



CITY OF WESTFIELD, IN
BoardofZoningAppeals_Meeting_Agenda_10_09_2018

Tuesday, October 09, 2018 at 07:00 PM

BOARD OR COMMISSION: Board of Zoning Appeals (BZA)

MEETING DATE: Tuesday, October 09, 2018 at 07:00 PM

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

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

OPENING OF REGULAR MEETING

Note the presence of a quorum

Approval of Minutes - September 11, 2018

Documents: [BZA Minutes - September 11, 2018](#)

Review Rules & Procedures

ITEMS OF BUSINESS:

1808-VU-04 (formerly docketed as 1808-SE-03)

3459 Heathcliff Court

Juliana Robertson by Gary Sallee

The petitioner is requesting a Variance of Use to allow a Kennel in the Oak Manor Planned Unit Development (PUD) District (Article 13.2).

(Planner: Caleb Ernest - CErnest@westfield.in.gov)

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Revised Findings 3 and 4](#) | [Exhibit 4: Application](#)

1810-VS-14 [PUBLIC HEARING]

2727 West 166th Street

JJB Westfield, LLC by Onpointe Land Matters, LLC

The Petitioner requests multiple Variances of Development Standard to 1) reduce the Minimum Lot Frontage requirement (Article 4.2(D)); 2) eliminate the Perimeter/External Pedestrian Network requirement along 166th Street (Article 8.7 (D)); and 3) modify various accessory building standards (Article 6.1(D) and Article 6.1(I)) on 19.94 acres +/- in the AG-SF1: Agriculture / Single-Family Rural District.

(Planner: Jonathan Dorsey - JDorsey@westfield.in.gov)

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

1810-SE-04 [PUBLIC HEARING]

2909 East SR 32

Nextgear Auto Sales

The Petitioner requests a Special Exception to permit auto sales and services on 1.93 acres +/- in the GB: General Business District and State Highway 32 Overlay District (Article 13.2).

(Planner: Caleb Ernest - CErnest@westfield.in.gov)

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Site Plan](#) | [Exhibit 4: Site Improvements](#) | [Exhibit 5: Existing Conditions](#) | [Exhibit 6: Application](#)

1810-VU-07 [PUBLIC HEARING]

18626 Centennial Road

Andrew Weaver

The petitioner requests a Variance of Use to allow a Construction Trade Office only on designated areas of the Property on 9 acres +/- in the AG-SF1: Agriculture / Single-Family Rural District (Article 13.2).

(Planner: Caleb Ernest - CErnest@westfield.in.gov)

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Site Plan: Designated Area for Variance](#) | [Exhibit 4: Application](#)

ITEMS CONTINUED TO A FUTURE MEETING

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).

(Planner: Kevin Todd - KTodd@westfield.in.gov)

1803-AA-01 [CONTINUED]

16708 Dean Road (Bob's Garage)

Esler Properties, LLC by Morse & Bickel, P.C.

The petitioner is appealing an Administrative Determination (1712-AD-04) regarding the revocation of a variance (1603-VU-03).

(Planner: Pam Howard - PHoward@westfield.in.gov)

REPORTS/COMMENTS:

Plan Commission Liaison

Economic and Community Development Department

ADJOURNMENT

The Westfield-Washington Township Board of Zoning Appeals met at 7:00 p.m. on Tuesday, September 11, 2018 at Westfield City Hall.

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

City staff present: Kevin Todd, Senior Planner; Daine Crabtree, Associate Planner; Caleb Ernest, Associate Planner; and Brian Zaiger, City Attorney.

ROLE CALL

Noted presence of a quorum.

APPROVAL OF MINUTES

Motion:

Motion: Raines motioned to approve the July 10, 2018 meeting minutes
Kingshill Seconded. Motion passed. Vote 5-0.

REVIEW OF RULES AND PROCEDURES

Todd reviewed BZA rules and procedures.

ITEMS OF BUSINESS**1809-VU-05****[PUBLIC HEARING]****216 Jersey Street**

Sobczak Properties, LLC

The petitioner is requesting a Variance of Use to allow a Professional Office on 0.17 acres +/- in the MF1: Multi-Family Low Density District (Article 13.2).

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

Crabtree summarized this Variance of Use request. He stated the Grand Junction Task Group submitted a letter of support that included a request that the variance be limited to five years.

Dave Sobczak, the petitioner, presented an overview and rendering of the project.

Public Hearing for 1809-VU-05 opened at 7:06 p.m.

Melody Jones, 211 Mill Street; said that this use is what is desired for the area and would enhance the property. She stated her support for this project.

Linda Naas, 1122 East 161st Street; she questioned if this issue is a variance (BZA) or a zoning issue.

Public Hearing for 1809-VU-05 closed at 7:11 p.m.

Brian Zaiger responded that, as this is a transitional area, a variance is the appropriate way to proceed.

Motion:

Schmitz motioned to approve 1809-VU-05 with the following conditions:

- That the approval of this variance shall expire on December 31, 2023.
- That any request to extend the time limit for this variance shall be reviewed and approved by the Board of Zoning Appeals prior to December 31, 2023.

Kingshill seconded. Motion passed. Vote 5-0.

Motion:

Raines motioned to adopt the findings of fact for 1809-VU-05.

Schmitz seconded. Motion passed. Vote 5-0.

1839 W. 166th Street

1809-VU-06**[PUBLIC HEARING]***Integrity Heating and Air Conditioning, LLC*

The petitioner is requesting a Variance of Use to allow a heating and cooling business (Industry, Light) on 1.6 acres +/- in the AG-SF1: Agriculture/Single Family Rural District (Article 13.2).

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

Crabtree overviewed this requests for Variances of Use.

Public Hearing for 1809-VU-06 opened at 7:16 p.m.

No public comment.

Public Hearing for 1809-VU-06 closed at 7:17 p.m.

Ted Heinzelman, the petitioner, explained the current use of the property. The petitioner and land owner both agreed to the conditions of the associated with the request.

Kingshill stated concern about allowing a business within the current zoning.

Motion:

Raines motioned to approve 1809-VU-06 with staff's conditions:

- No overnight vehicle or trailer storage will be permitted on the Property
- No Business-related signage will be permitted on the Property
- No outdoor storage of Business-related equipment will be permitted on the Property.
- In order to adequately screen the existing dumpster and toolshed, the Petitioner will maintain the existing landscaping and provide additional landscaping, if necessary.
- Variance expires on December 31, 2023.

Fortier seconded. Motion passed. Vote 4-1 (Kingshill).

Motion:

Schmitz motioned to adopt the findings of fact for 1809-VU-06.

Raines seconded. Motion passed. Vote 4-0. (Kingshill voted no)

1809-VS-13**[PUBLIC HEARING]****18 E. State Road 32***Maaco*

The petitioner is requesting multiple Variances of Development Standard to 1) increase the Maximum Sign Area to accommodate both a Monument Sign and a Wall Sign (Article 6.17(H)(1)), 2) allow a chain-link fence with slats (Article 5.3(L)(3)(b)), and 3) allow a fence in lieu of a screen wall (Article 6.12(D)(2)(a)(ii)) on 1.87 acres +/- in the EI: Enclosed Industrial District and State Highway 32 Overlay District.

