department, related to loading and unloading activity in the State Road 38 right-of-way on March 13, 2015 (see "Code Enforcement History" contained herein). The Department inspected the Property on March 23, 2015, and contacted the Petitioner on March 31, 2015, regarding the concern. The Petitioner subsequently met with the Department on April 8, 2015. The Department formally cited the Petitioner of a land use violation on June 15, 2015.

Land Use: The Petitioner operates a small business out of an existing Accessory Structure on the Property as summarized in the Petitioner's narrative description of the operations at **Exhibit 5**. The operation consists of assembling two (2) pre-manufactured metal brackets together with a small bolt and nut. The Petitioner has characterized in meetings with the Department that the use includes the seasonal part-time employment of high school students. The assembly operations are conducted within the existing Accessory Structure and includes deliveries once or twice a month. The Petitioner is not proposing any new structures related to the business.

The Department has determined the Petitioner's activity qualifies as Light Industry<sup>2</sup>, as defined by the UDO. Light Industry is not a permitted use in the AG-SF1 District; rather, the UDO provides

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<sup>1</sup> The exact date an Improvement Location Permit or Certificate of Occupancy was issued for the residence cannot be determined; however, historical aerials provide no evidence of a home prior to 1962, but do show a home constructed on the Property after 1974.

<sup>2</sup> The UDO defines "Light Industry" as "[r]esearch and development activities, manufacturing, compounding, processing, packaging, storage, assembly, fabrication, processing, and/or treatment of finished or semi-finished products from previously prepared materials, which activities are conducted wholly within an enclosed building using processes that ordinarily do not create noise, smoke, fume, odors, glare or health or safety hazards outside of the building or Lot and shall not include any use that is otherwise listed specifically in this Ordinance. Example uses include, but are not limited to: leather products manufactured from finished leather; casket and casket supplies; crating and packaging service; exterminators; glass fabrication and installation; newspaper publishing; storage and transfer (household goods); manufacturing and/or assembly of storm doors, windows, awnings, siding, cabinets, can or containers, communication equipment, household appliances, marine equipment, office equipment and



the purpose and intent of the AG-SF1 District<sup>3</sup> "...is to accommodate agricultural land uses and large-lot Single-family Dwellings." As a result, the Petitioner has filed this variance of use petition to address the existing land use violation.

Comprehensive Plan: The Westfield-Washington Township Comprehensive Plan (the "Comprehensive Plan") identifies this Property within the "Rural Northeast" land use classification<sup>4</sup>. The Comprehensive Plan does not contemplate light industrial uses within the "Rural Northeast" area. Appropriate land uses in this area that are identified include: (i) Single-family detached houses on large lots or in a rural or Conservation Subdivision; (ii) accessory dwellings; (iii) equestrian uses (iv) agriculture, including artisan farms; and (v) institutional uses, such as schools, churches, public safety facilities and similar uses are contemplated in this area.

The development policies and implementation tools of the Comprehensive Plan for this area include, among other policies:

- Large-scale commodity farms (crops and livestock) are subject to eventual change due to growth pressure. It is expected as growth pressure moves northwest, some agricultural land will be converted to other uses, but not within the time frame of this plan.
- Allow the continuation of the historic rural patterns, including homestead farms, artisan farms, and equestrian uses. New residential development will be accommodated, but only as it fits into the agricultural life style.
- Promote flexible design that maximizes open space by regulating density rather than lot size. This approach will permit a wide range of lot dimensions (area, frontage, setbacks, etc.). Open space should be encouraged through incentives (such as density bonuses).
- Locate roadways and house lots so as to respect natural features and to maximize exposure of lots to open space (directly abutting or across the street). "Single-loaded" streets (with homes on one side only) can be used to maximize open space visibility, thus increasing real estate values and sales, while costing no more than streets in conventional subdivisions (due to savings from narrower lot frontages).

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machinery, cloth products from finished cloth, furniture, glass and glass products, jewelry without retail, musical instruments, optical goods, paper boxes and paper products from finished paper, portable household appliances, electric hand tools, railroad equipment (including repair and service), recording instruments, tools, implements, machinery, mattress and upholstery, pharmaceutical, advertising and business signs, medicine and cosmetics; **assembly operations of pre-manufactured parts, components**; assembly, repair and manufacture of light component parts; taxidermist; machine, welding, tool and die shops; stamping and fabricating metal shops; tire recapping; malt products, brewery, distiller of liquor and spirits; bottling of alcoholic and non-alcoholic beverages; secondary food processing and packaging of products not produced on site."

<sup>3</sup> Article 4.2(A).

<sup>4</sup> Westfield-Washington Township Comprehensive Plan, Land Use Concept Map (pg. 23)



- Encourage appropriate transitions from the villages to the open agricultural land.
- Preserve historically significant buildings and resources (barns, houses, etc.).
- Encourage development of the Monon Trail.
- Preserve the night sky by limiting lighting.
- Establish maximum density limits aimed at retaining rural character.
- Provide for density bonuses in Conservation Subdivisions (up to 1 unit/acre) only if specific standards are met with reference to the following:
  - Minimum percentage of open space.
  - Location, connectivity, and suitability of open space areas.
  - Minimum amount of usable open space (active and passive recreation, equestrian trails).
- Limit the land uses to those that are consistent with and contribute to the rural character.
- Create design standards for new building to ensure consistency with the character with the character of the area.
- Establish buffering requirements for new develop.

Thoroughfare Plan: The Westfield-Washington Township Thoroughfare Plan (the “Thoroughfare Plan”) is designed to support and facilitate the City’s efforts to provide for a safe and effective transportation system within the Township. As such, each major roadway in the Township is classified, based upon anticipated future growth. The adjacent State Highway 38 is identified as a “Primary Arterial”, which is the highest classification for public right-of-way (i.e. seventy-five (75) foot half right-of-way). All existing structures on the Property are located outside the existing and anticipated future rights-of-way.

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#### **CODE ENFORCEMENT HISTORY**

**08/18/1998:** The “Property” was deeded to Ronald and Pattie Clifford (collectively, the “Property Owner”).

**03/13/2015:** Formal complaint was filed with the City by a neighbor. The complaint included a concern about loading and unloading activity at the Property in the State Highway 38 right-of-way (“SR38”) and that such activity potentially created a dangerous situation for access and egress to the complainant’s property. Complainant submitted several pictures to the Department, which were included with the record and incorporated herein at **Exhibit 7**.



**03/17/2015:** Complainant submitted additional photos and notified the Department of continuing deliveries (these additional photos were also included with **Exhibit 7**).

**03/23/2015:** The Department conducted a site visit to the Property; however, no exterior activity was observed at the time that would have constituted a violation of the UDO.

**03/31/2015:** The Department issued a letter to the Property Owner advising them of the complaint received and potential use violation (see **Exhibit 7**).

**04/08/2015:** The Petitioner met with the Department to discuss the Department's letter dated March 31, 2015. The Petitioner acknowledged the existing business operation that included: deliveries within the SR38 right-of-way; employees; equipment; and assembly activity.

**05/22/2015:** The Department communicated with the Indiana Department of Transportation (INDOT) regarding the use of the SR38 right-of-way. INDOT concluded the Petitioner's use of the right-of-way does not qualify as a prohibited encroachment because it was not encroaching live traffic and the use was inherently temporary in nature.

**06/15/2015:** The Department issued a formal violation notice (see **Exhibit 7**).

**06/24/2015:** The Department responded to the Petitioner's request to outline the timeline of the enforcement action. The Department established a July 31, 2015, deadline to either comply with the UDO's home business standards (Article 6.7), cease operating the use, or request a variance of use to allow the business activity.

**07/10/2015:** The Petitioner filed a Variance of Development Standard (1508-VS-11) requesting relief from Article 6.7(D)(3) regarding business operations in an accessory dwelling, and Article 6.7(F)(3) regarding employees for a home business (to review this previous application, see **Exhibit 7**). Upon review of the filed petition, the Department determined the use did not qualify as a permitted home business. As a result, the Department communicated this determination to the Petitioner on July 17, 2015.

**09/03/2015:** The Department met with Petitioner to discuss the nuances of the Petitioner's operations and the need to modify the variance application. Furthermore, the Department identified that the existing parcels were illegal subdivided in 2003<sup>5</sup> and advised the Petitioner to

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<sup>5</sup> This corresponding Variance of Development Standard was filed as **Petition No. 1511-VS-16**.



either recombine the parcels, file a plat that complies, or modify the variance request to address the resulting non-conforming lot area, lot frontage and minimum building setback lines.

**09/10/2015:** The Department advised the Petitioner the requested use is “Light Industry” because of the “assembly operations of pre-manufactured parts, components” and that a variance of use petition, rather than a variance of development standard, would be required .

**10/02/2015:** The Petitioner filed a modified variance of standard application for the illegal subdivision (see Petition No. 1511-VS- 16) and this variance of use petition.

**10/20/2015:** The Petitioner requested appearance at the December 8, 2015, Board of Zoning Appeals public hearing, rather than the November 8, 2015, public hearing due to a scheduling conflict. Petitioner subsequently mailed certified public notices on October 23, 2015, as required by the Board’s Rules of Procedure for the December 8, 2015, public hearing.

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## **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 December 8<sup>th</sup>, 2015, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals’ Rules of Procedure.

**Conditions:** The UDO<sup>6</sup> 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 UDO<sup>7</sup> requires that the approval of the variance shall be memorialized in an acknowledgement of variance instrument prepared by the Department. The acknowledgement shall: (i) specify the granted variance and any commitments made or conditions imposed in granting of the variance; (ii) be signed by the Director, Property Owner and Applicant (if Applicant is different than Property Owner); and (iii) be recorded against the subject property in the Office of the Recorder of Hamilton County, Indiana. A copy of the recorded acknowledgement shall be provided to the

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<sup>6</sup> Article 10.14(I) Processes and Permits; Variances; Conditions of the UDO.

<sup>7</sup> Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.



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.

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#### **DEPARTMENT COMMENTS**

Below, the Department has provided two (2) separate findings of fact, one if the Board is inclined to approve the petition, and another, if the Board is inclined to deny the petition.

#### **Recommendations for Approval**

**If the Board is inclined to approve the petition,** then the Department recommends the following conditions to limit the scope of the business to its existing activity and mitigate conflicts with the use and enjoyment of surrounding properties:

1. The “[A]ssembly operations of pre-manufactured parts, components” shall be limited in scope and operation to the Petitioner’s Narrative and Site Plan, attached hereto and incorporated herein as **Exhibit 4** and **Exhibit 5**, respectively. Any expansion or substantial alteration to the scope and operation of the Variance of Use, as determined by the Director, shall require approval by the Board of Zoning Appeals.
2. This Variance of Use shall be limited to the Property Owner and shall expire upon the ownership transfer of the Property to an owner other than the existing Property Owner.
3. All loading and unloading activity, including deliveries to and from the Property, shall only occur on the Property and not within the adjacent right-of-way, nor shall it prohibit or hinder access to and egress from adjacent properties.



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 of Use would be injurious to the public health, safety, morals, and general welfare of the community because all proposed assembly operations would occur entirely within the existing accessory structure, with the exception of deliveries once or twice a month, and will otherwise comply with all applicable standards 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:*

**Finding:** It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The proposed Variance of Use should not have a negative impact on surrounding properties because: (i) the use is utilizing existing improvements which are compatible and consistent with the rural/residential character of the surrounding area; (ii) all assembly operations of the use will occur completely within the existing accessory structure, with the exception of deliveries once or twice a month; and (iii) the imposed conditions are intended to further mitigate conflicts with surrounding uses.

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

**Finding:** The Unified Development Ordinance does not permit "assembly operations of pre-manufactured parts, components" within the AG-SF1 District; however, the surrounding area is contemplated by the Comprehensive Plan to be developed with higher intensity uses, of which the proposed use would likely be compatible with and of a lesser intensity (i.e. traffic impact and light, noise, and odor pollution).

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.*

**Finding:** The Unified Development Ordinance establishes that home businesses are intended for "[p]rofessional services and domestic occupations...as typically carried out can be conducted in a Dwelling without impairment of the use thereof as a place of residence and with no detrimental effect upon adjacent residential properties." The proposed use is not inconsistent with these stated objectives; however, the strict application of the terms of the Unified Development Ordinance results in the classification of the proposed use as a light industrial use which is not permitted, resulting in an unnecessary hardship when the proposed use is consistent with otherwise permitted agricultural operations and home businesses.

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



**Finding:** The Comprehensive Plan identifies this property within the “Rural Northeast” land use classification. Surrounding properties include the “Business Park” land use classification<sup>8</sup>, which contemplates higher intensity commercial, industrial and warehousing activity. Additionally, the property is approximately one thousand (1,000) feet west of the “Regional Commercial” land use classification<sup>9</sup> at the interchange of US Highway 31 and State Road 38. The proposed use is not inconsistent with surrounding land uses already contemplated by the Comprehensive Plan’s land use map, policies and objectives and does not interfering substantially with the Comprehensive Plan.

**Recommended Findings for Denial:**

**If the Board is inclined to deny the request,** then the Department recommends the following written findings of fact:

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

**Finding:** The requested Variance of Use would be injurious to the public health, safety, morals, and general welfare of the community because the proposed site design, access and operation interferes with safe ingress and egress of the property and adjacent residential properties along a State highway.

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 likely the use and value of adjacent property will be affected in a substantially adverse manner. The proposed use will likely have a negative impact on surrounding properties because: (i) the design of the site and operation does not adequately mitigate the aesthetic and ingress/egress impact on surrounding properties; (ii) the nature of the operation will likely have an undesirable impact on the residential character of the property; and (iii) the nature of the operation and operational characteristics is inconsistent with otherwise permitted uses on the property.

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

**Finding:** The need for this variance arises because of an existing zoning violation on the Property. The condition of the Property is not peculiar or unique in nature and the use and enjoyment of the property could otherwise occur as permitted in the AG-SF1 District.

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<sup>8</sup> Land uses contemplated as appropriate in Business Parks are (i) manufacturing; (ii) subordinate office, retail, and services; (iii) research and development; and (iv) warehousing.

<sup>9</sup> Land uses contemplated as appropriate in Regional Commercial are (i) regional retail; (ii) office; and (iii) attached residential dwellings.



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.*

**Finding:** The need for this variance arises because of an existing zoning violation on the Property that is self-imposed. Strict application of the Unified Development Ordinance would not constitute an unnecessary hardship because the existing improvements could otherwise be used as contemplated by the UDO and permitted in the AG-SF1 District.

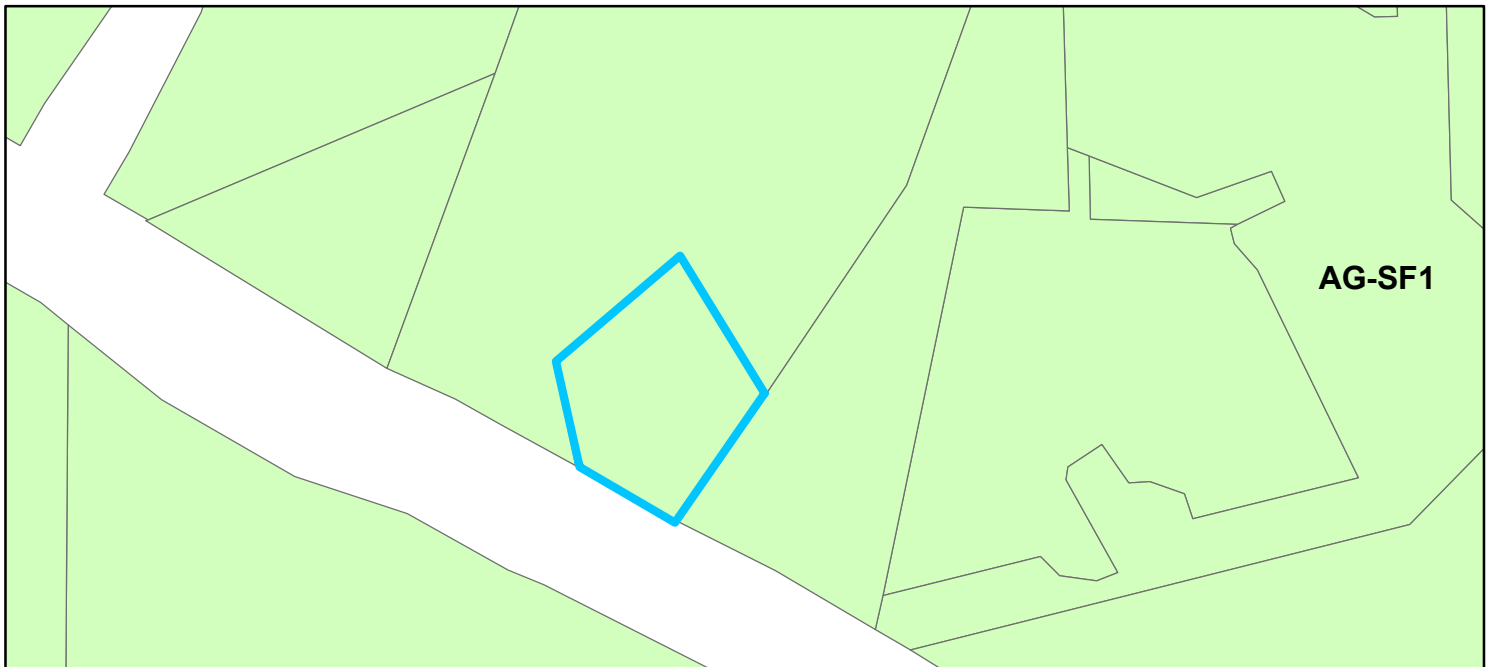
5. *The approval does not interfere substantially with the comprehensive plan.*

**Finding:** The Comprehensive Plan identifies this property within the “Rural Northeast” land use classification. Although the area surrounding the Property is contemplated for commercial and industrial development, the proposed use is not consistent with the Comprehensive Plan’s land use map, policies and objectives for the “Rural Northeast” classification; thereby interfering substantially with the Comprehensive Plan.

**Aerial Location Map**



**Zoning Map**



## EXISTING CONDITIONS EXHIBIT



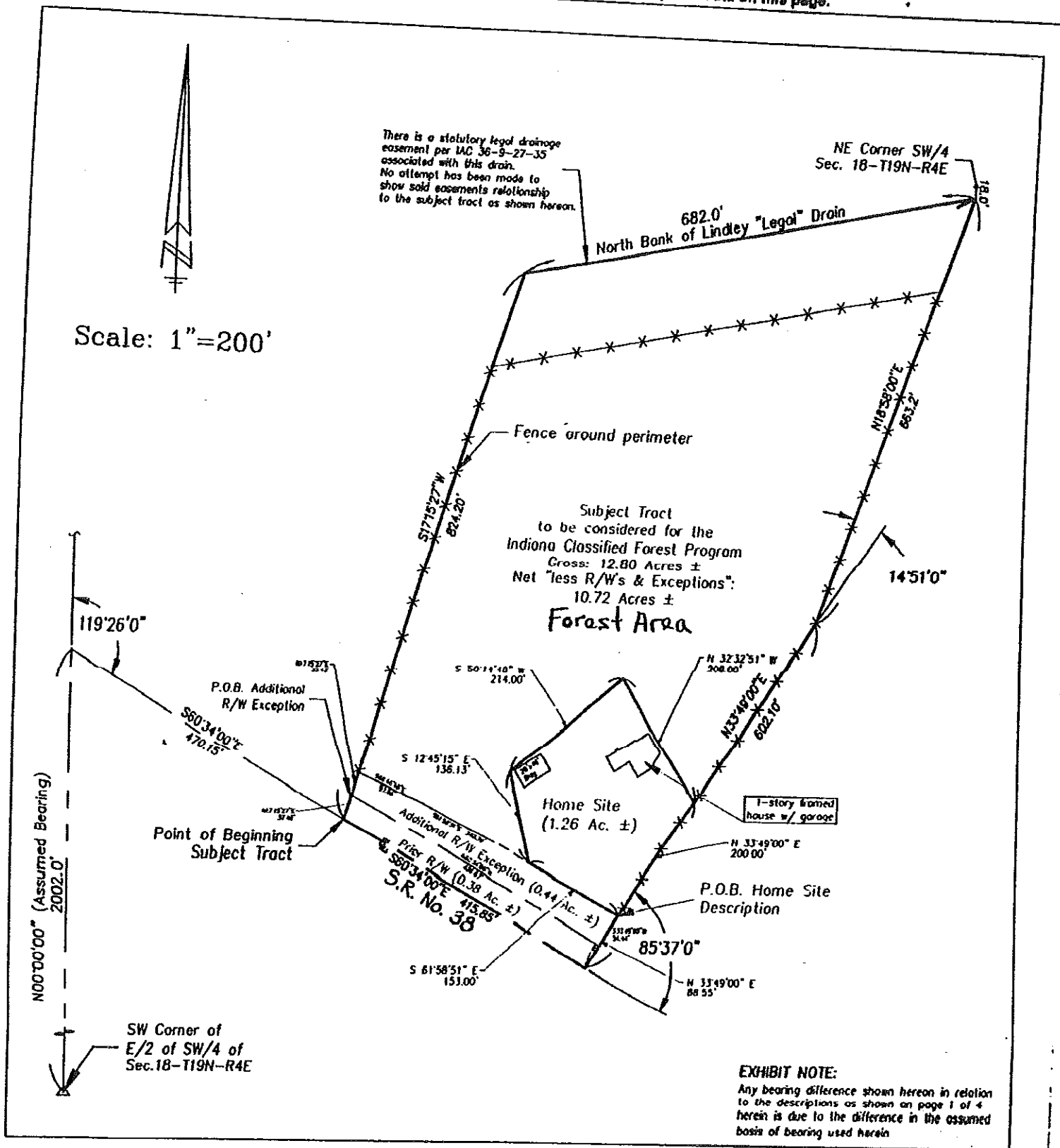


REPORT OF SURVEYOR  
State Form 10883 (R/3-93)

Page 2 of 4 pages

SURVEYOR'S PLAT

Note: The surveyor shall plat the forest area and put required data on this page.



| Acres     | Scale   | County       | Name of applicant |
|-----------|---------|--------------|-------------------|
| 10.72 NET | 1"=200' | Hamilton, IN | Per Clifford      |

Chapter 13 of the Unified Development Ordinance ("UDO") does not permit light industry land use in the AGSF-1 Zone Classification. Ron Clifford is an electrical engineer who part-time operates engineering and sales business from the detached garage located at his primary residence at 2228 State Road 38 East, Westfield, IN 46074. As a part of his electrical engineering business, he assembles metal hangers for the water and electrical piping contained in a recreational vehicle and supplies the assembled hangers to the RV industry in Elkhart, Indiana. The assembly involves placing a bolt in a metal strap to a metal clamp and tightening the bolt. All of the work takes place within the garage that measures 24 feet by 46 feet and was constructed in 1999. There is no outside storage or other activity outside of the enclosed garage except the delivery of parts and the shipment of assembled clamps approximately once or twice per month.

The Department has determined this conduct is not a home business within the definitions of Chapter 6.7 of the UDO.

OCT 02 2015

## VARIANCE APPLICATION

OFFICE  
USE ONLYDOCKET #: 1511-10-09

FILING DATE: \_\_\_\_\_

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

## PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: Jeff Lauer (STAFF NAME) DATE: October 2, 2015

## PRIOR OR RELATED DOCKET NUMBERS

CHANGE OF ZONING: \_\_\_\_\_ AMENDMENTS: \_\_\_\_\_ DEVELOPMENT PLAN: \_\_\_\_\_

PRIMARY PLAT: \_\_\_\_\_ SECONDARY PLAT: \_\_\_\_\_ VARIANCE(S): \_\_\_\_\_

## APPLICANT INFORMATION

APPLICANT'S NAME: Ronald Clifford TELEPHONE: 317-877-6055ADDRESS: 2228 S.R. 38 East, Westfield, IN 46074 EMAIL: cliffeng@aol.comPROPERTY OWNER'S NAME: same TELEPHONE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ EMAIL: \_\_\_\_\_

REPRESENTATIVE'S NAME: E. Davis Coots TELEPHONE: 317-844-4693COMPANY: Coots, Henke & Wheeler, P.C. EMAIL: \_\_\_\_\_ADDRESS: 255 East Carmel Drive, Carmel, IN 46032

## PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 2228 S.R. 38 East, Westfield, IN 46074COUNTY PARCEL ID #(S): 08-06-18--00-00-026 , 660EXISTING ZONING DISTRICT(S): AGSF-1 EXISTING LAND USE(S): residential and classified forest

## VARIANCE REQUEST

☒ VARIANCE OF LAND USE CODE CITATION: Ch. 13☐ VARIANCE OF DEVELOPMENT STANDARD(S) CODE CITATION: \_\_\_\_\_FINDINGS OF FACT: (PLEASE SEE ATTACHED)

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

Please see the attached sheet




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**APPLICANT AFFIDAVIT**


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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.

E. Davis Coots  
Applicant/Representative (signature)

E. Davis Coots  
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 2nd day of October, 2015.

State of INDIANA, County of Hamilton SS:



Christine M. O'Hara  
Notary Public Signature  
Christine M. O'Hara  
Notary Public (printed)

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**PROPERTY OWNER AFFIDAVIT**


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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.

Ronald M. Clifford  
Property Owner (signature)\*

Ronald M. Clifford  
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 2nd day of October, 2015.

State of INDIANA, County of Hamilton SS:



Christine M. O'Hara  
Notary Public Signature  
Christine M. O'Hara  
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.

## 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:
- |                                                            |                                                                                                                                               |
|------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Completed Application  | <input checked="" type="checkbox"/> Filing Fee Check (made out to "City of Westfield")                                                        |
| <input checked="" type="checkbox"/> Legal Description      | <input checked="" type="checkbox"/> Copy of Property Deed                                                                                     |
| <input type="checkbox"/> Draft Public Notice               | <input checked="" type="checkbox"/> List of Adjoining Property Owners (as provided by County)                                                 |
| <input checked="" type="checkbox"/> Property Owner Consent | <input type="checkbox"/> TAC Delivery Affidavit (if TAC is determined to be necessary)                                                        |
| <input checked="" type="checkbox"/> Site Plan (to scale)   | <input checked="" type="checkbox"/> Vicinity Map (including property within 500 feet)                                                         |
| <input checked="" type="checkbox"/> Statement of Intent    | <input type="checkbox"/> Elevations, photographs or other supporting information necessary to explain the nature of the requested variance(s) |
- C. **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.
- D. **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 Indy Star and The Times. The Department will handle the newspaper publication requirement.
  2. **Mailed Public Notice:** The applicant is responsible to send public notice by mail to all interested parties by certified mail with return receipt requested (green card), 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.
- E. **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.
- F. **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.
- G. **Board's Consideration:** Following the public hearing, the Board may either approve, approve with conditions, deny or continue the petition.
- H. **Resource:** Please see the Board's Rules of Procedure for more detailed procedural information.

Chapter 13 of the Unified Development Ordinance ("UDO") does not permit light industry land use in the AGSF-1 Zone Classification. Ron Clifford is an electrical engineer who part-time operates engineering and sales business from the detached garage located at his primary residence at 2228 State Road 38 East, Westfield, IN 46074. As a part of his electrical engineering business, he assembles metal hangers for the water and electrical piping contained in a recreational vehicle and supplies the assembled hangers to the RV industry in Elkhart, Indiana. The assembly involves placing a bolt in a metal strap to a metal clamp and tightening the bolt. All of the work takes place within the garage that measures 24 feet by 46 feet and was constructed in 1999. There is no outside storage or other activity outside of the enclosed garage except the delivery of parts and the shipment of assembled clamps approximately once or twice per month.

The Department has determined this conduct is not a home business within the definitions of Chapter 6.7 of the UDO.

