



CITY OF WESTFIELD, IN
BoardofZoningAppeals_Meeting_Agenda_11_14_2017

Tuesday, November 14, 2017 at 07:00 PM

BOARD OR COMMISSION: Board of Zoning Appeals (BZA)

MEETING DATE: Tuesday, November 14, 2017 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

Documents: [BZA Minutes - October 10, 2017](#)

Approval of 2018 Schedule of Meetings and Filing Dates--Amended

Documents: [2018 Schedule of Meetings and Filing Dates--Amended](#)

Review Rules & Procedures

ITEMS OF BUSINESS:

1711-VU-04 [PUBLIC HEARING]

17414 Tiller Court

Ryan Warzynski on behalf of Tucker Automotive Group

The Petitioner is requesting a Variance of Use to permit vehicle sales in the EI: Enclosed Industrial District (Article 13.2).

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Existing Lot](#) | [Exhibit 4: Existing Interior](#) | [Exhibit 5: Proposed Interior](#) | [Exhibit 6: Application](#)

1711-VU-05 & 1711-VS-17 [PUBLIC HEARING]

17925 Sun Park Drive

ALLCAR, LLC on behalf of Chris Woodard

The Petitioner is requesting a Variance of Use and a Variance of Standard for temporary relief from the standards of the US Highway 31 Overlay District to allow continued operation of a landscaping business (Articles 5.2 and 13.2)).

Documents: [Exhibit 1: Staff Report \(1711-VU-05 & 1711-VS-17\)](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Site Plan](#) | [Exhibit 4: Existing Conditions](#)

1711-VU-06 [PUBLIC HEARING]

21109 Horton Road

Dave Mennel on behalf of the Kiwanis Club of Carmel Golden K

The Petitioner is requesting a Variance of Use to permit a Light Industrial Use in the AG-SF1: Agriculture/Single-Family Rural District (Article 13.2).

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Project Narrative](#) | [Exhibit 4: Existing Conditions](#)

1609-AA-01 [CONTINUED]

14939 Ditch Road

The petitioner is appealing an Administrative Determination (1604-AD-02) regarding standards applicable to a concrete business pursuant to a previously approved Variance of Use (79-V-12).

REPORTS/COMMENTS:

Plan Commission Liaison

Economic and Community Development Department

ADJOURNMENT



WESTFIELD-WASHINGTON TOWNSHIP
***DRAFT* BOARD OF ZONING APPEALS**
2018 SCHEDULE OF MEETINGS AND FILING DATES

MEETING MONTH	FILING DEADLINE	TECHNICAL ADVISORY COMMITTEE MEETING	REVISED MATERIALS DEADLINE	PUBLIC NOTICE DEADLINE	BOARD OF ZONING APPEALS MEETING
	Friday Noon	Tuesday 9:00 AM	Tuesday Noon	Friday	Tuesday 7:00 PM
FEBRUARY	12/29/17	01/23/18	01/30/18	02/02/18	02/13/18
MARCH	02/02/18	02/20/18	02/27/18	03/02/18	03/13/18
APRIL	03/02/18	03/20/18	03/27/18	03/30/18	04/10/18
MAY	03/30/18	04/24/18	04/24/18	04/27/18	05/09/18*
JUNE	05/04/18	05/22/18	05/29/18	06/01/18	06/12/18
JULY	06/01/18	06/19/18	06/26/18	06/29/18	07/10/18
AUGUST	06/29/18	07/24/18	07/31/18	08/03/18	08/14/18
SEPTEMBER	08/03/18	08/21/18	08/28/18	08/31/18	09/11/18
OCTOBER	08/31/18	09/18/18	09/25/18	09/28/18	10/09/18
NOVEMBER	09/28/18	10/23/18	10/30/18	11/02/18	11/13/18
DECEMBER	11/02/18	11/20/18	11/27/18	11/30/18	12/11/18
JANUARY	11/30/18	12/18/18*	12/18/18*	12/28/18	01/08/19

* Dates are scheduled for a different day due to a Holiday conflict.

A Pre-Filing Conference is required prior to filing. Please contact the Economic and Community Development Department at (317) 804.3170 at least one week in advance of your targeted filing to arrange this pre-filing conference.

The Westfield-Washington Township Board of Zoning Appeals met at 7:00 p.m. on Tuesday, October 10, 2017, at Westfield City Hall.

Members present included Jeannine Fortier, Ken Kingshill, Martin Raines, Dave Schmitz, and Robert Smith.

Also present were Pam Howard Associate Planner; Matt Pleasant, Associate Planner; Caleb Ernest, Associate Planner; and Brian Zaiger, City Attorney.

ROLE CALL

Noted presence of a quorum.

APPROVAL OF MINUTES

Schmitz moved to approve the July 12, 2017 meeting minutes as presented.

Raines seconded, and the motion passed 5-0.

APPROVAL OF 2018 SCHEDULE OF MEETINGS AND FILING DATES

Kingshill moved to approve the 2018 Schedule of Meetings and Filing Dates.

Schmitz seconded, and the motion passed 5-0.

REVIEW OF RULES AND PROCEDURES

Howard reviewed BZA rules and procedures.

ITEMS OF BUSINESS

1707-VU-01

20125 Grassy Branch Road

Faegre Baker Daniels, LLP on behalf of Pamela Bontreger

The Petitioner is requesting a Variance of Use to allow for Office, Construction Trade use in the AG-SF1: Agriculture / Single-Family Rural District (Article 13.2).

Pleasant presented an overview and update of this requested Variances of Use.

Andy Buroker, with the law firm of Faegre, Baker & Daniels on behalf of Pamela Bontreger gave an overview of the request. Updates to the request include the addition of adequate turn-around capacity for the parking area as well as additional screening created by adding more plantings and landscaping.

Kingshill asked for confirmation that with this modifications that the company's trucks will have adequate space to turn around. Buroker indicated that yes, there is adequate space.

Schmitz asked for confirmation that the parking area will be capped at six spots. Buroker indicated that yes, six spots will be the maximum allowed.

Pleasant stated that staff is comfortable with the modifications made by the petitioner.

Schmitz motioned to approve 1707-VU-01 subject to the seven conditions listed in the staff report.

Kingshill seconded and the Motion passed 5-0.

Schmitz moved to adopt the Department's recommended findings of facts.

Kingshill seconded and the Motion passed 5-0.

1710-VS-13**[PUBLIC HEARING]****18881 IMMI Way**

Weihe Engineers on behalf of Anthony Properties, L.P.

The Petitioner is requesting Variances of Standard for the Maximum Building Height and Foundation Planting requirements to permit construction of an 8,064 square foot accessory building in the EI: Enclosed Industrial District (Article 6.1(F) and Article 6.8(L)).

Pleasant overviewed the details of this request for a Variance of Standards.

Public Hearing opened at 7:16 p.m.

No public comment.

Public Hearing closed at 7:17 p.m.

Schmitz and Kingshill asked for clarifications of the requests.