(Planner: Caleb Ernest - CErnest@westfield.in.gov)

Ernest presented a summary of these requests which includes the accommodation of signs and fencing.

Public Hearing for 1809-VS-13 opened at 7:26 p.m.

No public comment.

Public Hearing for 1809-VS-13 closed at 7:27 p.m.

Kingshill asked about the size of the monument sign.

Ernest said the staff has reviewed the sign and is comfortable with it as presented.

Smith asked about the fencing.

Aws Hattab, the petitioner, explained the nature and design of the fencing.

Motion:

Kingshill motioned to approve 1809-VS-13 with the following condition:

- That the approval of 1809-VS-13 will apply only to an Automobile Repair use.

Raines seconded. Motion passed. Vote 5-0.

Motion:

Schmitz motioned to adopt the findings of fact for 1809-VS-13.

Kingshill seconded. Motion passed. Vote 5-0.

Recess Meeting at 7:35 p.m.

Resume Meeting at 7:40 p.m.

1808-VU-04
(formerly docketed as
1808-SE-03)
[PUBLIC HEARING]

3459 Heathcliff Court

Juliana Robertson by Gary Sallee

The petitioner is requesting a Variance of Use to allow a Kennel in the Oak Manor Planned Unit Development (PUD) District (Article 13.2).

(Planner: Caleb Ernest - CErnest@westfield.in.gov)

Ernest overviewed this Variance of Use to allow four or more dogs on the property located at 3459 Heathcliff Court which is currently zoned as the Oak Manor Planned Unit Development District.

Smith asked Zaiger about the role of the BZA in this matter.

Zaiger responded that there are two issues being looked at: 1) the zoning of the land which is imposed by the City, and; 2) the deeds and restrictions of the HOA, which are outside of the City's concerns. That the BZA should be looking only at the zoning and the City's associated guidelines.

Smith stated the petitioner and anyone from the public speaking tonight only address the zoning variance under the City's guidelines and whether it should be approved.

Gary Sallee, Esq., representing the petitioner presented an overview of Greyhound rescue and addressed the dynamics of the petitioner and the Greyhounds. He said these dogs have been kept for the past 11 years in the petitioner's home, not a separate "Kennel" building. He stated the following: it is uncommon that more than three of the dogs are in the yard at any given time; the dogs rarely bark and sleep 20+ hours per day. He added that it has been six years since the petitioner has taken in a rescue dog and that the petitioner, if denied the variance, is willing to build a new home and move rather than to separate the related dogs.

Juliana Robertson, the petitioner, presented an overview of the dogs including their history and nature.

Public Hearing for 1808-VU-04 opened at 8:00 p.m.

Gerald Kinyon, 3508 Heathcliff Court, on behalf of the Cotswold HOA; stated that the petitioner is

violation of the Villages of Oak Manor's HOA restrictions and that the Cotswold Board of Directors supports the Master HOA's objection to this petition. He addressed his view that the situation is not healthy for the dogs nor the petitioner.

Laura Smith DVM, 7847 Gold Brook Drive, Indianapolis; addressed the unique nature of Greyhound dogs adding that the dogs are the petitioner's family. She said that the petitioner is conscientious in her care of the dogs. She favors the approval of this request.

Connie Skinner, 1005 Milroy Street, Frankfort, IN; spoke to the quiet and gentle nature of Greyhounds and the exceptional care these dogs receive from the petitioner.

Deanna Truitt, 17156 Wetherington Drive; stated she is against grating this variance. She said she is an adjacent neighbor and feels the yard is unsightly and has an unpleasant smell that prohibits her from sitting on her outside patio.

Dr. Jan F. Hawkins, 5854 West SR 18, Delphi, IN; stated he supports granting a variance in this case. He addressed the excellent care the petitioner offers the dogs.

Betty Wills, 11480 Monon Farms Lane, Carmel, IN; Stated that she feels the petitioner just needs some time to work with the HOA to address any concerns. She said it's just a matter of time until the dogs age and pass away. She said when visiting the petitioner, she found the house to be very clean and the dogs very quiet.

Ed Higgins, 17260 Wetherington Drive, on behalf of Villages of Oak Manor Steering Committee; said the committee is opposed to this variance and addressed the following points: 1) the HOA declaration of covenants and restrictions prohibits more than three animals; 2) the Committee requests the City review the logic and rationale for a City-wide three animal limit; 3) the Committee is concerned about creating a precedent; and 4) that if a variance is granted that a time limit of no more than six months be put in place for the petitioner to either reduce the number of dogs or build a house and move.

Jeff Romack, 17150 Wetherington Drive; stated he is against the petition. He said the petitioner's yard is in poor condition due to the dogs and added that the waste from the dogs is running into the storm drain.

Stephen Donham Esq., 151 N. Delaware Street-Suite 1900, Indianapolis, on behalf of Villages of Oak Manor HOA and Cotswold at Oak Manor HOA; stated that the existence of covenant's matter and are an express contract. He said the petitioner, upon purchasing her home, agreed to be bound by the HOA rules. He said the petitioner can't show that this variance would not be injurious as it is a violation of the covenant.

Public Hearing for 1808-VU-04 closed at 8:24 p.m.

Salle responded that the petitioner's situation is unique and is worthy of an exception, and that all evidence favors the petitioner's request.

Smith asked if the petitioner is aware of and accepts staff's conditions.

Sallee responded yes.

Sallee said he will be meeting with the HOA's attorney.

Schmitz addressed a need to reach certain findings by statute in order to support the Board's final ruling.

Salle requested a 30 day continuance to work out the findings.

The continuance was granted.

ITEMS CONTINUED TO A FUTURE MEETING:

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).

(Planner: Kevin Todd - KTodd@westfield.in.gov)

1803-AA-01

[CONTINUED]

16708 Dean Road (Bob's Garage)

Esler Properties, LLC by Morse & Bickel, P.C.

The petitioner is appealing an Administrative Determination (1712-AD-04) regarding the revocation of a variance (1603-VU-03)

(Planner: Pam Howard - PHoward@westfield.in.gov)

REPORTS/COMMENTS

Plan Commission Liaison Report.

Economic and Community Development Department.

ADJOURNMENT

Motion:

Raines motioned to adjourn the meeting.

Kingshill seconded. Motion passed. Vote 5-0.

The meeting adjourned at 8:42 p.m.

