



CITY OF WESTFIELD, IN
BoardofZoningAppeals_Meeting_Agenda_11_10_2015

Tuesday, November 10, 2015 at 07:00 PM

BOARD OR COMMISSION: Board of Zoning Appeals (BZA)

MEETING DATE: Tuesday, November 10, 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 - October 13, 2015

Documents: [October 13, 2015, Minutes](#)

Approval of 2016 Schedule of Meetings and Filing Dates

Documents: [2016 Meeting Calendar \(draft\)](#)

Review BZA Rules & 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)).

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Site Plan](#) | [Exhibit 4: Existing Conditions](#) | [Exhibit 5: Petitioner's Application](#)

REPORTS/COMMENTS:

APC LIAISON

ECD STAFF

ADJOURNMENT



Petition Number: 1511-VS-15

Subject Site Address: 336 Elnora Lane (Countryside)

Petitioner: Josh Netherton

Request: The Petitioner is requesting a Variance of Standard for a reduction of the Rear Yard Minimum Building Setback Line in the SF3 Cluster: Single-Family Medium Density District (Article 4.6 (E)(3)(a)).

Current Zoning: SF3 Cluster: Single-Family Medium Density District

Current Land Use: Residential

Approximate Acreage: 0.26 acres+/-

Exhibits:

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

Staff Reviewer: Amanda Rubadue, Associate Planner

PETITION HISTORY

This petition will receive a public hearing at the November 10, 2015, Board of Zoning Appeals meeting.

PROPERTY INFORMATION

The subject property is 0.26 acres +/- in size and is located at 336 Elnora Lane within the Countryside subdivision (see **Exhibit 2**). The property is improved with a single family dwelling.

The property is zoned SF3 Cluster: Single-Family Medium Density District. The surrounding properties include other single family dwellings in the Countryside subdivision.

VARIANCE REQUEST

The petitioner is requesting this variance to allow for a reduction in the Minimum Building Setback Line for the Rear Yard to accommodate an existing covered porch , as generally illustrated on the Site Plan Exhibit (see **Exhibit 3**)and Existing Conditions Exhibit (see **Exhibit 4**) .

The standard for the Minimum Building Setback Line for the Rear Yard is thirty (30) feet (Article 4.6(E)(3)). The home, prior to the construction of the deck, had a rear yard setback of 31 feet +/- , which complied. However, once the petitioner constructed the 12'-wide by 13'-deep covered deck, the Property no longer complied with the Minimum Building Setback Line for the Rear Yard. As a result, the petitioner is requesting this variance for a reduction from thirty (30) feet to

seventeen (17) feet to accommodate the covered porch. An existing ten (10') foot drainage and utility easement runs along the south end of the Property. The existing improvements are not located within this easement.

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Development Standard. This petition is scheduled to receive its public hearing at the November 10, 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 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; (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

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.

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

DEPARTMENT COMMENTS:

Recommended Findings for Approval:

If the Board is inclined to approve the variance, 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 approving the requested variance would be injurious to the public health, safety, morals, and general welfare of the community because the SF3 District permits the existing improvements and parcel will otherwise comply with or exceed the applicable standards of the SF3 District.

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

Finding: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The proposed variance should not have a negative impact on surrounding properties because: (i) the existing improvement has enhanced the value of the subject property; (ii) the parcel will otherwise comply with or exceed the applicable standards of the SF3 District; and (iii) the approval of the variance will allow for the continued use and improvement of the property in a manner substantially consistent with the quality and character of the surrounding area and Comprehensive Plan.

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

Finding: Strict adherence to the zoning ordinance would result in the inability to improve the property, as proposed, in accordance with the Unified Development Ordinance. The use is permitted by the Unified Development Ordinance and the existing improvements and parcel would otherwise be permitted and comply with the Unified Development Ordinance.



Recommended Findings for Denial:

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

- 1) *The approval will be injurious to the public health, safety, morals, and general welfare of the community:*

Finding: It is not likely that approving the requested variance would be injurious to the public health, safety, morals, and general welfare of the community because the SF3 District permits the proposed improvements and the resulting improvements and parcel will otherwise comply with or exceed the applicable standards of the SF3 District.

- 2) *The use and value of the area adjacent to the property included in the variance will 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 variance would result in a reduced separation between the adjacent property and proposed improvements than otherwise permitted by the applicable standards of the SF3 District.

- 3) *The strict application of the terms of the zoning ordinance will not result in practical difficulties in the use of the subject property:*

Finding: Strict adherence to the zoning ordinance would not result in the inability to use the property as permitted for a single-family dwelling. .



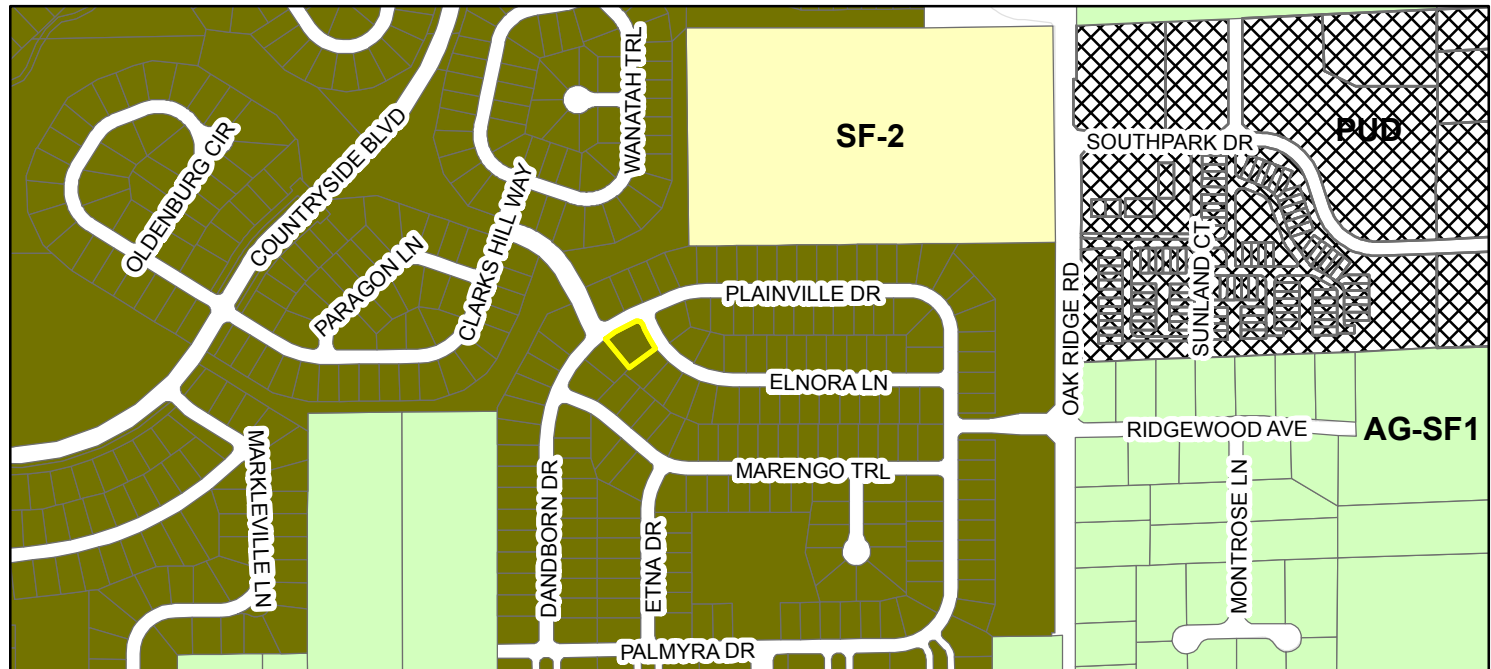
Property Location Map
1511-VS-15
336 Elnora Lane