Petitioner responded that proposed height is the same height as the primary building

Zaiger and Pleasant summarized the need for a variance of standard due to a practical difficulty based on the presence of a drainage easement that does not leave room for the required foundations planting.

Schmitz motioned to approve 1710-VS-13

Raines seconded and the Motion passed 5-0.

Schmitz moved to adopt the Department's recommended findings of facts.

Raines seconded and the Motion passed 5-0.

1710-VS-14**[PUBLIC HEARING]****20776 Anthony Road**

Meyers Construction Management, Inc. on behalf of Jacob Jensen

The Petitioner is requesting Variances of Standard to allow for the construction of a single-family dwelling on the property in the AG-SF1 Agriculture / Single-Family Rural District) (Articles 4.2(C), 4.2(D), 4.2(E)(1)(b), 4.2(E)(2), and 4.2(F)).

Ernest introduced and overviewed the requested Variance of Standards to allow for the construction of a single-family dwelling.

Jacob Jensen, the petitioner, addressed the BZA and presented his plans and the need of a variance.

Kingshill asked the petitioner if he had received any comments from the neighbors. The petitioner indicated he personally visited with the adjoining neighbors and received no comments of concern.

Smith indicated the BZA received one positive public comment.

Public Hearing opened at 7:24 p.m.

No public comment.

Public Hearing closed at 7:24 p.m.

No Board comments.

Kingshill motioned to approve 1710-VS-14.

Raines seconded and the Motion passed 5-0.

Schmitz moved to adopt the Department's recommended findings of facts.

Kingshill seconded and the Motion passed 5-0.

1710-VS-16**[PUBLIC HEARING]****16062 Colleton Ct.**

Mark E. Wise

The Petitioner is requesting Variances of Standard to allow an accessory building to be constructed within ten (10) feet of an Established Front Yard, and to modify the Maximum Building Height for an Accessory Building in the Bridgewater Planned Unit Development (PUD) District (UDO Article 6.1(D)(2)(a) and UDO Article 6.1(F)).

Howard gave an overview of this 2-part request for a Variance of Standard to allow for the construction of an accessory building.

The petitioner, Mark Wise, presented an overview of this project. He indicated he spoke with all but one of his neighbors who, in general, expressed positive input. One particular neighbor Kyle Brown did express concerns with drainage, line of site, and noise.

Public Hearing opened at 7:30 p.m.

Gregory Touney, with Ice Miller at One American Square, Suite 200, Indianapolis on behalf of Kyle Brown; stated that Brown and the petitioner had spoken and that they each are satisfied with their verbal agreement.

Stewart Hutchison, 3858 Falls Circle; stated concerns that this project would compromise the

character of the gated community. He also expressed concern about traffic within the gated community as well as parking; the visibility of the structure from his home; and that allowing this project could open the doors to similar projects that are not consistent with Bridgewater's golf environment.

Public Hearing closed at 7:36 p.m.

Schmitz asked for clarifications of the specifics of the Variance of Standards request.

Members of the BZA discussed the specifics of this request.

Kingshill asked about digging down and if this was an issue. The petitioner state he had considered it and hired an engineer; however, a floodplain issue eliminates this option.

The petitioner stated he plans to make the structure sound proof and that he will enhance the structure with landscaping.

Schmitz inquired about increased traffic. Petitioner stated that the current level of traffic would remain the same.

Kingshill inquired about the specifics of the required notice. Howard confirmed that the requirements of notice, as suggested by the state and required by the BZA, were met.

Schmitz asked the petitioner if he was working with the Bridgewater Architectural Review Board. Petitioner replied he is working with them to make sure the structure is in compliance.

Smith motioned to approve 1710-VS-16 subject to the following conditions:

1. The Accessory Building shall be built as described in the Statement of Intent and as shown on the Site Plan Exhibit and Proposed Accessory Building Exhibit attached to the Staff Report.
2. The Accessory Building will not be used for commercial purposes.

Raines seconded and the Motion passed 5-0.

Schmitz moved to adopt the Department's recommended findings of facts.

Raines seconded and the Motion passed 5-0.

1710-VU-03**[PUBLIC HEARING]****17828 Joliet Road**

Brent and Cecilia Hollingsworth

The Petitioner is requesting a Variance of Use to allow a private storage building on 1.41 acres +/- in the SF5: Single Family High Density (Village) District (Article 13.2).

Pleasant gave an overview of this request for a Variance of Use to allow an accessory building and the conditions recommended by staff.

Brent Hollingsworth, the petitioner, explained the need for this variance is to accommodate storage while he house is being built.

BZA members and the petitioner discussed details of the building materials and views photos of the proposed structure.

Public Hearing opened at 7:53 p.m.

No public comment.

Public Hearing closed at 7:54 p.m.

Raines motioned to approve 1710-VU-03 with staff's condition outlined in the staff report.

Kingshill seconded and the Motion passed 5-0.

Schmitz moved to adopt the Department's recommended findings of facts.

Kingshill seconded and the Motion passed 5-0.

1609-AA-01
[CONTINUED]

14939 Ditch Road
Indiana Structural Foundations, LLC
The petitioner is appealing an Administrative Determination (1604-AD-02) regarding standards applicable to a concrete business pursuant to a previously approved Variance of Use (79-V-12).

1707-SE-01
[WITHDRAWN]

2510 East 171st Street
Kevin Newby
The petitioner is requesting Special Exceptions to allow an Agritourism Use and an Equestrian Facility in the AG-SF1: Agriculture/Single Family Rural District (Article13.2).

REPORTS/COMMENTS

Plan Commission Liaison Report.

Economic and Community Development Department

Schmitz motioned to adjourn the meeting.

Raines seconded, and the motion passed.

The meeting adjourned at 8:01 p.m.

Chairperson
Robert Smith, Esq.

Secretary
Matthew S. Skelton, Esq., AICP
Director



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

November 2, 2017

1711-VU-04

Exhibit 1

Petition Number: 1711-VU-04

Subject Site Address: 17414 Tiller Ct. (The "Property")

Petitioner: Ryan Warzynski (The "Petitioner")

Representative: Ryan Warzynski

Request: The Petitioner is requesting a Variance of Use to allow used automobile sales on 3.265 acres +/- in the EI: Enclosed Industrial District.

Current Zoning: EI: Enclosed Industrial District

Current Land Use: Industrial

Approximate Acreage: 3.265 acres+/-

Exhibits:

1. Staff Report
2. Location Map
3. Existing Lot
4. Existing Interior
5. Proposed Interior
6. Application

Staff Reviewer: Caleb Ernest, Associate Planner

OVERVIEW

Location: The subject Property is 3.265 acres +/- in size and is located at 17414 Tiller Court (see **Exhibit 2**). The Property is currently zoned Enclosed Industrial. The surrounding properties are zoned EI: Enclosed Industrial to the north, east, and south, with SF4 zoning bordering the west and are residentially used properties. The Property currently contains a single warehouse (see **Exhibit 3**).