Chairperson

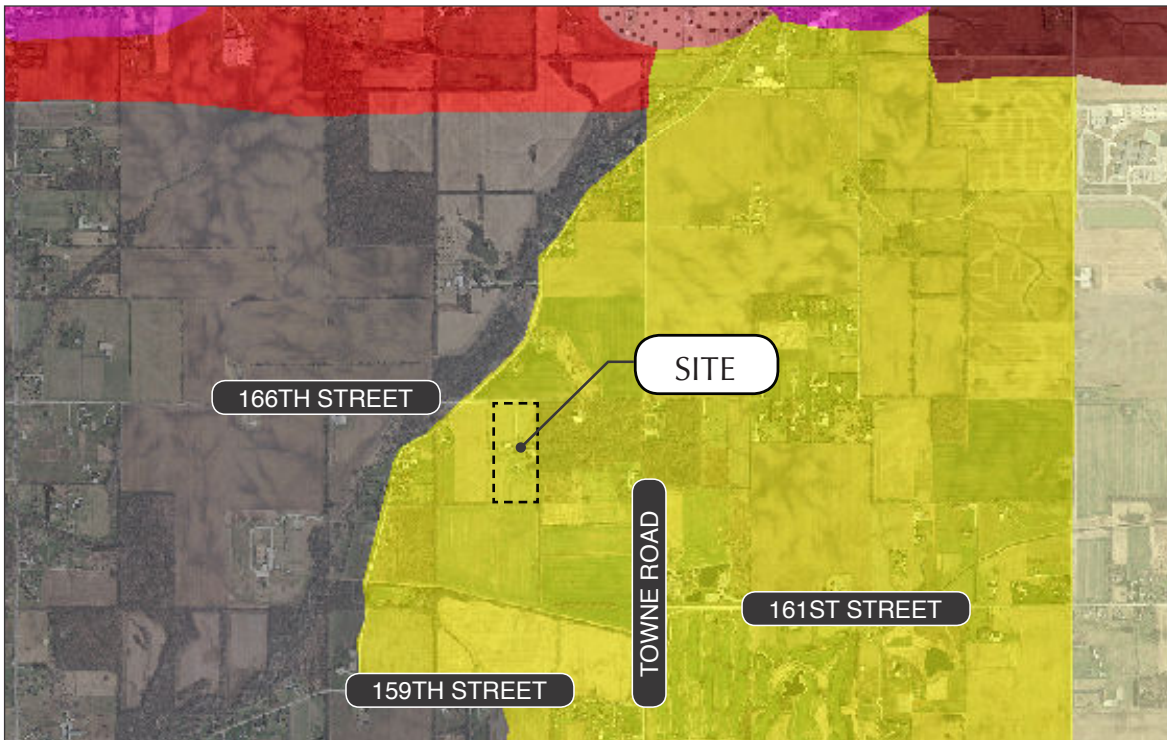
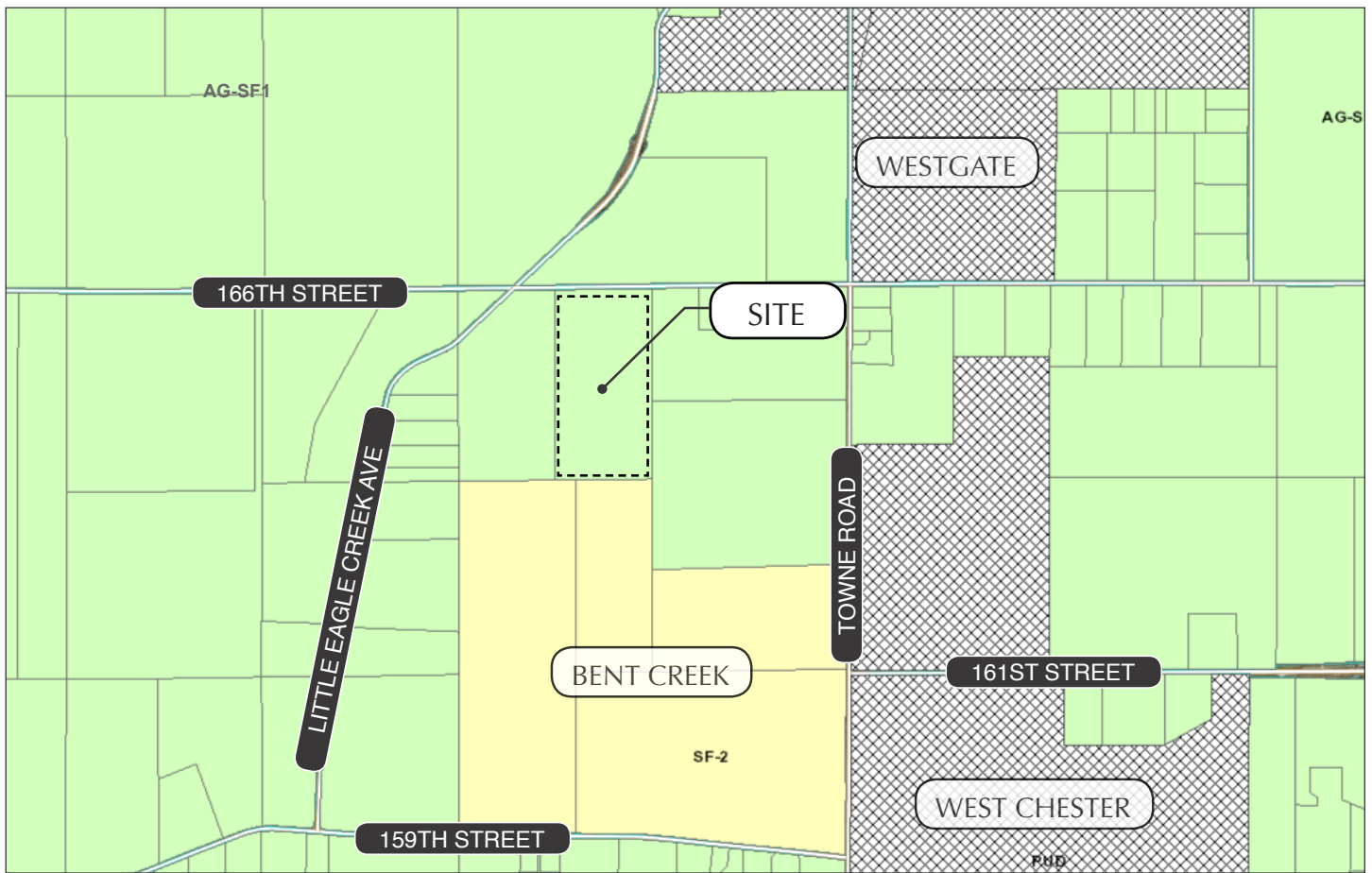
Robert Smith, Esq.

Secretary

Matthew S. Skelton, Esq., AICP

Director

ZONING MAP EXHIBIT



Westfield - Washington
Land Use Concept Map

Exhibit A

Legend

- Suburban Residential
- New Suburban
- Existing Rural Southwest
- Rural Northwest and Northeast
- Business Park
- Local Commercial
- Employment Corridor
- Regional Commercial
- Villages
- Downtown
- Family Sports Capital of America