Aerial Location Map



Zoning Map



Zoning

- | | |
|--|--------------------------------|
| AG-SF1 (Agriculture - Single Family - 1) | PUD (Planned Unit Development) |
| EI (Enclosed Industrial) | SF-2 (Single Family - 2) |
| | SF-3 Cluster |
| | Parcel |



Schneider

The Schneider Corporation
8801 Otis Avenue
Historic Fort Harrison
Indianapolis, Indiana 46210-1037
317-626-7100
317-626-7200 FAX

Engineering
Surveying
Landscape Architecture
GIS • LRS
Geology

This Plot Plan Prepared For: **M/I Homes**
Lot # 863, containing 11,146 S.F.±, in
COUNTRYSIDE

Section # 11C

Instrument # 200400070804

P.C. # 3, Slide # 499

Certificate of Corrections

Instrument # 200400079426

Hamilton County, Washington Township

SEC 11, T18N, R03E

336 ELMORA LANE

(50' R/W)

Westfield, IN 46074

Prepared Date: 08/22/07: By: KAG

Community Restrictions:

Side Yard = 10' BH

Rear Yard = 30'

Aggregate = n/a

Zoning = SF3 Cluster

M/I Homes

Finished Floor Elevation Information

Pad Grade = 904.5 per calc.

Pad Grade + 0.2' = Garage FFE (904.7)

Garage FFE + 0.5' = Residential FFE (905.2)

Residence FFE - 9.0' = Basement FFE (896.2)

DRIVEWAY SLOPE: 7.1%

Note: The garage finished floor elevation
is 2.8' above the curb at the drive, per plan.

GROUND COVER CALCULATIONS:

Drive = 946 SF±

Public Walk = 1,150 SF±

Private Walk = N/A SF±

Seeding = 5,880 SF±

Sod = 412 SY±,
from front of residence.

APPROVED

DATE: 8-27-07

BY: [Signature]

THIS IS A TRUE PLOT PLAN
SHOWING PROPOSED LOCATION OF
BUILDING AND EXISTING UTILITIES
ON THIS LOT OR PLOT

SIGNED

FLOOD HAZARD STATEMENT
CERTIFICATION



Plot Plan Legend

000.0	Proposed Grades
000.0	Existing Grades
000.0	Contour Grade
*	Approx. Lateral Location
—	Sanitary Sewer Lines
—	Storm Sewer Lines
—	Water Service Lines
---	Sub-Surface Drain Lines
●	Manhole (Sanitary or Storm)
●	Beehive Inlet (Storm)
●	Curb Inlet (Storm)
D	End Section (Storm)
—	Fire Hydrant
---	Flow Line of swale

Note: Sanitary Sewer
Top of Casting Information
Upstream Manhole, TC=904.30
Downstream Manhole, TC=904.20
per plan.

Note: Builder to ensure positive
drainage away from structure(s).

Note:
The contractor is to maintain a minimum
distance of ten feet (10') between the
sanitary sewer and water line laterals.

Note: This drawing is based on construction plans or record
drawings, and is not based upon a field survey. The Schneider
Corporation does not warrant the accuracy or sufficiency of this
information. Contractors should verify existing conditions prior to
any construction. Any discrepancy found on this drawing should
be reported to The Schneider Corporation immediately, failing to
do so results in the contractors assumption of all liability.

Note:

The basement elevation, depicted hereon, has been determined and based on
the pad grades and/or contours taken from the construction plans for this
subdivision. Unless stated, no information about fluctuating water tables, soil
conditions, or soil types has been provided or stated on said plans. This lot
is located near a body of water. Lot or soil conditions may require that the
basement floor elevation be held 2 foot above normal pool elevation. Site
investigation may be needed if water is encountered during the excavation
process or if other known water elevation or soils conditions are present.
Investigation and any remedial procedures is at the discretion of the builder
to determine and take appropriate steps of action. If any ground water is
encountered during excavation the builder is encouraged to contact The
Schneider Corporation to discuss possible courses of action.