The Petitioner does not intend to add onto the existing warehouse. The Petitioner intends on using the existing interior space (see **Exhibit 4**) for used automobile sales (see **Exhibit 5**).

Variance Request: The Petitioner is requesting a Variance of Use to allow used automobile sales inside the existing warehouse building.

SUMMARY OF VARIANCES

The Petitioner is requesting this variance to allow automobile sales in the EI: Enclosed Industrial District. The Petitioner intends on using the interior of the existing warehouse for automobile sales as described in the Application (see **Exhibit 6**).



COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan identifies the property within the “employment corridor” land use classification¹. The vision for the employment corridor classification is contemplated to be reserved for employment-generating uses and related supporting service uses.

The employment corridor classification is designed to accommodate business uses on south side of SR 32 that will not negatively impact residential neighborhoods or uses. Appropriate land uses include office and service uses, research and development, retail and institutional uses that are subordinate to and supportive of the office and service uses².

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Use. This petition is scheduled to receive its public hearing at the November 14, 2017, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals’ Rules of Procedure.

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

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

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

² Page 53 of the Westfield and Washington Township Comprehensive Plan; Chapter 2; Land Use Plan; Highway Corridors.

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

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



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

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



DEPARTMENT COMMENTS

Approval: If the Board is inclined to approve the Variance of Use (1711-VU-04), then the Department recommends the findings as set forth below, for the variance:

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

Finding: It is unlikely that allowing indoor automobile sales on the Property will alter the current characteristics of the Property or the surrounding community.

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

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

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

Finding: The Variance of Use is required in order to allow used automobile sales, classified as high intensity retail, otherwise not allowed in EI: Enclosed Industrial Districts.

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

Finding: The proposed used automobile sales use is classified as a High Intensity Retail⁵ use, if not approved, will not be able to operate on the Property.

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

Finding: This use does not substantially alter the characteristics of the property and will maintain the current industrial feel of the property.

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

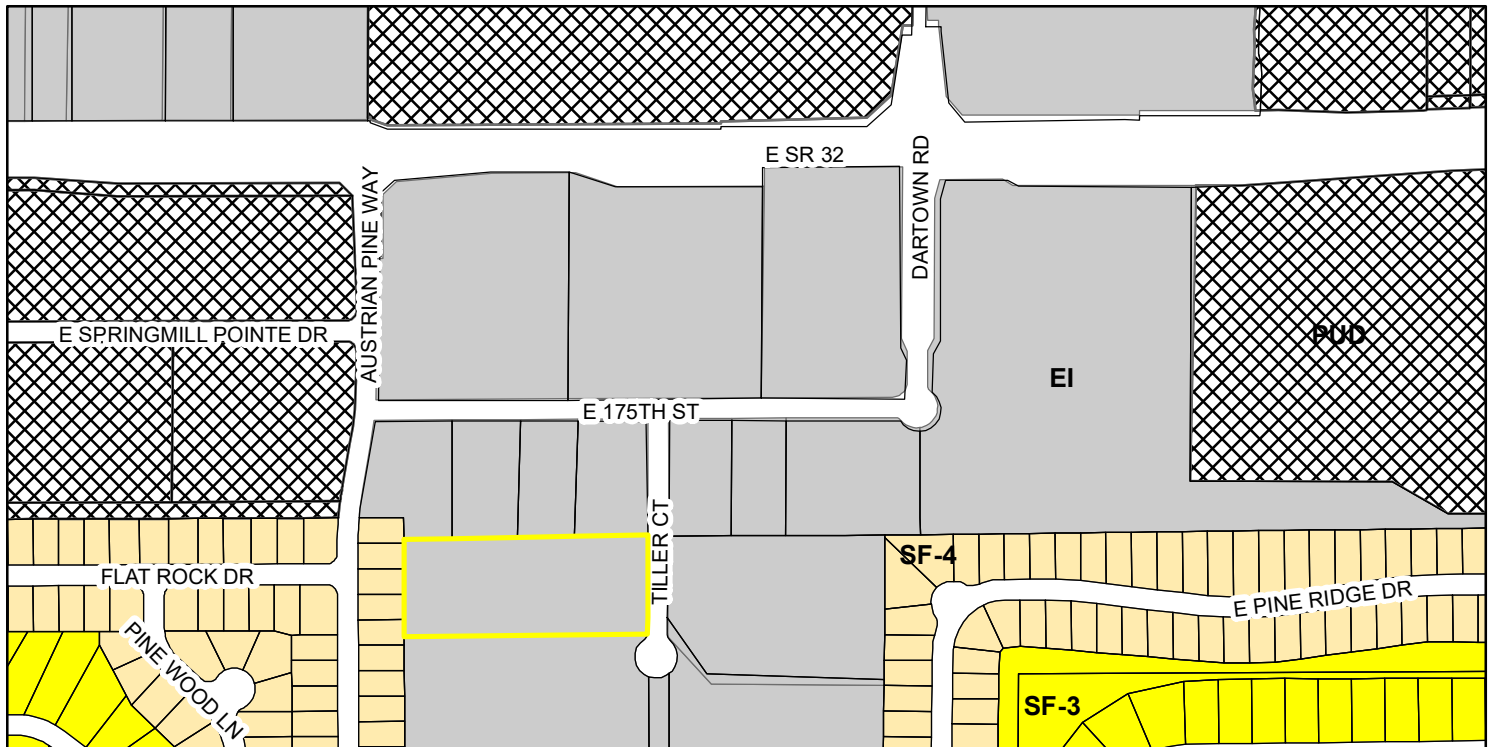
⁵ Chapter 12 of the UDO defines "High Intensity Retail" as "Retail businesses that have a high impact on neighboring properties, traffic generation, and public safety. Example businesses include, but are not limited to: ... auto and motorcycle service uses (e.g., parts sales, tire sales and/or repair, service garage, rust proofing, storage, car wash).... Generally, a business over twelve thousand (12,000) square feet qualifies as large for purposes of this definition."

Aerial Location Map

 Site



Zoning Map



 EI (Enclosed Industrial)	 SF-3 (Single Family - 3)
 PUD (Planned Unit Development)	 SF-4 (Single Family - 4)