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

APPLICANT: \_\_\_\_\_

DOCKET #: \_\_\_\_\_

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

- A. The use will not be injurious to the public health, safety, morals, and general welfare of the community because: \_\_\_\_\_  
The home business as an accessory to the dwelling is conducted entirely within the enclosed garage  
creates no noise, odors or other noxious effects and does not have any negative impact.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- 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: \_\_\_\_\_  
All of the activity is conducted in an enclosed garage, deliveries are once or twice per month and do not impact  
traffic and nothing is visible to the exterior of the property.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- C. The need for the variance arises from some condition particular to the property involved because: \_\_\_\_\_  
The applicant conducts his engineering and sales business from the accessory building, cannot perform the  
work within the dwelling and cannot physically combine the dwelling and garage.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- 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: \_\_\_\_\_  
Home business is a permitted use in an AGSF-1 zone. The Applicant's home business is the assembly of  
2 pieces of metal to make 1 piece. Classifying that process as light industrial without a use variance prohibits  
the home business use of the property.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- E. The variance of use does not interfere substantially with the Comprehensive Plan because: \_\_\_\_\_  
Home business uses are established throughout the jurisdiction. There are established business uses  
in the immediate area (boarding stable, massage therapy) and the 12.6 acre tract isolates the use  
from residential.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

EXHIBIT A - LEGAL DESCRIPTION

A PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 19 NORTH, RANGE 4 EAST IN HAMILTON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGIN AT A POINT IN THE CENTER OF THE RIGHT OF WAY OF STATE HIGHWAY NO. 38, 2002.0 FEET NORTH OF THE SOUTHWEST CORNER OF THE EAST HALF OF SECTION 18, TOWNSHIP 19 NORTH, RANGE 4 EAST, COUNTY AND STATE AS AFORESAID, DEFLECT TO THE RIGHT 119 DEGREES 26 MINUTES, RUN THENCE 470.15 FEET SOUTHEAST ON AND ALONG SAID CENTER LINE TO A POINT FOR THE PLACE OF BEGINNING; RUN THENCE SOUTHEASTERLY ON AND ALONG SAID CENTER LINE 415.85 FEET TO A R.R. SPIKE; THENCE DEFLECTING TO THE LEFT 85 DEGREES AND 37 MINUTES NORTHEASTERLY ON AND ALONG A FENCE LINE 602.1 FEET TO AN IRON STAKE AND CORNER POST; THENCE DEFLECTING TO THE LEFT 14 DEGREES AND 51 MINUTES RUN 663.2 FEET TO A CORNER POST AND IRON PIPE ON THE NORTH BANK OF LINDLEY DRAIN, SAID POINT BEING 18 FEET SOUTH OF THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE SOUTHWESTERLY ON AND ALONG THE MEANDERING NORTH BANK OF SAID DRAIN 682.0 FEET TO AN IRON STAKE; THENCE SOUTHWESTERLY 824.2 FEET TO THE PLACE OF BEGINNING. CONTAINING 12.5 ACRES, MORE OR LESS.

EXCEPT:

A PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 19 NORTH, RANGE 4 EAST, HAMILTON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT IN THE CENTER OF THE RIGHT OF WAY OF STATE HIGHWAY NO. 38, 2002.0 FEET NORTH OF THE SOUTHWEST CORNER OF THE EAST HALF (THE FOREGOING PORTION OF THIS DESCRIPTION BEGINNING WITH THE WORDS "AT A POINT" IS QUOTED FROM INSTRUMENT NO. 9101753) OF SAID QUARTER SECTION; THENCE DEFLECT TO THE RIGHT 119 DEGREES 26 MINUTES, RUN THENCE 470.15 FEET SOUTHEAST ON AND ALONG SAID CENTER LINE (THE FOREGOING PORTION OF THIS DESCRIPTION BEGINNING WITH THE WORDS "DEFLECT TO THE RIGHT" IS QUOTED FROM INSTRUMENT NO. 9101753) TO THE WEST CORNER OF THE OWNERS' LAND; THENCE NORTH 19 DEGREES 14 MINUTES 50 SECONDS EAST, ALONG THE WESTERN LINE OF THE OWNERS' LAND, 37.48 FEET TO THE NORTHEASTERN BOUNDARY OF SAID S.R. 38 AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 19 DEGREES 14 MINUTES 50 SECONDS EAST, ALONG THE WESTERN LINE OF THE OWNERS' LAND, 33.43 FEET; THENCE SOUTH 67 DEGREES 24 MINUTES 24 SECONDS EAST 97.86 FEET, THENCE SOUTH 61 DEGREES 32 MINUTES 30 SECONDS EAST 70.00 FEET; THENCE SOUTH 62 DEGREES 58 MINUTES 26 SECONDS EAST 257.58 FEET TO THE SOUTHEASTERN LINE OF THE OWNERS' LAND; THENCE SOUTH 28 DEGREES 27 MINUTES 30 SECONDS WEST, ALONG SAID SOUTHEASTERN LINE, 51.44 FEET TO THE NORTHEASTERN BOUNDARY OF SAID S.R. 38; THENCE NORTH 61 DEGREES 32 MINUTES 30 SECONDS WEST, ALONG THE BOUNDARY OF SAID S.R. 38, 37.50 FEET; THENCE

CASE NO. 98296053  
EXHIBIT A - CONT'D

NORTH 61 DEGREES 14 MINUTES 30 SECONDS WEST, ALONG SAID  
BOUNDARY, 382.00 FEET TO THE POINT OF BEGINNING AND CONTAINING  
0.436 ACRES, MORE OR LESS.

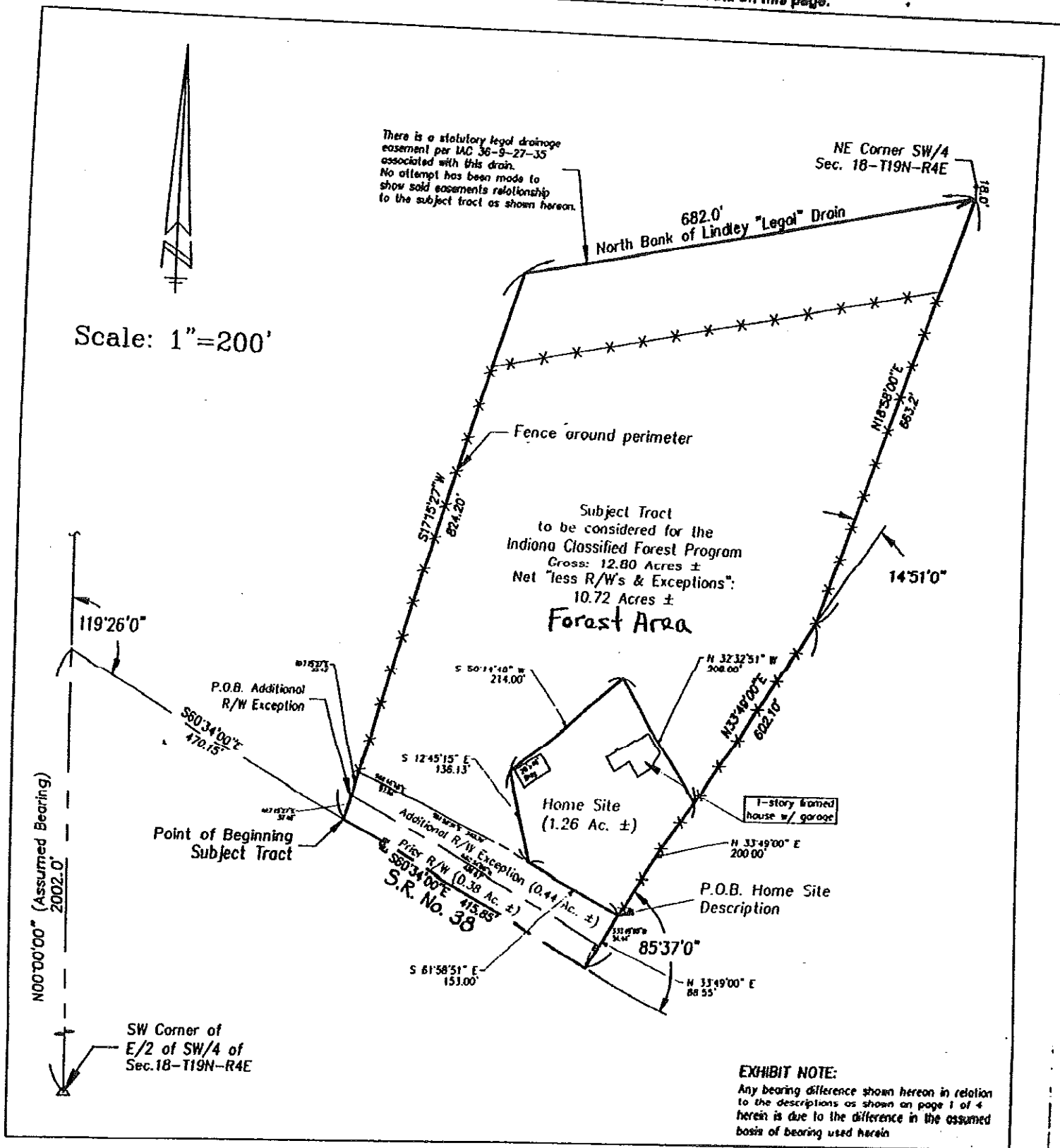


**REPORT OF SURVEYOR**  
State Form 10883 (R/3-93)

Page 2 of 4 pages

**SURVEYOR'S PLAT**

Note: The surveyor shall plat the forest area and put required data on this page.



| Acres     | Scale   | County       | Name of applicant |
|-----------|---------|--------------|-------------------|
| 10.72 NET | 1"=200' | Hamilton, IN | Per Clifford      |

Instrument  
9809846801

9809846801  
Filed for Record in  
HAMILTON COUNTY, INDIANA  
MARY L CLARK  
On 08-21-1998 At 11:00 am.  
WARR DEED 14.00

File No. 98296053

14.00  
③

## WARRANTY DEED

*This Indenture Witnesseth*, That Murray K. Smith and Sarah L. Smith, husband and wife (Grantor) of Hamilton County, in the State of Indiana, *Conveys and Warrants* to Ronald M. Clifford and Pattle Clifford, husband and wife (Grantee) of Hamilton County, in the State of Indiana, for the sum of Ten & 00/100 Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the real estate in Hamilton County, in the State of Indiana described as follows:

**SEE ATTACHED LEGAL EXHIBIT "A"**

**Subject To** the Fall Installment of Real Estate Taxes due and payable in November 1998 and all taxes payable thereafter.

**Subject To** any and all easements, agreements, and restrictions of record.

The address of such real estate is commonly known as: 2228 State Road 38 East, Westfield, Indiana 46074

Tax bills should be sent to Grantee at such address unless otherwise indicated below.

*In Witness Whereof*, Grantor has executed this deed this 18th day of August 1998.

  
Murray K. Smith (Seal)

  
Sarah L. Smith (Seal)

State of Indiana, Hamilton County ss: Acknowledgement

Before me, a Notary Public in and for the said County and State, personally appeared Murray K. Smith and Sarah L. Smith, husband and wife who acknowledged the execution of the foregoing Warranty Deed, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and notarial seal this 18th day of August 1998.

My Commission Expires

Signature

Notary Public

Susan L. Murphy

Printed

Marion

Residing In Co., IN

and tax bills to: Property Address

Prepared by: Wade R. Nichols, Attorney at Law  
Morgan & Associates, Inc.,  
840 Logan Street,  
Noblesville, IN 46060

DULY ENTERED FOR TAXATION  
Subject to final acceptance for transfer  
21 day of Aug 1998

  
Auditor  
Hamilton County

Parcel # 05-06-13-00-00-026.000

CASE NO. 98296053

EXHIBIT A - LEGAL DESCRIPTION

A PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 19 NORTH, RANGE 4 EAST IN HAMILTON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

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CASE NO. 98296053  
EXHIBIT A - CONT'D

NORTH 61 DEGREES 14 MINUTES 30 SECONDS WEST, ALONG SAID  
BOUNDARY, 382.00 FEET TO THE POINT OF BEGINNING AND CONTAINING  
0.436 ACRES, MORE OR LESS.

**ADJOINER***(NOTIFICATION LIST)*REQUEST DATE: 07/09/2015NAME OF PROPERTY OWNER: Ronald CliffordNAME OF PETITIONER: Ronald Clifford

LEGAL DESCRIPTION OR PARCEL NUMBER OF PROPERTY:

08-06-18-00-00-026

OTHER PARCELS:

ZONING AUTHORITY APPLYING TO: WestfieldSIGNATURE OF APPLICANT: E. Davis CootsNAME AND PHONE NUMBER  
OF PERSON TO CONTACT: Char Curley ( 317 ) 997-3293ORDER TAKEN BY: \_\_\_\_\_  
*(For Office Use Only)*

**\*NOTE\* -- DUE TO VOLUME AND TURN AROUND, ORDERS TAKE 3-5 BUSINESS DAYS FOR PROCESSING. TRANSFER AND MAPPING WILL APPROPRIATELY NOTIFY THE CONTACT WHEN THEIR ORDER IS READY TO BE PICKED UP.**

Confirmation Code: AdjoinerForm\_rad1C41A

## HAMILTON COUNTY AUDITOR

I, DAWN COVERDALE, AUDITOR OF HAMILTON COUNTY, INDIANA, CERTIFY MY OFFICE HAS SEARCHED OUR RECORDS AND BASED ON THAT SEARCH, IT APPEARS THAT THE PROPERTY OWNERS MARKED AS NEIGHBORS ARE THE PROPERTY OWNERS THAT ARE TWO PROPERTIES OR 660' FEET FROM THE REAL ESTATE MARKED AS SUBJECT PROPERTY.

THIS DOCUMENT DOES NOT CERTIFY THAT THE ATTACHED LIST OF PROPERTY OWNERS IS ACCURATE OR INCLUDES ALL PROPERTY OWNERS ENTITLED TO NOTICE PURSUANT TO LOCAL ORDINANCE. ANY PERSON SEEKING A MORE ACCURATE SEARCH OF THE REAL ESTATE RECORDS OF THE COUNTY SHOULD SEEK THE OPINION OF A TITLE INSURANCE COMPANY.

DAWN COVERDALE, HAMILTON COUNTY AUDITOR

DATED:

*Michael R. Cussel* 07-15-2015

### SUBJECT PROPERTY:

---

|                        |         |
|------------------------|---------|
| 08-06-18-00-00-026.000 | Subject |
|------------------------|---------|

Clifford, Ronald M & Pattie

2228 SR 38 E

|           |    |       |
|-----------|----|-------|
| Westfield | IN | 46074 |
|-----------|----|-------|

---

|                        |         |
|------------------------|---------|
| 08-06-18-00-00-026.001 | Subject |
|------------------------|---------|

Clifford, Ronald M & Pattie

2228 SR 38 E

|           |    |       |
|-----------|----|-------|
| Westfield | IN | 46074 |
|-----------|----|-------|

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Pursuant to the provisions of Indiana Code 5-14-3-3-(e), no person other than those authorized by the County may reproduce, grant access, deliver, or sell any information obtained from any department or office of the County to any other person, partnership, or corporation. In addition any person who receives information from the County shall not be permitted to use any mailing list, addresses, or databases for the purpose of selling, advertising, or soliciting the purchase of merchandise, goods, services, or to sell, loan, give away, or otherwise deliver the information obtained by the request to any other person.

# **HAMILTON COUNTY NOTIFICATION LIST**

PLEASE NOTIFY THE FOLLOWING PERSONS

---

|                               |                 |
|-------------------------------|-----------------|
| <b>08-06-18-00-00-003.000</b> | <b>Neighbor</b> |
|-------------------------------|-----------------|

Washington Township of Hamilton County

1549 E Greyhound Pass

|        |    |       |
|--------|----|-------|
| Carmel | IN | 46032 |
|--------|----|-------|

---

|                               |                 |
|-------------------------------|-----------------|
| <b>08-06-18-00-00-004.004</b> | <b>Neighbor</b> |
|-------------------------------|-----------------|

McCullough, Dale H & Loretta Trustees Each With L/E

21151 Anthony Rd

|           |    |       |
|-----------|----|-------|
| Westfield | IN | 46062 |
|-----------|----|-------|

---

|                               |                 |
|-------------------------------|-----------------|
| <b>08-06-18-00-00-005.000</b> | <b>Neighbor</b> |
|-------------------------------|-----------------|

McCullough, Dale H & Loretta Trus

21151 Anthony Rd

|           |    |       |
|-----------|----|-------|
| Westfield | IN | 46062 |
|-----------|----|-------|

---

|                               |                 |
|-------------------------------|-----------------|
| <b>08-06-18-00-00-022.000</b> | <b>Neighbor</b> |
|-------------------------------|-----------------|

Kody Holdings LLC

10801 Turne Grove

|         |    |       |
|---------|----|-------|
| Fishers | IN | 46037 |
|---------|----|-------|

---

|                               |                 |
|-------------------------------|-----------------|
| <b>08-06-18-00-00-023.000</b> | <b>Neighbor</b> |
|-------------------------------|-----------------|

Pettijohn, Susan G Trustee of Susan Pettijohn Trust

2314 STATE ROAD 38 E

|           |    |       |
|-----------|----|-------|
| Westfield | IN | 46074 |
|-----------|----|-------|

---

|                               |                 |
|-------------------------------|-----------------|
| <b>08-06-18-00-00-023.001</b> | <b>Neighbor</b> |
|-------------------------------|-----------------|

Pettijohn, Susan G Trustee of Susan Pettijohn Trust

2314 STATE ROAD 38 E

|           |    |       |
|-----------|----|-------|
| Westfield | IN | 46074 |
|-----------|----|-------|

---

|                               |                 |
|-------------------------------|-----------------|
| <b>08-06-18-00-00-024.000</b> | <b>Neighbor</b> |
|-------------------------------|-----------------|

Gwin, Anita J Trustee of Anita J Gwin Living Trust

2302 SR 38 E

|           |    |       |
|-----------|----|-------|
| Westfield | IN | 46074 |
|-----------|----|-------|

---

|                               |                 |
|-------------------------------|-----------------|
| <b>08-06-18-00-00-024.002</b> | <b>Neighbor</b> |
|-------------------------------|-----------------|

Pettijohn, Susan G Trustee of Susan Pettijohn Trust

2314 STATE ROAD 38 E

Westfield

IN

46074

---

08-06-18-00-00-027.000

Neighbor

DeLullo, Catherine G Family Fund 75% & Catherine G DeLullo Husbands Fund 25% to

11420 206th St E

Noblesville

IN

46060

---

08-06-18-00-00-028.000

Neighbor

C Stephen Roudebush LLC 46%, Lois M Osborne Trustee of Lois Osborne Trust 29.97% & C Bradley Roudebush 24.03%

18705 Shady Nook Rd

Noblesville

IN

46062

---

08-06-18-00-00-029.000

Neighbor

Luther, Timothy W & M Susan

2120 SR 38 E

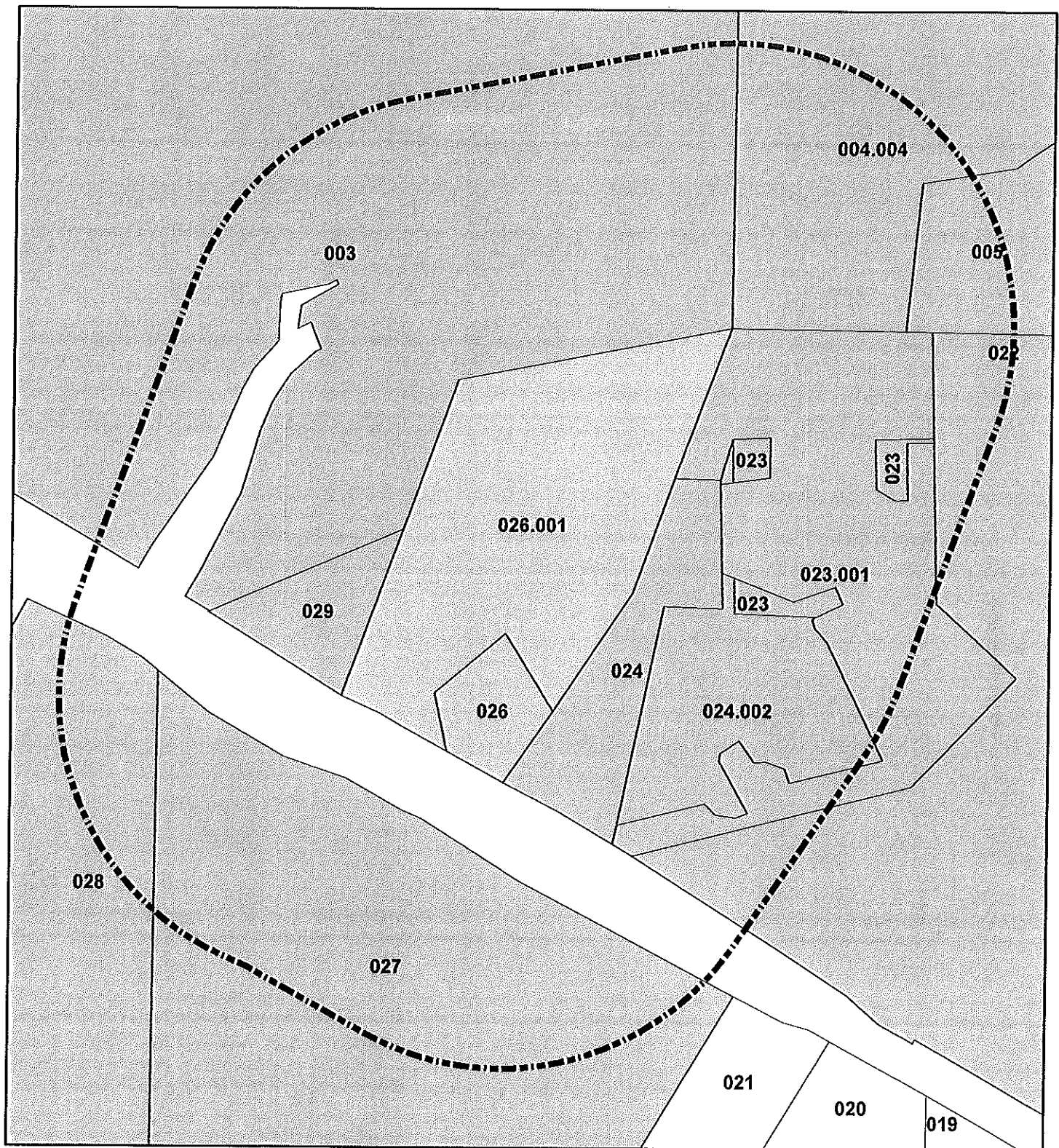
Westfield

IN

46074

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# Adjoiner Notification Map



## Legend



Subject Parcel(s)



Notification Parcel(s)



Buffer

001 Parcel Number



Parcel Boundary



Code Enforcement No.: **EN-15-03-06**

**Petition Location:** 2228 E. SR 38

**Property Owner:** Ronald and Pattie Clifford

**Packet Includes:**

1. Pictures of loading and unloading activity on State Road 38 right-of-way  
(Dated March 13, 2015)  
*(Submitted by Complainant)*
2. Additional pictures of loading and unloading activity on State Road 38 right-of-way (Dated March 17, 2015)  
*(Submitted by Complainant)*
3. Warning Letter (Dated March 31, 2015)  
*(Issued by the Department)*
4. Violation Letter (Dated June 15, 2015)  
*(Issued by the Department)*































**Mayor**  
Andy Cook

**City Council**  
Jim Ake  
Steve Hoover  
Robert L. Horkay  
Chuck Lehman  
Robert J. Smith  
Cindy L. Spoljaric  
Robert W. Stokes

**Clerk Treasurer**  
Cindy J. Gossard

**Economic and  
Community Development**

(317) 804-3170 office  
(317) 804-3181 fax

2728 East 171st Street  
Westfield, IN 46074  
**westfield.in.gov**

March 31, 2015

Ronald M. and Pattie Clifford  
2228 E State Road 38  
Westfield, IN 46074

Dear Mr. and Mrs. Clifford

This letter is being provided in response to a concern our department received regarding your property located at 2228 E State Road 38, Westfield, IN 46074 (the "property"). The concern was the possible use of the property for a home business, including the potential import and/or export of goods to and/or from the property by semi-trucks, and the parking of vehicles on or near SR 38.

The property is currently zoned AG-SF1: Agriculture / Single-Family Rural District, which primarily permits agricultural and residential uses. A non-residential use, such as a home business, is only permitted if it complies with the Westfield-Washington Township Unified Development Ordinance's (the "Zoning Ordinance") standards for home businesses. For your convenience, I have enclosed a copy of those standards.

I inspected the property on March 23, 2015, but did not observe any activity that was in violation of the Zoning Ordinance. As a result, please accept this letter as an informational warning regarding the applicable standards for a home business. If such a use is occurring on the property in violation of the enclosed standards, then please cease the illegal use of the property immediately to avoid the initiation of legal action by the City.

If you have any questions or if you would like to further discuss, then please do not hesitate to contact me at (317) 804-3170.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey M. Lauer", is written over a horizontal line.

Jeffrey M. Lauer  
Associate Planner  
City of Westfield

Enclosure: UDO Article 6.7 Home Business Standards



**Mayor**  
Andy Cook

**City Council**  
Jim Ake  
Steve Hoover  
Robert L. Horkay  
Chuck Lehman  
Robert J. Smith  
Cindy L. Spoljaric  
Robert W. Stokes

**Clerk Treasurer**  
Cindy J. Gossard

**Economic and  
Community Development**

(317) 804-3170 office  
(317) 804-3181 fax

2728 East 171st Street  
Westfield, IN 46074  
[westfield.in.gov](http://westfield.in.gov)

June 15, 2015

Ronald M. and Pattie Clifford  
2228 E State Road 38  
Westfield, IN 46074

Dear Mr. and Mrs. Clifford

This letter is being provided in response to a concern our department received regarding your property located at 2228 E State Road 38, Westfield, IN 46074 (the "property"). The concern was the use of the property for a home business, including the potential import and/or export of goods to and/or from the property by semi-trucks, and the parking of vehicles on or near SR 38.

The property is currently zoned AG-SF1: Agriculture / Single-Family Rural District, which primarily permits agricultural and residential uses. A non-residential use, such as a home business, is only permitted if it complies with the Westfield-Washington Township Unified Development Ordinance's (the "Zoning Ordinance") standards for home businesses. For your convenience, I have enclosed a copy of those standards.

You and I spoke on April 8, 2015. During that meeting you indicated there are in fact commercial activities conducted on the property. As a result, please accept this letter as a warning regarding the applicable standards for a home business. If such a use is occurring on the property in violation of the enclosed standards, then please cease the illegal use of the property immediately to avoid the initiation of legal action by the City.

If you desire to legally establish a business within a residential district, then I encourage you to contact me immediately to set up a meeting so that we can discuss the variance of use and/or standard process through the Board of Zoning Appeals. Please do not hesitate to contact me at (317) 804-3170.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeffrey M. Lauer", is written over a circular blue stamp.

Jeffrey M. Lauer  
Associate Planner  
City of Westfield

Enclosure: UDO Article 6.7 Home Business Standards



WESTFIELD-WASHINGTON  
BOARD OF ZONING APPEALS

December 8, 2015

1511-VS-16

Exhibit 1

**Petition Number:** 1511-VS-16

**Subject Site Address:** 2228 E. SR 38 Street (the "Property")

**Petitioner:** Ronald Clifford by Coots, Henke & Wheeler, P.C. (the "Petitioner")

**Request:** The Petitioner is requesting Variances of Development Standard for a reduction of: (i) the Minimum Lot Area (*Article 4.2(E)(2)*); (ii) the Minimum Lot Frontage (*Article 4.2(C)*); and (iii) the Side and Rear Yard Minimum Building Setback Lines (*Article 4.2(D)*) in the AG-SF1: Agriculture / Single-Family Rural District.

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

**Current Land Use:** Detached Single-Family Dwelling and detached Accessory Structure

**Approximate Acreage:** 1.26 acres +/-

**Exhibits:**

1. Staff Report
2. Location Map
3. Existing Conditions Exhibit
4. Property Survey
5. Petitioner's Narrative
6. Petitioner's Application
7. Improvement Location Permit Materials

**Staff Reviewer:** Jeffrey M. Lauer, Associate Planner

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**PROPERTY INFORMATION**

The subject property (Parcel No. 08-06-18-00-00-026.000) is 1.26 acres +/- in size and located on the north side of State Highway 38; approximately two thousand one hundred (2,100) feet east of US Highway 31 (see **Exhibit 2**) (the "Property"). The Property is zoned AG-SF1: Agriculture / Single-Family Rural ("AG-SF1") District. The surrounding properties are also zoned the AG-SF1 District. Macgregor Park is located immediately adjacent to the west of the Property.



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## **PROPERTY HISTORY**

**1962-1974:** The existing Single-Family Dwelling located on the Property was constructed.<sup>1</sup>

**06/20/1994:** Improvement Location Permit (“ILP”) (Permit No. 94-IP-141) was issued for an addition to the existing Single-Family Dwelling (Certificate of Occupancy issued 12/30/1994) (see **Exhibit 7**).

**08/18/1998:** A 12.5 acre +/- parcel was deeded to Ronald and Pattie Clifford (collectively, the “Property Owners”) by Murray and Sarah Smith (see **Exhibit 6**).

**08/12/1999:** An ILP (Permit No. 99-IP-509) for an Accessory Structure described as “a twenty-four (24) foot by forty-six (46) foot workshop” was issued (see **Exhibit 7**).

**02/05/2003:** The Property Owners illegally subdivided the Property creating two separate parcels (see **Exhibit 4** and **Exhibit 5**) in order to classify the northern 10.8 acre parcel (Parcel No. 08-06-18-00-00-026.001) as forest land, as part of the Indiana Classified Forest Program, in working with the Indiana Department of Natural Resources (see **Exhibit 5**). This subdivision resulted in the existing Single-Family Dwelling and Accessory Structure, (Parcel No. 08-06-18-00-00-026.000) located on the southern 1.26 acre parcel, to no longer comply with the Unified Development Ordinance’s minimum Lot Area, Lot Frontage, and Side and Rear Yard Minimum Building Setback Lines.<sup>2</sup>

**06/11/2011:** The Indiana State Department of Transportation (“INDOT”) purchased right-of-way from the Property Owners for the widening and improvement of State Highway 38.