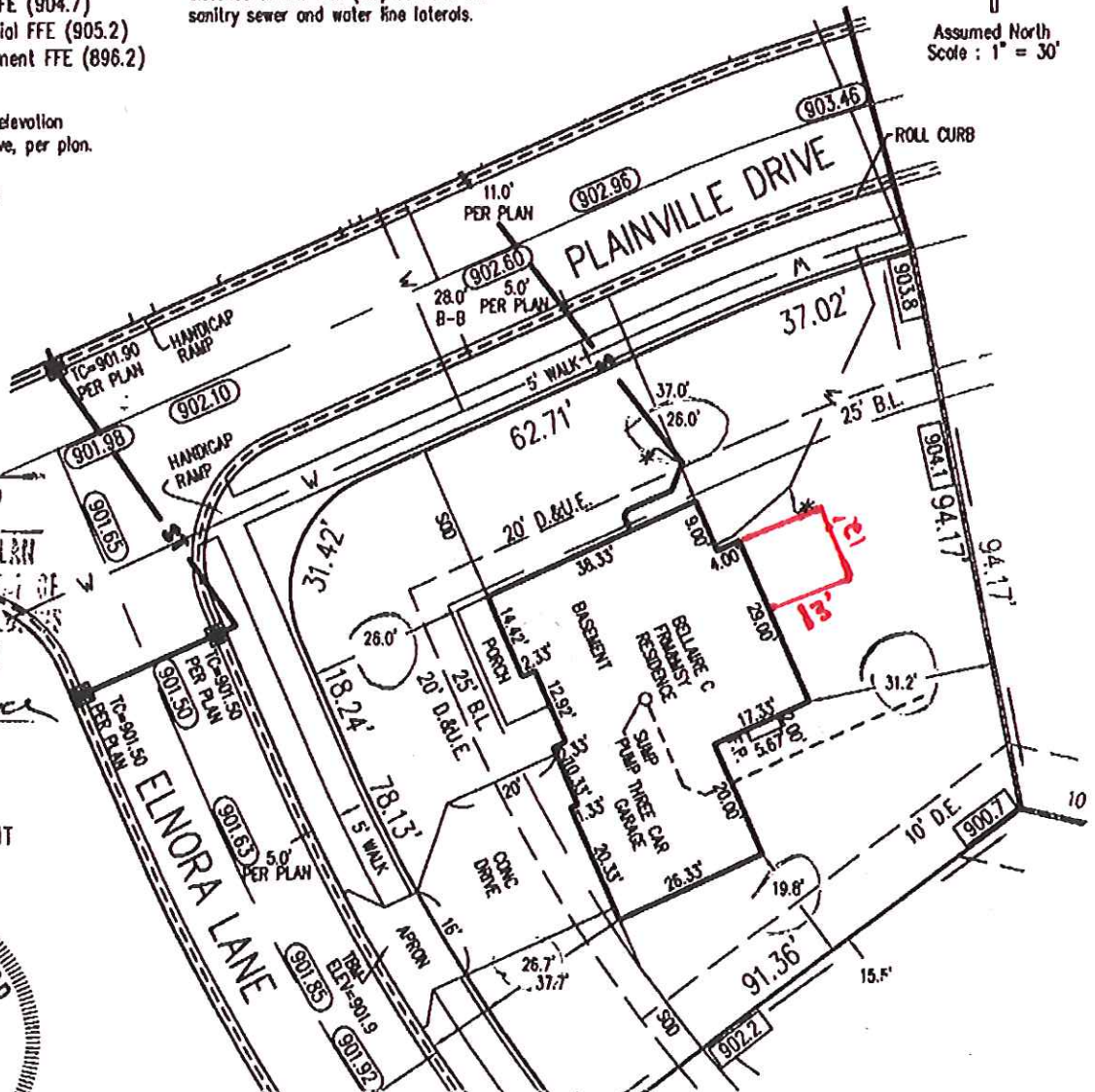
NOTE:

SUMP PUMP(S) TO BE PLACED
BY BUILDER AS NEEDED.

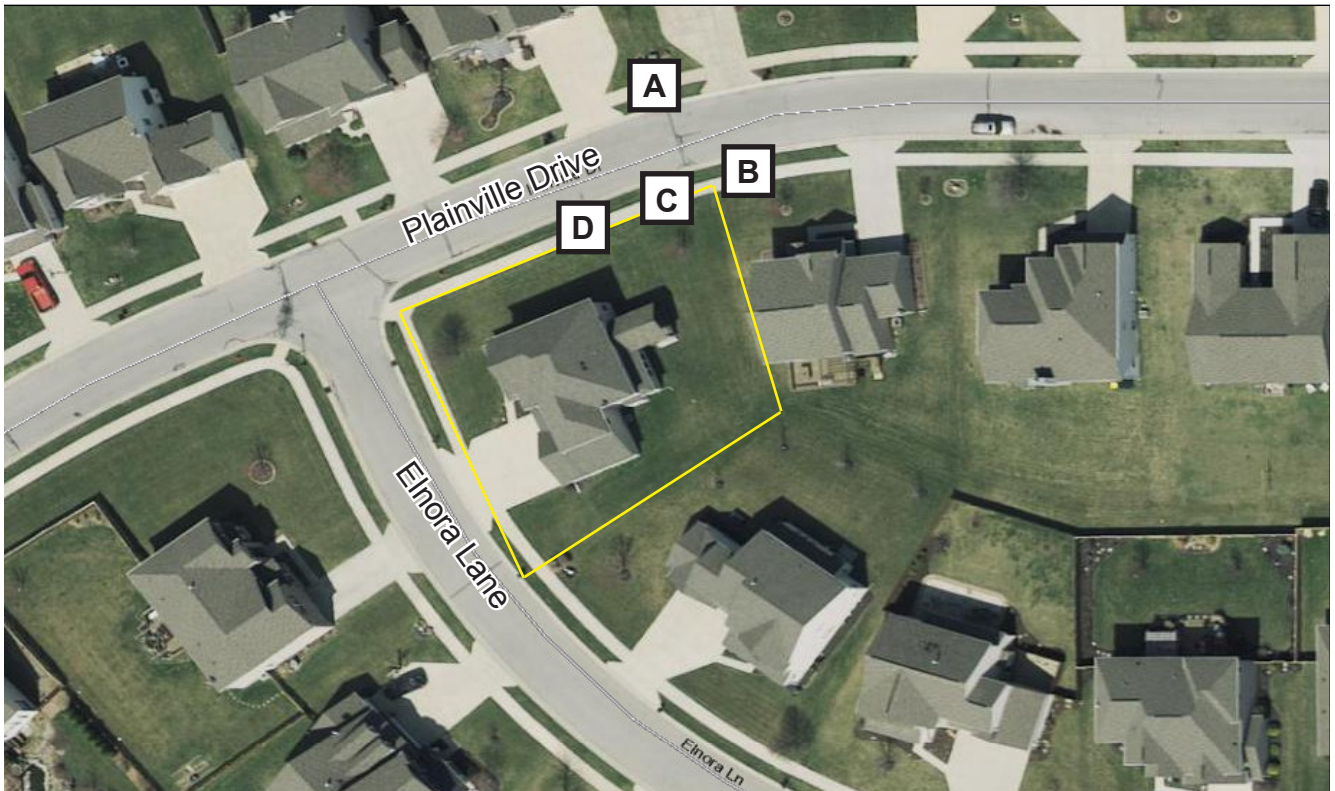
LOT # 863
VB07.0077904



Assumed North
Scale: 1" = 30'