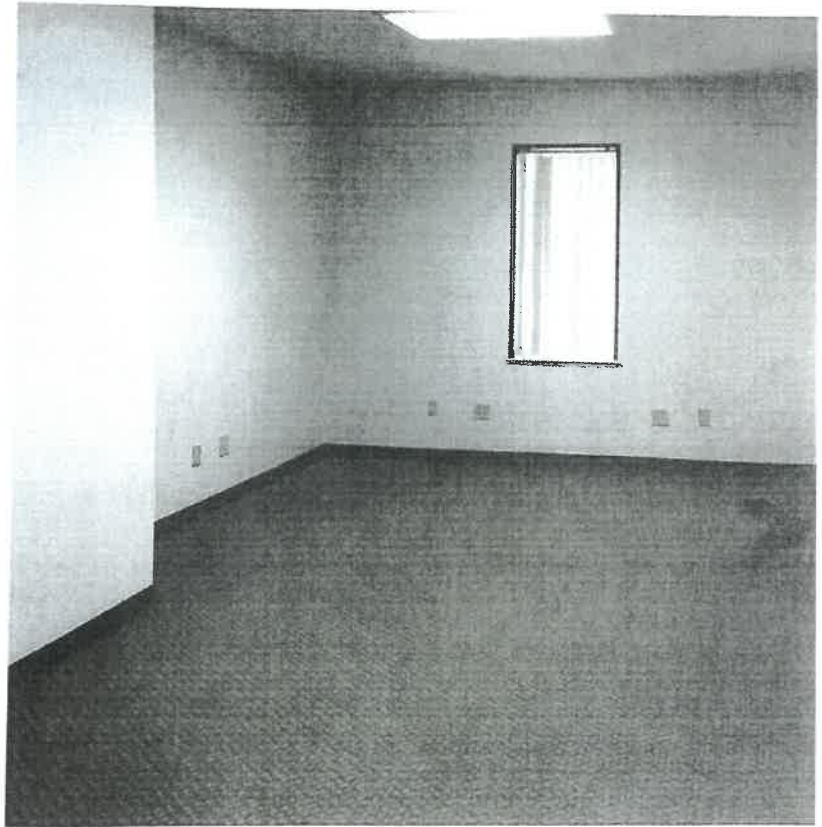
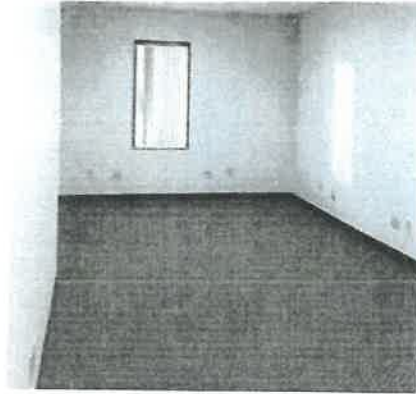
Close-up Arial view of property



View of property front



View of interior office spaces



View of property warehouse – proposed vehicle showroom location



Examples of proposed indoor showroom



VARIANCE APPLICATION

OFFICE
USE ONLY

DOCKET #: 1711-VU-04

FILING DATE:

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

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: Kevin M. Todd, AICP (STAFF NAME) DATE: 9/21/2017

PRIOR OR RELATED DOCKET NUMBERS

CHANGE OF ZONING: AMENDMENTS: DEVELOPMENT PLAN:

PRIMARY PLAT: SECONDARY PLAT: VARIANCE(S):

APPLICANT INFORMATION

APPLICANT'S NAME: Tucker Automotive Group TELEPHONE: 317-764-7230

ADDRESS: 17414 Tiller Ct., Westfield, IN 46074 EMAIL: ryan@TAGIN.Today

PROPERTY OWNER'S NAME: Premier Casting Services, Inc. TELEPHONE: 317-867-3214

ADDRESS: 17111 Westfield Park Rd, Westfield, IN 46074 EMAIL:

REPRESENTATIVE'S NAME: Ryan Warzynski TELEPHONE: 317-764-7230

COMPANY: Owner - Tucker Automotive Group EMAIL: ryan@TAGIN.Today

ADDRESS: 645 McNamara Ct, Carmel, IN 46032

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 17414 Tiller Ct., Westfield, IN 46074

COUNTY PARCEL ID #(S): 09-09-02-00-00-004.600

EXISTING ZONING DISTRICT(S): EI (Enclosed Industrial) EXISTING LAND USE(S): Industrial Warehouse

VARIANCE REQUEST



VARIANCE OF LAND USE

CODE CITATION:



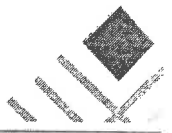
VARIANCE OF DEVELOPMENT STANDARD(S) CODE CITATION:

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

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

Tucker Automotive Group's business model will incorporate a unique to market warehouse showroom to improve the consumer buying experience. All inventory will be housed indoors to avoid weather elements, as well as allow the vehicles to remain clean and show ready. The location has 17,280 square feet of warehouse which will serve as the inventory showroom. 2,000 square feet of the existing front office space includes a welcome lounge and greeting area for customers, four offices for sales, finance and storage, customer restrooms and a kitchenette for employees. This space will be welcoming and comfortable for customers with a family living room feel. Hours of operation will be Tuesday-Friday 9am-6pm, Saturday 9am-3pm, Closed Sunday & Monday. Tucker Automotive Group will stock 30 to 50 vehicles indoors consist of the most proven, reliable makes and models, based on market research and historical data of vehicle warranty classification. The intent of this variance application is to obtain a "high intensity retail" use as used automobile sales require such zoning. **Please see the attached business summary for more information

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.

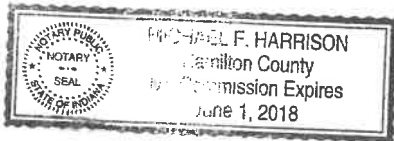
[Signature]
Applicant/Representative (signature)

Ryan Warzynski
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 Sept, 2017.

State of Indiana County of Hamilton SS:



[Signature]
Notary Public Signature
Michael F. Harrison
Notary Public (printed)

PROPERTY OWNER AFFIDAVIT

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

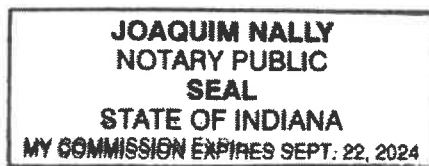
[Signature]
Property Owner (signature)*

Craig H. Cook
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 25 day of September, 2017.

State of Indiana County of Hamilton SS:



[Signature]
Notary Public Signature
Joaquim Nally
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
FINDINGS OF FACT (VARIANCE OF USE)



APPLICANT: Tucker Automotive Group

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: Tucker Automotive Group will have 100% indoor operations of used car sales and corresponding processes. No outdoor storage will occur and all indoor operations will meet drainage, health and safety guidelines. The company will be an asset to the local community as we strive to improve the local customer experience and provide dependable vehicles for all customers, including first time drivers.

- 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 indoor model of our business will ensure that all operations are contained to the leased space. No physical alterations to the exterior will be made outside of cosmetic improvements such as landscape enhancements and possible awnings. All improvements will increase the value and perception of the property and will not adversely affect any adjacent parcels.

- C. The need for the variance arises from some condition particular to the property involved because: The current approved zoning is enclosed industrial. While this meets the basic needs of our business model, used car sales are specifically named to require high intensity retail use. The unique model sets us apart from typical used car dealers since all inventory and related processes will be stored/completed indoors. This ensures no negative impact to adjacent properties.

- 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: used car dealers require high intensity retail use, if not approved, Tucker Automotive Group cannot proceed with operation at this location.

- E. The variance of use does not interfere substantially with the Comprehensive Plan because: the location is contained within a current industrial park. Tucker Automotive Group will make no substantial exterior changes to the property and will not interfere with any other operation located within the vicinity.