**07/10/2015:** In working with the Property Owner regarding their Variance of Use (Petition No. 1511-VU-09) petition for the Property, the Department identified the illegal subdivision and violations with regard to the minimum Lot Area, Lot Frontage, and Side and Rear Yard Minimum Building Setback Lines.

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<sup>1</sup> The exact date an Improvement Location Permit was approved or Certificate of Occupancy issued for the residence cannot be determined; however, historic aerials provide evidence that the home was constructed after 1962, but prior to 1974.

<sup>2</sup> Article 4.2(E)(2), Article 4.2(C), and Article 4.2(D) of the Westfield-Washington Township Unified Development Ordinance (the “UDO”).



**10/02/2015:** The Property Owners filed this petition for Variances of Development Standard (see Exhibit 6).

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### **VARIANCE REQUESTS**

The Petitioner is requesting the following four (4) Variances of Development Standard:

1. **Minimum Lot Area:** Prior to the subdivision, the original parcel was 12.5 acres +/- in size (see Exhibit 5) (the "Original Parcel"). The current southern parcel (Parcel No. 08-06-18-00-00-026.000) is 1.26 acres +/- in size (after the subdivision of the Original Parcel and INDOT's acquisition of right-of-way along State Road 38). The UDO's Minimum Lot Area is three (3) acres in the AG-SF1 District<sup>3</sup>. The Petitioner is requesting a reduction of the Minimum Lot Area to 1.26 acres +/- for the southern parcel.
2. **Minimum Lot Frontage:** The Original Parcel had 415.85 feet +/- of Lot Frontage. The current southern parcel (Parcel No. 08-06-18-00-00-026.000) has a Lot Frontage of 153 feet +/- (see Exhibit 4) (after the subdivision of the Original Parcel and INDOT's acquisition of right-of-way along State Road 38). The UDO's Minimum Lot Frontage is two hundred and fifty (250) feet in the AG-SF1 District<sup>4</sup>. The Petitioner is requesting a reduction in the Minimum Lot Frontage to one hundred and fifty-three (153) feet +/- for the southern parcel.
3. **Minimum Building Setback Line:** The Single-Family Dwelling and Accessory Structure (the "Buildings") were both constructed prior to the subdivision of the Original Parcel in 2003. The Buildings complied with the applicable setback standards at the time of the issuance of the ILP for the Buildings (see Exhibit 7); however, the illegal subdivision of the Original Parcel resulted in the Buildings no longer complying.
  - a. **Minimum Side Yard Building Setback Line:** The UDO's Minimum Side Yard Building Setback Line is thirty (30) feet in the AG-SF1 District. The subdivision of the Original Parcel resulted in a side yard setback of thirteen (13) feet for the existing Accessory Structure. As a result, the Petitioner is requesting a reduction in the Minimum Side Yard Building Setback Line to twelve (12) feet +/- for the southern parcel.

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<sup>3</sup> Article 4.2(C)

<sup>4</sup> Article 4.2(D)



- b. Minimum Rear Yard Building Setback Line: The UDO's Minimum Rear Yard Building Setback Line is thirty (30) feet in the AG-SF1 District. The subdivision of the Original parcel resulted in a rear yard setback of less than one (1) foot for the existing Single-Family Dwelling. As a result, the Petitioner is requesting a reduction in the Minimum Rear Yard Building Setback Line to zero (0) feet for the southern parcel.

Comprehensive Plan: The Westfield-Washington Township Comprehensive Plan (the "Comprehensive Plan") identifies this Property within the "Rural Northeast" land use classification<sup>5</sup>. Appropriate land uses in this area are: (i) Single-family detached houses on large lots or in a rural or Conservation Subdivision; (ii) accessory dwellings; (iii) equestrian uses (iv) agriculture, including artisan farms; and (v) institutional uses, such as schools, churches, public safety facilities and similar uses are contemplated in this area.

Thoroughfare Plan: The Westfield-Washington Township Thoroughfare Plan (the "Thoroughfare Plan") is designed to support and facilitate the City's efforts to provide for a safe and effective transportation system within the Township. As such, each major roadway in the Township is classified, based upon anticipated future growth. The adjacent State Highway 38 is identified as a "Primary Arterial," which is the highest classification for public right-of-way (i.e. seventy-five (75) foot half right-of-way). All existing structures on the Property are located outside the existing and anticipated future rights-of-way.

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## **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 December 8, 2015, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

Conditions: The UDO<sup>6</sup> 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

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<sup>5</sup> Westfield-Washington Township Comprehensive Plan, Land Use Concept Map (pg. 23)

<sup>6</sup> Article 10.14(l) Processes and Permits; Variances; Conditions of the UDO.



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

**Acknowledgement of Variance:** If the Board of Zoning Appeals approves this petition, then the UDO<sup>7</sup> requires that the approval of the variance shall be memorialized in an acknowledgement of variance instrument prepared by the Department. The acknowledgement shall: (i) specify the granted variance and any commitments made or conditions imposed in granting of the variance; (ii) be signed by the Director, Property Owner and Applicant (if Applicant is different than Property Owner); and (iii) be recorded against the subject property in the Office of the Recorder of Hamilton County, Indiana. A copy of the recorded acknowledgement shall be provided to the Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

**Variance 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.

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## **RECOMMENDED FINDINGS OF FACT**

**Recommended Findings for Approval:** If the Board is inclined to approve the requested Variances of Development Standard, then the Department recommends the following written findings of fact:

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 variances would be injurious to the public health, safety, morals, and general welfare of the community because the AG-SF1

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<sup>7</sup> Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.

District permits the existing improvements. Furthermore, the Property and all improvements are required to comply with all other applicable standards of the Unified Development Ordinance.

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 proposed, 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 whole or in part: (i) the relocation or demolition of existing structures; (ii) the modification of existing parcel lines, and; (iii) termination in use and occupancy of the Property. The uses are otherwise permitted by the Unified Development Ordinance and the existing improvements and parcel would be required to comply with all other applicable standards in the Unified Development Ordinance.

**Recommended Findings for Denial:** If the Board is inclined to deny the requested Variances of Development Standard, then the Department recommends the following written findings of fact:

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 variances would be injurious to the public health, safety, morals, and general welfare of the community because the AG-SF1 District permits the existing improvements. Furthermore, the Property and all improvements are required to comply with all other applicable standards of the Unified Development Ordinance.

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 proposed, 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.*



WESTFIELD-WASHINGTON  
BOARD OF ZONING APPEALS

December 8, 2015

1511-VS-16

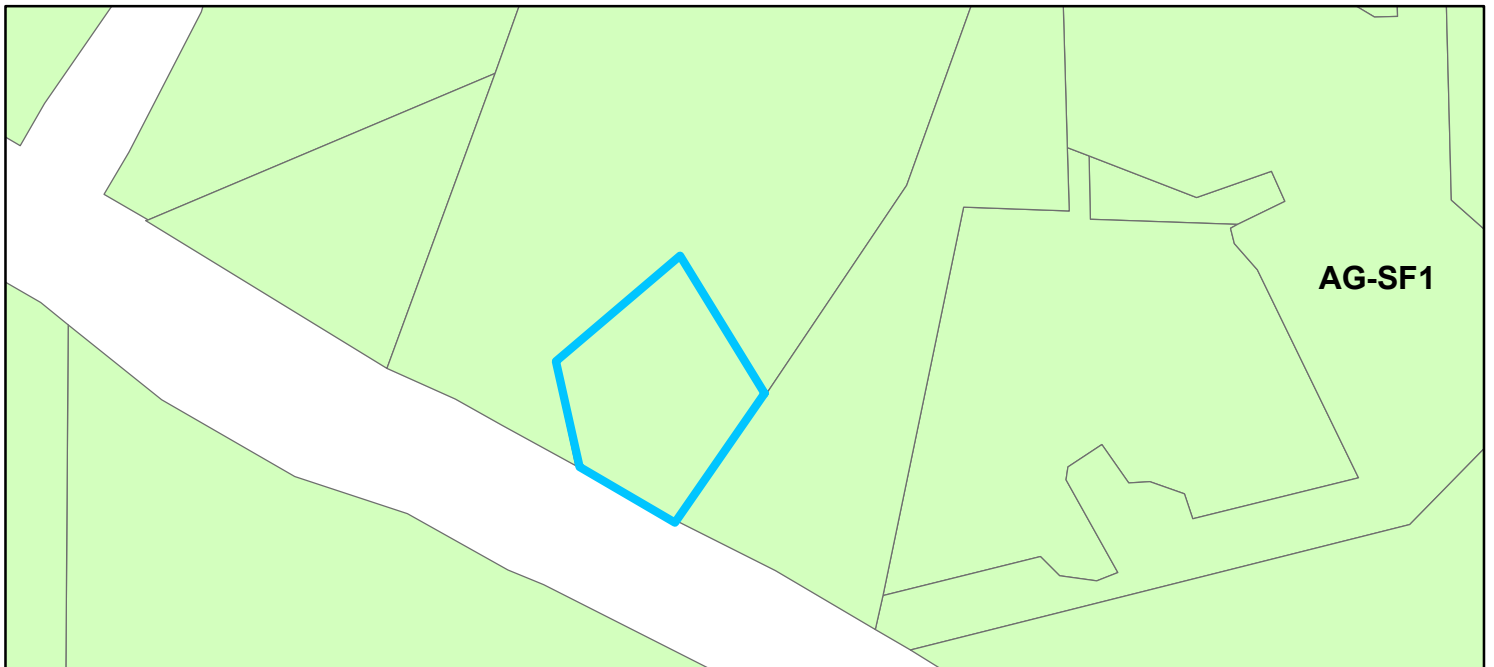
Exhibit 1

**Finding:** The requested variance is the result of a self-imposed hardship predicated by the illegal subdividing of the property. The adjacent parcel is currently owned by the petitioner and could either be combined with the subject parcel or allow for the adjustment of the existing property lines to bring the parcel into compliance or at a minimum, reduce the noncompliance. Strict application of the ordinance would not inhibit the use of the property and thus would not be a practical difficulty.

**Aerial Location Map**



**Zoning Map**



## EXISTING CONDITIONS EXHIBIT



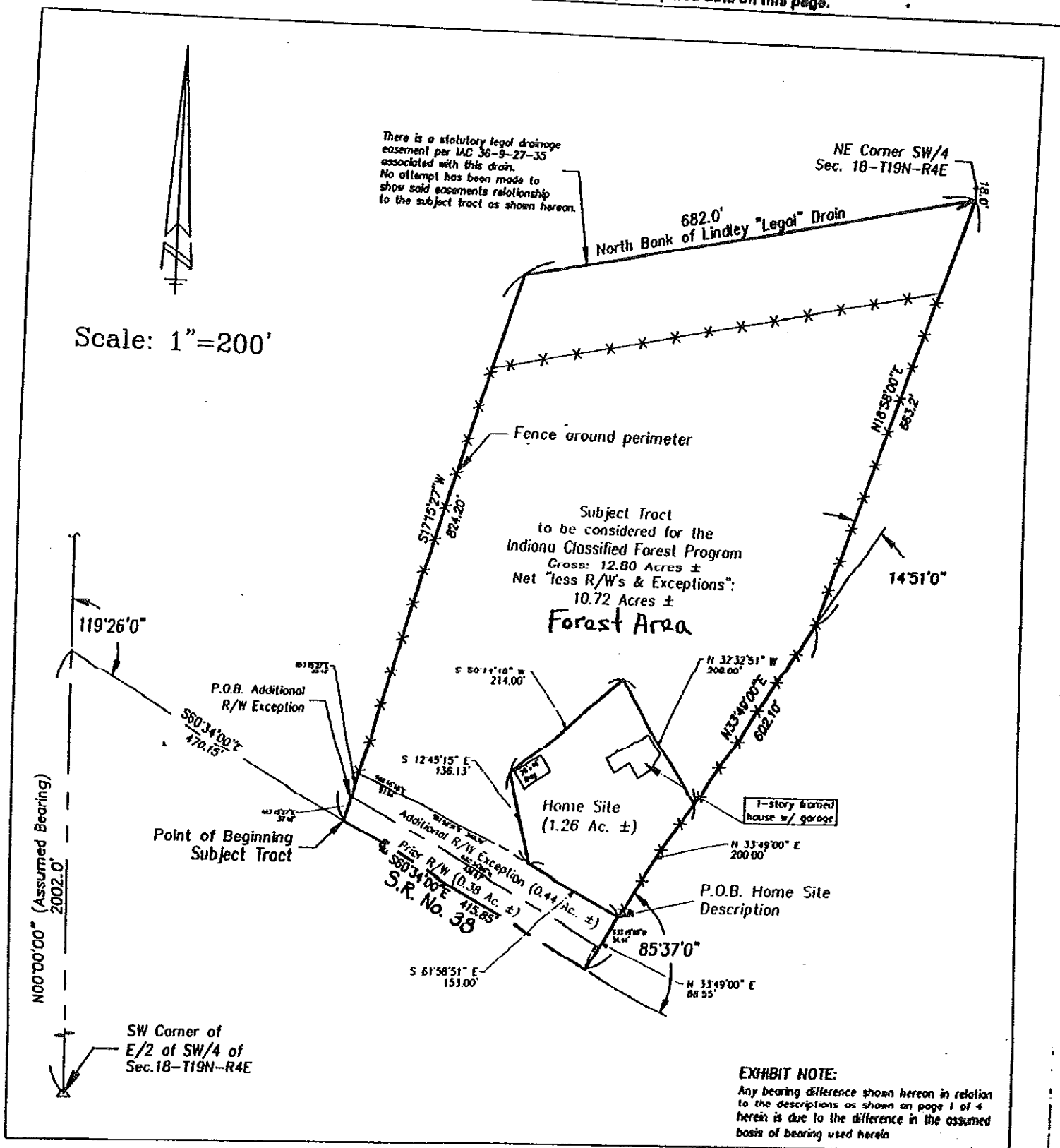


REPORT OF SURVEYOR  
State Form 10883 (R/3-93)

Page 2 of 4 pages

SURVEYOR'S PLAT

Note: The surveyor shall plat the forest area and put required data on this page.



| Acres     | Scale   | County       | Name of applicant |
|-----------|---------|--------------|-------------------|
| 10.72 NET | 1"=200' | Hamilton, IN | Per Clifford      |

Ron Clifford is an electrical engineer who part-time operates engineering and sales business from the detached garage located at his primary residence at 2228 State Road 38 East, Westfield, IN 46074. Mr. and Mrs. Clifford purchased the 12.5 acre piece of property in 1998 and in approximately 2003 partitioned 1.26 acres including the residence from the larger tract in order to register the 10.72 acre portion under the Indiana Classified Forest Program. As the result of partitioning the 1.26 acre residence parcel from the larger parcel, setbacks for the house and accessory garage failed to meet the ordinance requirements of Article 6.1 (D)(2)(A),(D), Article 4.2(E)((2) rear set back and Article 4.2 (C) lot area. The purpose of the development standards variance request is to bring the parcel containing the residence into compliance with the zoning ordinance requirements for side yard setback, three acre lot area requirement, lot frontage and rear yard setback.

## WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM

## VARIANCE APPLICATION

RECEIVED

OFFICE  
USE ONLYDOCKET #: 1511-15-16FILING DATE: OCT 02 2015

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

## PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: Jeff Lauer (STAFF NAME) DATE: October 2, 2015

## PRIOR OR RELATED DOCKET NUMBERS

CHANGE OF ZONING: \_\_\_\_\_ AMENDMENTS: \_\_\_\_\_ DEVELOPMENT PLAN: \_\_\_\_\_

PRIMARY PLAT: \_\_\_\_\_ SECONDARY PLAT: \_\_\_\_\_ VARIANCE(S): \_\_\_\_\_

## APPLICANT INFORMATION

APPLICANT'S NAME: Ronald Clifford TELEPHONE: 317-877-6055ADDRESS: 2228 S.R. 38 East, Westfield, IN 46074 EMAIL: cliffeng@aol.comPROPERTY OWNER'S NAME: same TELEPHONE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ EMAIL: \_\_\_\_\_

REPRESENTATIVE'S NAME: E. Davis Coots TELEPHONE: 317-844-4693COMPANY: Coots, Henke & Wheeler, P.C. EMAIL: \_\_\_\_\_ADDRESS: 255 East Carmel Drive, Carmel, IN 46032

## PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 2228 S.R. 38 East, Westfield, IN 46074COUNTY PARCEL ID #(S): 08-06-18--00-00-026 , 000EXISTING ZONING DISTRICT(S): AGSF-1 EXISTING LAND USE(S): residential and classified forest

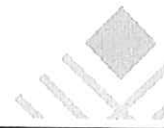
## VARIANCE REQUEST

☐ 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): \_\_\_\_\_

Please see the attached sheet

# WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM



## 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.

E. Davis Coots  
Applicant/Representative (signature)

E. Davis Coots  
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 2nd day of October, 2015.

State of INDIANA, County of Hamilton, SS:



Christine M. O'Hara  
Notary Public Signature  
Christine M. O'Hara  
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.

Ronald M. Clifford  
Property Owner (signature)\*

Ronald M. Clifford  
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 2nd day of October, 2015.

State of INDIANA, County of Hamilton, SS:



Christine M. O'Hara  
Notary Public Signature  
Christine M. O'Hara  
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 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: \_\_\_\_\_

The Home Business as an accessory to the dwelling is conducted entirely within the enclosed garage,  
creates no noise, odors or other noxious effects and does not have any negative impact.

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: \_\_\_\_\_

All of the activity is conducted in an enclosed garage, deliveries are once or twice per month and do not impact  
traffic and nothing is visible to the exterior of the property.

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

The Applicant conducts his engineering and sales business from the accessory building, cannot perform the  
work within the dwelling and cannot physically combine the dwelling and garage.

**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:
- |                                                 |                                                                                                                                               |
|-------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Completed Application  | <input type="checkbox"/> Filing Fee Check (made out to "City of Westfield")                                                                   |
| <input type="checkbox"/> Legal Description      | <input type="checkbox"/> Copy of Property Deed                                                                                                |
| <input type="checkbox"/> Draft Public Notice    | <input type="checkbox"/> List of Adjoining Property Owners (as provided by County)                                                            |
| <input type="checkbox"/> Property Owner Consent | <input type="checkbox"/> TAC Delivery Affidavit (if TAC is determined to be necessary)                                                        |
| <input type="checkbox"/> Site Plan (to scale)   | <input type="checkbox"/> Vicinity Map (including property within 500 feet)                                                                    |
| <input type="checkbox"/> Statement of Intent    | <input type="checkbox"/> Elevations, photographs or other supporting information necessary to explain the nature of the requested variance(s) |
- C. **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.
- D. **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 Indy Star and The Times. The Department will handle the newspaper publication requirement.
  2. **Mailed Public Notice:** The applicant is responsible to send public notice by mail to all interested parties by certified mail with return receipt requested (green card), 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.
- E. **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.
- F. **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.
- G. **Board's Consideration:** Following the public hearing, the Board may either approve, approve with conditions, deny or continue the petition.
- H. **Resource:** Please see the Board's Rules of Procedure for more detailed procedural information.

Ron Clifford is an electrical engineer who part-time operates engineering and sales business from the detached garage located at his primary residence at 2228 State Road 38 East, Westfield, IN 46074. Mr. and Mrs. Clifford purchased the 12.5 acre piece of property in 1998 and in approximately 2003 partitioned 1.26 acres including the residence from the larger tract in order to register the 10.72 acre portion under the Indiana Classified Forest Program. As the result of partitioning the 1.26 acre residence parcel from the larger parcel, setbacks for the house and accessory garage failed to meet the ordinance requirements of Article 6.1 (D)(2)(A),(D), Article 4.2(E)((2) rear set back and Article 4.2 (C) lot area. The purpose of the development standards variance request is to bring the parcel containing the residence into compliance with the zoning ordinance requirements for side yard setback, three acre lot area requirement, lot frontage and rear yard setback.

# Improvement Location Permit Application

Westfield - Washington Township

Permit App. No. 99-12-509

Date Filed: 8-12-99

## Location of Construction Activity:

Lot Number: \_\_\_\_\_ in Section \_\_\_\_\_ of \_\_\_\_\_ Addition.

Street Number and Name: 2228 STATE ROAD 38 EAST  
WESTFIELD, IN 46074

Township/Jurisdiction: Westfield - Washington Township Parcel Number: 02-06-18-00-00-0260

If property does not include one or more lots in a subdivision, the plat of which has been recorded in the Office of the County Recorder, a legal description of the property must be attached.

Is the subject property in a special flood hazard area, as established by the Federal Emergency Management Agency - National Flood Insurance Program, as per flood insurance rate map (check appropriate box).

☐ Yes ☐ No Parcel number: \_\_\_\_\_

If Yes, flood zone: \_\_\_\_\_

Type of Sewage Disposal (check appropriate box): N/A

☐ Public System ☐ Private System

Type of Water Supply (check appropriate box): N/A

☐ Public System ☐ Private Well

If public, name of system: \_\_\_\_\_

If public, name of system: \_\_\_\_\_

If private, septic permit number: \_\_\_\_\_

If private, well permit number: \_\_\_\_\_

Current Zoning Classification of property: AG-SF1

Current use of property: 2228 STATE ROAD 38 EAST

## Owner/Applicant:

Name: RONALD C. PROFF

Telephone: 634-4343

Mailing Address: 2228 STATE ROAD 38 E  
WESTFIELD, IN 46074

## Builder/Contractor:

Name: \_\_\_\_\_

Telephone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

License Number: \_\_\_\_\_

## Intended/Proposed Use

### Residential

- ☒ One-Family  
☐ Two-Family  
☐ Multi-Family: # of units \_\_\_\_\_  
☐ Modular Home  
☐ Mobile Home  
☐ Attached Addition: Use \_\_\_\_\_  
☐ Detached Addition: Use \_\_\_\_\_  
☐ Other: \_\_\_\_\_

### Non-Residential

- ☐ Retail Commercial  
☐ Office/Professional  
☐ Hotel/Motel  
☐ Industrial  
☐ Institutional  
☐ Accessory Building  
☐ Structure other than a Building  
☐ Other: \_\_\_\_\_

## Type of Improvement

- ☐ New Structure  
☐ Addition  
☐ Alteration, Remodel, or Repair  
☐ Commercial Tenant Space  
☐ Primary Agricultural Structure  
☐ Foundation Only  
☐ Electrical Upgrade  
☐ Demolition  
☐ Swimming Pool

☒ Accessory Structure

☐ Garage: Detached? Attached?

☐ Deck or Porch

☐ Fence

☐ Roofing

☐ Site Land Improvements

☐ Sign

☐ Other: \_\_\_\_\_

## Building Information:

### Dimensions

Frontage

Submitted by Applicant

415.85'

Required by Ordinance

250'

Does it Conform?

☒ Yes ☐ No

Lot Width

441.8'

N/A

☒ Yes ☐ No

Lot Depth

895.7'

N/A

☒ Yes ☐ No

Lot Area

12.5 ACRES

3 ACRES

☒ Yes ☐ No

1st Floor living area

1104 sq ft

N/A

☒ Yes ☐ No

Max. Building Height

28' 6"

35'

☒ Yes ☐ No

Total Sq. footage

1104 sq ft

N/A

☒ Yes ☐ No

(including basement)

Front Yard (ft.):

EXIST.

100' from 9/10

☒ Yes ☐ No

Rear Yard (ft.):

3'

3'

☒ Yes ☐ No

Side Yards

N/A 62' S 169.85'

N/A 3' S 3'

☒ Yes ☐ No

Type of Heating Fuel:

☐ Electric ☐ Gas

☐ GeoTher.

☐ Oil

☐ Solar

☐ Wood

Type of Water Heat:

☐ Electric ☐ Gas

☐ GeoTher.

☐ Solar

Fireplace:

☐ Electric ☐ Gas

☐ Wood

Is there Central Air Conditioning?

☐ Yes

☐ No

Is there a Basement?

☐ Yes

☒ No

Roof Truss, Manufactured?

☐ Yes

☐ No

Type of Frame:

☐ Masonry ☐ Metal

☐ Post/Beam

☐ Wood

☐ Other

Estimated Cost of Construction (Excluding Land Value): \$15,000

## Certification and Notice of Intent to Comply:

(I hereby certify that I have the authority to make the foregoing application, that the application is correct, and that construction will comply with, and conform to, all applicable laws of the State of Indiana.)

(I further certify that the construction will conform to the regulations in the Building Code, the Zoning Ordinance, or private, of the governing jurisdiction, which may be imposed on the above property by deed.)

(I further certify that the construction will not be used or occupied until proper certificates of occupancy and compliance are filed with the governing jurisdiction.)

Ronald C. Proff  
Signature of Owner or Authorized Agent

Case 1  
8-12-99

**Improvement Location Permit Application**  
Town of Westfield - Washington Township, Indiana

Permit App. No. 99-1P-509  
Date Filed: 8-12-99

**Required Attachments:**

**Properties within corporate city limits:**

1. ☐ Legal description of property.
2. ☐ Two sets of site plans showing:
  - A. Property lines on all sides.
  - B. Location of existing structures on property with dimensions to property lines.
  - C. Size of existing structures.
  - D. Location of right-of-way and utility easements where applicable.
  - E. Subdivision lot number / street address.
3. ☐ Two sets of blueprints of the work showing:
  - A. Foundation plan.
  - B. Floor plan of each floor showing window locations, door locations, etc.
  - C. Cross section drawing of structure showing footing through shingles denoting sizes or thickness of all members used in construction.

**Properties in Washington Township must include the following in addition to the prior list of documentation:**

1. ☐ Hamilton County Health Department approval stamp on floor plans.
2. ☐ Septic system permit and well permit (new construction only) from:
  - A. Hamilton County Health Department, or
  - B. Hamilton Western Utilities, or
  - C. Proof of connection to State approved private utility.
3. ☐ Driveway cut application from Hamilton County Highway Department.

Variance Number: \_\_\_\_\_

Plan Commission Number: \_\_\_\_\_

**Fees**

Permit Fees:

\$ 101.24

Road Impact Fees:

Park Impact Fees:

Water Fees:

Sewer Fees:

Inspection Fees:

105.00 (3 inspections)

Total:

\$ 206.24

**Staff Comments**

SEE 94-1P-141 - ADDN TO EXIST. RESIDENCE

**Construction Approval Stamp:**

**APPROVED**

Subject To All Building And  
Zoning Ordinances.

DATE 8-12-99

BY [Signature]

Building Commissioner  
Westfield-Washington Twp.

Do not issue this permit without a proper stamp

DEMOLISH 12' X 16' SHED  
AND REPLACE WITH  
24' X 46' WORKSHOP

**Community Services Department \* Town of Westfield - Washington Township, Indiana**

130 Penn Street

Westfield, Indiana 46074

Phone: (317) 896-5577

Fax: (317) 896-2791

Web: [www.westfieldtown.org](http://www.westfieldtown.org)

## RECEIPT

OFFICE OF CLERK-TREASURER

19141

*General*

FUND

WESTFIELD IN. *8-13* 19 *99*RECEIVED FROM *Ronald Clifford*\$ *206* <sup>*24*</sup>/<sub>*100*</sub>

THE SUM OF

*Two hundred six and* <sup>*24*</sup>/<sub>*100*</sub>

100

DOLLARS

ON ACCOUNT OF

*Permit #99-1P-509**2228 State Road 38 East*

PAID BY:

CASH

CHECK

M.O.

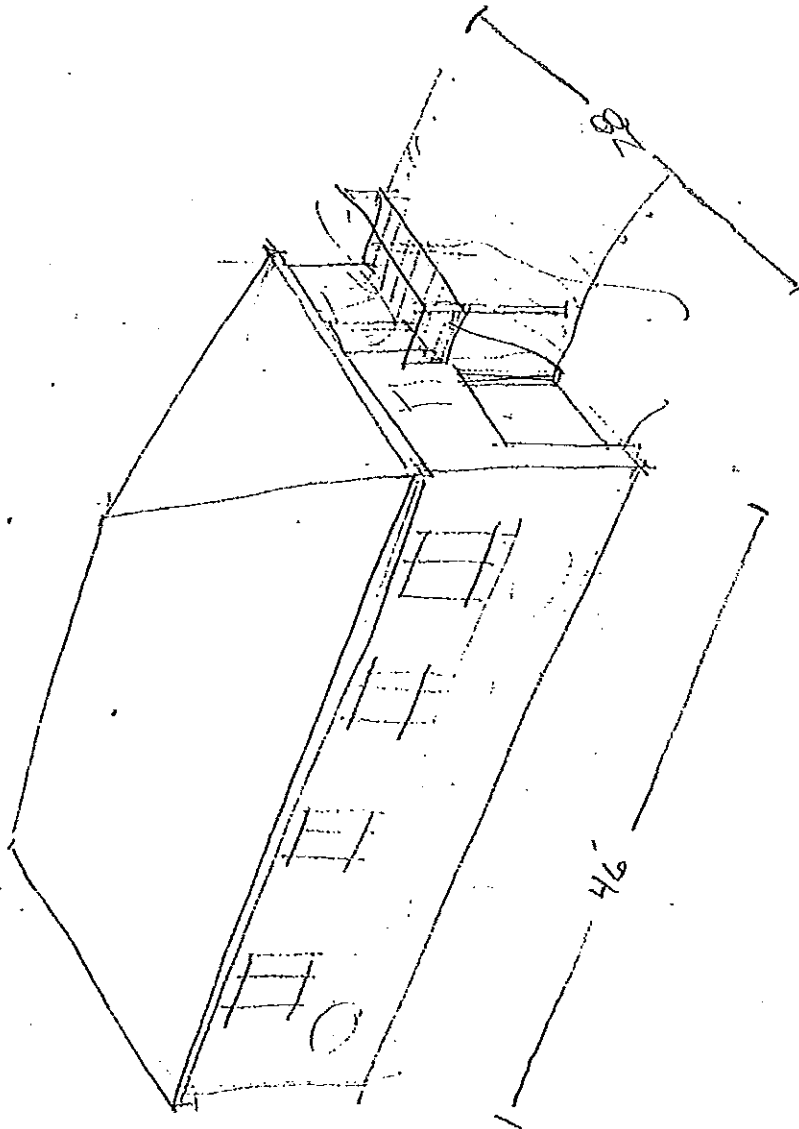
*#5809**Teresa A. Otey / Op*

CLERK-TREASURER

E.F.T.