Existing Conditions Exhibit



RECEIVED

OCT 02 2015

WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM

VARIANCE APPLICATION

OFFICE
USE ONLY

DOCKET #: 1511-VS-15

FILING DATE: 10/2/15

FILING FEE: \$ 600 FEE PLUS \$ PER ADDITIONAL VARIANCE (@) = \$ 600

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: Jesse Pahlman (STAFF NAME) DATE: 9/27/15

PRIOR OR RELATED DOCKET NUMBERS

CHANGE OF ZONING: AMENDMENTS: DEVELOPMENT PLAN:

PRIMARY PLAT: SECONDARY PLAT: VARIANCE(S):

APPLICANT INFORMATION

APPLICANT'S NAME: Joshua D. Netherton TELEPHONE: 317.752.8542

ADDRESS: 336 Elnora Lane EMAIL: jnetherton@misoenergy.org

PROPERTY OWNER'S NAME: Same TELEPHONE:

ADDRESS: EMAIL:

REPRESENTATIVE'S NAME: TELEPHONE:

COMPANY: EMAIL:

ADDRESS:

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION:

COUNTY PARCEL ID #(S): 09-09-11-00-15-041.000

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

VARIANCE REQUEST

☐ VARIANCE OF LAND USE CODE CITATION:

☒ VARIANCE OF DEVELOPMENT STANDARD(S) CODE CITATION: Article 4.6 (E)(3)

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

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

Request rear yard setback reduction from 30' to 17'.

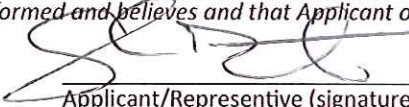
An existing deck that is covered by a roof that is attached to the house was built. This attached roof covers the entire 13' deck and is over the rear yard setback.

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.

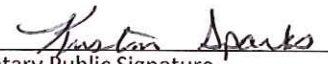

Applicant/Representative (signature)

Joshua Netherton
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 16th day of October, 2015.

State of Indiana, County of Hamilton SS:


Notary Public Signature

Kristen Sparks
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____.

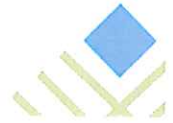
State of _____, County of _____, SS:

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: Joshua Netherton

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 attached roof is over the attached deck and does not
introduce any issues related to public health, safety,
morals, and general welfare of the community.

B. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because: _____

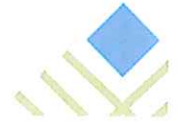
The attached roof was constructed out of high
quality materials, matching roof shingles, is
well maintained, and adds an attractive feature
to the rear of the home.

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

Strict adherence to the zoning ordinance would result in the
inability to improve the property, as proposed, in accordance with the Unified
Development Ordinance. The use is permitted by the Unified Development Ordinance
and the proposed improvements and parcel would otherwise be permitted and
comply with the Unified Development Ordinance.

WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM

VARIANCE APPLICATIONS



GENERAL INSTRUCTIONS

- A. **Pre-Filing Conference:** A pre-filing conference is required for all petitions. An appointment must be made with the Economic and Community Development Department (the "Department") to discuss a petition prior to filing. An application will not be considered filed until a pre-filing conference has occurred. Applicants are encouraged to incorporate the Department's comments into the application prior to filing.
- B. **Filing Petition:** A petition shall be filed with the Department by the filing deadline in accordance with the Schedule of Meeting and Filing Dates. In order to be deemed a complete petition, a petition shall include the following:
- | | |
|---|---|
| ☐ Completed Application | ☐ Filing Fee Check (made out to "City of Westfield") |
| ☐ Legal Description | ☐ Copy of Property Deed |
| ☐ Draft Public Notice | ☐ List of Adjoining Property Owners (as provided by County) |
| ☐ Property Owner Consent | ☐ TAC Delivery Affidavit (If TAC is determined to be necessary) |
| ☐ Site Plan (to scale) | ☐ Vicinity Map (including property within 500 feet) |
| ☐ Statement of Intent | ☐ 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.

WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM

AFFIDAVIT OF NOTICE OF PUBLIC HEARING



DOCKET #: _____

PUBLIC HEARING DATE: 11/10/15

APPLICANT'S NAME: Joshua Netherton

REPRESENTATIVE'S NAME: _____ COMPANY: _____

PROJECT TO BE KNOWN AS: _____

APPLICATION TYPE: ☐ CHANGE OF ZONING ☐ TEXT AMENDMENT ☐ COMMITMENTS ☐ PRIMARY PLAT
☐ DEVELOPMENT PLAN (SITE PLAN) ☒ BOARD OF ZONING APPEALS (VARIANCE, SPECIAL EXCEPTION)

PUBLIC NOTICE AFFIDAVIT

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath does hereby certify that notice of public hearing to consider above petition was sent by certified, registered or first class mail to the last known address of each of the following persons, as attached hereto as Exhibit A, they being all persons to whom notice was required to be sent by the Plan Commission's Rules of Procedure, and that said notices were postmarked on the 8th day of October, 2015, being at least ten (10) days prior the scheduled public hearing.

I (We) further certify that the notice required to be posted on the subject property described in the above petition was posted on the subject property in accordance with the Plan Commission's Rules of Procedures on the 16th day of October, 2015, being at least ten (10) days prior the scheduled public hearing.

[Signature]
 (Applicant/Representative (signature))*

Joshua Netherton
 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 instrument.

Witness my hand and Notarial Seal this 16th day of October, 2015.