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



APPLICANT: Tucker Automotive Group 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: _____
INSTRUCTED NOT TO COMPLETE THIS SECTION

- 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: INSTRUCTED NOT TO COMPLETE THIS SECTION

- C. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property because: _____
INSTRUCTED NOT TO COMPLETE THIS SECTION



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

November 14, 2017
1711-VU-05 & 1711-VS-17
Exhibit 1

Petition Number: 1711-VU-05 & 1711-VS-17

Subject Site Address: 17925 Sun Park Drive (the "Property")

Petitioner: Practical Property Group (the "Petitioner")

Request: The Petitioner is requesting a Variance of Use and a Variance of Standard from the Unified Development Ordinance to allow temporary relief from the US Highway 31 Overlay Zone (Articles 5.2 & 13.2).

Current Zoning: EI: Enclosed Industrial

Current Land Use: Commercial/Office

Approximate Acreage: 3 acres+/-

Exhibits:

1. Staff Report
2. Location Map
3. Site Plan Exhibit
4. Existing Conditions Exhibit
5. Petitioner's Application

Staff Reviewer: Daine Crabtree, Associate Planner

PETITION HISTORY

These petitions will receive a public hearing at the November 14, 2017, Board of Zoning Appeals (the "BZA") meeting.

PROPERTY INFORMATION

The subject property is 3 acres +/- in size and is located at 17925 Sun Park Drive (the "Property") (see **Exhibit 2**). The Property is zoned EI: Enclosed Industrial and is located within the U.S. Highway 31 Overlay Zone.

The U.S. Highway 31 Overlay Zone ordinance (the "Overlay") excludes landscaping contractors under the definition of Office, Construction Trade. At the April 29, 2013, BZA meeting, the Board granted a Variance of Use allowing a landscaping business to operate in the U.S. Highway 31 Overlay Zone. Additionally, the Board granted a Variance of Development Standard allowing the Property temporary relief from the U.S. Highway 31 Overlay District. Both of the approvals were approved with the condition that the Variance of Use and Variance of Development Standard would expire December 31, 2015.

These variances received an extension at the January 12, 2016, BZA meeting with a condition that the variances shall expire on December 31, 2017.



VARIANCE REQUEST

The U.S. Highway 31 Overlay Zone Ordinance (the “Overlay”) states that if a facility changes to a type of use different from what it was when the Overlay standards were adopted, then the site is subject to all of the Overlay standards. This means that if 1711-VU-05 is approved by the BZA, the Property and the building on the Property are required to meet the current Overlay Standards.

Applying the Overlay standards to the Property would require the existing building to be brought into compliance with all the Overlay’s standards, including: meeting the use requirements, lot size, setbacks, building height, minimum gross floor area, lot coverage, architectural requirements, and screening requirements. As such, the petitioner is requesting a Variance of Standard for relief from the Overlay’s standards.

It should be noted that if 1711-VU-05 is not approved, then variance request 1711-VS-17 is not necessary.

The request is for a five (5) year extension of the existing Variance of Use and Variance of Development Standard through December 31, 2022.

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Use and Variance of Development Standard. This petition is scheduled to receive its public hearing at the November 14, 2017, 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 UDO¹ 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 UDO² requires that the approval of the variance shall be memorialized in an acknowledgement of variance instrument prepared by the Department. The acknowledgement shall: (i) specify the granted variance and any commitments made or conditions imposed in granting of the variance;

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

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

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

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

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

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

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

DEPARTMENT COMMENTS:

Recommended Conditions for Approval:

Approve 1711-VU-05 and 1711-VS-17 based on the findings of this report, with the following conditions:

1. That the approval of these variances shall expire on December 31, 2022.
2. That any request to extend the time limit for these variances shall be reviewed and approved by the Board of Zoning Appeals prior to December 31, 2022.
3. That a new application shall be submitted by June 30, 2022 to the Economic and Community Development Department if an extension to the time limit for the variances is requested.
4. That if the Petitioner ceases operation on the Property prior to December 31, 2022, then these variances shall be annulled.
5. That the Petitioner records an Acknowledgement of Variance with the Hamilton County Recorder's Office and returns a copy of the recorded instrument to the Economic and Community Development Department.

Recommended Findings for Approval:

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

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

Finding: It is unlikely that the reuse of the existing building and site for a temporary period of time would be injurious to the public health, safety, morals, and general welfare of the community. This proposal is an extension of the property's current use.

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

Finding: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The Property and the surrounding area were developed without the existing U.S. Highway 31 Overlay standards being in effect. Very little of the surrounding area complies with the Overlay standards. Approving the variance would result in the character of the area to remain unchanged.

- 3) *The 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 mean that the existing building and site conditions would be required to comply with the U.S. highway 31 Overlay standards. The required improvements would be significant and the petitioner has stated that making them would be burdensome to the operations of the business at this temporary location.



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

November 14, 2017
1711-VU-05 & 1711-VS-17
Exhibit 1

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



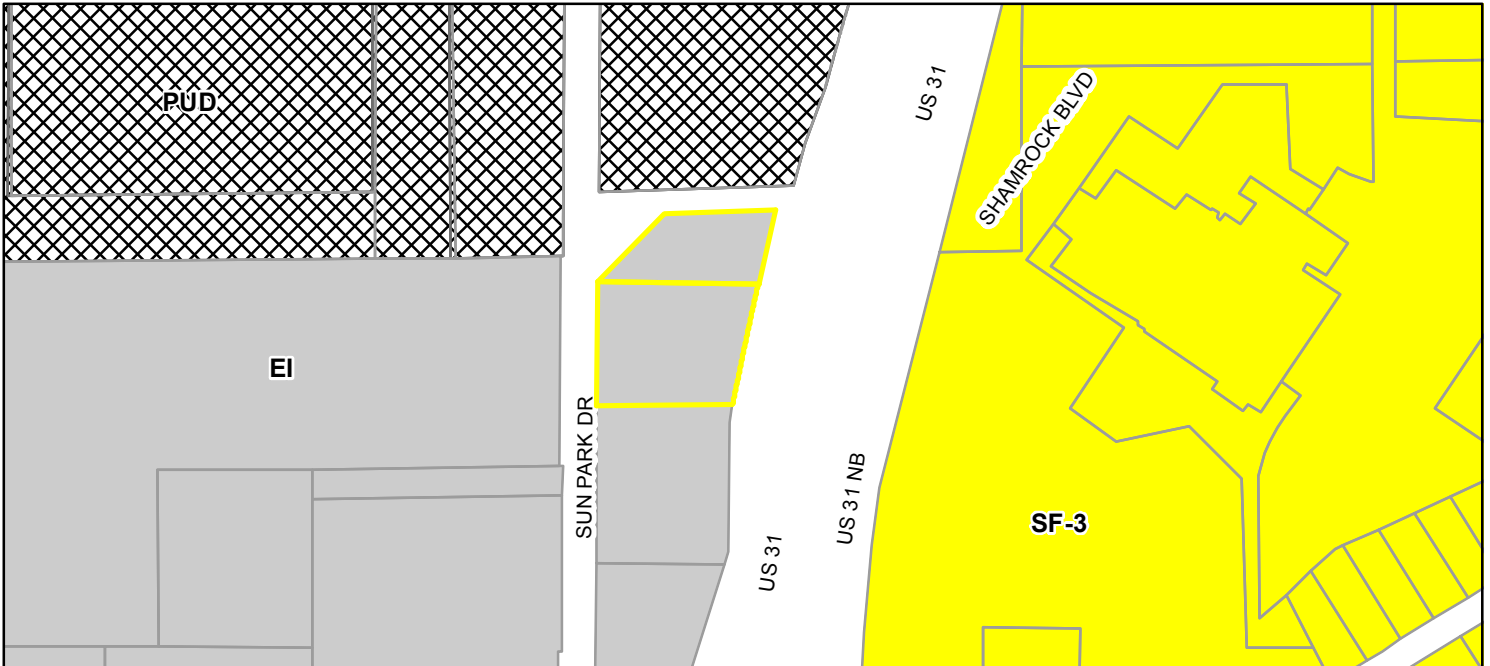
Location Map
17925 Sun Park Drive
1711-VU-05 & 1711-VS-17