C.C.

TOTAL

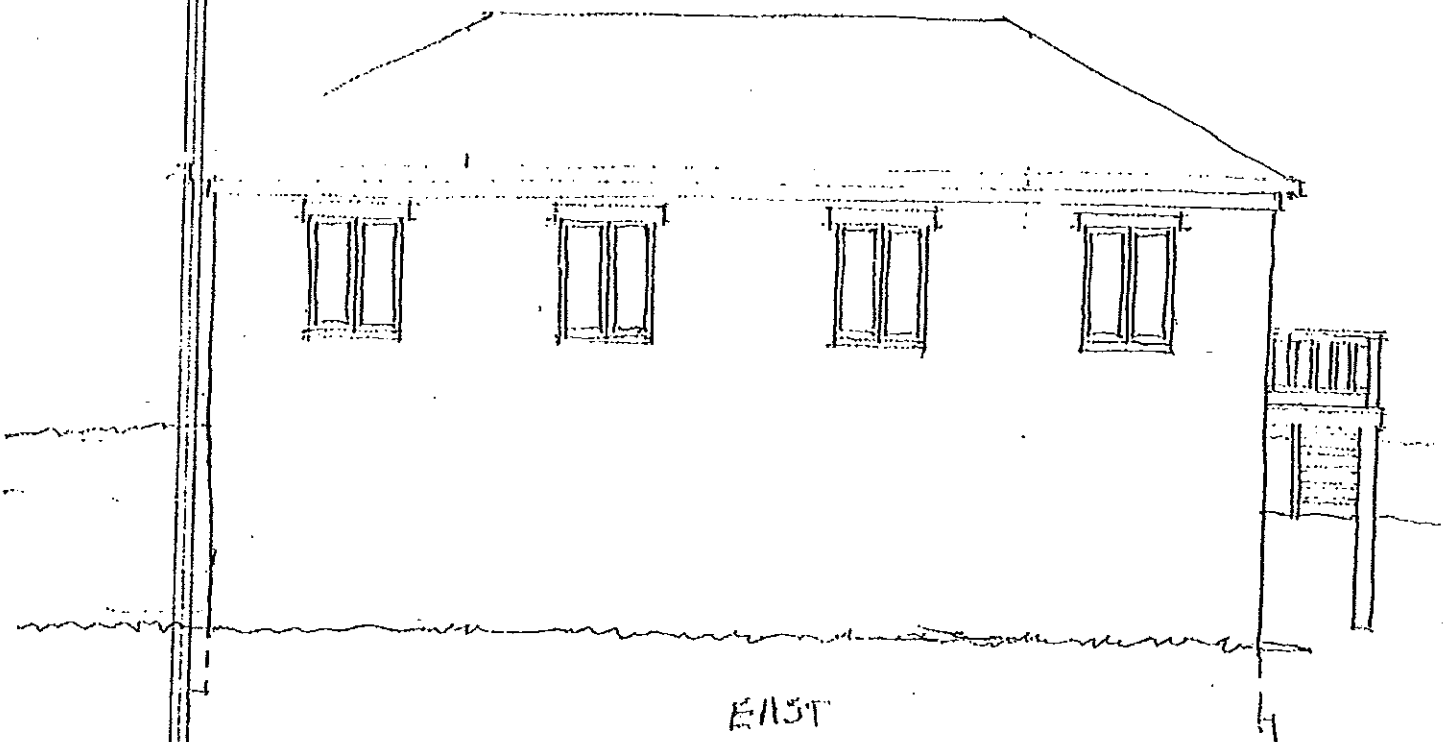
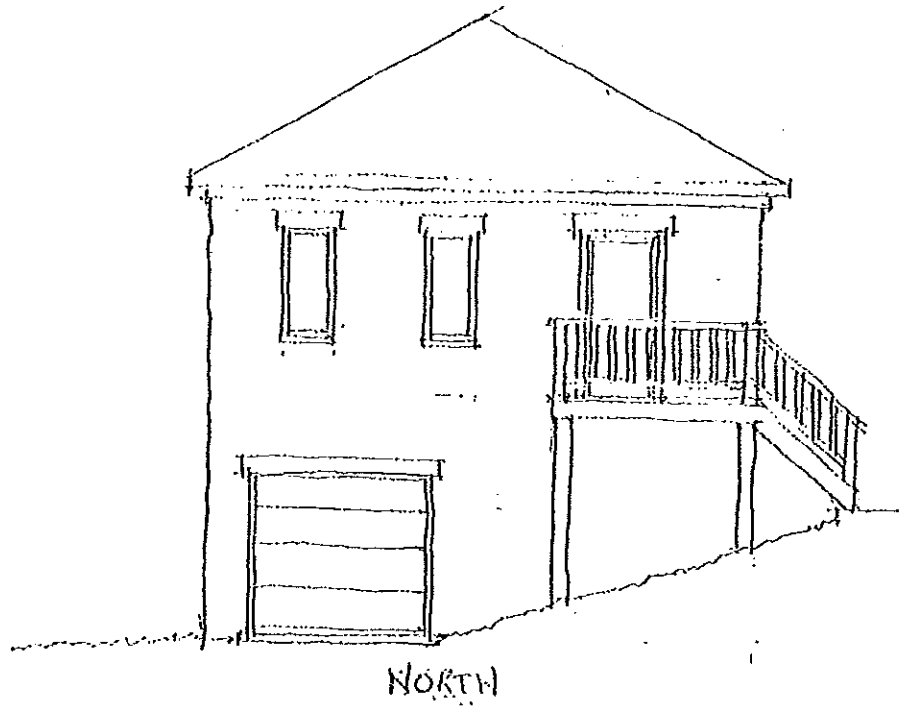


2 STORY

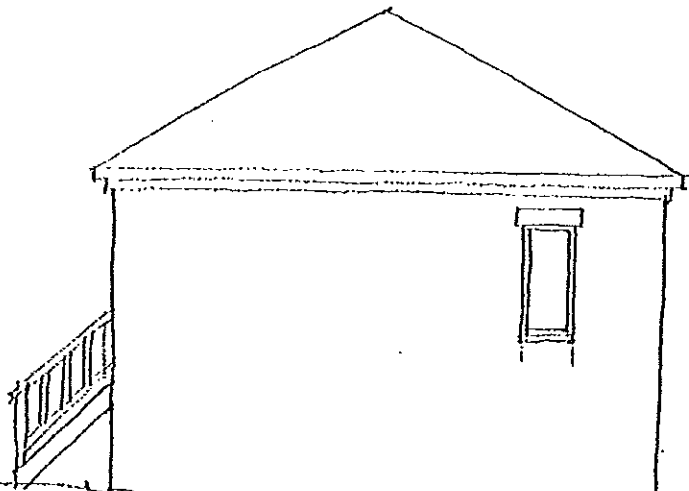
|       |         |
|-------|---------|
| 1288  |         |
| 1288  |         |
| <hr/> |         |
| 2576  | Sq. ft. |

843.0643

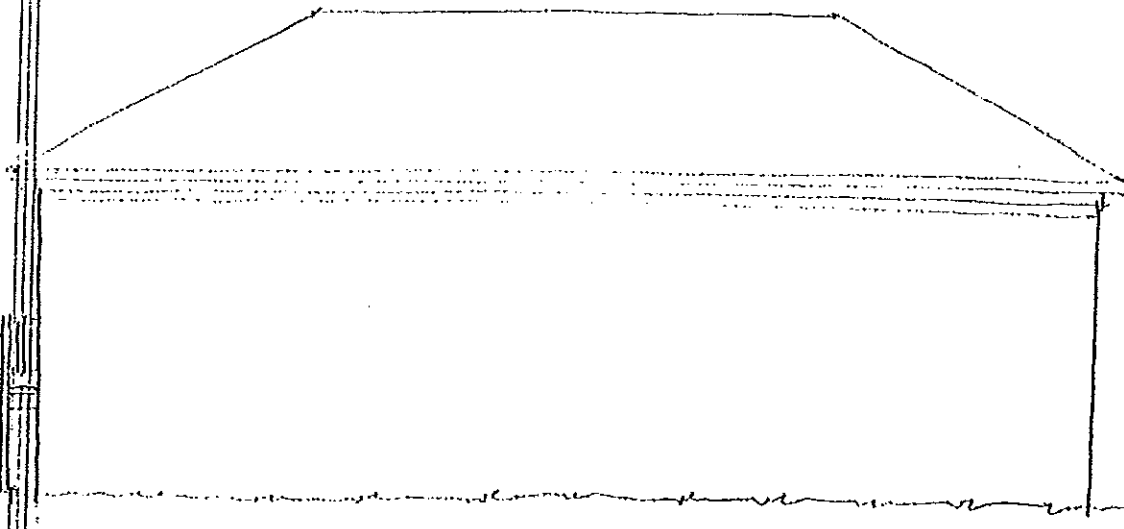
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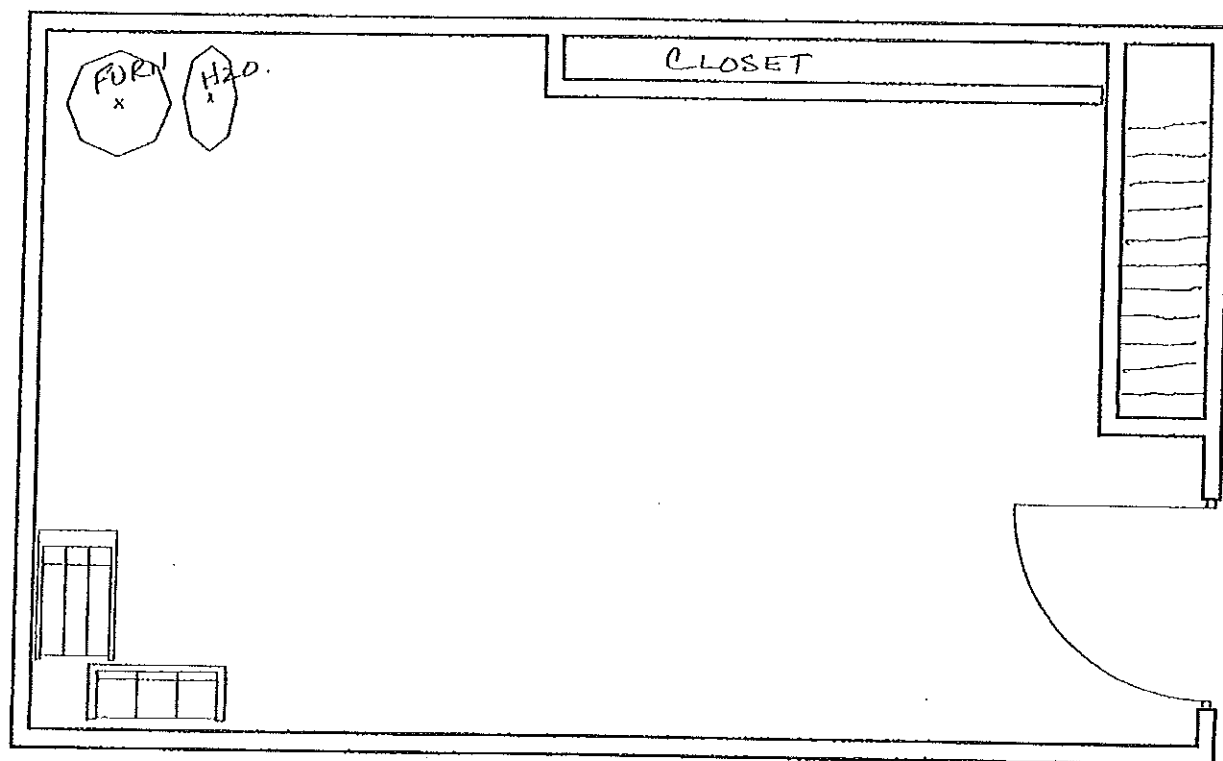
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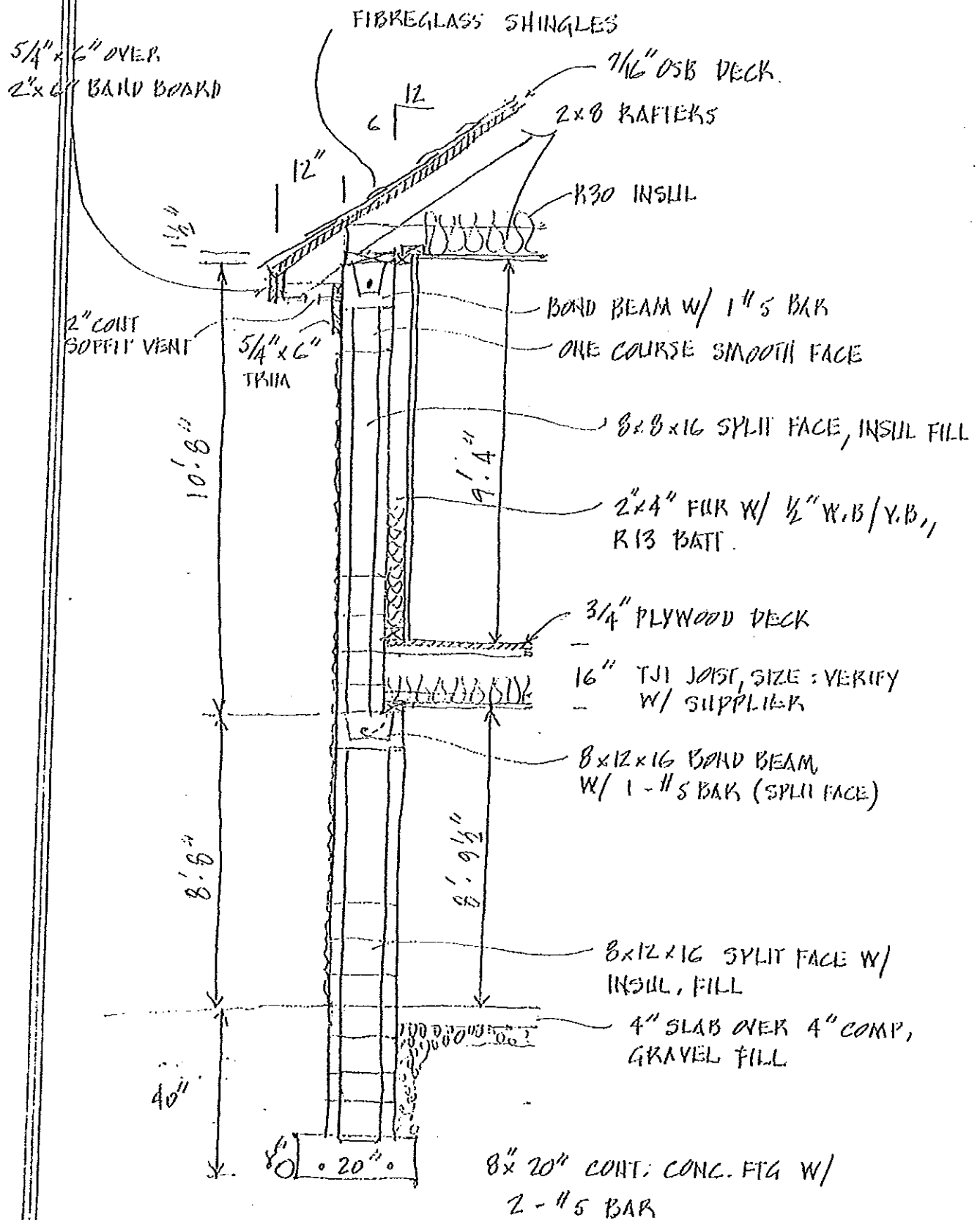


SOUTH



WEST







WESTFIELD-WASHINGTON  
BOARD OF ZONING APPEALS

December 8, 2015  
1512-VS-17, 1512-VS-18, 1512-VS-19  
Exhibit 1

**Petition Number:** 1512-VS-17, 1512-VS-18, 1512-VS-19

**Subject Site Address:** 14921 Thatcher Lane (the "Property")

**Petitioner:** Huntington Bank by Expedite the Diehl (the "Petitioner")

**Request:** The petitioner is requesting a Variance of Development Standard to modify a previously granted variance to (i) allow for an increase of the permitted Sign Area for an Outlot; (ii) allow a Monument Sign to be placed on the Outlot's Thatcher Lane Frontage; and (iii) allow signs to be placed on the Outlot's accessory drive-through structures.

**Current Zoning:** SB-PD: Special Business / Planned Development District

**Current Land Use:** Retail, Low Intensity (bank)

**Approximate Acreage:** 1.42 acres +/-

**Variance History:** 88-V-9

**Exhibits:**

1. Staff Report
2. Location Map
3. Application
4. Proposed Sign Elevations
5. Proposed Sign Locations
6. Village Park Monument Sign Standards (per 88-V-9)
7. Recommended Findings: 1512-VS-17 (Sign Area)
8. Recommended Findings: 1512-VS-18 (Monument Sign)
9. Recommended Findings: 1512-VS-19 (Drive-Through Signs)

**Staff Reviewer:** Pam Howard

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**PROPERTY LOCATION**

The Property is approximately 1.42 acres +/- in size and located at 14921 Thatcher Lane, an Outlot<sup>1</sup> within the Village Park Plaza shopping center (see **Exhibit 2**). The Property is zoned the SB-PD: Special Business / Planned Development ("SB-PD") District. Adjacent properties are also zoned the SB-PD District.

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<sup>1</sup> The UDO defines "Outlot" as "[a] Lot within a Nonresidential Center that typically abuts a Street on one Lot Line and either a Street or other vehicular access (i.e. Private Street) shared with other Lots within the Nonresidential Center on another Lot Line."



Village Park Plaza is an outdoor regional shopping center that received its original approval in 1988 under the SB-PD District, a zoning district that pre-dated the Planned Unit Development (PUD) District. A PUD District would typically be established today for a development of this nature.

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### **PROPERTY HISTORY**

Variance of Development Standard: In 1988, the Board of Zoning Appeals approved a Variance of Development (88-V-9) for signs within Village Park Plaza (the "Original Sign Variance"). In effect, the Original Sign Variance established its own set of sign standards for Village Park Plaza, with the exception of wall signs for Outlots, which defaults to the UDO's sign standards, as amended. The Original Sign Variance permits a maximum of nine (9) monument signs for Outlots along U.S. Highway 31, which included permitting one (1) monument sign on this Outlot. The Original Sign Variance standards applicable to these monument signs is attached at **Exhibit 6**.

Development Plan: On January 20, 2015, the Plan Commission approved a detailed development plan (1501-SIT-01) to allow for the development of a Huntington Bank.

Improvement Location Permit: On August 3, 2015, the City issued the building permit (15-DEMO-022-483) to allow for the demolition of the previous TGI Friday's restaurant. On August 6, 2015, the City issued the building permit (15-C-008-394) to allow for the construction of the new Huntington Bank, which is currently under construction.

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### **VARIANCE REQUESTS**

Summary of Requests: As summarized in the Petitioner's Statement of Intent (see Application at **Exhibit 3**), there are three requested Variances of Development Standard, as summarized below:

1. (1512-VS-17) Sign Area: Request to modify a previously granted variance to allow for an increase of the permitted Sign Area for an Outlot (Article 6.17(J)(8)(a)).
2. (1512-VS-18) Monument Sign Modification: Request to modify a previously granted variance to: (i) allow for a Monument Sign to be permitted for an Outlot (Article 6.17(J)(8)(b)); and (ii) allow the Monument Sign along the Outlot's Thatcher Lane frontage.
3. (1512-VS-19) Drive-Through Structure Signs: Request to modify a previously granted variance to allow signs to be located on the Outlot's accessory drive-through structures.

Sign Area (1512-VS-17): The first requested variance is to modify the Original Sign Variance to allow for an increase in the permitted Sign Area for the Outlot. The UDO<sup>2</sup> provides:

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<sup>2</sup> Article 6.17(J)(8)(a) Sign Standards; Nonresidential Center Signs; Outlot Signage; Sign Area



Outlots of Nonresidential Centers shall be permitted one (1) square foot of Sign Area for each one (1) linear foot of building fronting on a Public Right-of-way.

The building has fifty (50) feet of frontage each on U.S. Highway 31 and Thatcher Lane, which permits a total Sign Area of one hundred (100) feet. The Petitioner is requesting a total Sign Area of one hundred and fifty (150) square feet for the Wall and Monument Signs. The wall signs are currently proposed at just over one hundred and six (106.2) square feet.

Furthermore, the UDO<sup>3</sup> states:

The total permitted sign area allocation may be divided between Wall, Awning, and Under Canopy Signs; however, all Sign Area shall be deducted from the total sign allocation for the Outlot. Outlots within a nonresidential center shall not be permitted Monument Signs.

Monument Sign (1512-VS-18): The second requested variance is to modify the Original Sign Variance's standards for the permitted monument sign (see Exhibit 6) to instead allow the monument sign depicted in Exhibit 4. The UDO<sup>4</sup> currently provides that "Outlots within a nonresidential center shall not be permitted Monument Signs"; however, the Original Sign Variance permitted a Monument Sign.

Specifically, the proposed monument sign would modify the Original Sign Variance's standards by: (i) allowing the sign along the Outlot's Thatcher Lane frontage instead of its U.S. Highway 31 frontage; (ii) modify the ratio of base width to sign width from 1:2 to allow 4:5; (iii) modify the sign height from 16' to 6'-6"; and (iv) modify the permitted Sign Area from sixty (60) square feet to forty-two (42) square feet

Drive-Through Accessory Structure Signs (1512-VS-19): The third requested variance is to allow signs (Huntington Logo and "Welcome" lettering) to be located on the Outlot's accessory drive-through structures. Although the Petitioner's request characterizes these as "architectural elements", the UDO defines these as Signs<sup>5</sup>; however, they are not recognized by the UDO as a permitted sign type. The closest sign type recognized would either be as Wall Signs<sup>6</sup> (though the

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<sup>3</sup> Article 6.17(J)(8)(b) Sign Standards; Nonresidential Center Signs; Outlot Signage; Sign Type

<sup>4</sup> Article 6.17(J)(8)(b) Sign Standards; Nonresidential Center Signs; Outlot Signage; Sign Type

<sup>5</sup> The UDO defines "Sign" as "[a]ny display or device placed on a property in any fashion which is designed, intended, or used to convey any identification, message or information other than an address number."

<sup>6</sup> The UDO defines "Wall Sign" as "[a] Sign attached to and/or integral with an exterior wall or window surface of a building, the face of which is parallel to the surface."



accessory structures doesn't necessarily qualify as a "building"<sup>7</sup>), or as exempt signs on an ATM<sup>8</sup> which restricts the signs to three (3) inches in height.

The Petitioner is requesting to allow four (4) logo signs with a Sign Area of 2.84 square feet each and eight (8) "Welcome" signs (4 on the fronts, and 4 on the rears of the structures) with Sign Areas of 2.94 and 1.3 square feet each respectively (see **Exhibit 4**), for a total sign area of 28.32 square feet. The Petitioner does not intend for these signs to be deducted from the Outlot's permitted total Sign Area.

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## **ANALYSIS**

**Factors to Consider:** The Department believes modifications to the UDO's sign standards and Original Sign Variance (subject to the criteria set forth in Indiana Code § 36-7-4-918.5 as summarized herein) may be reasonable for Village Park Plaza after taking into consideration the following:

1. Village Park Plaza was originally built as a one-sided shopping center, oriented towards U.S. Highway 31. Since its development, circulation patterns through and around the shopping center have evolved as a result of improvements to 146<sup>th</sup> Street and Greyhound Pass, the construction of the new Cool Creek Road, and the ongoing and planned improvements to U.S. Highway 31. These changes have resulted in a four-sided shopping center with road frontages on all four sides.
2. Village Park Plaza is currently the City's only outdoor regional shopping center. The UDO's sign standards were not uniquely crafted to accommodate the unique orientation and nature of such a development.
3. U.S. Highway 31 has recently been improved to a "freeway" status. This has resulted in traffic traveling past the shopping center at a faster speed than it had in the past, without traffic signals, and with limited access from U.S. Highway 31. Sign standards are traditionally written after taking into consideration the speed of traffic on adjacent thoroughfares and the anticipated frequency of access points to the development. There

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<sup>7</sup> The UDO defines "Building" as "[a] structure having a roof supported by columns or walls, for the shelter, support, enclosure or protection of persons, animals, chattels or other property."

<sup>8</sup> Article 6.17(D)(12) Sign Standards; Exception permits "[s]igns appearing on gasoline pumps and automatic teller machines (ATM), including credit card information, fuel information, and bank network information is exempted. The business name or logo is permitted if less than three (3) inches in height."



were no “freeways” in Washington Township when the City adopted the UDO’s sign standards.

Total Sign Area: Currently, the Outlot would be permitted one hundred and sixty (160) square feet of total Sign Area (100 square feet for Wall Signs and 60 square feet for Monument Sign). As proposed in total, the Petitioner is requesting one hundred and fifty (150) square feet (108 square feet of Wall Signs, 42 square feet for Monument Signs), exclusive of the Drive-Through accessory structure signs.

Monument Sign: The UDO does not currently permit Monument Signs for Outlots; however, the Department believes the requested modification for the Monument Sign is reasonable because of the unique circumstances to this shopping center (as noted herein) and is more desirable and functional to what is otherwise currently permitted by the existing Original Sign Variance.

Drive-Through Accessory Structure Signs: The UDO does not permit this type of Sign. The Department believes these Signs are inconsistent with the Purpose and Intent<sup>9</sup> of the UDO’s Sign Standards; more specifically, the statement that: “[t]he community wishes to balance the rights of businesses to identify themselves with the rights of the public to have uncluttered, safe and attractive public rights-of-way.” In addition, the Department believes these signs are inconsistent with the Comprehensive Plan, as noted below. This is primarily because the signs, when taken into consideration with the other proposed sign types and sizes, increases the undesired “franchise” architecture effect that the Comprehensive Plan deems unacceptable.

Comprehensive Plan: The Future Land Use Plan in the Westfield-Washington Township Comprehensive Plan (the “Comprehensive Plan”) identifies the properties as “Regional Commercial”. The existing commercial center meets many of Comprehensive Plan’s development policies for this area, including, but not limited to: (i) Reserve exclusively for regional commercial development; (ii) Permit regional commercial uses only in planned centers with consistent design and architectural style for each center; (iii) require that buildings be designed to enhance the community character; and (iv) required the size, materials, color, and design of buildings to be unique to Westfield. “Franchise” architecture that represents no effort to create a unique design that fits Westfield-Washington Township is not acceptable. The Comprehensive Plan is not law; rather, it is intended to serve as a guide in making land use decisions.

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<sup>9</sup> Article 6.17(A) Development Standards; Sign Standards; Purpose and Intent



## **PROCEDURAL**

**Public Notice:** The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Development Standards. This petition is scheduled to receive its public hearing at the December 8, 2015, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

**Conditions:** The UDO<sup>10</sup> and Indiana law provide that the Board of Zoning Appeals may impose reasonable conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of the UDO upon any Lot benefited by a variance as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject Lot or upon public facilities and services. Such conditions shall be expressly set forth in the order granting the variance.

**Acknowledgement of Variance:** If the Board of Zoning Appeals approves this petition, then the UDO<sup>11</sup> requires that the approval of the variance shall be memorialized in an acknowledgement of variance instrument prepared by the Department. The acknowledgement shall: (i) specify the granted variance and any commitments made or conditions imposed in granting of the variance; (ii) be signed by the Director, Property Owner and Applicant (if Applicant is different than Property Owner); and (iii) be recorded against the subject property in the Office of the Recorder of Hamilton County, Indiana. A copy of the recorded acknowledgement shall be provided to the Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

**Variance 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 Unified Development 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**

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<sup>10</sup> Article 10.14(I) Processes and Permits; Variances; Conditions of the UDO.

<sup>11</sup> Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.