Community Development Department
1 inch = 1 mile

2007 FUTURE LAND USE MAP

ZONING AND COMPREHENSIVE PLAN
HAMMAN ESTATES

2727 WEST 166TH STREET, WESTFIELD, INDIANA





CONTEXTUAL AERIAL LOCATION EXHIBIT
HAMMAN ESTATES

2727 WEST 166TH STREET, WESTFIELD, INDIANA





**AERIAL LOCATION EXHIBIT
HAMMAN ESTATES**

2727 WEST 166TH STREET, WESTFIELD, INDIANA





LOT LAYOUT
HAMMAN ESTATES

2727 WEST 166TH STREET, WESTFIELD, INDIANA





AERIAL LOCATION EXHIBIT
HAMMAN ESTATES

2727 WEST 166TH STREET, WESTFIELD, INDIANA





EXISTING PROPERTY CONDITIONS
HAMMAN ESTATES
 2727 WEST 166TH STREET, WESTFIELD, INDIANA

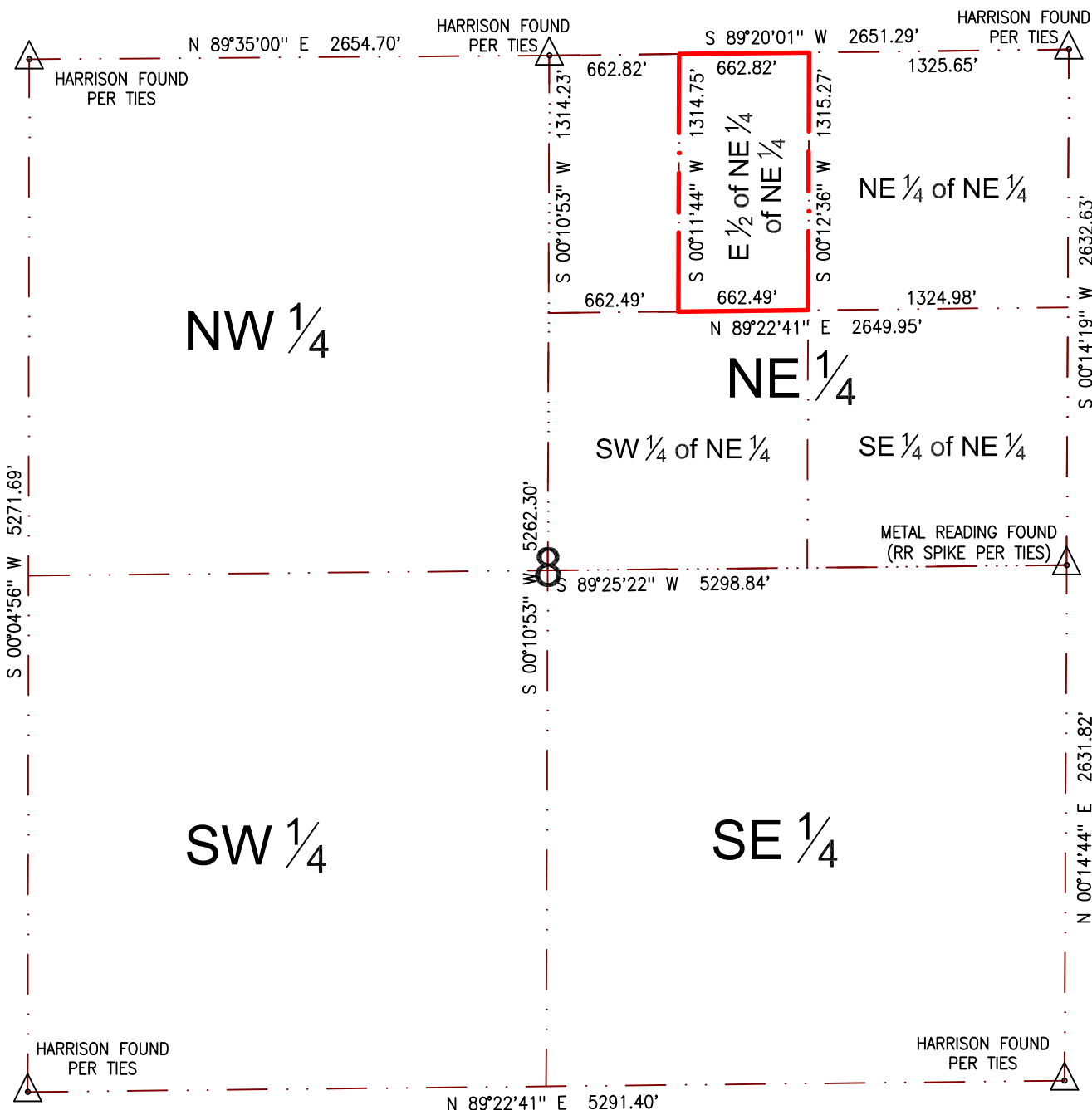
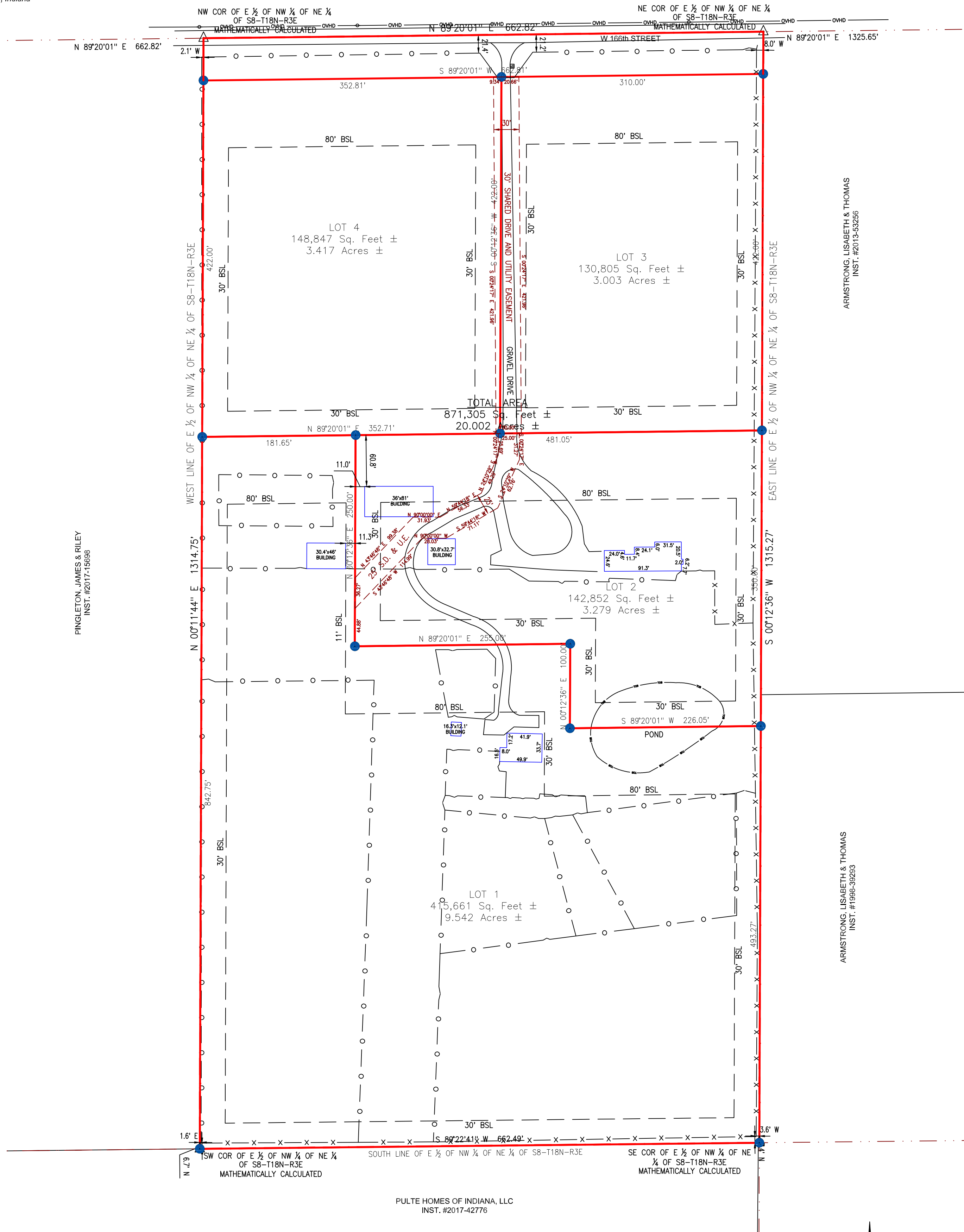