State of Indiana, County of Hamilton SS:

Kristen Sparks
 Notary Public Signature
Kristen Sparks
 Notary Public (printed)



WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM
EXAMPLE PUBLIC NOTICE (BOARD OF ZONING APPEALS)



**WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS PUBLIC NOTICE**

NOTICE IS HEREBY GIVEN THAT the Westfield-Washington Township Advisory Board of Zoning Appeals will hold a public hearing on Tuesday, _____, 20____, at 7:00 p.m. at Westfield City Hall, 130 Penn Street, Westfield, Indiana, to consider petition(s) [insert docket #], filed by [insert representative's name (if applicable)] on behalf of [insert applicant's or property owner's name]. The request pertains to real estate comprising approximately [insert #] acres and generally located at [insert address or intersection location], Washington Township, Westfield, Indiana.

The request is for approval of a [insert application type (e.g., Variance of Use, Variance of Development Standard, Special Exception)] to allow [insert project description].

Specific details regarding this request, including the application, file, and property legal description, may be obtained from the Westfield Economic and Community Development Department, or by calling (317) 804-3170.

Written suggestions or objections relative to the request may be filed with the Westfield Economic and Community Development Department, at or before the public hearing. Interested persons desiring to present their views upon the request, either in writing or verbally, will be given the opportunity to be heard at the above mentioned time and place, which may be continued from time to time as may be found necessary.

APPLICANT:

[insert name, address, contact information]

REPRESENTATIVE:

[insert name, address, contact information]

CITY OF WESTFIELD:

Economic and Community Development Department
2728 East 171st Street
Westfield, Indiana 46074
Telephone: (317) 804-3170
www.westfield.in.us



Schneider

The Schneider Corporation
8801 Otis Avenue
Historic Fort Harrison
Indianapolis, Indiana 46210-1037
317-626-7100
317-626-7200 FAX

Engineering
Surveying
Landscape Architecture
GIS • LRS
Geology

This Plot Plan Prepared For: **M/I Homes**
Lot # 863, containing 11,146 S.F.±, in
COUNTRYSIDE

Section # 11C

Instrument # 200400070804

P.C. # 3, Slide # 499

Certificate of Corrections

Instrument # 200400079426

Hamilton County, Washington Township

SEC 11, T18N, R03E

336 ELMORA LANE

(50' R/W)

Westfield, IN 46074

Prepared Date: 08/22/07: By: KAG

Community Restrictions:

Side Yard = 10' BH

Rear Yard = 30'

Aggregate = n/a

Zoning = SF3 Cluster

M/I Homes

Finished Floor Elevation Information

Pad Grade = 904.5 per calc.

Pad Grade + 0.2' = Garage FFE (904.7)

Garage FFE + 0.5' = Residential FFE (905.2)

Residence FFE - 9.0' = Basement FFE (896.2)

DRIVEWAY SLOPE: 7.1%

Note: The garage finished floor elevation
is 2.8' above the curb at the drive, per plan.

GROUND COVER CALCULATIONS:

Drive = 946 SF±

Public Walk = 1,150 SF±

Private Walk = N/A SF±

Seeding = 5,880 SF±

Sod = 412 SY±,
from front of residence.

APPROVED

DATE: 8-27-07

BY: [Signature]

THIS IS A TRUE PLOT PLAN
SHOWING PROPOSED LOCATION OF
BUILDING AND EXISTING UTILITIES
ON THIS LOT OR PLOT

SIGNED

FLOOD HAZARD STATEMENT
CERTIFICATION



Plot Plan Legend

000.0	Proposed Grades
000.0	Existing Grades
000.0	Contour Grade
*	Approx. Lateral Location
—	Sanitary Sewer Lines
—	Storm Sewer Lines
—	Water Service Lines
---	Sub-Surface Drain Lines
●	Manhole (Sanitary or Storm)
●	Beehive Inlet (Storm)
●	Curb Inlet (Storm)
D	End Section (Storm)
—	Fire Hydrant
---	Flow Line of swale

Note: Sanitary Sewer
Top of Casting Information
Upstream Manhole, TC=904.30
Downstream Manhole, TC=904.20
per plan.

Note: Builder to ensure positive
drainage away from structure(s).

Note:
The contractor is to maintain a minimum
distance of ten feet (10') between the
sanitary sewer and water line laterals.

Note: This drawing is based on construction plans or record
drawings, and is not based upon a field survey. The Schneider
Corporation does not warrant the accuracy or sufficiency of this
information. Contractors should verify existing conditions prior to
any construction. Any discrepancy found on this drawing should
be reported to The Schneider Corporation immediately, failing to
do so results in the contractors assumption of all liability.

Note:

The basement elevation, depicted hereon, has been determined and based on
the pad grades and/or contours taken from the construction plans for this
subdivision. Unless stated, no information about fluctuating water tables, soil
conditions, or soil types has been provided or stated on said plans. This lot
is located near a body of water. Lot or soil conditions may require that the
basement floor elevation be held 2 foot above normal pool elevation. Site
investigation may be needed if water is encountered during the excavation
process or if other known water elevation or soils conditions are present.
Investigation and any remedial procedures is at the discretion of the builder
to determine and take appropriate steps of action. If any ground water is
encountered during excavation the builder is encouraged to contact The
Schneider Corporation to discuss possible courses of action.