WESTFIELD-WASHINGTON  
BOARD OF ZONING APPEALS

December 8, 2015  
1512-VS-17, 1512-VS-18, 1512-VS-19  
Exhibit 1

Each petition requires separation action by the Board. As a result, attached hereto as **Exhibit 7** (Recommended Findings: 1512-VS-17 (Sign Area)), **Exhibit 8** (Recommended Findings: 1512-VS-18 (Monument Sign)) and **Exhibit 9** (Recommended Findings: 1512-VS-19 (Drive-Through Signs)) are the Department's two recommended findings for each petition (one if the Board is inclined to approve the petition, and another, if the Board is inclined to deny the petition).



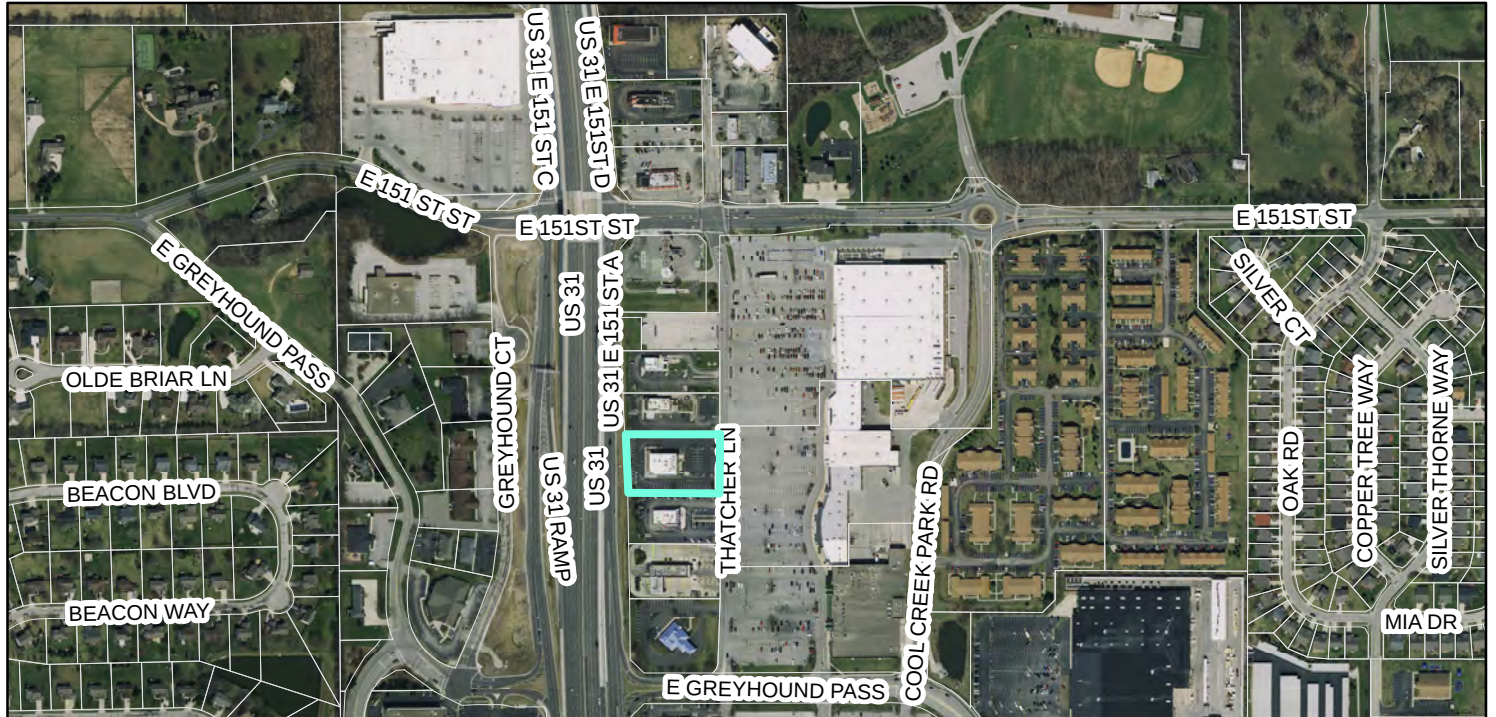
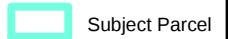
# Property Location Map

## Huntington Bank

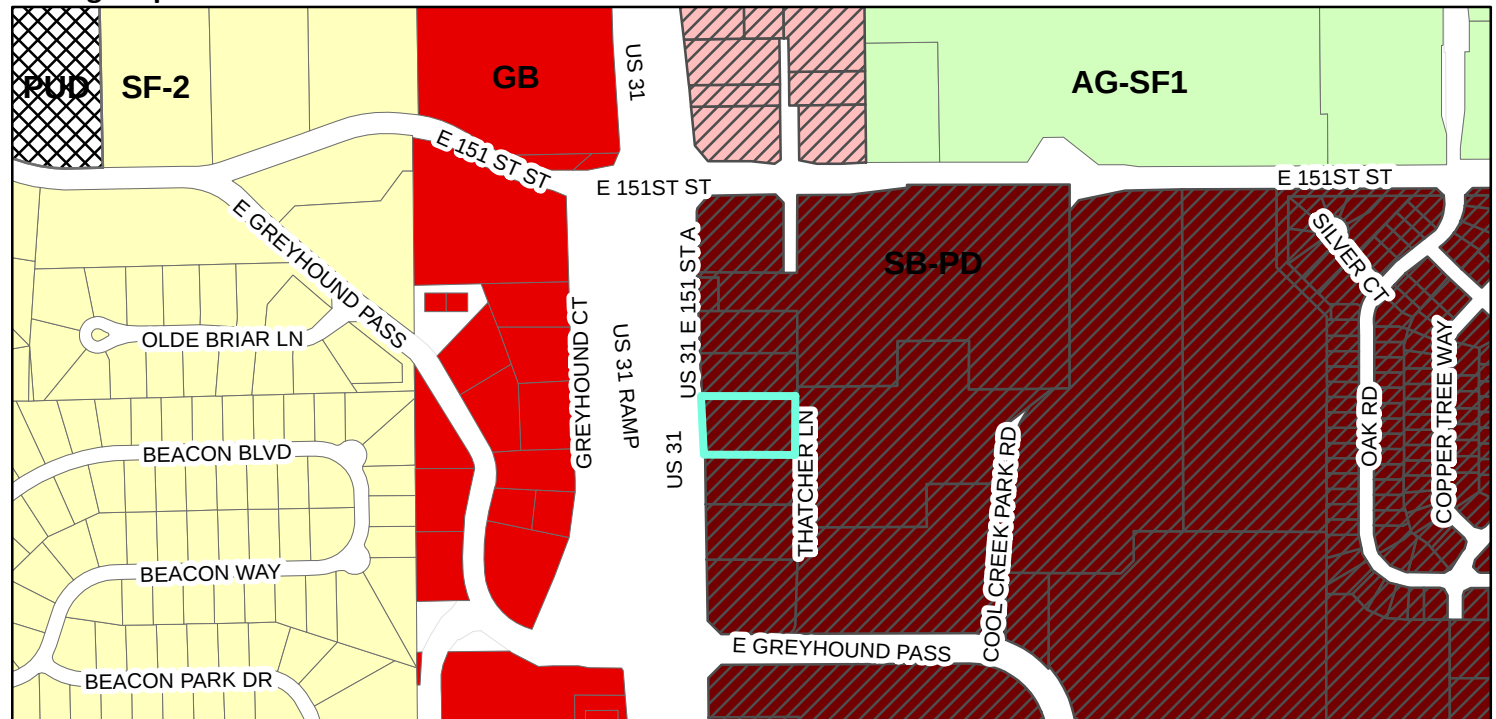
1512-VS-17, 1512-VS-18, & 1512-VS-19



### Aerial Location Map



### Zoning Map



### Legend

#### Zoning

- |                                                                                    |                                              |                                                                                     |                                                |
|------------------------------------------------------------------------------------|----------------------------------------------|-------------------------------------------------------------------------------------|------------------------------------------------|
|  | AG-SF1 (Agriculture - Single Family - 1)     |  | PUD (Planned Unit Development)                 |
|  | GB (General Business)                        |  | SB-PD (Special Business - Planned Development) |
|  | SF-2 (Single Family - 2)                     |  | Parcel                                         |
|  | LB-PD (Local Business - Planned Development) |                                                                                     |                                                |

## VARIANCE APPLICATION

RECEIVED

OFFICE  
USE ONLYDOCKET #: 15/2-VS-17FILING DATE: OCT 30 2015

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

## PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: PAMELA HOWARD (STAFF NAME) DATE: 10.29.2015

## PRIOR OR RELATED DOCKET NUMBERS

CHANGE OF ZONING: \_\_\_\_\_ AMENDMENTS: \_\_\_\_\_ DEVELOPMENT PLAN: \_\_\_\_\_

PRIMARY PLAT: \_\_\_\_\_ SECONDARY PLAT: \_\_\_\_\_ VARIANCE(S): \_\_\_\_\_

## APPLICANT INFORMATION

APPLICANT'S NAME: HUNTINGTON BANK TELEPHONE: \_\_\_\_\_ADDRESS: 14921 N MERIDIAN STREET EMAIL: TRACEY@ETD.WEBSITEPROPERTY OWNER'S NAME: BENDMEL LLC TELEPHONE: \_\_\_\_\_ADDRESS: 222 GRAND AVENUE ENGLEWOOD NJ 07631 EMAIL: \_\_\_\_\_REPRESENTATIVE'S NAME: TRACEY DIEHL TELEPHONE: 614.828.8215COMPANY: EXPEDITE THE DIEHL EMAIL: TRACEY@ETD.WEBSITEADDRESS: 6529 HEMMINGFORD DRIVE CANAL WINCHESTER OH 43110

## PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 14291 THATCHER LANECOUNTY PARCEL ID #(S): 09-90-20-00-001.230EXISTING ZONING DISTRICT(S): SB-PD EXISTING LAND USE(S): VACANT BUILDING

## VARIANCE REQUEST

☐ 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): \_\_\_\_\_

variance to sign standards request to allow a total for all signs, wall and ground can not exceed 150 sq. ft. Wall signs proposed will not exceed 110 sq. ft. in total sign area. This request is to allow one wall sign on the north elevation that is 38.4 sq. ft. one wall sign on the south elevation that is 38.4 sq. ft. and one wall sign on the west elevation facing US 31 that is over the main entrance and measures 29.4 sq. ft.



**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)

Therese Diehl  
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 29 day of OCTOBER, 2015

State of OHIO, County of Franklin, ss:



William J Snyder  
Notary Public, State of Ohio  
My Commission Expires 01-26-18

[Signature]  
Notary Public Signature  
William J. Snyder  
Notary Public (printed)

**PROPERTY OWNER AFFIDAVIT**

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

\_\_\_\_\_  
Property Owner (signature)\*

\_\_\_\_\_  
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 \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

State of \_\_\_\_\_, County of \_\_\_\_\_, ss:

\_\_\_\_\_  
Notary Public Signature

\_\_\_\_\_  
Notary Public (printed)

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

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



APPLICANT: HUNTINGTON BANK 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 sign request is necessary to maintain visibility on IN-31 and Thatcher Lane for motorist safety to locate the bank. This is for the overall welfare and safety of the community, not having a sign on this frontage can create a hazard and confusion for motorists traveling from out of town that are not familiar with the area. The approval will not be injurious to the public health, safety, morals and welfare, however not approving it may cause vehicular hazards. Signs are an essential part of helping persons to locate their destination safely.
- 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 signs proposed are consistent with the types of signs the zoning ordinance allows. The signs proposed will not have an adverse effect on adjacent properties because signs of this type exist in this area. The signs proposed will not have a negative impact on the adjacent property because this is a commercial shopping area with signs of this nature in place.
- C. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property because: \_\_\_\_\_  
The strict application of the terms of the zoning ordinance would result in motorists not being able to readily identify the bank location from IN 31 when approaching and posted speeds. When motorists can't identify a location in a timely manner it becomes a vehicular hazard. Signs prevent vehicular hazards. Vehicular hazards cause traffic accidents that create a financial burden for the city infrastructure and emergency services. Signs eliminate confusion of location. Additionally, the property needs to remain financially viable for the bank to operate successfully in the city, other banks within the city have wall signs and ground signs.

## 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:
- |                                                              |                                                                                                     |
|--------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Completed Application ✓  | <input checked="" type="checkbox"/> Filing Fee Check (made out to "City of Westfield") ✓            |
| <input checked="" type="checkbox"/> Legal Description ✓      | <input checked="" type="checkbox"/> Copy of Property Deed ✓                                         |
| <input checked="" type="checkbox"/> Draft Public Notice ✓    | <input checked="" type="checkbox"/> List of Adjoining Property Owners (as provided by County) ✓     |
| <input checked="" type="checkbox"/> Property Owner Consent ✓ | <input checked="" type="checkbox"/> IAC Delivery Affidavit (if IAC is determined to be necessary) ✓ |
| <input checked="" type="checkbox"/> Site Plan (to scale) ✓   | <input checked="" type="checkbox"/> Vicinity Map (including property within 500 feet) ✓             |
| <input checked="" type="checkbox"/> Statement of Intent ✓    | <input checked="" type="checkbox"/> Elevations, photographs or other supporting information ✓       |
- necessary to explain the nature of the requested variance(s)
- C. **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.
- D. **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 Indy Star and The Times. The Department will handle the newspaper publication requirement.
  2. **Mailed Public Notice:** The applicant is responsible to send public notice by mail to all interested parties by certified mail with return receipt requested (green card), 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.
- E. **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.
- F. **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.
- G. **Board's Consideration:** Following the public hearing, the Board may either approve, approve with conditions, deny or continue the petition.
- H. **Resource:** Please see the Board's [Rules of Procedure](#) for more detailed procedural information.



## VARIANCE APPLICATION

OFFICE  
USE ONLYDOCKET #: 1512-VS-18

FILING DATE: \_\_\_\_\_

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

## PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: PAMELA HOWARD (STAFF NAME) DATE: 10/29/2015

## PRIOR OR RELATED DOCKET NUMBERS

CHANGE OF ZONING: \_\_\_\_\_ AMENDMENTS: \_\_\_\_\_ DEVELOPMENT PLAN: \_\_\_\_\_

PRIMARY PLAT: \_\_\_\_\_ SECONDARY PLAT: \_\_\_\_\_ VARIANCE(S): \_\_\_\_\_

## APPLICANT INFORMATION

APPLICANT'S NAME: HUNTINGTON BANK TELEPHONE: \_\_\_\_\_ADDRESS: 14921 N MERIDIAN STREET EMAIL: TRACEY@ETD.WEBSITEPROPERTY OWNER'S NAME: BENDMEL LLC TELEPHONE: \_\_\_\_\_ADDRESS: 222 GRAND AVENUE ENGLEWOOD NJ 07631 EMAIL: \_\_\_\_\_REPRESENTATIVE'S NAME: TRACEY DIEHL TELEPHONE: 614.828.8215COMPANY: EXPEDITE THE DIEHL EMAIL: TRACEY@ETD.WEBSITEADDRESS: 6529 HEMMINGFORD DRIVE CANAL WINCHESTER OH 43110

## PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 14291 THATCHER LANECOUNTY PARCEL ID #(S): 09-90-20-00-001.230EXISTING ZONING DISTRICT(S): SB-PD EXISTING LAND USE(S): VACANT BUILDING

## VARIANCE REQUEST

☐ 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): \_\_\_\_\_

variance to sign standards request to allow a monument sign on this outparcel - total for all signs, wall and ground can not exceed 150 sq. ft. Monument sign proposed will be 6'6" in overall height placed on the Thatcher Lane frontage to comply with 5' setback requirement. Overall proposed monument sign is 42 sq. ft. with a 3'6" x 12' sign face.



**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.

Therese Diehl  
Applicant/Representative (signature)

Therese Diehl  
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 29 day of OCTOBER, 2015.

State of OHIO, County of Franklinss:



William J Snyder  
Notary Public, State of Ohio  
My Commission Expires 01-26-18

William J. Snyder  
Notary Public Signature  
William J. Snyder  
Notary Public (printed)

**PROPERTY OWNER AFFIDAVIT**

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

\_\_\_\_\_  
Property Owner (signature)\*

\_\_\_\_\_  
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 \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

State of \_\_\_\_\_, County of \_\_\_\_\_, SS:

\_\_\_\_\_  
Notary Public Signature

\_\_\_\_\_  
Notary Public (printed)

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

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



APPLICANT: HUNTINGTON BANK

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 sign request is necessary to maintain visibility on IN-31 and Thatcher Lane for motorist safety to locate the bank. This is for the overall welfare and safety of the community, not having a sign on this frontage can create a hazard and confusion for motorists traveling from out of town that are not familiar with the area. The approval will not be injurious to the public health, safety, morals and welfare, however not approving it may cause vehicular hazards. Signs are an essential part of helping persons to locate their destination safely.
- 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 signs proposed are consistent with the types of signs the zoning ordinance allows. The signs proposed will not have an adverse effect on adjacent properties because signs of this type exist in this area. The signs proposed will not have a negative impact on the adjacent property because this is a commercial shopping area with signs of this nature in place.
- C. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property because: \_\_\_\_\_  
The strict application of the terms of the zoning ordinance would result in motorists not being able to readily identify the bank location from IN 31 when approaching and posted speeds. When motorists can't identify a location in a timely manner it becomes a vehicular hazard. Signs prevent vehicular hazards. Vehicular hazards cause traffic accidents that create a financial burden for the city infrastructure and emergency services. Signs eliminate confusion of location. Additionally, the property needs to remain financially viable for the bank to operate successfully in the city, other banks within the city have wall signs and ground signs.



## VARIANCE APPLICATION

OFFICE  
USE ONLYDOCKET #: 1512-VS-19

FILING DATE: \_\_\_\_\_

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

## PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: PAMELA HOWARD (STAFF NAME) DATE: 10.29.2015

## PRIOR OR RELATED DOCKET NUMBERS

CHANGE OF ZONING: \_\_\_\_\_ AMENDMENTS: \_\_\_\_\_ DEVELOPMENT PLAN: \_\_\_\_\_

PRIMARY PLAT: \_\_\_\_\_ SECONDARY PLAT: \_\_\_\_\_ VARIANCE(S): \_\_\_\_\_

## APPLICANT INFORMATION

APPLICANT'S NAME: HUNTINGTON BANK TELEPHONE: \_\_\_\_\_ADDRESS: 14921 N MERIDIAN STREET EMAIL: TRACEY@ETD.WEBSITEPROPERTY OWNER'S NAME: BENDMEL LLC TELEPHONE: \_\_\_\_\_ADDRESS: 222 GRAND AVENUE ENGLEWOOD NJ 07631 EMAIL: \_\_\_\_\_REPRESENTATIVE'S NAME: TRACEY DIEHL TELEPHONE: 614.828.8215COMPANY: EXPEDITE THE DIEHL EMAIL: TRACEY@ETD.WEBSITEADDRESS: 6529 HEMMINGFORD DRIVE CANAL WINCHESTER OH 43110

## PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 14291 THATCHER LANECOUNTY PARCEL ID #(S): 09-90-20-00-00-001.230EXISTING ZONING DISTRICT(S): SB-PD EXISTING LAND USE(S): VACANT BUILDING

## VARIANCE REQUEST

☐ 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): \_\_\_\_\_

Variance to sign standards request to allow for signs that are not defined by the code on the drive thru kiosks. The proposed architectural element on the kiosks is the Huntington Bank logo without any wording. This logo is 36" and geometrically circular in form.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



**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 D. Sell  
Applicant/Representative (signature)

Therese Diehl  
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 29 day of OCTOBER, 2015.

State of OHIO, County of Franklin ss:



William J Snyder  
Notary Public, State of Ohio  
My Commission Expires 01-26-18

William J. Snyder  
Notary Public (printed)

**PROPERTY OWNER AFFIDAVIT**

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

\_\_\_\_\_  
Property Owner (signature)\*

\_\_\_\_\_  
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 \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

State of \_\_\_\_\_, County of \_\_\_\_\_, ss:

\_\_\_\_\_  
Notary Public Signature

\_\_\_\_\_  
Notary Public (printed)

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

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



APPLICANT: HUNTINGTON BANK

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 sign request is necessary to maintain visibility on IN-31 and Thatcher Lane for motorist safety to locate the bank. This is for the overall welfare and safety of the community, not having a sign on this frontage can create a hazard and confusion for motorists traveling from out of town that are not familiar with the area. The approval will not be injurious to the public health, safety, morals and welfare, however not approving it may cause vehicular hazards. Signs are an essential part of helping persons to locate their destination safely.

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 signs proposed are consistent with the types of signs the zoning ordinance allows. The signs proposed will not have an adverse effect on adjacent properties because signs of this type exist in this area. The signs proposed will not have a negative impact on the adjacent property because this is a commercial shopping area with signs of this nature in place.

C. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property because: \_\_\_\_\_  
The strict application of the terms of the zoning ordinance would result in motorists not being able to readily identify the bank location from IN 31 when approaching and posted speeds. When motorists can't identify a location in a timely manner it becomes a vehicular hazard. Signs prevent vehicular hazards. Vehicular hazards cause traffic accidents that create a financial burden for the city infrastructure and emergency services. Signs eliminate confusion of location. Additionally, the property needs to remain financially viable for the bank to operate successfully in the city, other banks within the city have wall signs and ground signs.

## AFFIDAVIT OF PERMIT AUTHORIZATION

This affidavit certifies that the party listed, who is not a lessee, licensed architect, engineer, or contractor, has been granted authorization to obtain a permit(s) on behalf of a property owner. It must be filled out completely by the property owner if another party is submitting an application(s) on the owner's behalf.

Michael Schmidt - Member & Manager  
I, Bendmel, LLC "owner of the property listed below certify that I have granted, Philadelphia Signs and their permit expeditor Expedite The Diehl, my duly authorized agent, permission to obtain the sign permits, variances and related documents necessary for the construction (or installation) of signs at the following address:

14921 N. Meridian St., Carmel, IN 46033

Address of permit location

I hereby approved the signs as submitted and certify that I understand that I am authorizing them to apply for necessary permit, variances and related documents. This is limited to what is necessary for sign installation projects to be completed.

Signature of Property Owner

Date

10/27/15

Michael Schmidt  
Member & Manager  
Bendmel, LLC

Notary

State of NEW JERSEY

City/ County of BERGEN

I, Meganne Gudanski Notary Public in and for the aforesaid State hereby certify that Michael Schmidt appeared before me in the State and City/County aforesaid and executed this affidavit on this 10/27 day of "2015."

Notary Public

My Commission Expires the 16<sup>th</sup> day of May, 2018.

Date

Month

year



**MEGANNE GUDANSKI**  
**NOTARY PUBLIC OF NEW JERSEY**  
**ID # 2373706**  
**My Commission Expires 5/16/2018**

2014024180 AMEN \$19.00  
06/23/2014 11:54:38AM 4 PGS  
Mary L. Clark  
Hamilton County Recorder IN  
Recorded as Presented



After recording return to:  
Village Park Plaza, LLC  
225 W. Washington Street  
Indianapolis, Indiana 46204  
Attn: Dana S. Grimes, Esq.

**SECOND AMENDMENT TO COVENANTS, CONDITIONS  
AND RESTRICTIONS AGREEMENT**

THIS SECOND AMENDMENT TO COVENANTS, CONDITIONS AND RESTRICTIONS AGREEMENT (the "Amendment") is made as of the 17 day of June, 2014, by VILLAGE PARK PLAZA, LLC, a Delaware limited liability company, ultimate successor in interest to Village Developers Limited Partnership, an Indiana limited partnership ("Developer"), and BENDMEL LLC, ultimate successor in interest to Mario's Real Estate Partners I, a partnership ("Owner").

**RECITALS:**

WHEREAS, Developer and Owner's predecessors entered into that certain Covenants, Conditions and Restrictions Agreement dated November 19, 1993 and recorded in the office of the Recorder of Hamilton County, Indiana as Instrument No. 9358812, as amended by that certain Amendment to Covenants, Conditions and Restrictions Agreement dated May 22, 2001 ("2001 Amendment") and recorded in the office of the Recorder of Hamilton County, Indiana as Instrument No. 200100030091 (collectively, the "Covenants") which encumbered that certain real estate consisting of approximately 1.423 acres commonly known as Outlot LL/03 (the "Parcel") in the Village Park Plaza, Westfield, Hamilton County, Indiana (the "Center"); and

WHEREAS, Developer and Owner desire to amend certain provisions of the Covenants to reflect changes in use of the Parcel.

NOW, THEREFORE, for and in consideration of Ten Dollars (\$10.00) in hand paid and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Amendment to Section 1. Improvements to the Parcel. Section 1(b)(i) of the Covenants is amended to delete the third sentence, and in its place the following is substituted:

Should Developer fail to approve or disapprove Owner's Plans and Specifications in writing within thirty (30) days after receipt of the Plans and Specifications, and the failure continues for an additional period of ten (10) calendar days following an additional notice to Developer, Developer shall be deemed to have approved the Plans and Specifications. Such additional notice shall include in bold and capitalized font, of at

WHEN RECORDED RETURN TO:  
LAWYERS TITLE COMMERCIAL SERVICE  
135 N. PENNSYLVANIA STREET  
SUITE 710  
INDIANAPOLIS, IN 46204  
CASE NO. 14-067847

at least 14 points or larger: "A failure to respond to this notice within ten (10) calendar days shall constitute your approval of the Plans and Specifications."

2. **Amendment to Section 5. Uses.** Section 5(a) of the Covenants, as amended by the 2001 Amendment, is amended to delete the first and last paragraphs. The following paragraph shall be added as the first paragraph of Section 5(a):

Notwithstanding anything to the contrary contained in the Covenants, Developer and Owner agree that the Parcel may be used as a banking or retail financial institution with multi-lane drive-thrus.

3. **Amendment to Section 19. Notice.** Section 19 of the Covenants is amended to delete the addresses for Developer and Owner and substitute the following in lieu thereof:

If to Developer: Village Park Plaza, LLC  
225 W. Washington Street  
Indianapolis, Indiana 46204  
Attn: Peripheral Development Department

With a copy to: Village Park Plaza, LLC  
225 W. Washington Street  
Indianapolis, Indiana 46204  
Attn: Legal Development Department

If to Owner: Bendmel, LLC  
222 Grand Avenue  
Englewood, NJ 07631  
Attn: Michael Schmidt

With a copy to: Seyfarth Shaw LLP  
Two Seaport Lane, Suite 300  
Boston, MA 02210  
Attn: Catherine Burns, Esq.

4. **Definitions.** The capitalized terms used in this Amendment shall have the meanings set forth in the Covenants, unless otherwise defined herein.
5. **Recording.** This Amendment may be recorded, and the party requesting recording shall pay any and all recording fees.

[SIGNATURE PAGES FOLLOW]

Second Amendment to Covenants, Conditions, and Restrictions Agreement  
Outlot LL/03 – Village Park Plaza  
Developer's Signature Page

IN WITNESS WHEREOF, Developer has hereunto set its hand and seal as of the 17<sup>th</sup>  
day of June, 2014.

DEVELOPER:

VILLAGE PARK PLAZA, LLC, a Delaware limited liability company

By: VILLAGE DEVELOPERS LIMITED PARTNERSHIP, an Indiana limited partnership,  
its sole member

By: WASHINGTON PRIME GROUP, L.P., an Indiana limited partnership,  
its general partner

By: WASHINGTON PRIME GROUP INC., an Indiana corporation, its general partner

By: Robert P. Demchak

Printed: Robert P. Demchak

Title: Secretary and General Counsel

STATE OF INDIANA       )  
                                      ) SS:  
COUNTY OF MARION    )

Before me, a Notary Public in and for said County and State, personally appeared Robert Demchak, to me personally known as the Secretary & General Counsel of Washington Prime Group Inc., an Indiana corporation, the general partner of Washington Prime Group, L.P., an Indiana limited partnership, the general partner of Village Developers Limited Partnership, an Indiana limited partnership, the sole member of Village Park Plaza, LLC, a Delaware limited liability company, who acknowledged his execution of the foregoing instrument for and on behalf of said limited liability company.

WITNESS my hand and notarial seal this 17<sup>th</sup> day of June, 2014.

Michelle Y. Watkins  
Notary Public



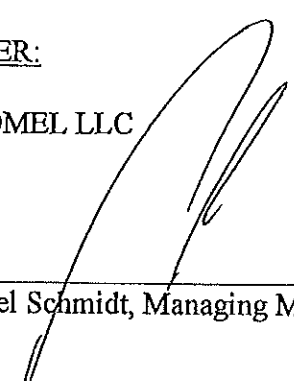
MICHELLE Y. WATKINS, Notary Public  
My Commission Expires 01-11-2017  
Resident of Johnson County

Second Amendment to Covenants, Conditions, and Restrictions Agreement  
Outlot LL/03 – Village Park Plaza  
Owner's Signature Page

IN WITNESS WHEREOF, Owner has hereunto set its hand and seal as of the 21<sup>st</sup> day of May, 2014.