SITE PLAN
HAMMAN ESTATES MINOR SUBDIVISION
AN ADDITION TO THE CITY OF WESTFIELD

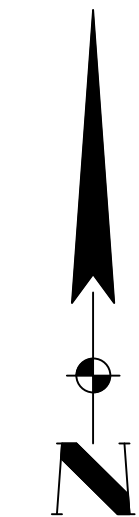
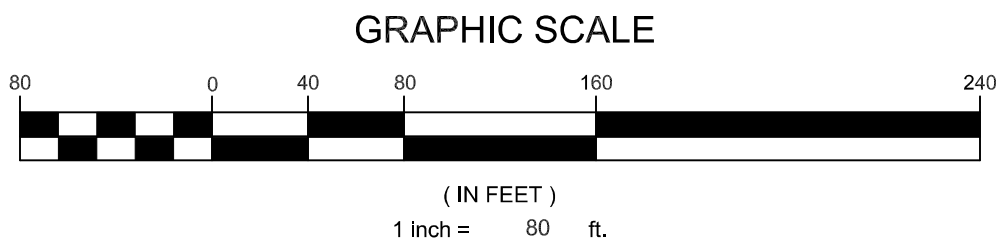
The East Half of the Northwest Quarter of the Northeast Quarter of Section 8, Township
18 North, Range 3 East located in Washington Township, Hamilton County, Indiana

Land Description

THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 18
NORTH, RANGE 3 EAST, LOCATED IN WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA.



SYMBOL LEGEND			



SEA Group
Land Surveyors • Civil Design
Construction Layout
494 Gradle Drive Carmel, Indiana 46032
Phone: 317.844.3333 Fax: 317.844.3383
www.seagroupinc.com Info@seagroupinc.com

SITE COMMON NAME
2727 W. 266th STREET
WESTFIELD, IN 46074

PROJECT LOCATED IN:
SECTION 8 - TOWNSHIP 18 NORTH - RANGE 3 EAST
WASHINGTON TOWNSHIP, HAMILTON COUNTY

SITE PLAN

PREPARED FOR:
JEREMIAH HAMMAN
2727 W. 166th STREET
WESTFIELD, IN 46074
(317) 523-0749

REV. # DATE REV. DESC.

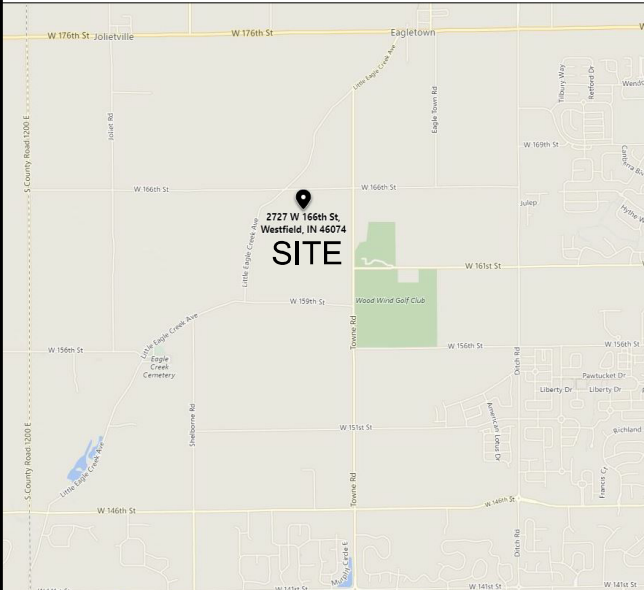
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DRAWING LEGEND

	EXISTING METAL-TYPE FENCE
	EXISTING WOOD-TYPE FENCE
	GAS - UNDERGROUND GAS LINES
	COM - COMMUNICATION LINES
	WTR - UNDERGROUND WATER LINES
	STM - UNDERGROUND STORM SEWER
	SAN - UNDERGROUND SANITARY SEWER
	FIBER - UNDERGROUND FIBER-OPTIC
	UOE - UNDERGROUND ELECTRIC
	OHE - OVERHEAD ELECTRIC
	OVD - OVERHEAD UTILITY
	TRAF - OVERHEAD TRAFFIC LINES
	RR - RAILROAD
	SECTION LINE (AS NOTED)
	R.O.W. - RIGHT OF WAY (AS NOTED)
	CENTERLINE (AS NOTED)
	BSL - BUILDING SETBACK LINE
	EASEMENT (AS NOTED)
	REAL ESTATE LINES (AS NOTED)
	SUBJECT REAL ESTATE SURVEY LINE (AS NOTED)
	EXISTING CURVE (AS NOTED)
	TOB - TOP OF BANK
	TOS - TOP OF SLOPE
	EXISTING FLOWLINE
	CONTOURS - MAJOR INTERVAL
	CONTOURS - MINOR INTERVAL
	(P) = PLATTED BEARING AND DIMENSION
	(D) = DEEDED BEARING AND DIMENSION
	(C) = CALCULATED BEARING AND DIMENSION
	(M) = MEASURED BEARING AND DIMENSION



VICINITY MAP - NOT TO SCALE



Approved By: BCR
Drawn By: HMP
Date of Last Field Work: 08/13/2018
Date Plotted: 08/23/2018

Reference #: ..

Project Number:

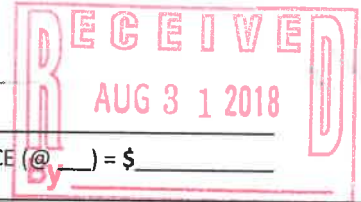
C18-4245
Sheet Number :

VARIANCE APPLICATION

OFFICE
USE ONLYDOCKET #: 1810-VS-14

FILING DATE: _____

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



PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: KEVIN TODD (STAFF NAME) DATE: 08/27/18

PRIOR OR RELATED DOCKET NUMBERS

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

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

APPLICANT INFORMATION

APPLICANT'S NAME: JEREMIAH HAMMAN TELEPHONE: +1 317 523 0749ADDRESS: 2727 W 166TH STREET, WESTFIELD, INDIANA 46074 EMAIL: JEREMIAH.HAMMAN@GMAIL.COMPROPERTY OWNER'S NAME: JJB WESTFIELD, LLC TELEPHONE: _____ADDRESS: 2727 W 166TH STREET, WESTFIELD, INDIANA 46074 EMAIL: _____REPRESENTATIVE'S NAME: JESSE M. POHLMAN TELEPHONE: + 1 317 696 9254COMPANY: ONPOINTE LAND MATTERS, LLC EMAIL: JPOHLMAN@ONPOINTELAND.COM

ADDRESS: _____

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 2727 W 166TH STREET, WESTFIELD, INDIANA 46074COUNTY PARCEL ID #(S): 08-09-08-00-00-011.001EXISTING ZONING DISTRICT(S): AG-SF1 DISTRICT EXISTING LAND USE(S): RESIDENTIAL

VARIANCE REQUEST

☐ VARIANCE OF LAND USE CODE CITATION: _____☒ VARIANCE OF DEVELOPMENT STANDARD(S) CODE CITATION: (PLEASE SEE ATTACHED)FINDINGS OF FACT: (PLEASE SEE ATTACHED)STATEMENT OF INTENT (EXPLANATION OF REQUEST - ATTACH SEPARATE SHEET IF NECESSARY): (PLEASE SEE ATTACHED)

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)

Kenneth Hammer
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 27 day of August, 2018.