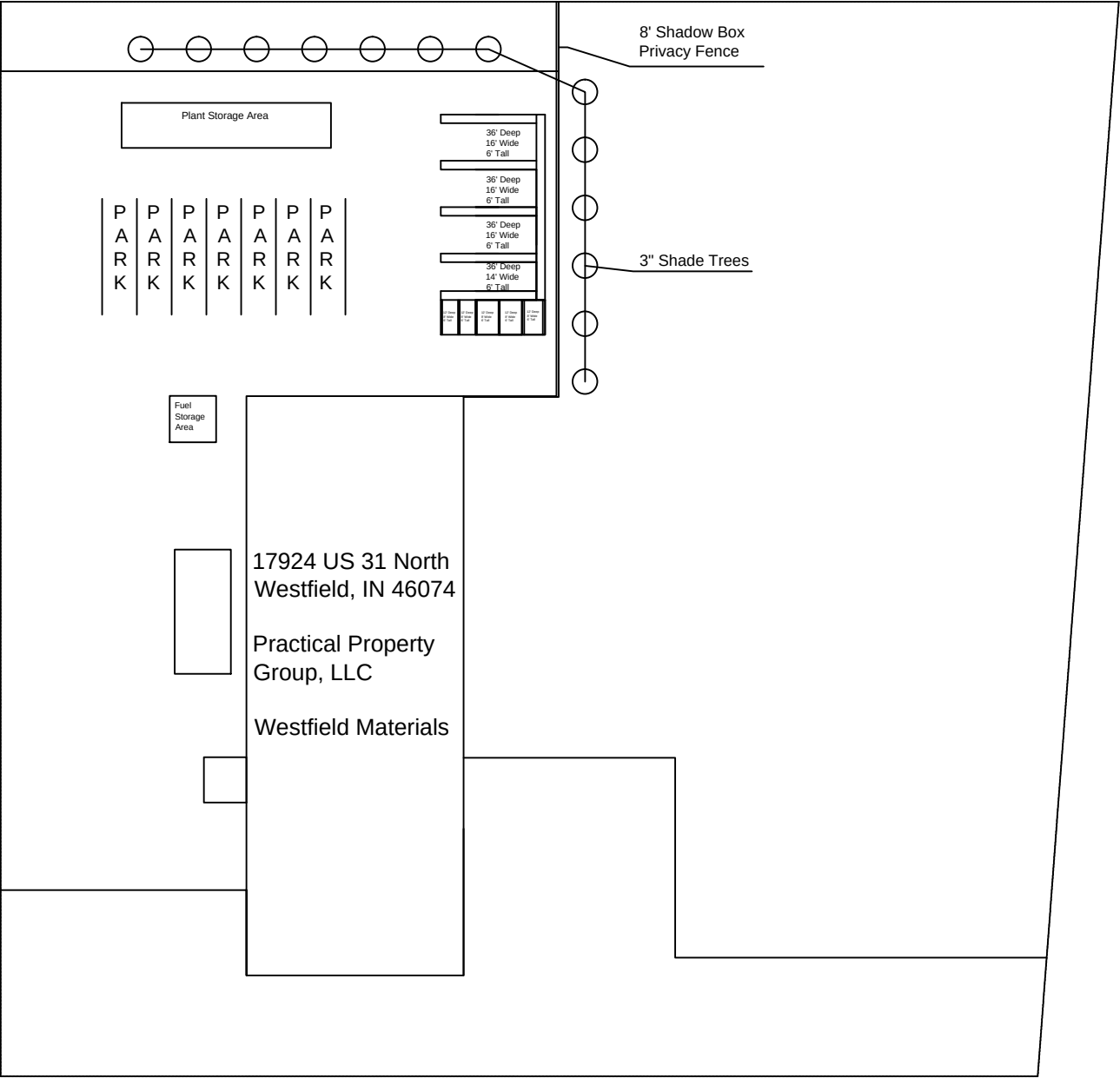


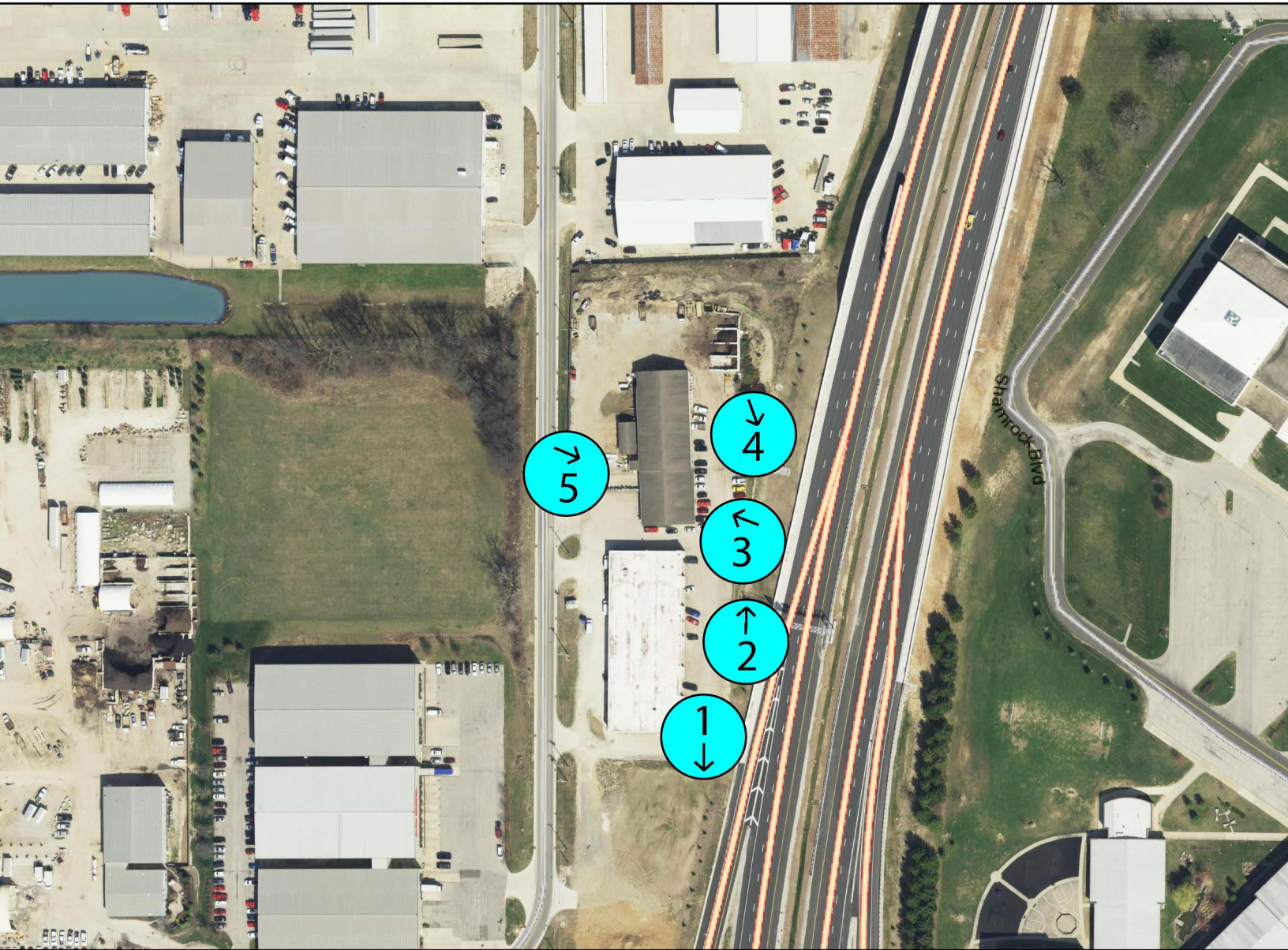
Aerial Location Map



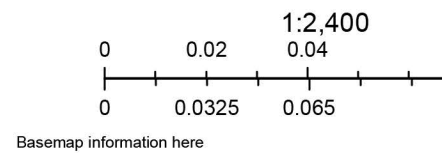
Zoning Map







2017



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WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

November 14, 2017

1711-VU-06

Exhibit 1

Petition Number: 1711-VU-06

Subject Site Address: 21109 Horton Road (The "Property")

Petitioner: Kiwanis Club of Carmel Golden K (The "Petitioner")

Representative: David Mennal

Request: The Petitioner by David Mennal is requesting a Variance of Use to allow a Light Industrial Use (woodworking) in the AG-SF1: Agriculture/Single-Family Rural District (Article 13.2)

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

Current Land Use: Agricultural

Approximate Acreage: 50 acres+/-

Exhibits:

1. Staff Report
2. Location Map
3. Existing Conditions

Staff Reviewer: Daine Crabtree, Associate Planner

OVERVIEW

Location: The subject Property is 50 acres +/- in size and is located at 21109 Horton Road (see **Exhibit 2**). The surrounding properties are zoned AG-SF1 and SF-5: Single Family High Density District (Village). The Property currently contains a single 40' x 40' barn (see **Exhibit 3**).

Variance Request: The Petitioner is requesting a Variance to allow a Light Industrial¹ use (Wood Working) in the AG-SF1 zoning district.

SUMMARY OF VARIANCES

The Petitioner is requesting relief from Article 13.2 of the UDO. The proposed use has been classified as a Light Industrial use, which is not permitted in the AG-SF1 District.

¹ Chapter 12 of the UDO defines "Light Industry" as, "research 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."



COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan identifies the property within the both the “New Suburban” and “Villages” land use classification².

Appropriate Land Uses in New Suburban areas should include detached dwellings, attached dwellings, institutional uses, recreational uses, artisan farms, and equestrian uses³.

The vision for the Village classification is contemplated to be nodes of mixed-use activity with transitions from multifamily, single-family, single-family detached and rural environments. Villages will require greater density to allow the development of shops, restaurants, office and other commercial space⁴.

Development policies contemplated for Hortonville should consider the following uses: food and entertainment, attached and detached dwellings, commercial uses including retail and services, offices, and institutional uses.⁵

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Use. This petition is scheduled to receive its public hearing at the November 14, 2017, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals’ Rules of Procedure.