OWNER:

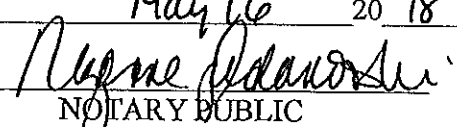
BENDMEL LLC

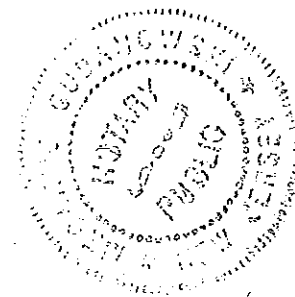
  
\_\_\_\_\_  
Michael Schmidt, Managing Member

State of New Jersey       )  
                                      )  
County of Bergen         )       SS

The undersigned, a Notary Public in and for the County and State aforesaid, DOES HEREBY CERTIFY that Michael Schmidt, managing member of Bendmel, LLC personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he signed and delivered the said instrument as his free and voluntary act for the uses and purposes therein set forth.

Given under my hand and official seal, this 21<sup>st</sup> day of May, 2014.

Commission expires May 16 20 18  
  
\_\_\_\_\_  
NOTARY PUBLIC



This instrument was prepared by Village Park Plaza, LLC, 225 W. Washington Street, Indianapolis, Indiana 46204, Attn: Dana S. Grimes, Esq. 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.

  
\_\_\_\_\_  
Dana S. Grimes, Esq.

DULY ENTERED FOR TAXATION  
Subject to final acceptance for transfer

24 day of May, 2001

Robin Mills Auditor of Hamilton County

Parcel # 09-10-18-00-00-015.132

200100030090  
Filed for Record in  
HAMILTON COUNTY, INDIANA  
MARY L CLARK  
05-24-2001 08:54:10  
GEN W DEED 24.00

GENERAL WARRANTY DEED  
(Tax Parcel No. 09-10-18-00-00-015.132)

24.00  
(6)

THIS INDENTURE WITNESSETH, That MERCANTILE NATIONAL BANK OF INDIANA, a corporation, as Trustee under the provisions of a certain Trust Agreement, dated July 22, 1994, and known as Trust Number 5965 ("Grantor"), GRANTS AND CONVEYS WITH GENERAL WARRANTY COVENANTS to WESTFIELD BISTRO, LLC, an Indiana limited liability company, for the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, certain real estate located in Hamilton County, Indiana, as more specifically described in the attached Exhibit A, incorporated herein by reference, subject only to those matters more specifically described on Exhibit B, which is attached hereto and incorporated herein by reference.

Grantor hereby certifies that there is no Indiana gross income tax due at this time as a result of this conveyance.

The undersigned persons executing this Deed on behalf of Grantor represent and certify that they are trustees of Grantor and have been fully empowered, by that certain Trust Agreement, dated July 22, 1994 and known as Trust Number 5965, to execute and deliver this Deed; that Grantor has full authority and capacity to convey the real estate described herein; and that all necessary action for the making of such conveyance has been taken and done.

IN WITNESS WHEREOF, Grantor has caused this General Warranty Deed to be executed this 22 day of May, 2001.

GRANTOR:

MERCANTILE NATIONAL BANK OF INDIANA, a corporation, as Trustee under the provisions of a certain Trust Agreement, dated July 22, 1994, and known as Trust Number 5985

By: SEE SIGNATURE PAGE ATTACHED  
Printed: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF INDIANA     )  
                                  ) SS:  
COUNTY OF \_\_\_\_\_ )

Before me, a Notary Public in and for said County and State, personally appeared \_\_\_\_\_, by me known and by me known to be the \_\_\_\_\_ of Mercantile National Bank of Indiana, a corporation, as Trustee, under the provisions of a certain Trust Agreement, dated July 22, 1994, and known as Trust Number 5985, who, being first duly sworn upon his/her oath, has executed the foregoing General Warranty Deed for and on behalf of said corporation.

Witness my hand and Notarial Seal this \_\_\_\_ day of \_\_\_\_\_, 2001.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
(Printed signature)

My Commission Expires: \_\_\_\_\_

My County of Residence: \_\_\_\_\_

THIS INSTRUMENT WAS PREPARED BY AND AFTER RECORDING RETURN TO: Elizabeth T. Young, Attorney at Law, Bose McKinney & Evans LLP, 135 North Pennsylvania, Suite 2700, Indianapolis, Indiana 46204.

SEND TAX BILLS TO: Levinson Restaurant Corporation, 1311 West 96<sup>th</sup> Street, Suite 205, Indianapolis, Indiana 46260.

This GENERAL WARRANTY DEED is executed by the undersigned Trustee, not personally, but solely as Trustee under the terms of that certain agreement dated July 22, 1994, creating trust number S965, and it is expressly understood and agreed by the parties hereto, anything herein to the contrary notwithstanding, that each and all of the covenants, undertakings, representations, agreements and liabilities, herein made are made and are intended, not as personal covenants, undertakings, representations, agreements and liabilities, of the Trustee, individually, or for the purpose of binding it personally, but this instrument is executed and delivered by the MERCANTILE NATIONAL BANK OF INDIANA, AS TRUSTEE, solely in the exercise of the powers conferred upon it as such Trustee under said agreement and no personal liability or personal responsibility is assumed by, nor shall at any time be asserted or enforced against MERCANTILE NATIONAL BANK OF INDIANA, on account hereof, or on account of any covenant, undertaking, representation or agreement herein, either expressed or implied, all such personal liability, if any, being expressly waived and released by the parties hereto or holder hereof, and by all persons claiming by or through or under said parties or holder hereof.

Nothing contained herein shall be construed as creating any liability upon MERCANTILE NATIONAL BANK OF INDIANA, personally under the provisions of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or the Indiana Responsible Property Transfer Law (the "Act") as amended from time to time or any other federal, state or local law, rule or regulation. MERCANTILE NATIONAL BANK OF INDIANA, personally, is not a "Transferor or Transferee" under the Act and makes no representations concerning any possible environmental defects. In making any warranty herein, the Trustee is relying solely on information furnished to it by the beneficiaries and not of its own knowledge and specifically exculpates itself from any liabilities, responsibilities or damages as a result of including any warranty in this instrument.

Furthermore, the information contained in this instrument has been furnished to the undersigned by the beneficiary/beneficiaries under aforesaid Trust and the statements made therein are made solely in reliance thereon and no responsibility is assumed by the undersigned in its individual capacity for the truth or accuracy of the facts herein stated.

IN WITNESS WHEREOF, said MERCANTILE NATIONAL BANK OF INDIANA, has caused its name to be signed to these presents by an Assistant Vice President and Trust Officer and attested by its Assistant Vice President and Trust Officer the day and year first above written.

MERCANTILE NATIONAL BANK OF INDIANA, AS TRUSTEE  
BY MARGARET M. LOITZ Assistant Vice President and Trust Officer

ATTEST:  
MARGARET M. LOITZ  
Margaret M. Loitz, Assistant Vice President and Trust Officer

STATE OF INDIANA, COUNTY OF LAKE ) s.s.  
Before me, a Notary Public in and for said County, in the State aforesaid, personally appeared before me, JACQUELYN M. KOHL, Assistant Vice President and Trust Officer, and MARGARET M. LOITZ, Assistant Vice President & Trust Officer, of MERCANTILE NATIONAL BANK OF INDIANA, a national banking association, who acknowledged the execution of the foregoing instrument as the free and voluntary act of said national banking association, and as their free and voluntary act, on behalf of said national banking association, as Trustee.

Given under my hand and notarial seal this 21st day of May, 2001

Signed: JANET L. DREMON  
Janet L. Dremon, Notary Public

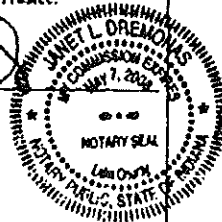


Exhibit B - Permitted Exceptions

1. Real estate taxes assessed for the year 2001 are a lien but are not yet due and payable.
2. Covenants, Conditions and Restrictions Agreement Outlot LL/03 of Village Park Plaza between Village Developers Limited Partnership, an Indiana Limited Partnership and Mario's Real Estate Partners 1, a partnership, dated November 18, 1993 and recorded November 30, 1993 as Instrument Number 9358312 in the Office of the Recorder of Hamilton County, Indiana, as amended on May 22, 2001 and recorded on May 23, 2001, in the Office of the Recorder of Hamilton County, Indiana, as Instrument Number 2001-30091.
3. Permanent extinguishment of all rights and easements of ingress and egress to, from and across the limited access facility known as U.S.R. 31 to and from the land as set out in a deed to the State of Indiana recorded February 10, 1976 as Instrument No. 12008 in Deed Record: 279 Page: 612.  
"as noted on the survey" on the survey prepared by United Consulting Engineers & Architects under Job Number 01-806, dated April 13, 2001, last revised May 15, 2001.
4. Sanitary Sewer and Water Line Easement Agreement:  
Dated: May 4, 1982  
Recorded: May 6, 1982  
Book: 330 Page: 612  
Instrument No.: 33872  
as shown on the survey prepared by United Consulting Engineers & Architects under Job Number 01-806, dated April 13, 2001, last revised May 15, 2001.
5. Terms and Provisions of a Reciprocal Utility and Access Easement Agreement by and between Village Developers Limited Partnership, an Indiana Limited Partnership and Westfield Properties Limited Partnership, an Indiana Limited Partnership dated May 4, 1990 and Recorded May 7, 1990 as Instrument Number 9010608 in the Office of the Recorder of Hamilton County, Indiana.  
"as noted on the survey" on the survey prepared by United Consulting Engineers & Architects under Job Number 01-806, dated April 13, 2001, last revised May 15, 2001.
6. Easement in favor of: Village Developers Limited Partnership, an Indiana Limited Partnership  
Type of easement: Drainage Easement  
Dated: January 28, 1991  
Recorded: February 8, 1991  
Instrument No.: 9103145  
Subject to the terms and conditions thereof.  
"as shown on the survey prepared by United Consulting Engineers & Architects under Job Number 01-806, dated April 13, 2001, last revised May 15, 2001.
7. Sanitary Sewer and Water Line Easement Agreement:  
Dated: February 27, 1991  
Recorded: March 1, 1991  
Instrument No.: 9104427  
as shown on the survey prepared by United Consulting Engineers & Architects under Job Number 01-806, dated April 13, 2001, last revised May 15, 2001.

Exhibit B - Permitted Exceptions

8. Easement in favor of: Indiana Bell Telephone Company Incorporated  
Type of easement: Telephone Easement  
Dated: February 9, 1991  
Recorded: March 1, 1991  
Instrument No.: 9104428  
as shown on the survey prepared by United Consulting Engineers & Architects  
under Job Number 01-806, dated April 13, 2001, last revised May 15, 2001.
  
9. Easement in favor of: PSI Energy, Inc., an Indiana corporation  
Type of easement: Electric Easement  
Dated: February 8, 1991  
Recorded: March 1, 1991  
Instrument No.: 9104429  
as shown on the survey prepared by United Consulting Engineers & Architects  
under Job Number 01-806, dated April 13, 2001, last revised May 15, 2001.  
~~As shown on the survey prepared by United Consulting Engineers & Architects  
under Job Number 01-806, dated April 13, 2001, last revised May 15, 2001.~~
  
10. Easement in favor of: Indiana Gas Company, Inc.  
Type of easement: Natural Gas Easement  
Dated: February 8, 1991  
Recorded: March 1, 1991  
Instrument No.: 9104430  
as shown on the survey prepared by United Consulting Engineers & Architects  
under Job Number 01-806, dated April 13, 2001, last revised May 15, 2001.

Exhibit A

A part of the Southwest Quarter of Section 18, Township 18 North, Range 4 East of the Second Principal Meridian in Washington Township, Hamilton County, Indiana, more particularly described as follows:

Commencing at the Northwest corner of said Southwest Quarter, thence North 89 degrees 19 minutes 32 seconds East (assumed bearing) along the North line thereof 418.69 feet to the prolongation Northerly of the East line of a 1.959 acre tract of land described in Warranty Deed recorded as Instrument No. 83-3497 in Deed Record 336, page 110 in the Office of the Recorder of Hamilton County, Indiana; thence South 00 degrees 00 minutes 00 seconds West along said prolongation and said line 304.49 feet to the Southeast corner thereof; thence South 90 degrees 00 minutes 00 seconds West along the South line of said tract 306.13 feet to the Southwest corner thereof, being also a point on the Easterly limited-access right-of-way line for U.S.R. 31, described in a Warranty Deed recorded as Instrument No. 12008 in Deed Record 279, page 612 in the Office of the Recorder of said County, said limited-access right-of-way line being a non-tangent curve concave Westerly, and said point being North 87 degrees 03 minutes 28 seconds East 11546.16 feet from the radius point of said curve; thence Southerly 400.93 feet along said curve to the POINT OF BEGINNING; thence North 90 degrees 00 minutes 00 seconds East 313.15 feet; thence South 00 degrees 01 minutes 41 seconds East 197.95 feet; thence South 89 degrees 43 minutes 12 seconds West 309.85 feet to said Easterly limited-access right-of-way; thence along said right-of-way line for the next two courses: (1) North 01 degrees 47 minutes 33 seconds West 61.92 feet to a point on a non-tangent curve concave Westerly, and said point being North 89 degrees 43 minutes 48 seconds East 11546.16 feet from the radius point of said curve; (2) Northerly 137.58 feet to the POINT OF BEGINNING: containing 1.423 acres

# ADJOINER (NOTIFICATION LIST)

NOTE: DUE TO VOLUME AND TURNAROUND, ORDERS TAKE 3-5 BUSINESS DAYS FOR PROCESSING. TRANSFER AND MAPPING WILL APPROPRIATELY NOTIFY THE CONTACT WHEN THEIR ORDER IS READY TO BE PICKED UP.

DATE TAKEN: 10/25/2015  
TIME TAKEN: 9:53 PM

NAME OF PROPERTY OWNER: BENDMEL, LLC

NAME OF PETITIONER: TRACEY DIEHL

LEGAL DESCRIPTION OR PARCEL NUMBER OF PROPERTY:

09-10-18-00-00-015.132

## ZONING AUTHORITY APPLYING TO

- |                                             |                                                      |
|---------------------------------------------|------------------------------------------------------|
| <input type="checkbox"/> ARCADIA            | <input type="checkbox"/> FISHERS PLAN COMMISSION     |
| <input type="checkbox"/> ATLANTA            | <input type="checkbox"/> HAMILTON COUNTY PLANNING    |
| <input type="checkbox"/> CARMEL BZA         | <input type="checkbox"/> NOBLESVILLE HOME OCCUPATION |
| <input type="checkbox"/> CARMEL PLANNING    | <input type="checkbox"/> NOBLESVILLE PUBLIC HEARING  |
| <input type="checkbox"/> CICERO             | <input type="checkbox"/> SHERIDAN                    |
| <input type="checkbox"/> FISHERS & FALL BZA | <input checked="" type="checkbox"/> WESTFIELD        |

SIGNATURE OF APPLICANT:

E-MAIL

DATE:

10/25/2015

PERSON TO CONTACT:

TRACEY DIEHL

PHONE NUMBER:

tracey@expedite-thediehl.com

## FOR OFFICE USE ONLY

EMPLOYEE INITIALS: Mrc

PAYMENT RECEIVED: \_\_\_\_\_

RECEIPT NUMBER: \_\_\_\_\_

E-MAIL WHEN COMPLETED: \_\_\_\_\_

HAMILTON COUNTY TRANSFER AND MAPPING  
33 N. NINTH ST. • NOBLESVILLE, IN 46060  
plats@hamiltoncounty.in.gov  
P: 317.776.9624 F: 317.776.9682

## HAMILTON COUNTY AUDITOR

I, DAWN COVERDALE, AUDITOR OF HAMILTON COUNTY, INDIANA, CERTIFY MY OFFICE HAS SEARCHED OUR RECORDS AND BASED ON THAT SEARCH, IT APPEARS THAT THE PROPERTY OWNERS MARKED AS NEIGHBORS ARE THE PROPERTY OWNERS THAT ARE TWO PROPERTIES OR 660' FEET FROM THE REAL ESTATE MARKED AS SUBJECT PROPERTY.

THIS DOCUMENT DOES NOT CERTIFY THAT THE ATTACHED LIST OF PROPERTY OWNERS IS ACCURATE OR INCLUDES ALL PROPERTY OWNERS ENTITLED TO NOTICE PURSUANT TO LOCAL ORDINANCE. ANY PERSON SEEKING A MORE ACCURATE SEARCH OF THE REAL ESTATE RECORDS OF THE COUNTY SHOULD SEEK THE OPINION OF A TITLE INSURANCE COMPANY.

DAWN COVERDALE, HAMILTON COUNTY AUDITOR

DATED: *Michael R. Crussel 10/26/2015*

### SUBJECT PROPERTY:

09-10-18-00-00-015.132

Subject

Bendmei LLC

222 GRAND AVE

Englewood

NJ

07631

Pursuant to the provisions of Indiana Code 5-14-3-3-(e), no person other than those authorized by the County may reproduce, grant access, deliver, or sell any information obtained from any department or office of the County to any other person, partnership, or corporation. In addition any person who receives information from the County shall not be permitted to use any mailing list, addresses, or databases for the purpose of selling, advertising, or soliciting the purchase of merchandise, goods, services, or to sell, loan, give away, or otherwise deliver the information obtained by the request to any other person.

## **HAMILTON COUNTY NOTIFICATION LIST**

PLEASE NOTIFY THE FOLLOWING PERSONS

---

|                               |                 |
|-------------------------------|-----------------|
| <b>09-09-13-00-00-012.012</b> | <b>Neighbor</b> |
|-------------------------------|-----------------|

Greyhound Court Plaza LLC

6070 Keystone N

|              |    |       |
|--------------|----|-------|
| Indianapolis | IN | 46220 |
|--------------|----|-------|

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|                               |                 |
|-------------------------------|-----------------|
| <b>09-09-13-00-00-012.025</b> | <b>Neighbor</b> |
|-------------------------------|-----------------|

5 Hs LLC

1610 E GREYHOUND PASS

|        |    |       |
|--------|----|-------|
| Carmel | IN | 46032 |
|--------|----|-------|

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|                               |                 |
|-------------------------------|-----------------|
| <b>09-09-13-00-00-012.026</b> | <b>Neighbor</b> |
|-------------------------------|-----------------|

Vca Real Property Acquisition

12401 Olympic Blvd

|             |    |       |
|-------------|----|-------|
| Los Angeles | CA | 90064 |
|-------------|----|-------|

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|                               |                 |
|-------------------------------|-----------------|
| <b>09-09-13-00-00-012.028</b> | <b>Neighbor</b> |
|-------------------------------|-----------------|

Greyhound Court Plaza LLC

6070 Keystone N

|              |    |       |
|--------------|----|-------|
| Indianapolis | IN | 46220 |
|--------------|----|-------|

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|                               |                 |
|-------------------------------|-----------------|
| <b>09-09-13-00-00-012.035</b> | <b>Neighbor</b> |
|-------------------------------|-----------------|

CAW Realty LLC

1542 E GREYHOUND PASS

|        |    |       |
|--------|----|-------|
| Carmel | IN | 46032 |
|--------|----|-------|

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|                               |                 |
|-------------------------------|-----------------|
| <b>09-09-13-00-00-012.125</b> | <b>Neighbor</b> |
|-------------------------------|-----------------|

Vacation Limited Partnership

14904 Greyhound Ct

|        |    |       |
|--------|----|-------|
| Carmel | IN | 46032 |
|--------|----|-------|

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|                               |                 |
|-------------------------------|-----------------|
| <b>09-10-18-00-00-015.102</b> | <b>Neighbor</b> |
|-------------------------------|-----------------|

Village Park Plaza LLC

225 W WASHINGTON PO BOX 7019

|              |    |            |
|--------------|----|------------|
| Indianapolis | IN | 46204 3435 |
|--------------|----|------------|

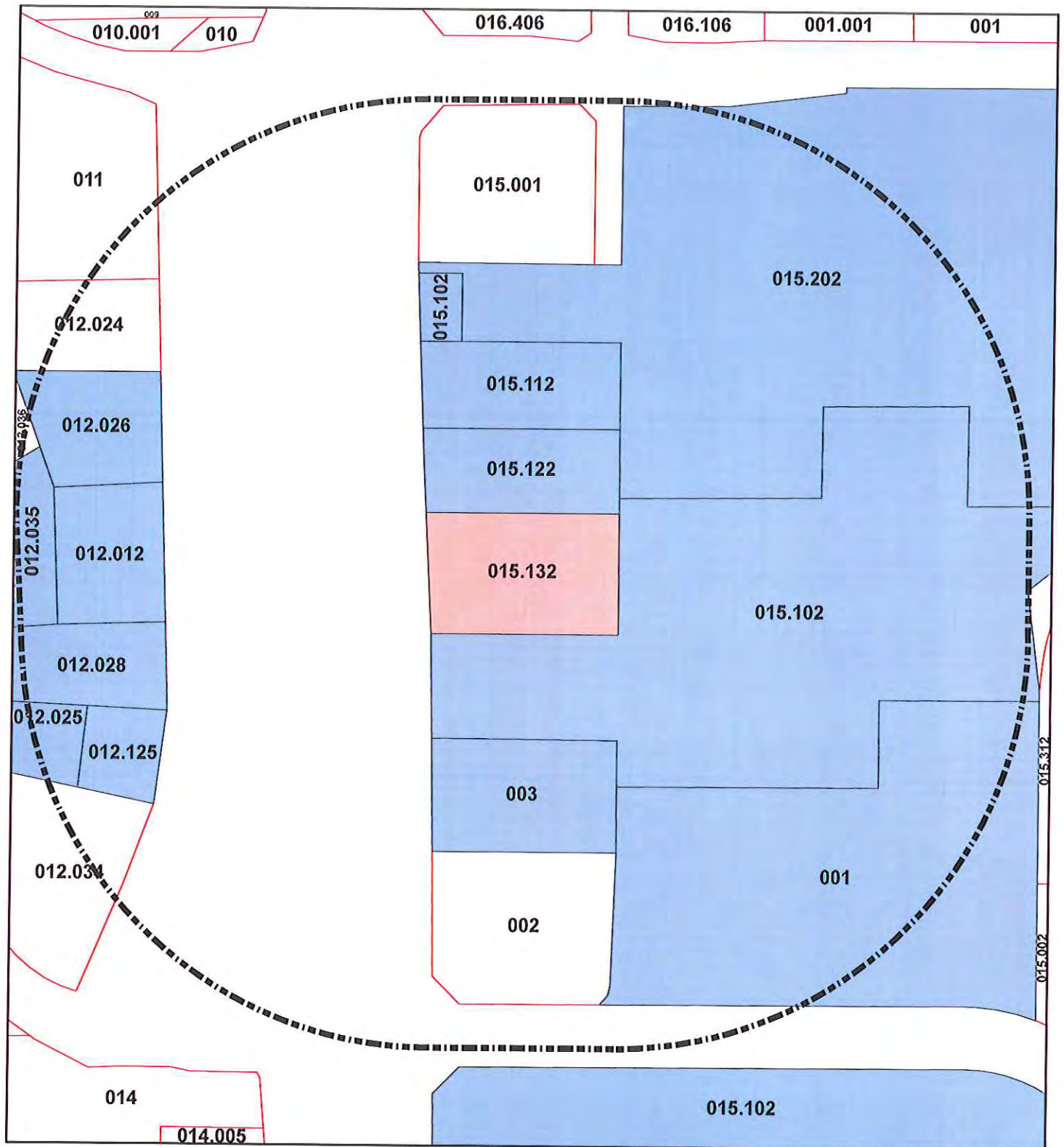
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|                               |                 |
|-------------------------------|-----------------|
| <b>09-10-18-00-00-015.112</b> | <b>Neighbor</b> |
|-------------------------------|-----------------|

Village Park Plaza LLC

|                                       |    |                 |
|---------------------------------------|----|-----------------|
| PO Box 1498                           |    |                 |
| Columbus                              | OH | 43216           |
| <hr/>                                 |    |                 |
| <b>09-10-18-00-00-015.122</b>         |    | <b>Neighbor</b> |
| Brucker, Douglas L. & Susan M         |    |                 |
| PO Box 460189                         |    |                 |
| Houston                               | TX | 77056           |
| <hr/>                                 |    |                 |
| <b>09-10-18-00-00-015.202</b>         |    | <b>Neighbor</b> |
| Wal Mart Realty Company               |    |                 |
| P O Box 8050 MS 0555                  |    |                 |
| Bentonville                           | AR | 72712 8050      |
| <hr/>                                 |    |                 |
| <b>09-10-18-00-01-001.000</b>         |    | <b>Neighbor</b> |
| MSI East Greyhound Carmel Grocery LLC |    |                 |
| 9800 Crosspoint Blvd                  |    |                 |
| Indianapolis                          | IN | 46256           |
| <hr/>                                 |    |                 |
| <b>09-10-18-00-01-003.000</b>         |    | <b>Neighbor</b> |
| Mikes No 15 LLC                       |    |                 |
| 10251 Hague Rd                        |    |                 |
| Indianapolis                          | IN | 46256           |
| <hr/>                                 |    |                 |

# Adjoiner Notification Map



## Legend



Subject Parcel(s)



Notification Parcel(s)



Buffer

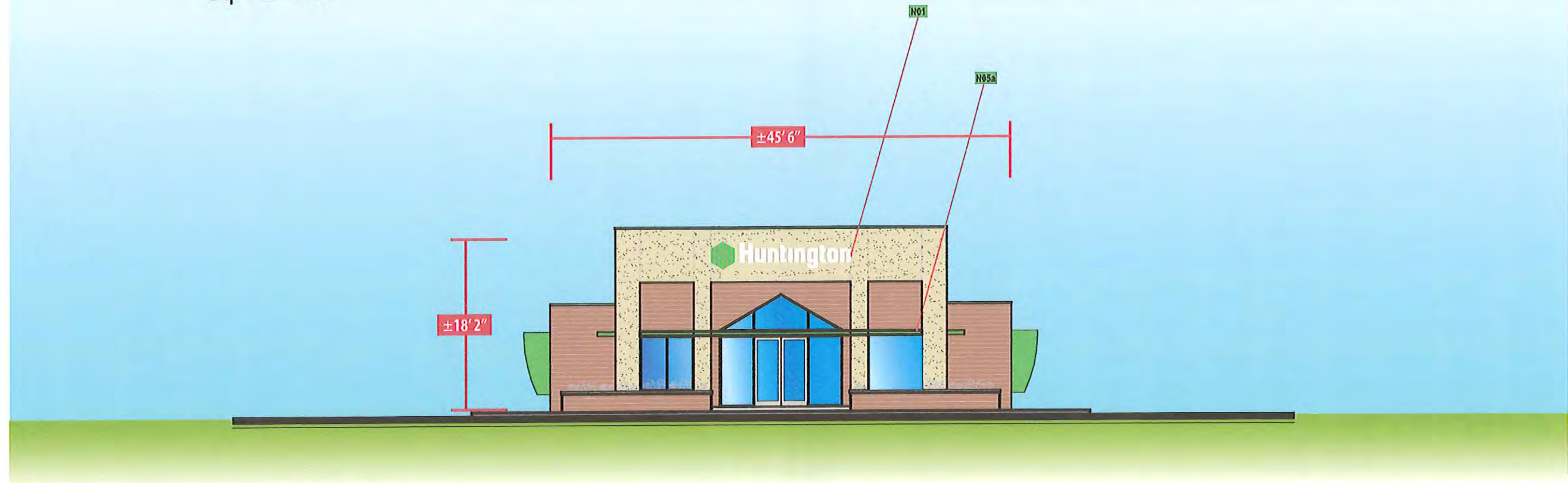
001 Parcel Number



Parcel Boundary



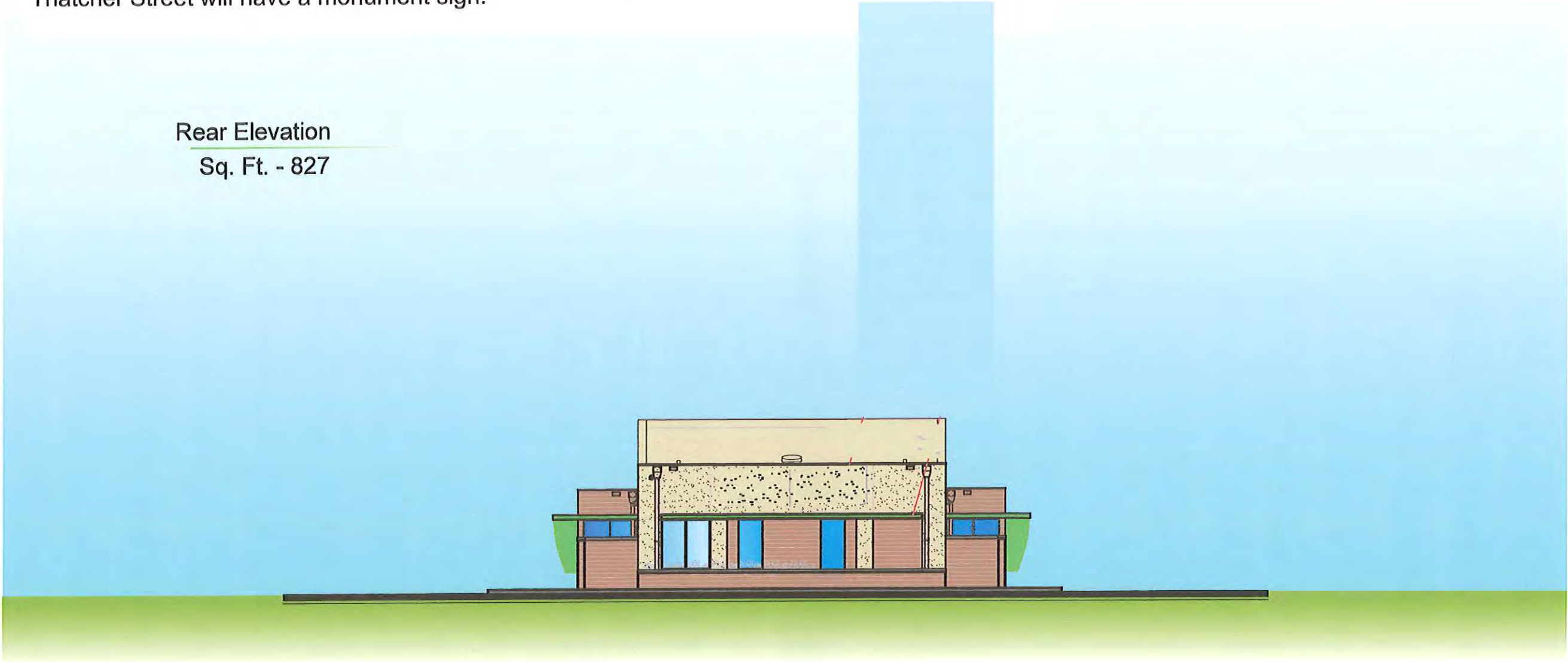
this elevation faces US 31 / Meridian St.



|                                                                                                                                                                          |         |                                                                         |        |         |        |                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|-------------------------------------------------------------------------|--------|---------|--------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  <div><div>PHILADELPHIASIGN</div><div>BRINGING THE WORLD'S BRANDS TO LIFE</div></div> | TITLE   | Huntington                                                              | DWG BY | AFR     | DATE   | 01.24.14                                                                                                                                                                                                                                                                                             | REVISION<br>BY<br>THIS IS AN ORIGINAL UNPUBLISHED<br>DRAWING CREATED BY P.S.C.O. IT<br>IS SUBMITTED FOR YOUR PERSONAL<br>USE IN CONJUNCTION WITH A PROJECT<br>BEING PLANNED FOR YOU BY P.S.C.O.<br>IT IS NOT TO BE SHOWN TO ANYONE<br>OUTSIDE YOUR ORGANIZATION NOR<br>IS IT TO BE USED, COPIED, REPRODUCED,<br>OR EXHIBITED IN ANY FASHION. |
|                                                                                                                                                                          | ADDRESS | HNT_NB44 Spoke Greyhound<br>14921 N Meridian Street<br>Carmel, IN 46033 |        | DWG NUM | A22076 | 05.12.15 Multiple Revisions made..... AFR<br>06.18.15 Revised N12 and added N13 ..... AFR<br>07.09.15 Revised N13. Added N14..... AFR<br>08.10.15 Revised Kiosks and site plan..... AFR<br>08.24.15 Multiple Revisions made to both books..... AFR<br>09.02.15 Changes made to kiosk order ..... AFR |                                                                                                                                                                                                                                                                                                                                              |
|                                                                                                                                                                          | SHEET   | 1                                                                       |        |         |        |                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                              |

.This elevation will not have a wall sign this is the elevation that faces the rear on Thatcher St.  
Thatcher Street will have a monument sign.