State of INDIANA County of Hamilton, SS:



[Signature]
Notary Public Signature
Audra Hutton
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)*

Kenneth Hammer
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 27 day of August, 2018.

State of INDIANA County of Hamilton, SS:



[Signature]
Notary Public Signature
Audra Hutton
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.

Statement of Intent
Hamman Estates

Jeremiah Hamman respectfully requests approval of the requested Variances of Development Standard for twenty (20) acres± located at 2727 West 166th Street. The property's existing zoning is the AG-SF1: Agriculture / Single-Family Rural District.

The property currently includes one (1) single-family home and several accessory buildings, as depicted in the exhibits. The following Variances of Development Standard would allow for the subdividing of the 20-acre± property into four (4) estate lots:

- Article 4.2(D) Zoning Districts; AG-SF1: Agriculture / Single-Family Rural District; Minimum Lot Frontage: The subject property currently has 663 feet± of lot frontage along West 166th Street. The requested variance is to allow for two (2) of the proposed lots (Lot 1 and Lot 2) to reduce the minimum lot frontage from two hundred and fifty (250) feet to zero (0) feet. As depicted in the exhibits and proposed Minor Subdivision plat, a shared driveway easement would be recorded to provide access to all four (4) lots utilizing the existing driveway cut on West 166th Street. As a result, the property will still have only one point of access off West 166th Street, and the lots will still exceed the minimum lot size of three (3) acres. Lot 3 and Lot 4 will meet or exceed the minimum lot frontage.
- Article 8.7(D) Design Standards; Pedestrian Network Standards; Perimeter / External Pedestrian Network Standards: The subdividing of property triggers a requirement for the developers of subdivisions to construct a path along the perimeter street of a subdivision. Due to the context of the subject property and surrounding area, the requested variance is to not require the installation of the path. As part of the concurrently filed Minor Subdivision plat, Mr. Hamman will be dedicating right-of-way in accordance with the City's Thoroughfare Plan to accommodate any potential road improvements and/or the installation of the path in the future.
- Article 6.1(D) and 6.1(I) Development Standards; Accessory Use and Building Standards; Building Location: As depicted in the exhibits, there are several existing barns and accessory structures on the property. Although Article 6.1(I)(1) Agriculture-Related Accessory Buildings and Uses¹ of the UDO exempts several of the accessory building standards applicable to these buildings, the proposed lot lines will have an impact on the otherwise applicable setback and location standards of the UDO. As a result, the requested variance is intended to allow for these existing accessory buildings that currently comply with the application standards to continue to exist as conforming in relation to the new lot lines. This variance is requested so as to not create an unintended consequence upon subdividing the property.

The site is located within the "New Suburban" land use classification of the 2007 Comprehensive Plan. As proposed, the land use and development pattern of the property will continue to meet the economic and design objectives and policies of the Comprehensive Plan, and will be complimentary to the surrounding area.

¹ Article 6.1(I)(1) of the UDO states "Regulated as Principal Buildings: Accessory Buildings for the following uses shall be exempt from Sections (B)(2) General Standards, (D) Building Location, and (F) Maximum Accessory Building Height of this Article: Agricultural Uses, Agritourism Uses, Equestrian Facilities, Private Stables, and Nurseries. Rather, Accessory Buildings for these uses shall meet the maximum Building Height and minimum Building Setback Line standards of the underlying Zoning District, except as otherwise set forth below. See also Article 6.4 Building Standards."

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



APPLICANT: JEREMIAH HAMMAN

DOCKET #: _____

In taking action on a variance request, the Board of Zoning Appeals uses the following decision criteria to approve or deny a variance, as established by Indiana Code, and the Board may impose reasonable conditions as part of its approval. The applicant must address the criteria below (if multiple variances of development standard are being requested, then this sheet should be completed separately for each requested variance). A variance of land use may be approved by the Board of Zoning Appeals only upon a determination that the Board finds all of the following to be true:

- A. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because: _____
It is unlikely that approving the requested variance(s) would be injurious to the public health, safety, morals, and general welfare of the community because the AG-SF1 District permits the proposed residential use and the lots will otherwise comply with or exceed the applicable standards of the AG-SF1 District, and the access to the subject property is not proposed to change.

- B. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because: _____
It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The proposed variance should not have a negative impact on surrounding properties because:
(i) the proposed lots and subsequent improvements will enhance the value of the subject property;
(ii) the improvements and lots will otherwise comply with or exceed the applicable standards of the AG-SF1 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.

- 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 subdivide and improve the property, as proposed, in accordance with the Unified Development Ordinance. The use is permitted by the Unified Development Ordinance and the proposed lots and improvements would otherwise be permitted and comply with the Unified Development Ordinance.

AFFIDAVIT OF CONSENT OF PROPERTY OWNER

The undersigned, **JJB Westfield, LLC**, being the owners of property located at **2727 W 166th Street**, Westfield, Hamilton County, Indiana (Parcel No. 08-09-08-00-00-011.001) (the "Real Estate"), hereby consents to and authorizes **Jeremiah Hamman, Onpointe Land Matters, LLC**, and **SEA Group, LLC** to file all necessary petitions involving the subdivision of the Real Estate, including variance(s) of development standard and minor subdivision approval(s) pertaining to the Real Estate, with the City of Westfield, Hamilton County, Indiana.

Property Owner Signature

Property Owner (printed)

Property Owner Title

Date _____

Property Owner Signature

Property Owner (printed)

Property Owner Title

Date _____

SIGNATURE OF NOTARY PUBLIC

State of INDIANA, County of HAMILTON, ss:

Subscribed and Sworn before me this 27 day of August, 2018.

Printed Name of Notary Public

My Commission Expires

AUDRA HUTTON
Notary Public

Notary Public

SEAL

State of Indiana

My Commission Expires March 8, 2025

mrc

DULY ENTERED FOR TAXATION
Subject to final acceptance of transfer
10th day of August 2018 - JKT
Gavin M. Miller Auditor of Hamilton County
Parcel # 08-09-08-00-011.001

2018037116 WD \$25.00
08/10/2018 02:16:00PM 2 PGS
Jennifer Hayden
Hamilton County Recorder IN
Recorded as Presented



LLP

17-12

WARRANTY DEED

29-09-08-000-011.001-025

THIS INDENTURE WITNESSETH, That **DIANE L. GHARST** ("Grantor") CONVEYS AND WARRANTS to **JJB WESTFIELD, LLC, A LIMITED LIABILITY COMPANY** ("Grantee") for the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate located in Hamilton County, State of Indiana:

THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 18 NORTH, RANGE 3 EAST, LOCATED IN WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA, BEING BOUNDED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 18 NORTH, RANGE 3 EAST; THENCE SOUTH 00 DEGREES 44 MINUTES 42 SECONDS WEST (ASSUMED BEARING) 1,311.56 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 8; THENCE NORTH 89 DEGREES 50 MINUTES 24 SECONDS WEST 662.15 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 8; THENCE NORTH 00 DEGREES 40 MINUTES 52 SECONDS EAST 1,309.29 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 8; THENCE NORTH 89 DEGREES 57 MINUTES 56 SECONDS EAST 663.64 FEET TO THE POINT OF BEGINNING, CONTAINING 19.941 ACRES MORE OR LESS.