Conditions: The UDO⁶ and Indiana law provide that the Board of Zoning Appeals 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 UDO⁷ 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;

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

³ Page 41 of the Westfield and Washington Township Comprehensive Plan; Chapter 2; Land Use Plan: Land Use Classifications and Development Policies.

⁴ Page 59 of the Westfield and Washington Township Comprehensive Plan; Chapter 2; Land Use Plan: Villages.

⁵ Pages 65-66 of the Westfield and Washington Township Comprehensive Plan; Land Use Plan: Villages; Hortonville

⁷ Article 10.14(I) Processes and Permits; Variances; Conditions of the UDO.

⁸ Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

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1711-VU-06

Exhibit 1

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

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

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

DEPARTMENT COMMENTS

Approval: If the Board is inclined to approve the Variance of Use (1711-VU-06), then the Department recommends the Variance of Use (1711-VU-06) approval with the following condition:

- **The nature of the 'Light Industrial' use allowed on the Property shall be restricted to Wood Working and reasonable associated activities.**
- **The Variance of Use shall be restricted to the existing 40' x 40' barn (the "barn") located on the property and vehicular parking and loading areas near the barn.**
- **That any increase in intensity of the Light Industrial use shall require the approval of a new Variance of Use.**

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

Recommended Findings for Approval: If the Board is inclined to approve the variance, then the Department recommends the findings as set forth below, for the variance:

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

Finding: It is unlikely that allowing a Light Industrial use restricted to wood working on the Property will alter the current characteristics of the Property or the surrounding community.

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

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

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

Finding: The property on which the barn sits is zoned AG-SF1, which does not permit a Light Industrial use. Without the approval of a Variance of Use, the proposed activity may not legally take place.

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

Finding: The property on which the barn sits is zoned AG-SF1, which does not permit a Light Industrial use. Without the approval of a Variance of Use, the proposed activity may not legally take place.

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

Finding: This use does not substantially alter the characteristics of the property and will maintain the current residential feel of the property.