Rear Elevation  
Sq. Ft. - 827



|                                                                                                                                                         |         |                                                                         |        |     |         |          |      |          |                                            |     |                                                                                                                                                                                                                                                                                                                                               |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|---------|-------------------------------------------------------------------------|--------|-----|---------|----------|------|----------|--------------------------------------------|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  <div>PHILADELPHIASIGN<br/>BRINGING THE WORLD'S BRANDS TO LIFE</div> | TITLE   | Huntington                                                              | DWG BY | AFR | DATE    | 01.24.14 | DATE | 05.12.15 | Multiple Revisions made.....               | AFR | <div>THIS IS AN ORIGINAL UNPUBLISHED<br/>DRAWING CREATED BY P.S.C.O. IT<br/>IS SUBMITTED FOR YOUR PERSONAL<br/>USE IN CONJUNCTION WITH A PROJECT<br/>BEING PLANNED FOR YOU BY P.S.C.O.<br/>IT IS NOT TO BE SHOWN TO ANYONE<br/>OUTSIDE YOUR ORGANIZATION NOR<br/>IS IT TO BE USED, COPIED, REPRODUCED,<br/>OR EXHIBITED IN ANY FASHION.</div> |
|                                                                                                                                                         | ADDRESS | HNT_NB44 Spoke Greyhound<br>14921 N Meridian Street<br>Carmel, IN 46033 |        |     | DWG NUM | A22076   | DATE | 06.18.15 | Revised N12 and added N13 .....            | AFR |                                                                                                                                                                                                                                                                                                                                               |
|                                                                                                                                                         |         |                                                                         |        |     | SHEET   | 2        | DATE | 07.09.15 | Revised N13. Added N14.....                | AFR |                                                                                                                                                                                                                                                                                                                                               |
|                                                                                                                                                         |         |                                                                         |        |     |         |          | DATE | 08.10.15 | Revised Kiosks and site plan.....          | AFR |                                                                                                                                                                                                                                                                                                                                               |
|                                                                                                                                                         |         |                                                                         |        |     |         |          | DATE | 08.24.15 | Multiple Revisions made to both books..... | AFR |                                                                                                                                                                                                                                                                                                                                               |
|                                                                                                                                                         |         |                                                                         |        |     |         |          | DATE | 09.02.15 | Changes made to kiosk order .....          | AFR |                                                                                                                                                                                                                                                                                                                                               |

- N03

HNT.CLW\_24 24"h III T/W Wht Chnl Ltrs w/Grn Logo 2' 8-5/8"oah x 14' 1-1/2"oal (38.4 SF)
- N05c

Green Non-Illum Aluminum Canopy

Left Elevation  
Sq. Ft. - 1235



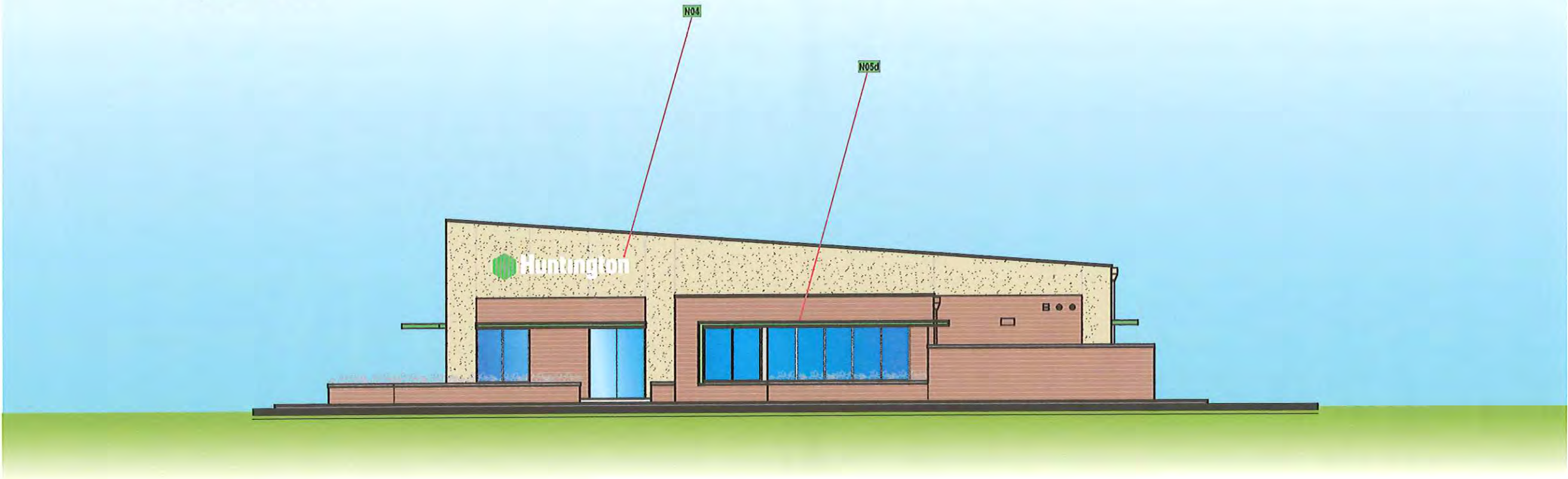
|                                                                                                                                                                          |         |                                                                         |        |     |         |          |                                            |                                   |     |                                                                                                                                                                                                                                                                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|-------------------------------------------------------------------------|--------|-----|---------|----------|--------------------------------------------|-----------------------------------|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  <div><div>PHILADELPHIASIGN</div><div>BRINGING THE WORLD'S BRANDS TO LIFE</div></div> | TITLE   | Huntington                                                              | DWG BY | AFR | DATE    | 01.24.14 | DATE                                       | REVISION                          | BY  | THIS IS AN ORIGINAL UNPUBLISHED DRAWING CREATED BY P.S.C.O. IT IS SUBMITTED FOR YOUR PERSONAL USE IN CONJUNCTION WITH A PROJECT BEING PLANNED FOR YOU BY P.S.C.O. IT IS NOT TO BE SHOWN TO ANYONE OUTSIDE YOUR ORGANIZATION NOR IS IT TO BE USED, COPIED, REPRODUCED, OR EXHIBITED IN ANY FASHION. |
|                                                                                                                                                                          | ADDRESS | HNT_NB44 Spoke Greyhound<br>14921 N Meridian Street<br>Carmel, IN 46033 |        |     | DWG NUM | A22076   | 05.12.15                                   | Multiple Revisions made.....      | AFR |                                                                                                                                                                                                                                                                                                    |
|                                                                                                                                                                          |         |                                                                         |        |     | SHEET   | 3        | 06.18.15                                   | Revised N12 and added N13 .....   | AFR |                                                                                                                                                                                                                                                                                                    |
|                                                                                                                                                                          |         |                                                                         |        |     |         |          | 07.09.15                                   | Revised N13. Added N14.....       | AFR |                                                                                                                                                                                                                                                                                                    |
|                                                                                                                                                                          |         |                                                                         |        |     |         |          | 08.10.15                                   | Revised Kiosks and site plan..... | AFR |                                                                                                                                                                                                                                                                                                    |
|                                                                                                                                                                          |         |                                                                         |        |     |         | 08.24.15 | Multiple Revisions made to both books..... | AFR                               |     |                                                                                                                                                                                                                                                                                                    |
|                                                                                                                                                                          |         |                                                                         |        |     |         | 09.02.15 | Changes made to kiosk order .....          | AFR                               |     |                                                                                                                                                                                                                                                                                                    |

- N04

HNT.CLW\_24 24"h III T/W Wht Chnl Ltrs w/Grn Logo 2' 8-5/8"oah x 14' 1-1/2"oal (38.4 SF)
- N05d

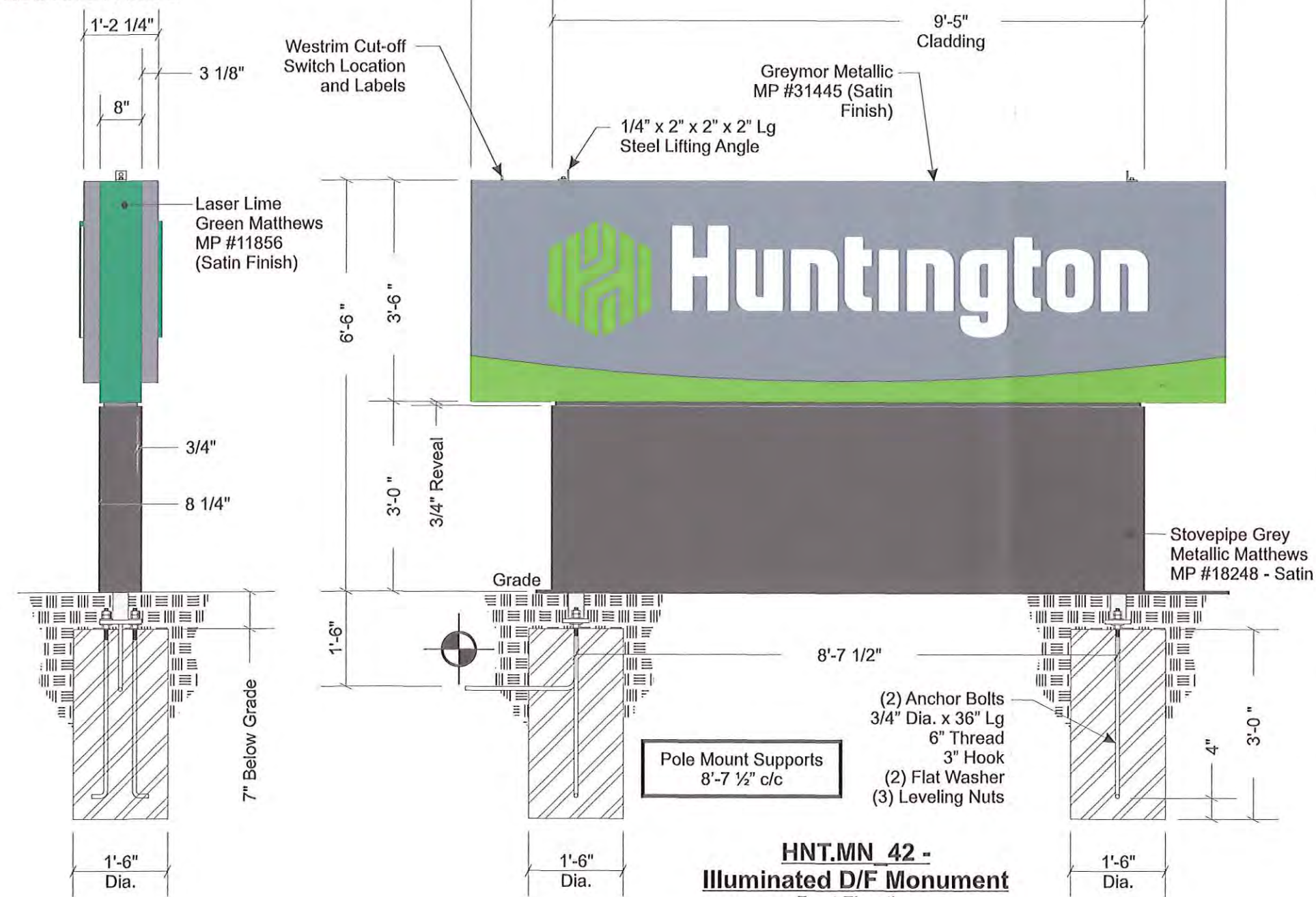
Green Non-Illum Aluminum Canopy

Right Elevation  
Sq. Ft. - 1235



|                                                                                                                                                                                    |         |                                                                         |        |     |         |          |          |                                            |     |                                                                                                                                                                                                                                                                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|-------------------------------------------------------------------------|--------|-----|---------|----------|----------|--------------------------------------------|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <div><div><div>PHILADELPHIASIGN</div><div>BRINGING THE WORLD'S BRANDS TO LIFE</div></div></div> | TITLE   | Huntington                                                              | DWG BY | AFR | DATE    | 01.24.14 | DATE     | REVISION                                   | BY  | THIS IS AN ORIGINAL UNPUBLISHED DRAWING CREATED BY P.S.C.O. IT IS SUBMITTED FOR YOUR PERSONAL USE IN CONJUNCTION WITH A PROJECT BEING PLANNED FOR YOU BY P.S.C.O. IT IS NOT TO BE SHOWN TO ANYONE OUTSIDE YOUR ORGANIZATION NOR IS IT TO BE USED, COPIED, REPRODUCED, OR EXHIBITED IN ANY FASHION. |
|                                                                                                                                                                                    | ADDRESS | HNT_NB44 Spoke Greyhound<br>14921 N Meridian Street<br>Carmel, IN 46033 |        |     | DWG NUM | A22076   | 05.12.15 | Multiple Revisions made.....               | AFR |                                                                                                                                                                                                                                                                                                    |
|                                                                                                                                                                                    |         |                                                                         |        |     |         |          | 06.18.15 | Revised N12 and added N13 .....            | AFR |                                                                                                                                                                                                                                                                                                    |
|                                                                                                                                                                                    |         |                                                                         |        |     | SHEET   | 4        | 07.09.15 | Revised N13. Added N14.....                | AFR |                                                                                                                                                                                                                                                                                                    |
|                                                                                                                                                                                    |         |                                                                         |        |     |         |          | 08.10.15 | Revised Kiosks and site plan.....          | AFR |                                                                                                                                                                                                                                                                                                    |
|                                                                                                                                                                                    |         |                                                                         |        |     |         |          | 08.24.15 | Multiple Revisions made to both books..... | AFR |                                                                                                                                                                                                                                                                                                    |
|                                                                                                                                                                                    |         |                                                                         |        |     |         |          | 09.02.15 | Changes made to kiosk order .....          | AFR |                                                                                                                                                                                                                                                                                                    |

ENGINEERING  
SHOP  
VINYL / LAYOUT  
ROUTING / KNIFE



**SPECIFICATIONS:**

1. Fabricated Aluminum Extruded Construction using Extruded Aluminum Filler - Cabinet Filler Primed & Painted Matthews Laser Lime Green MP #11856 (Satin Finish)
2. Routed 1/2" and 3/4" Clear Acrylic Copy and Logo with 1/8" Shoulder Cut All Around
3. Cabinet Halo is Illuminated using Permlight El Plato LED's
4. Internal Pole Structure - Steel Tube 3" x 3" x 3/16" Thk. Wall - Fy=46ksi
5. Base Plate: 5" x 8" x 3/4" Thk
6. Anchor Bolts: (4) Ø3/4" x 36" Lg
7. Cabinet is UL Listed

**Aluminum Specifications:**

1. Aluminum Sheet (Routed) 5052-H32 (Cut / Shear) - 3003-H14

**Plastic Specification:**

1. 1/2" Clear Acrylic - Copy
2. 3/4" Clear Acrylic - Logo

**Paint Specifications**

1. Primer - Matthews #74350SP
2. Matthews - Matthews Laser Lime Green MP #11856 - Satin Finish  
Matthews Greymor MP #31445 - Satin Finish  
Matthews Stovepipe Grey Metallic MP #18248 - Satin Finish

**Vinyl Specifications:**

1. Diffuser White Vinyl - Arlon #5500-70
2. White Vinyl - Arlon #2500-20
3. Green Vinyl - Arlon #2500-3692 (Viewable Color) over Arlon #2500-3693

**Power Supplies**

1. (2) Permlight PS240-12V @ 4.0 Amps Each

**Illumination**

1. PERMLIGHT - EL PLATO LED's (6500) (PFS8510W65) Daylight.

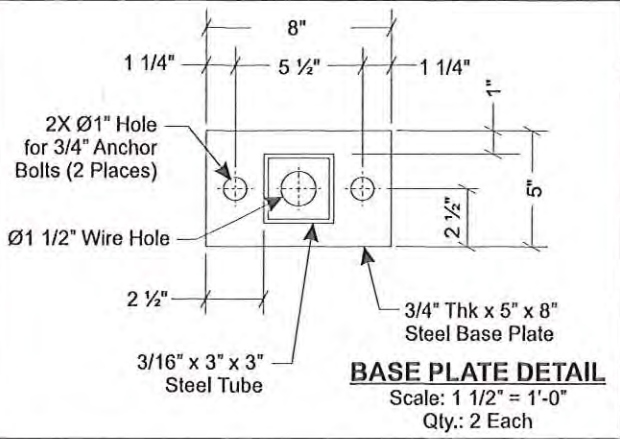
**STANDARD MONUMENT NOTES:**

1. Sufficient Primary Circuit In Vicinity Of Sign By Others.
2. Final Primary Hook-up By Sign Installer, Where Allowed By Local Codes.
3. Sign Shall Be U.L. Listed.
4. Soil Assumed To Be Medium Clay, Or Better, With Minimum Soil Bearing Capacity Of 2,500 PSF.
5. Concrete 2,500 PSI @ 28 Days.
6. Reinforcing Steel Shall Be ASTM A615 GR-40.
7. Structural Steel Shall Be ASTM A36.
8. All Welds Shall Conform To A.W.S Standards.

**ELECTRICAL LOAD**  
(8.0) Amps @ 120 Volts  
**ELECTRICAL REQ'MTS**  
(1) 20 Amp/120 Volt Circuits

Note: This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

**PERMITS  
ONLY**



**Philadelphia Sign  
COMPANY**

707 West Spring Garden Street  
Palmyra, New Jersey 08065

Phone: 856 829 1460  
Fax: 856 829 8549  
E-mail: mail@philadelphiasign.com

**CUSTOMER:**  
**HUNTINGTON**

**JOB NUMBER:**

**SIGN TYPE:**  
**HNT.MN\_42**

**LOCATION:**  
**VARIOUS**

**DATE:**  
**08/03/2010**

**DRAWN BY:**  
**AAM**

**REVISION:**  
Number: 1 Date: 12/30/2011 By: JLTH

**SHEET:** ENG DEPT  
**1 of 1**

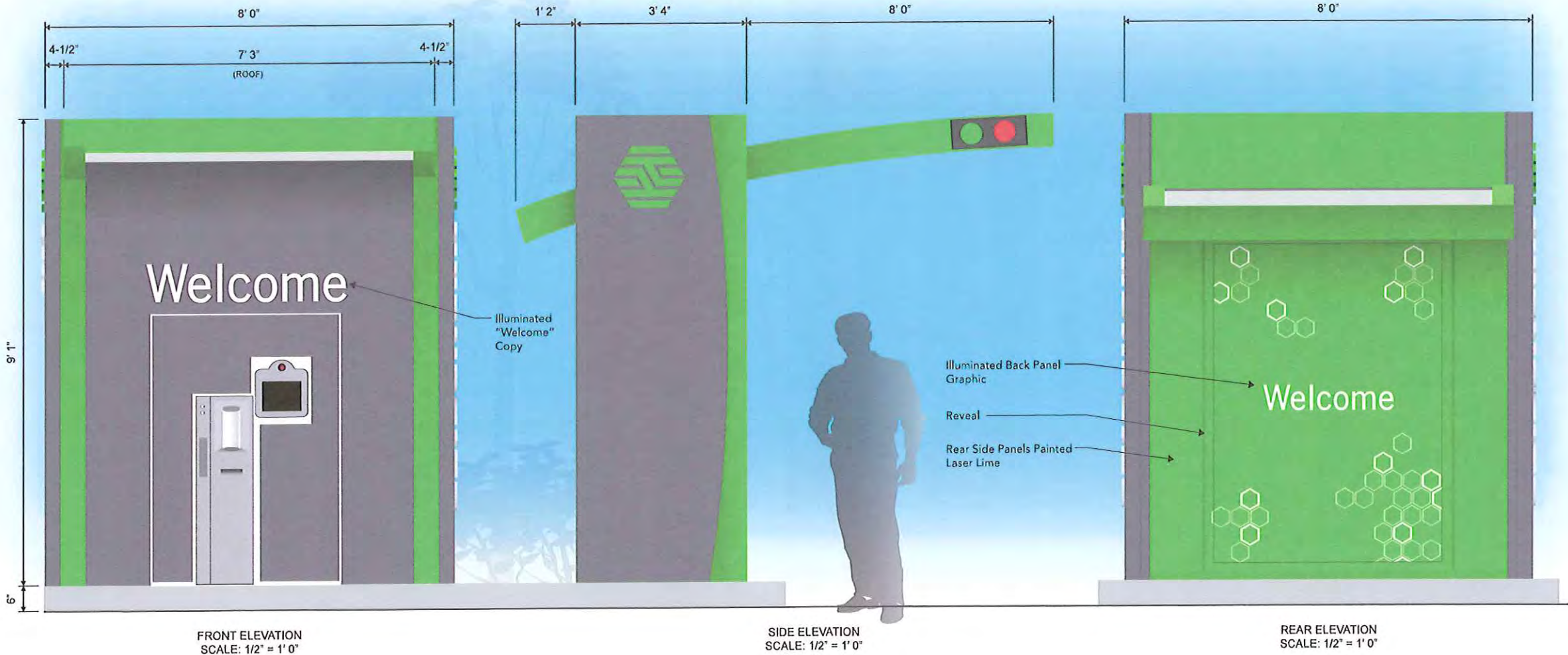
**DWG NUMBER:**  
**B-38427**

**ENGINEER SEAL:**

**MAX DESIGN WIND SPEED 90 MPH  
MAX DESIGN WIND LOAD 30 LBS/SQ. FT.  
EXPOSURE C**

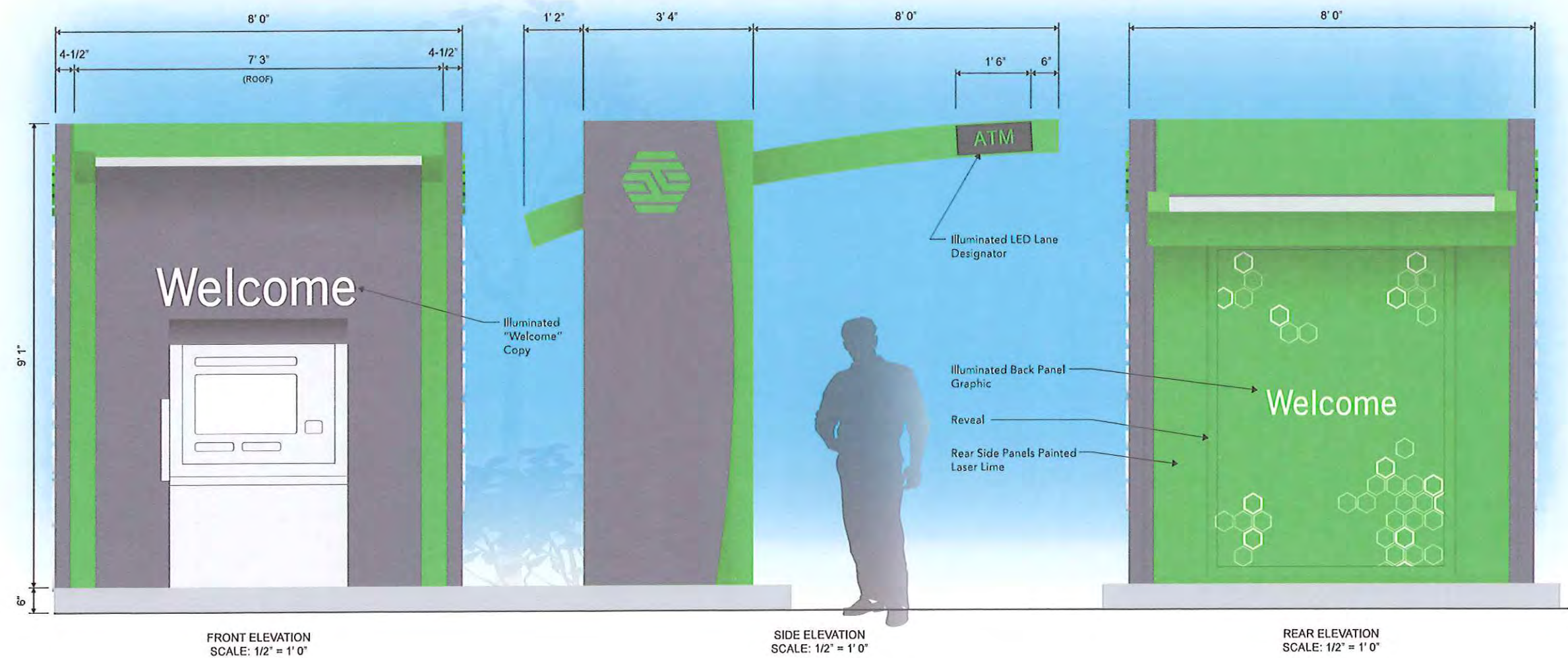
THIS IS AN ORIGINAL UNPUBLISHED DRAWING  
CREATED BY PSCo. IT IS SUBMITTED FOR YOUR  
PERSONAL USE IN CONJUNCTION WITH A PROJECT  
BEING PLANNED FOR YOU BY PSCo. IT IS NOT TO  
BE SHOWN TO ANYONE OUTSIDE YOUR  
ORGANIZATION NOR IS IT TO BE USED, COPIED,  
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## 2020 Kiosk N12a & N12b



|                                                                                                                                                    |         |                                                                         |        |     |         |          |      |          |          |                                   |                                            |     |                                                                                                                                                                                                                                                                                                                            |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------|---------|-------------------------------------------------------------------------|--------|-----|---------|----------|------|----------|----------|-----------------------------------|--------------------------------------------|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
|  <b>PHILADELPHIASIGN</b><br>BRINGING THE WORLD'S BRANDS TO LIFE | TITLE   | Huntington                                                              | DWG BY | AFR | DATE    | 01.24.14 | DATE | 05.12.15 | REVISION | Multiple Revisions made.....      | BY                                         | AFR | THIS IS AN ORIGINAL UNPUBLISHED<br>DRAWING CREATED BY P.S.C.O. IT<br>IS SUBMITTED FOR YOUR PERSONAL<br>USE IN CONJUNCTION WITH A PROJECT<br>BEING PLANNED FOR YOU BY P.S.C.O.<br>IT IS NOT TO BE SHOWN TO ANYONE<br>OUTSIDE YOUR ORGANIZATION NOR<br>IS IT TO BE USED, COPIED, REPRODUCED,<br>OR EXHIBITED IN ANY FASHION. |  |
|                                                                                                                                                    | ADDRESS | HNT_NB44 Spoke Greyhound<br>14921 N Meridian Street<br>Carmel, IN 46033 |        |     | DWG NUM | A22076   | DATE | 06.18.15 | REVISION | Revised N12 and added N13 .....   | BY                                         | AFR |                                                                                                                                                                                                                                                                                                                            |  |
|                                                                                                                                                    |         |                                                                         |        |     | SHEET   | 6        | DATE | 07.09.15 | REVISION | Revised N13. Added N14.....       | BY                                         | AFR |                                                                                                                                                                                                                                                                                                                            |  |
|                                                                                                                                                    |         |                                                                         |        |     |         |          | DATE | 08.10.15 | REVISION | Revised Kiosks and site plan..... | BY                                         | AFR |                                                                                                                                                                                                                                                                                                                            |  |
|                                                                                                                                                    |         |                                                                         |        |     |         |          |      | DATE     | 08.24.15 | REVISION                          | Multiple Revisions made to both books..... | BY  | AFR                                                                                                                                                                                                                                                                                                                        |  |
|                                                                                                                                                    |         |                                                                         |        |     |         |          |      | DATE     | 09.02.15 | REVISION                          | Changes made to kiosk order .....          | BY  | AFR                                                                                                                                                                                                                                                                                                                        |  |