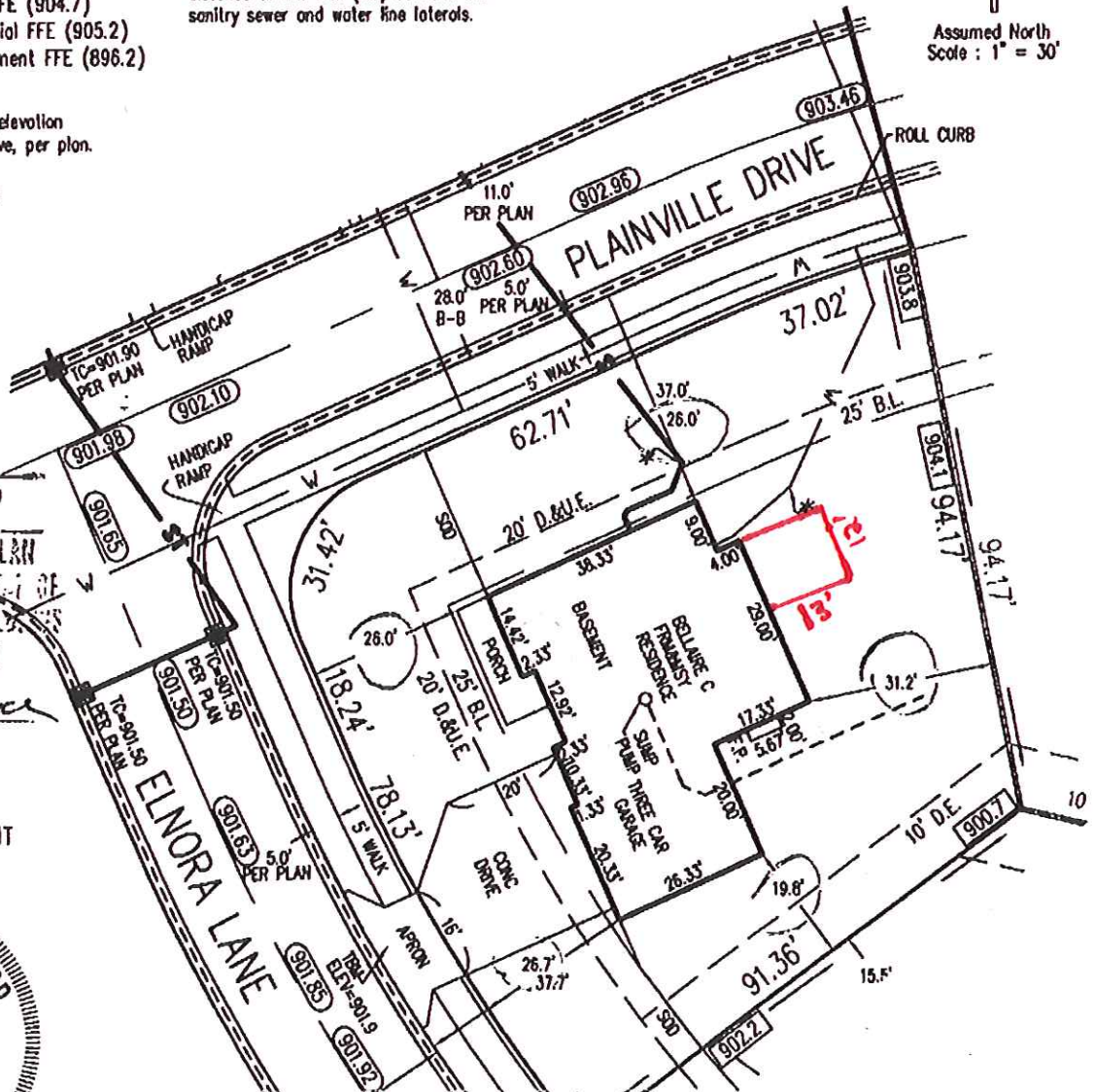
NOTE:

SUMP PUMP(S) TO BE PLACED
BY BUILDER AS NEEDED.