Grantor herein, represents, warrants, and says that, **SALLY A. SCHWEGMAN** ("the Decedent") and Grantor herein were joint tenants with rights of survivorship ("joint tenants") at the time they acquired title, as joint tenants, to certain real estate by deed recorded January 14, 1985 as instrument number 1985000615 in the Office of the Recorder of Hamilton County, Indiana, and described herein above. The joint tenancy with rights of survivorship which existed between the Decedent and Grantor herein continued unbroken from the time they so acquired title to said real estate until the death of the Decedent on **MARCH 20, 2016**, at which time Grantor herein acquired title to said real estate as surviving joint tenant.

Subject to any and all easements, agreements, restrictions and other matters of record; subject to the lien for real property taxes not delinquent; and subject to rights of way for roads and such matters as would be disclosed by an accurate survey and inspection of the real estate.

The address of such real estate is commonly known as 2727 West 166th Street, Westfield, IN 46074.

IN WITNESS WHEREOF, Grantor has caused this deed to be executed and delivered today, this 24th day of January 2018.


Diane L. Gharst

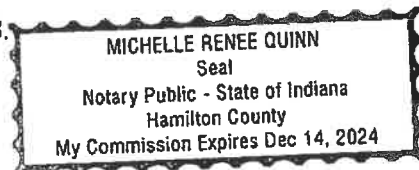
ACKNOWLEDGMENT

STATE OF INDIANA; COUNTY OF Hamilton}} SS:

Before me, a Notary Public in and for said County and State, personally appeared **Diane L. Gharst**, 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 today, this 24th of January 2018.


Notary Public



This instrument was prepared by Edward Anania, Esq. (21479-76) at the request of Title Links, LLC.

UNLESS EDWARD ANANIA AND GRANTOR OR GRANTEE HAVE A WRITTEN, EXECUTED ATTORNEY REPRESENTATION AGREEMENT, THERE IS NO ATTORNEY/CLIENT RELATIONSHIP BETWEEN THE GRANTOR OR GRANTEE AND EDWARD ANANIA.

Send tax bills to: 6100 West 96th Street Suite 150 Indianapolis In 46278

Grantee's Mailing Address: 6100 West 96th Street Suite 150 Indianapolis In 46278

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. EDWARD ANANIA

AFFIDAVIT OF NOTICE OF PUBLIC HEARING



DOCKET #: _____

PUBLIC HEARING DATE: OCTOBER 9, 2018APPLICANT'S NAME: JEREMIAH HAMMANREPRESENTATIVE'S NAME: JESSE POHLMANCOMPANY: ONPOINTE LAND MATTERPROJECT TO BE KNOWN AS: HAMMAN ESTATESAPPLICATION 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 or Board of Zoning Appeals' Rules of Procedure (as applicable), and that said notices were postmarked on the _____ day of _____, 20____, 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 or Board of Zoning Appeals' Rules of Procedures (as applicable) on the _____ day of _____, 20____, being at least ten (10) days prior the scheduled public hearing.

Applicant/Representative (signature)*JESSE POHLMAN

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 _____ day of _____, 20____.

State of _____, County of _____, SS:

Notary Public Signature_____
Notary Public (printed)

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

NOTICE IS HEREBY GIVEN THAT the Westfield-Washington Township Board of Zoning Appeals will hold a public hearing on **Tuesday, October 9, 2018, at 7:00 p.m.** at Westfield City Hall, 130 Penn Street, Westfield, Indiana, to consider petition 1810-VS-__ filed by Jeremiah Hamman by Onpointe Land Matters, LLC. The request pertains to real estate comprising approximately twenty (20) acres and generally located at 2727 W 166th Street, Washington Township, Westfield, Indiana.

The request is for approval of Variances of Development Standard to allow for the subdivision of the subject property to accommodate four (4) single-family estate lots.

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:

Jeremiah Hamman
2727 W 166th Street
Westfield, Indiana 46074

REPRESENTATIVES:

Jesse Pohlman, Consultant + Planner
Onpointe Land Matters, LLC
Telephone: (317) 696-9254
jpohlman@onpointeland.com

CITY OF WESTFIELD:

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

HAMILTON COUNTY AUDITOR

I, ROBIN M. MILLS, 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.

ROBIN M. MILLS, HAMILTON COUNTY AUDITOR

DATED: *Olivia Jesse* 08/09/2018

SUBJECT PROPERTY:

08-09-08-00-00-011.001	Subject
Gharst, Diane L & Sally A Schwegman	
853 Cedar Grove Landing	
Westfield IN	46074

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.