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



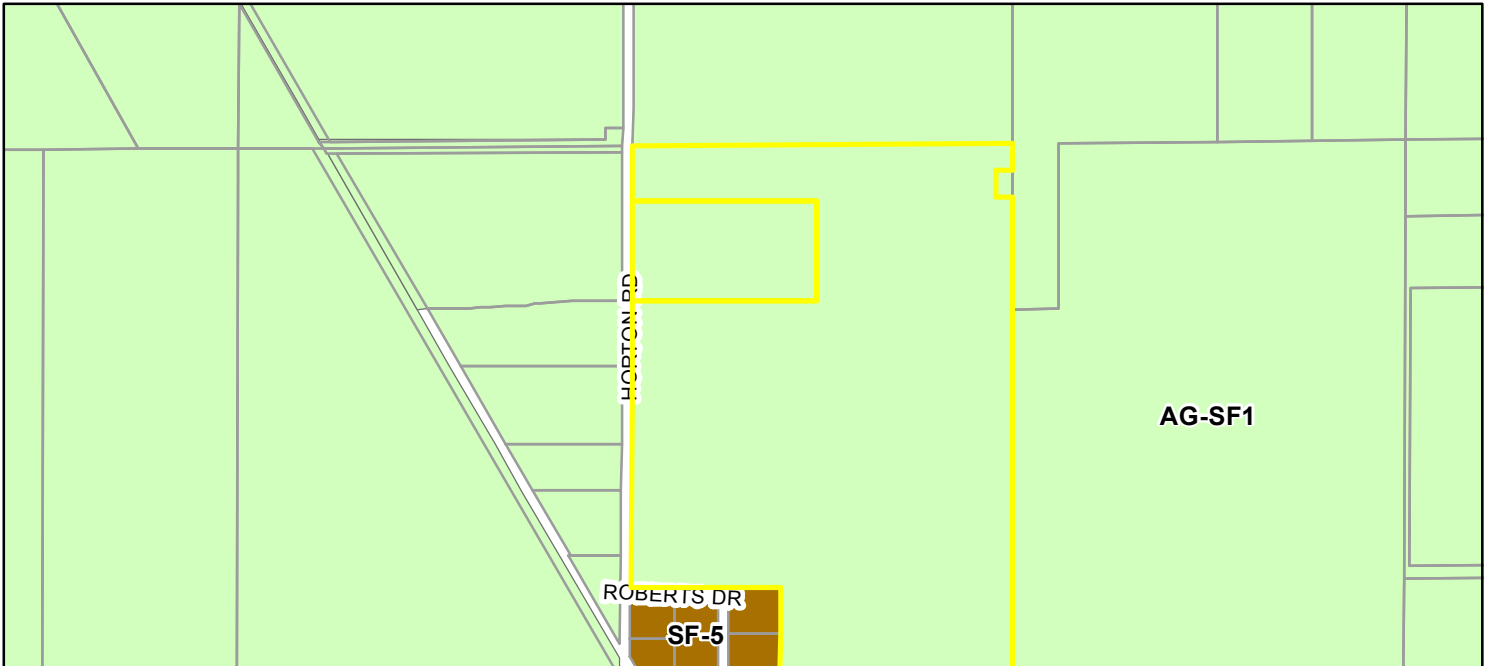
Location Map
21109 Horton Road
1711-VU-06



Aerial Location Map

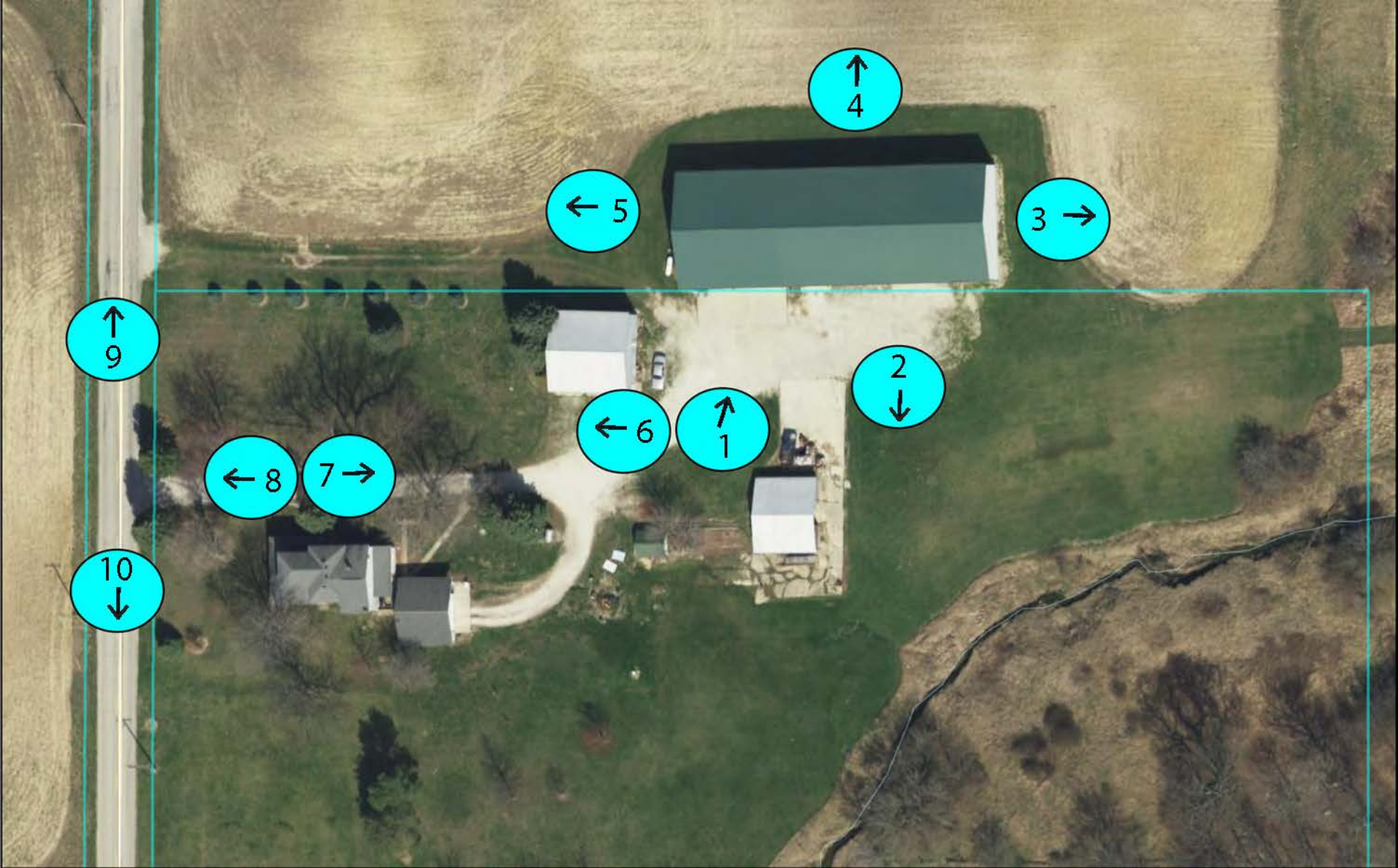


Zoning Map



Variance Request for Barn at 21109 Horton Rd, Sheridan, IN 46069

The Kiwanis Club of Carmel Golden K intends to use the 40 x 40 Barn for volunteers to use it as a woodshop to build toys and other projects for the benefit of kids in Hamilton County and other areas in the State.



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