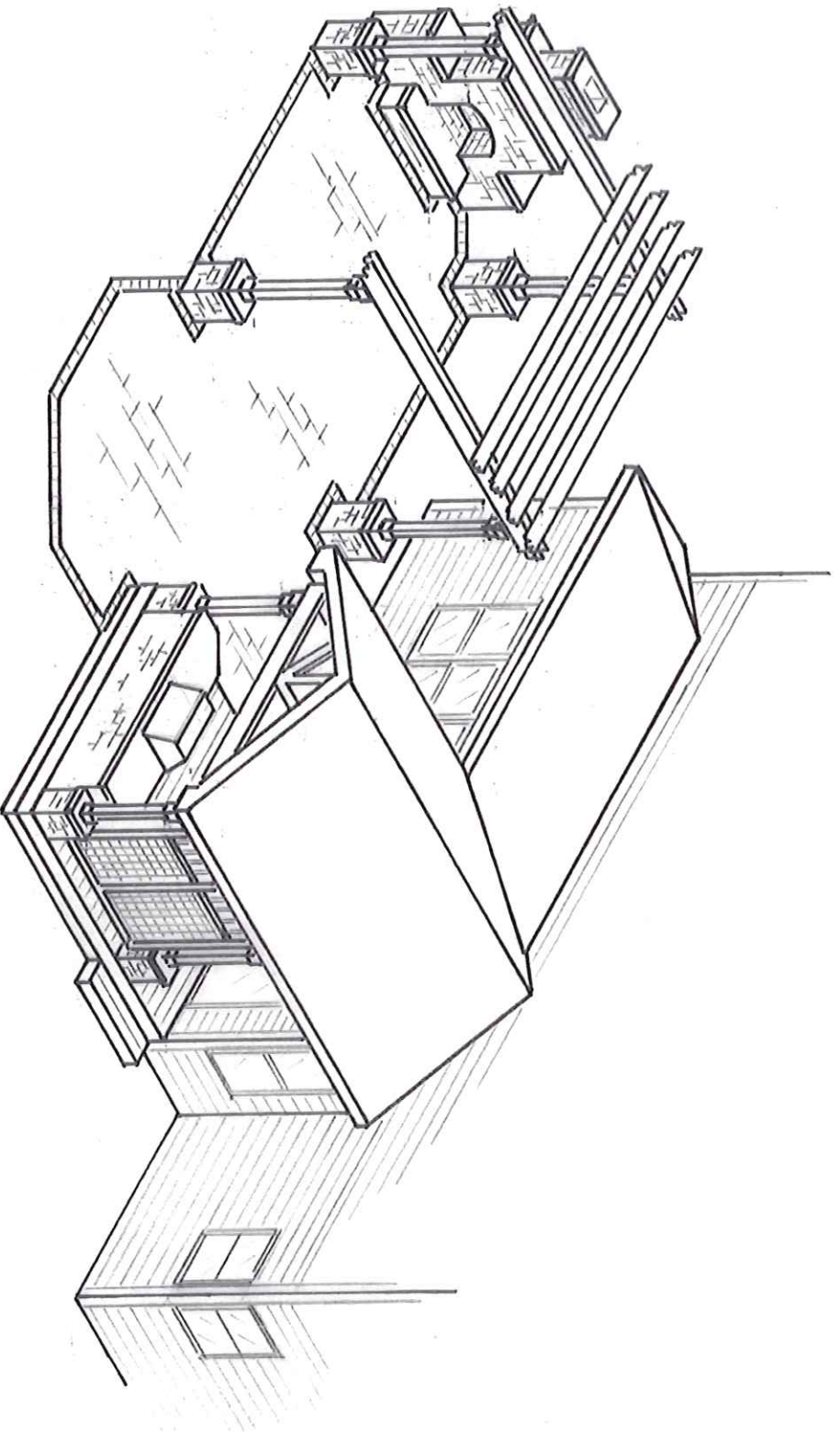
LOT # 863
VB07.0077904



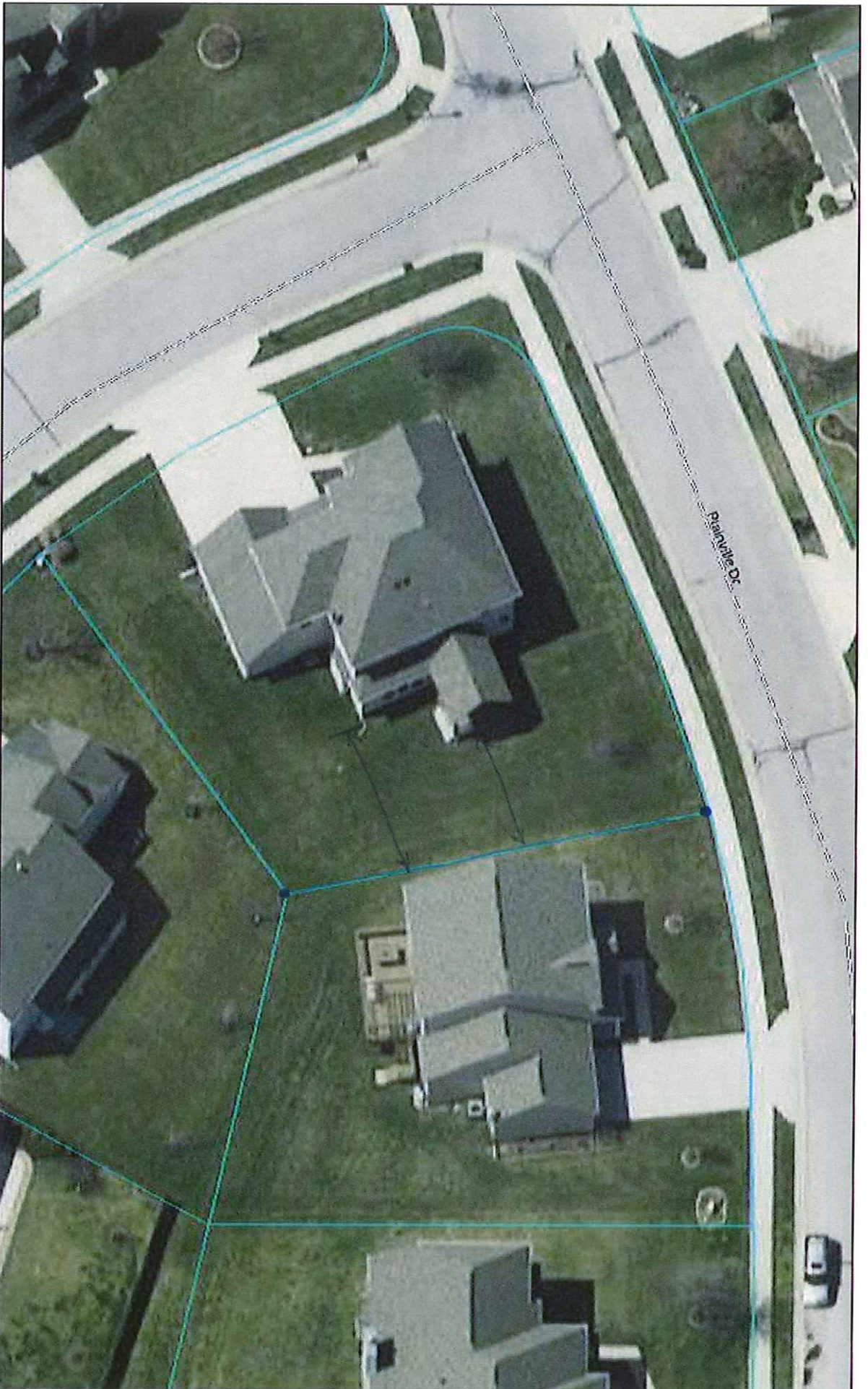
Assumed North
Scale: 1" = 30'



NETHERTON RESIDENCE



TC MEYER
& company inc.



September 28, 2015

 Parcels

1:360
0 0.003 0.006 0.012 mi
0 0.00475 0.0095 0.019 km
Basemap information here



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS
2016 SCHEDULE OF MEETINGS AND FILING DATES
[DRAFT]

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	12/30/15*	01/19/16	01/26/16	01/29/16	02/09/16
MARCH	01/29/16	02/23/16	02/23/16	02/26/16	03/08/16
APRIL	03/04/16	03/22/16	03/29/16	04/01/16	04/12/16
MAY	04/01/16	04/19/16	04/26/16	04/29/16	05/10/16
JUNE	04/29/16	05/24/16	05/31/16	06/03/16	06/14/16
JULY	06/03/16	06/21/16	06/28/16	07/01/16	07/12/16
AUGUST	07/01/16	07/19/16	07/26/16	07/29/16	08/09/16
SEPTEMBER	07/29/16	08/23/16	08/30/16	09/02/16	09/13/16
OCTOBER	09/02/16	09/20/16	09/27/16	09/30/16	10/11/16
NOVEMBER	09/30/16	10/25/16	10/25/16	10/28/16	11/08/16
DECEMBER	11/04/16	11/22/16	11/29/16	12/02/16	12/13/16
JANUARY	12/02/16	12/20/16	12/27/16	12/30/16	01/10/17

** 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 13, 2015, at Westfield City Hall. Members present included Martin Raines, Ron Rothrock, Bill Sanders and Dave Schmitz. Also present were Kevin Todd, Senior Planner; Pam Howard, Associate Planner; and Brian Zaiger, City Attorney.

APPROVAL OF MINUTES

Sanders moved to approve the September 15, 2015, meeting minutes.

Rothrock seconded, and the motion passed by 4-0 vote.

Todd reviewed the Public Hearing Rules and Procedures.

ITEMS OF BUSINESS

1503-VU-02

17777 Commerce Drive

Edward Tomich by Badger Engineering, LLC

The petitioner is requesting a modification of a condition of approval for previously granted Variance of Use to allow an indoor shooting range and related retail sales in the EI: Enclosed Industrial District (1304-VU-01) (Chapter 13: Use Table).