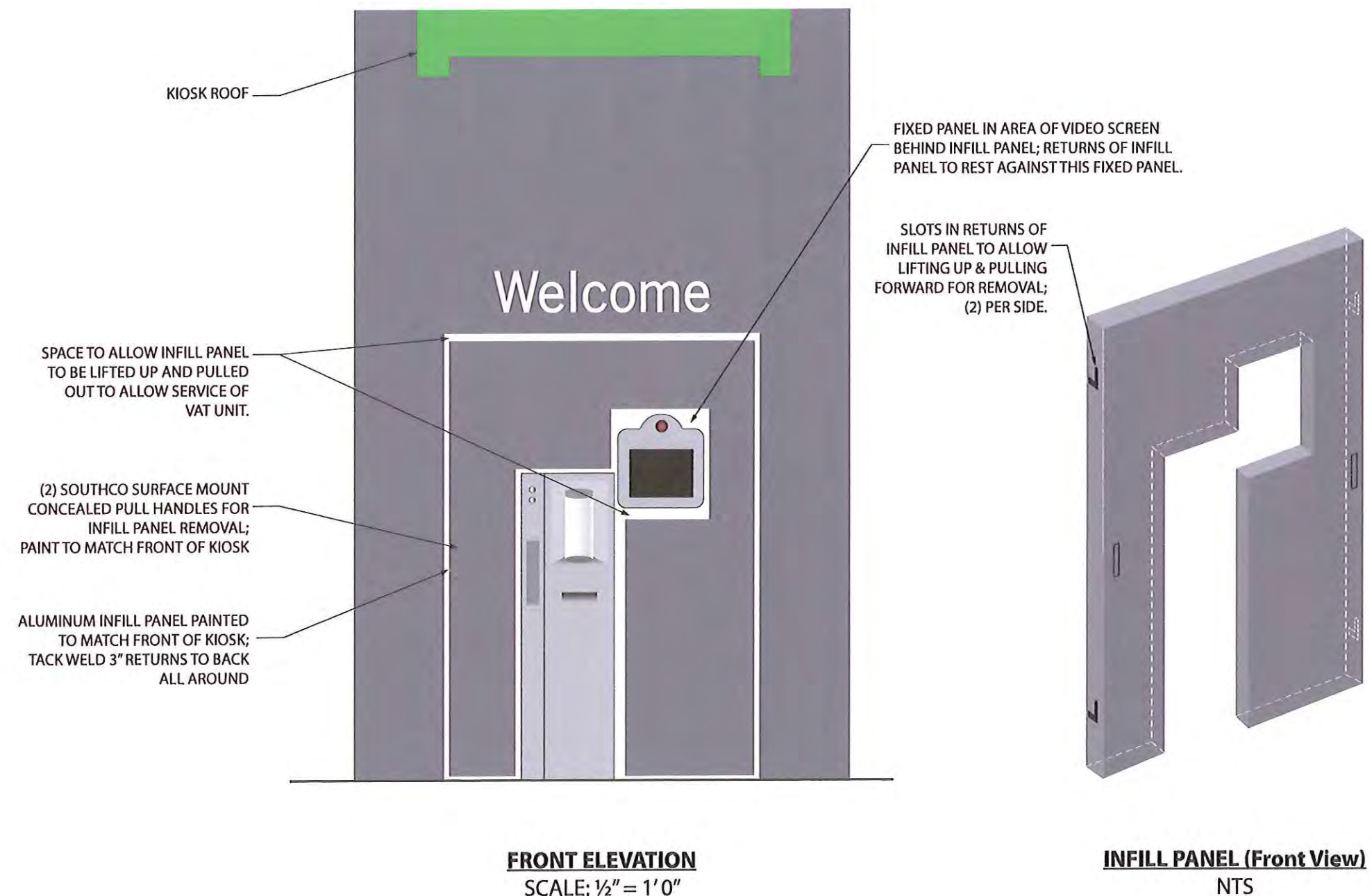
2020 Kiosk N12c & N12d



|                                                                                                                                                    |         |                                                                         |        |     |         |          |      |          |          |                                            |     |                                                                                                                                                                                                                                                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------|---------|-------------------------------------------------------------------------|--------|-----|---------|----------|------|----------|----------|--------------------------------------------|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  <b>PHILADELPHIASIGN</b><br>BRINGING THE WORLD'S BRANDS TO LIFE | TITLE   | Huntington                                                              | DWG BY | AFR | DATE    | 01.24.14 | DATE | 05.12.15 | REVISION | Multiple Revisions made.....               | AFR | THIS IS AN ORIGINAL UNPUBLISHED DRAWING CREATED BY P.S.C.O. IT IS SUBMITTED FOR YOUR PERSONAL USE IN CONJUNCTION WITH A PROJECT BEING PLANNED FOR YOU BY P.S.C.O. IT IS NOT TO BE SHOWN TO ANYONE OUTSIDE YOUR ORGANIZATION NOR IS IT TO BE USED, COPIED, REPRODUCED, OR EXHIBITED IN ANY FASHION. |
|                                                                                                                                                    | ADDRESS | HNT_NB44 Spoke Greyhound<br>14921 N Meridian Street<br>Carmel, IN 46033 |        |     | DWG NUM | A22076   | DATE | 06.18.15 | REVISION | Revised N12 and added N13 .....            | AFR |                                                                                                                                                                                                                                                                                                    |
|                                                                                                                                                    |         |                                                                         |        |     | SHEET   | 7        | DATE | 07.09.15 | REVISION | Revised N13. Added N14.....                | AFR |                                                                                                                                                                                                                                                                                                    |
|                                                                                                                                                    |         |                                                                         |        |     |         |          | DATE | 08.10.15 | REVISION | Revised Kiosks and site plan.....          | AFR |                                                                                                                                                                                                                                                                                                    |
|                                                                                                                                                    |         |                                                                         |        |     |         |          | DATE | 08.24.15 | REVISION | Multiple Revisions made to both books..... | AFR |                                                                                                                                                                                                                                                                                                    |
|                                                                                                                                                    |         |                                                                         |        |     |         |          | DATE | 09.02.15 | REVISION | Changes made to kiosk order .....          | AFR |                                                                                                                                                                                                                                                                                                    |

INFILL PANEL

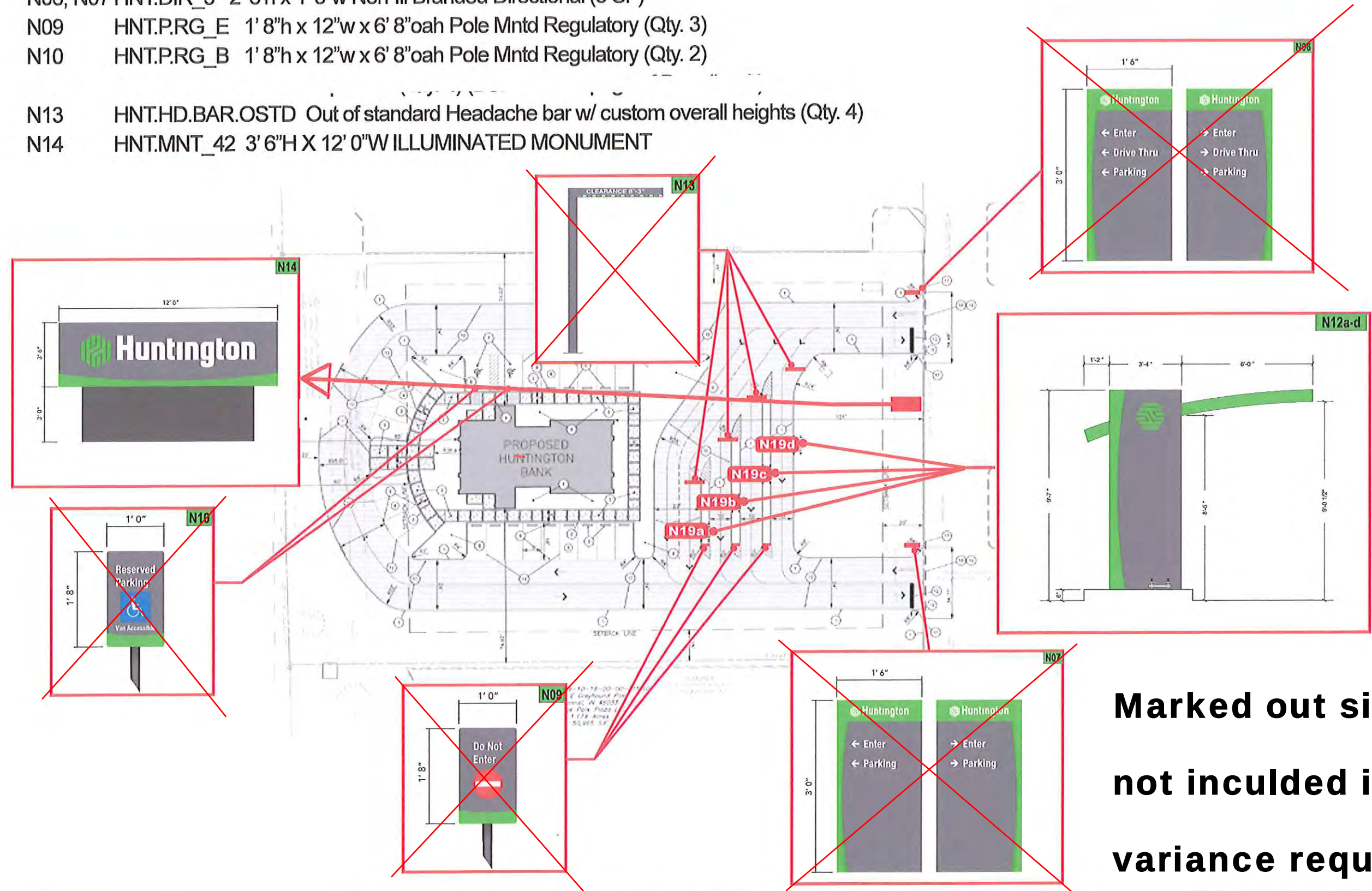
NOTE: EXACT POSITIONING ANGLE OF VIDEO SCREEN NEEDED PRIOR TO INFILL PANEL FABRICATION!



|                                                                                                                                                         |         |                                                                         |        |     |         |          |      |          |                                            |     |                                                                                                                                                                                                                                                                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|---------|-------------------------------------------------------------------------|--------|-----|---------|----------|------|----------|--------------------------------------------|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  <div>PHILADELPHIASIGN<br/>BRINGING THE WORLD'S BRANDS TO LIFE</div> | TITLE   | Huntington                                                              | DWG BY | AFR | DATE    | 01.24.14 | DATE | 05.12.15 | Multiple Revisions made.....               | AFR | THIS IS AN ORIGINAL UNPUBLISHED DRAWING CREATED BY P.S.C.O. IT IS SUBMITTED FOR YOUR PERSONAL USE IN CONJUNCTION WITH A PROJECT BEING PLANNED FOR YOU BY P.S.C.O. IT IS NOT TO BE SHOWN TO ANYONE OUTSIDE YOUR ORGANIZATION NOR IS IT TO BE USED, COPIED, REPRODUCED, OR EXHIBITED IN ANY FASHION. |
|                                                                                                                                                         | ADDRESS | HNT_NB44 Spoke Greyhound<br>14921 N Meridian Street<br>Carmel, IN 46033 |        |     | DWG NUM | A22076   |      | 06.18.15 | Revised N12 and added N13 .....            | AFR |                                                                                                                                                                                                                                                                                                    |
|                                                                                                                                                         |         |                                                                         |        |     | SHEET   | 8        |      | 07.09.15 | Revised N13. Added N14.....                | AFR |                                                                                                                                                                                                                                                                                                    |
|                                                                                                                                                         |         |                                                                         |        |     |         |          |      | 08.10.15 | Revised Kiosks and site plan.....          | AFR |                                                                                                                                                                                                                                                                                                    |
|                                                                                                                                                         |         |                                                                         |        |     |         |          |      | 08.24.15 | Multiple Revisions made to both books..... | AFR |                                                                                                                                                                                                                                                                                                    |
|                                                                                                                                                         |         |                                                                         |        |     |         |          |      | 09.02.15 | Changes made to kiosk order .....          | AFR |                                                                                                                                                                                                                                                                                                    |

707 WEST SPRING GARDEN ST • PALMYRA, NJ • 08065 • P: 856-829-1460 • F: 856-829-8549 • WEB: <http://www.philadelphiasign.com>

- N06, N07 HNT.DIR\_3 2' 6"h x 1' 3"w Non-III Branded Directional (3 SF)  
 N09 HNT.PRG\_E 1' 8"h x 12"w x 6' 8"oah Pole Mntd Regulatory (Qty. 3)  
 N10 HNT.PRG\_B 1' 8"h x 12"w x 6' 8"oah Pole Mntd Regulatory (Qty. 2)  
 N13 HNT.HD.BAR.OSTD Out of standard Headache bar w/ custom overall heights (Qty. 4)  
 N14 HNT.MNT\_42 3' 6"H X 12' 0"W ILLUMINATED MONUMENT



**Marked out signs are  
not included in the  
variance request**

|                                                                                                                                                    |         |                                                                         |        |     |         |          |          |                                            |                                   |                              |     |     |                                                                                                                                                                                                                                                                                                                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------|---------|-------------------------------------------------------------------------|--------|-----|---------|----------|----------|--------------------------------------------|-----------------------------------|------------------------------|-----|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  <b>PHILADELPHIASIGN</b><br>BRINGING THE WORLD'S BRANDS TO LIFE | TITLE   | Huntington                                                              | DWG BY | AFR | DATE    | 01.24.14 | DATE     | 05.12.15                                   | REVISION                          | Multiple Revisions made..... | BY  | AFR | THIS IS AN ORIGINAL UNPUBLISHED<br>DRAWING CREATED BY P.S.C.O. IT<br>IS SUBMITTED FOR YOUR PERSONAL<br>USE IN CONJUNCTION WITH A PROJECT<br>BEING PLANNED FOR YOU BY P.S.C.O.<br>IT IS NOT TO BE SHOWN TO ANYONE<br>OUTSIDE YOUR ORGANIZATION NOR<br>IS IT TO BE USED, COPIED, REPRODUCED,<br>OR EXHIBITED IN ANY FASHION. |
|                                                                                                                                                    | ADDRESS | HNT_NB44 Spoke Greyhound<br>14921 N Meridian Street<br>Carmel, IN 46033 |        |     | DWG NUM | A22076   |          | 06.18.15                                   | Revised N12 and added N13 .....   |                              | AFR |     |                                                                                                                                                                                                                                                                                                                            |
|                                                                                                                                                    |         |                                                                         |        |     | SHEET   | 5        |          | 07.09.15                                   | Revised N13. Added N14.....       |                              | AFR |     |                                                                                                                                                                                                                                                                                                                            |
|                                                                                                                                                    |         |                                                                         |        |     |         |          |          | 08.10.15                                   | Revised Kiosks and site plan..... |                              | AFR |     |                                                                                                                                                                                                                                                                                                                            |
|                                                                                                                                                    |         |                                                                         |        |     |         |          | 08.24.15 | Multiple Revisions made to both books..... |                                   | AFR                          |     |     |                                                                                                                                                                                                                                                                                                                            |
|                                                                                                                                                    |         |                                                                         |        |     |         |          | 09.02.15 | Changes made to kiosk order .....          |                                   | AFR                          |     |     |                                                                                                                                                                                                                                                                                                                            |

### SIGN CRITERIA

Tenant will not erect any signs except in conformity with the following policy:

- (a) Wording on large scale signs shall be limited to store or trade name only. Each party's customary signature or logo, hallmark, insignia, or other trade identification will be respected and consideration given during Landlord's review and approval process.
- (b) The size of all tenant signs shall be limited. The scale and concept of the shopping center requires the use of appropriate signage. Tenant signs shall be located on the designated sign panel within the limits of its storefront and shall not project more than 8" beyond the face of the sign panel, measured horizontally. The letters shall be mounted to the sign fascia on the framing provided by Landlord concealed in the sign panel construction.
- (c) Tenant signs shall be individual channel type letters only. Maximum height of the letters shall be 30" for uppercase and/or logos, and 24" for lower case letters. If the storefront width is twenty feet (20') or less, the maximum height of the upper case letters shall be 24". If the storefront width is greater than twenty feet (20'), the maximum height of the upper case letters shall be 30". The total sign width shall be limited to 70% of the tenant frontage and shall in no event exceed a length of thirty feet (30'). Landlord reserves the right; but, is not required to vary these requirements on an individual or overall basis.
- (d) Sign letters shall be individual aluminum channel frame (minimum .090) with flat or molded plastic face and mounted with concealed fasteners. The channel frame shall be painted to match the sign fascia color to which it is being attached. All letters shall be illuminated with neon tubes powered by normal factor transformers installed in the letters. All letters shall be approved by Underwriter Laboratories and carry their seal of approval. The color of the face of the sign letters shall be selected by Landlord, at its sole discretion.
- (e) Except as otherwise approved in writing by Landlord, only one sign per Tenant will be permitted on the sign panel, except that corner tenants may have two such signs, if approved by Landlord.
- (f) Sign company names or stamps shall be concealed (Code permitting).
- (g) Signs with exposed neon tubing, exposed lamps and signs of the flashing, blinking, rotating, moving, animated, or audible type are not permitted.
- (h) Painted or printed signs on the exterior surface of any building shall be prohibited; except that small-scale signs naming starting store hours, which are neatly lettered on the glass of the storefront, shall be permitted subject to Landlord's approval. In addition, any non-customer door for receiving merchandise will have the name of Tenant in two inch (2") block letters, approved by Landlord to meet Landlord's criteria, at Tenant's expense.
- (i) Public safety decals or artwork on glass in minimum sizes to comply with applicable Code, subject to the approval of Landlord, may be used, as required by building codes or other governmental regulations.

1988  
EXHIBIT "B"

- (j) Paper signs, stickers, banners or flags are prohibited.
- (k) No exposed raceways, ballast boxes or electrical transformers will be permitted except as required by Code and as required by special conditions, unless approved by Landlord.
- (l) Exposed sign illumination or illuminated sign cabinets or modules are not permitted.
- (m) Tenant shall not install any roof top signs.
- (n) Tenant shall install no pylon signs.
- (o) No signs will be permitted at the rear of any building, except in the case of stores with customer entrances opening directly on to a parking area.
- (p) One additional non-illuminated tenant sign will be erected, perpendicular to the storefront, under the canopy above the storefront. This sign shall be mounted on the framing provided by Landlord. The sign shall be a wall mounted or hanging blade projected type, approximately 8" to 15" high x 24" wide. The letters shall be either silk screen or of pressure sensitive type mounted on an aluminum or acrylic panel, or as directed by Landlord. The panels shall be mounted in a clear anodized aluminum frame with no exposed fasteners. To insure consistency in the perpendicular signs, all tenants must purchase such signs from the manufacturer designated by the Landlord, in accordance with the approved design for the Center at an approximate cost installed of "not to exceed" \$400.
- (q) Three (3) complete sets of sign drawings must be submitted to the Landlord for approval before fabrication. Tenant's sign drawings must include the following:
  - 1. Provide a complete listing, verbal and graphic description of every sign to be erected at the Premises.
  - 2. Provide elevation views of storefront showing all signs (drawn to accurate scale) with dimensions of height of letters and length of signs.
  - 3. Provide color samples of sign panel for perpendicular signs and painted channel frame for letters.
  - 4. Provide color samples of sign letter faces (unless they are to be WHITE).
  - 5. Provide a cross section view through sign letter and sign panel showing location of sign relative to the storefront line, mounting height, and the dimensioned projection of the face of the letter from the face of the sign panel.

Landlord shall not be responsible for the cost of refabrication of signs fabricated, ordered or constructed, that do not conform to the sign criteria, or local codes and requirements. Also, Landlord will not be responsible for timely submission of signs to local agencies for approval. It will be Tenant's responsibility to submit drawings to Landlord in sufficient time to receive Landlord's comments and approvals in advance of required submission to local agencies.

It will be the Tenant's responsibility to provide these sign criteria to their sign manufacturer prior to the manufacturing of any signs.

1988

COPY TO EX. B

rev. 11/1/87

RECEIVED APR 8 1988

STANDARDS REGULATING THE USE OF  
FREESTANDING SIGNS WITHIN THE OUTLOT PARCELS OF  
THE VILLAGE PARK PLAZA SHOPPING CENTER  
WESTFIELD, INDIANA

- Number - For each outlot parcel within the shopping center, there shall be no more than one (1) freestanding building identification sign. This is exclusive of any site or operating signs not exceeding 5 square feet, such as entry or exit signs to the parking lot.  
Maximum number of outlot signs nine (9).
- Location - There shall be a minimum separation between freestanding building identification signs of 100 feet. Freestanding signs shall be installed between U.S. 31 right-of-way and the building to which it relates. In no instance shall the sign be located so that it extends into the right-of-way or beyond the bounds of the outlot parcel.
- Sign Area - Freestanding signs shall not exceed 15% of the area of the front facade of the building to which it pertains. In no case shall any freestanding out-building identification sign exceed sixty (60) square feet in area. The area of the front facade shall be calculated as the area of the building elevation (below the lowest point of the roof) which parallels or nearly parallels U.S. 31. The area of a two-sided identification sign shall be calculated as the area of the face of one side of the sign. Each sign shall have a 1:2 ratio of base width to sign width.
- Sign Height- No freestanding sign shall exceed a maximum height of sixteen feet (16), or ten feet (10) above U.S. 31 road grade whichever is less.
- Sign Palette- Colors, lettering, and image of freestanding signs shall directly reflect the colors and image of the building to which the sign relates. Bold, bright, or harsh colors shall be used sparingly, as accents on a sign, rather than as predominant colors. Dissonant contrasts of tone or color are unacceptable.
- Landscaping - Freestanding signs shall be landscaped at their base in a manner harmonious with the landscape concept for the whole site. Landscaping shall form an attractive, dense cluster at the base of the sign that is equally attractive in winter and summer.
- Other Signs- These standards shall remain independent of any covenant, restriction or limitation on wall or facia mounted building signs regulated elsewhere.



**EXHIBIT 7: RECOMMENDED FINDINGS: 1512-VS-17 (SIGN AREA)**

**If the Board is inclined to approve the variance,** then the Department recommends the following written findings of fact:

**Recommended Findings for Approval:** A Variance of Standard may be approved under Indiana Code § 36-7-4-918.5 and the City of Westfield-Washington Township Unified Development Ordinance (Article 10.14.G.2) only upon a determination that:

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. The proposed signs will be placed at locations that increase visibility to motorists attempting to locate the Property and represents a nominal increase to the property's otherwise permitted sign area.

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 use of the property will not change, nor the scope of the business, which is currently consistent with and compatible with the surrounding area.

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 zoning ordinance's sign standards do not necessarily recognize the unique function of an outdoor mall creating a practical difficulty in the safe signage and traffic flow of the development, particularly as a result of the upgrade of US 31. The variance should more practically accommodate these unique circumstances.

---

**If the Board is inclined to deny the variance,** then the Department recommends the following written findings of fact:

**Recommended Findings for Denial:**

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

**Finding:** The zoning ordinance currently establishes a reasonable standard for sign area. The requested variance to increase the sign area is inconsistent with other permitted signage in the community and thus would likely create an unsafe distraction for motorists.



WESTFIELD-WASHINGTON  
BOARD OF ZONING APPEALS

December 8, 2015

1512-VS-17

Exhibit 7

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 use of the property will not change, nor the scope of the business.

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 zoning ordinance currently establishes a reasonable standard for sign area including flexibility in the placement of permitted signs. Strict application of the ordinance would not inhibit the use of the property and thus would not be a practical difficulty.



**EXHIBIT 8: RECOMMENDED FINDINGS: 1512-VS-18 (MONUMENT SIGN)**

**If the Board is inclined to approve the variance,** then the Department recommends the following written findings of fact:

**Recommended Findings for Approval:** A Variance of Standard may be approved under Indiana Code § 36-7-4-918.5 and the City of Westfield-Washington Township Unified Development Ordinance (Article 10.14.G.2) only upon a determination that:

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. The proposed modification is reasonable and consistent with the functional intent of what is otherwise permitted.

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 use of the property will not change, nor the scope of the business.

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 requested variance is a modification of a previously granted variance to allow a monument sign. The strict application of the zoning ordinance and previously granted variance creates a practical difficulty in utilizing the otherwise permitted sign as a result of the upgrade of US 31.

---

**If the Board is inclined to deny the variance,** then the Department recommends the following written findings of fact:

**Recommended Findings for Denial:**

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

**Finding:** The zoning ordinance currently establishes a reasonable standard for permitted signs. The previously permitted monument sign is inconsistent with the zoning ordinance's permitted signs, and what is otherwise permitted for outlots elsewhere in the community. The recent changes in traffic patterns do not appear to warrant the need for



WESTFIELD-WASHINGTON  
BOARD OF ZONING APPEALS

December 8, 2015

1512-VS-18

Exhibit 8

a monument sign, in addition to the other permitted signs, on the property. As a result, additional signage on the property may negatively impact safe vehicular travel.

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 use of the property will not change, nor the scope of the business.

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 zoning ordinance currently establishes a reasonable standard for permitted signs, including flexibility in the placement of permitted signs. Strict application of the ordinance would not inhibit the use of the property and thus would not be a practical difficulty.



**EXHIBIT 9: RECOMMENDED FINDINGS: 1512-VS-19 (DRIVE-THROUGH SIGNS)**

**If the Board is inclined to approve the variance,** then the Department recommends the following written findings of fact:

**Recommended Findings for Approval:** A Variance of Standard may be approved under Indiana Code § 36-7-4-918.5 and the City of Westfield-Washington Township Unified Development Ordinance (Article 10.14.G.2) only upon a determination that:

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

**Finding:** The proposed signs would likely not be injurious to the public health, safety, morals, and general welfare of the community because the requested signs are not intended to be visible from the right-of-way or adjacent properties.

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 use of the property will not change, nor the scope of the business.

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 zoning ordinance's sign standards do not necessarily recognize the unique function of an outdoor mall creating a practical difficulty in the safe signage and traffic flow of the development, particularly as a result of the upgrade of US 31. The variance should more practically accommodate these unique circumstances.

---

**If the Board is inclined to deny the variance,** then the Department recommends the following written findings of fact:

**Recommended Findings for Denial:**

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

**Finding:** The zoning ordinance currently establishes reasonable standards for signs in the interest of the public health, safety, morals, and general welfare of the community. In combination with the other requested sign variances, the sign type and sign sizes requested for this variance are inconsistent with other permitted signage in the community, thus contrary to the intent of the existing sign standards. In addition, these signs will likely create an unsafe distraction for motorists.



WESTFIELD-WASHINGTON  
BOARD OF ZONING APPEALS

December 8, 2015

1512-VS-19

Exhibit 9

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 use of the property will not change, nor the scope of the business.

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 zoning ordinance currently establishes a reasonable standard for permitted signs, including flexibility in the placement of permitted signs. Strict application of the ordinance would not inhibit the use of the property and thus would not be a practical difficulty because the business will still have signs in excess of what the zoning ordinance would otherwise permit.