Todd presented an overview of the requested modification of conditions of approval for a previously granted Variance of Use that allowed an indoor shooting range and related retail sales in the Enclosed Industrial District, as summarized in the Department's report.

Andi Metzel, Benesch, Friedlander, Coplan & Aronoff LLP, on behalf of the petitioner, gave a presentation. Reports were given to the Board members containing the updates of the modifications to the shooting range building and the written request for the modified conditions. Metzel also submitted letters and signatures from persons in support of the shooting range.

Brian Tuohy, attorney on behalf of Hadah, LLC, requested the Board allow additional public comment. Raines opened the meeting to allow for additional public comment.

Mr. Tuohy gave a report on the recent sound tests that occurred since the vestibule was added to the north side of the building. He added that a decibel reading in the high fifties at the property line would be acceptable, but that the current proposal of seventy (70) dB is unacceptable. He also requested the vestibule wall be extended along the full length of the north side building and wrap around the eastern side of the building to further dampen the sound.

Metzel stated a decibel reading in the fifties at the property line is not possible.

Schmitz asked if the site meets the City's typical standards for noise, notwithstanding the existing variance condition regarding "no noise".

Todd stated yes, it does meet the City's standards for noise.

Rothrock motioned to approve the petition as presented.

Schmitz seconded, and the motion passed 3-1 (Sanders).

Raines moved to adopt the Department's recommended findings of fact for approval.

Motion passed 4-0.

1506-VU-06

14939 Ditch Road

Jeff Kelich

The petitioner is requesting approval of a Variance of Use to allow a lawn and landscape business in the SF2: Single-Family Low Density District (Chapter 13: Use Table).

Todd noted the petition was withdrawn by the petitioner prior to the meeting.

1510-SE-03

16414 Towne Road

[PUBLIC HEARING]

Crown Castle by Bingham Greenebaum Doll LLP

The petitioner is requesting approval of a Special Exception request to allow a new Wireless Communication Service Facility in the AG-SF1: Agriculture/Single-Family Rural District (Chapter 13: Use Table).

Todd presented an overview of the requested Special Exception, as summarized in the Department's report to allow a new Wireless Communication Service Facility in the Agriculture/Single-Family Rural District.

Matt Price, Attorney at Bingham Greenebaum Doll LLP representing Crown Castle, gave a brief presentation.

Public Hearing opened at 8:28 p.m.

Ginny Kelleher, 3920 West 166th Street; stated this request would be detrimental to the perception of this area and in conflict with the Westfield Comprehensive Plan. She expressed concern that this will compromise the Bent Creek subdivision and believes it will affect their marketing. She stated she believes putting a cell tower in a conservation area of the community is not a good idea. She requested the petition be denied and the cell tower be put in a different location.

Tracy Pielemeier, 16101 Little Eagle Creek Avenue; stated she is not against cell towers and believes one is needed in that general area, but thinks it would be better on or adjacent to the nearby water tower. She also suggested the area near 166th Street and Ditch Road, which is farm land. She requested the petition be denied and the cell tower be put in a different location.

Kristen Burkman, 1924 West 161st Street; stated this area is currently being studied by a group of neighbors and council members for additional preservation protection. She stated the cell tower

would not be consistent with the vision for that area of the community. She asked if lights will be on top of the tower, given the proximity to the airport, and why this cell tower is so close to the tower at Shamrock Springs Elementary.

Suzy DuBois, 1719 West 161st Street; stated her cell coverage is good and that she does not see the need for a new tower.

John DuBois, 1719 West 161st Street; asked for additional information regarding the petitioner's attempts to locate facilities on existing towers.

Public Hearing closed at 8:40 p.m.

Price responded the water tower is only seventy feet in height and is shrouded in trees, so it would not work as a wireless communication location. He added the water tower across from Shamrock Springs is fully housed with wireless communications, and that there is a need in this area for additional cell towers because all existing facilities are full. He noted none of the adjacent neighbors, including the developer of the Bent Creek subdivision, remonstrated during the public hearing. He said the height of the proposed tower does not meet the threshold for requiring lights on top. He added the cell tower meets all the requirements for a Special Exception and development standards.

Rothrock motioned to approve the petition with the following conditions:

1. That the height of the tower not exceed 168 feet (including the lightning rod); and
2. That landscaping be installed in a manner that is substantially similar to what is depicted in Exhibit 4 of the staff report.
3. That no lights be installed at the top of the tower.

The motion died due to a lack of a second.

Sanders made a motion to deny the petition.

Raines seconded and the motion passed 4-0.

Raines moved to adopt the Department's recommended findings of fact for denial.

Sanders seconded and the motion passed 4-0.

1510-VS-14

[PUBLIC HEARING]

18710 Chad Hittle Drive

Almost Home Kennel, LLC

The petitioner is requesting approval of a Variance of Standard for an increase in the total sign area allocation to allow an off-premise sign to be located in the right-of-way of Chad Hittle Drive in the GB: General Business District (Article 6.17(E)(3), (5) and (Article 6.17(H)(1)).

Howard presented an overview of the requested Variance of Standard as summarized in the Department's report to allow for an increase in total sign area allocation in the General Business District. Howard distributed a letter from a neighbor in favor of the petition.

Rick Wyatt, petitioner, introduced himself.

Public Hearing opened at 9:00 p.m.

Blair Frye, Trinity Baptist Church, 1415 E. 191st Street; asked where sign will be located.

Public Hearing closed at 9:02 p.m.

Howard responded that sign would be located on the south side of the curb cut, and that the location would be approved by the Public Works Department to ensure the sign does not obstruct any lines of sight.

Schmitz motioned to approve the petition with the following condition:

1. Approval from INDOT shall be required prior to issuance of a Sign Permit.

Sanders seconded, and the motion passed 4-0.

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

Motion passed 4-0.

REPORTS/COMMENTS

Plan Commission Liaison report by Schmitz.

Economic and Community Development Department.

Rothrock motioned to adjourn the meeting.

Sanders seconded, and the motion passed.

The meeting adjourned at 9:11 p.m.

Chairperson
Martin Raines

Secretary
Matthew S. Skelton, Esq., ACIP
Director