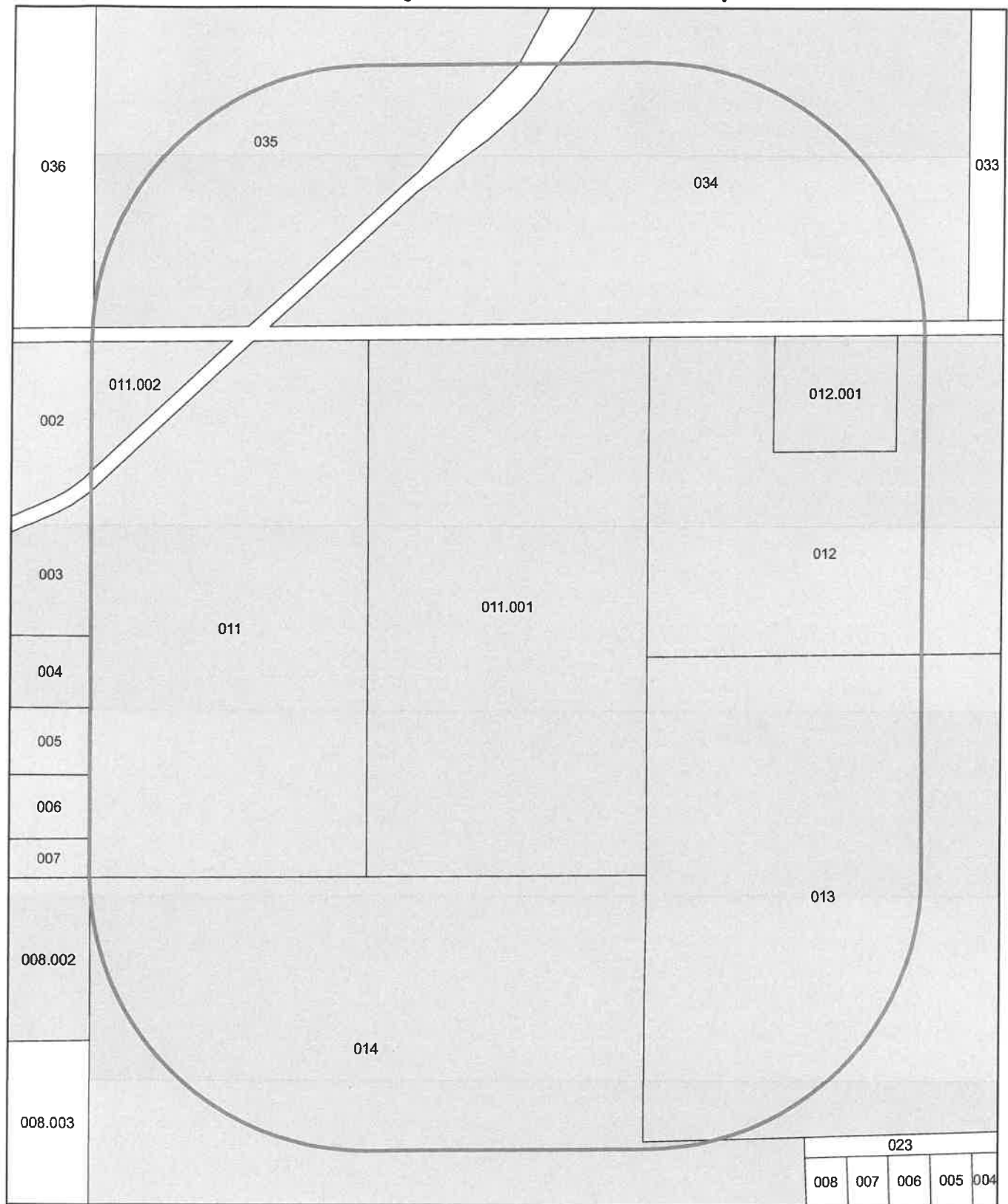
HAMILTON COUNTY NOTIFICATION LIST

PLEASE NOTIFY THE FOLLOWING PERSONS

08-09-05-00-00-034.000	Neighbor
Chapman, Thomas M & Beverly Sue	
16701 Little Eagle Creek Ave	
Westfield	IN 46074 8419
08-09-05-00-00-035.000	Neighbor
Cardinal Real Estate Holdings LLC	
15615 SHINING SPRING DR	
Westfield	IN 46074
08-09-08-00-00-002.000	Neighbor
Reiss, Paul R Trust 1/2 int T/C & Waneta L Reiss Trust 1/2 T/C	
16414 Little Eagle Creek Ave	
Westfield	IN 46074
08-09-08-00-00-003.000	Neighbor
Gillim, Sarah Ellen	
16505 Little Eagle Creek Ave	
Westfield	IN 46074
08-09-08-00-00-004.000	Neighbor
Holloway, James V & Nedra J	
16427 Little Eagle Creek	
Westfield	IN 46074
08-09-08-00-00-005.000	Neighbor
Glidden, Kathryn C	
16401 Little Eagle Creek	
Westfield	IN 46074
08-09-08-00-00-006.000	Neighbor
Zawadzki, Paul A & Janice E	
PO Box 266	
Westfield	IN 46074
08-09-08-00-00-007.000	Neighbor
Zawadzki, Paul A & Janice E	

16409 Little Eagle Cr P O Box 266		
Westfield	IN	46074
08-09-08-00-00-008.002		Neighbor
Town Of Westfield		
130 Penn St		
Westfield	IN	46074
08-09-08-00-00-011.000		Neighbor
Pingleton, James M & Riley M h&w		
16523 Little Eagle Creek Ave		
Westfield	IN	46074
08-09-08-00-00-011.002		Neighbor
Pingleton, James M & Riley M h&w		
16523 Little Eagle Creek Ave		
Westfield	IN	46074
08-09-08-00-00-012.000		Neighbor
Armstrong, Lisabeth S & Thomas M		
16414 Towne Rd		
Westfield	IN	46074
08-09-08-00-00-012.001		Neighbor
Department of Public Utilities for City of Indianapolis acting by and through Board of Directors for Utilities as Trustee of Public Charitable Trust for the Water System		
2020 Meridian St N		
Indianapolis	IN	46202
08-09-08-00-00-013.000		Neighbor
Armstrong, Thomas M & Lisabeth D		
16414 Towne Rd		
Westfield	IN	46074
08-09-08-00-00-014.000		Neighbor
Pulte Homes of Indiana LLC		
11590 N Meridian St Ste 530		
Carmel	IN	46032

—



N



Legend

- | | |
|---|---------|
|  | Buffer |
|  | Notify |
|  | Subject |

LEGAL DESCRIPTION
2727 W 166th STREET

INSTRUMENT NUMBER 2018037116

THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 18 NORTH, RANGE 3 EAST, LOCATED IN WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA, BEING BOUNDED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 18 NORTH, RANGE 3 EAST; THENCE SOUTH 00 DEGREES 44 MINUTES 42 SECONDS WEST (ASSUMED BEARING) 1,311.56 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 8; THENCE NORTH 89 DEGREES 50 MINUTES 24 SECONDS WEST 662.15 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 8; THENCE NORTH 00 DEGREES 40 MINUTES 52 SECONDS EAST 1,309.29 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 8; THENCE NORTH 89 DEGREES 57 MINUTES 56 SECONDS EAST 663.64 FEET TO THE POINT OF BEGINNING, CONTAINING 19.941 ACRES MORE OR LESS.

DESCRIPTION USED FOR PLAT

THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 18 NORTH, RANGE 3 EAST, LOCATED IN WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA.



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

October 9, 2018
1810-SE-04
Exhibit 1

Petition Number: 1810-SE-04

Subject Site Address: 2909 E State Road 32 (the "Property")

Petitioner: NextGear Auto Sales (the "Petitioner")

Request: The petitioner is requesting a Special Exception to permit auto sales and services in the GB: General Business District and State Highway 32 Overlay District.

Current Zoning: GB: General Business District

Current Land Use: Commercial

Approximate Acreage: 1.93 acres +/-

Exhibits:

1. Staff Report
2. Location Map
3. Site Plan
4. Site Improvements
5. Existing Conditions
6. Application

Staff Reviewer: Caleb Ernest, Associate Planner

OVERVIEW

Location: The subject property is 1.93 acres +/- in size and located at 2909 E State Road 32 (see **Exhibit 2**). The Property is zoned the GB: General Business District. The Property contains one (1) building and will be used for the proposed Special Exception (see **Exhibit 3**). The surrounding properties include General Business and State Highway 32 to the north.

Land Use: The Petitioner is requesting this Special Exception to permit auto sales and services on the Property.

SPECIAL EXCEPTIONS

Definition: Chapter 12 (Definitions) of the Unified Development Ordinance (the "UDO") defines a "Special Exception" as "[a] use that requires a greater degree of scrutiny and review because of its potential adverse impact upon the immediate neighborhood and the community that is reviewed by the Board of Zoning Appeals for its characteristics and impacts to determine its suitability in a given location for the Zoning District in which it is permitted."



Use Table: Chapter 13 (Use Table) of the UDO provides that “[a] Special Exception designation is not meant to imply that the use will be disallowed, but that the use requires a greater degree of scrutiny and review because of its potential adverse impact upon the immediate neighborhood and the community. The Board of Zoning Appeals reviews a Special Exception and its characteristics and impacts to determine its suitability in a given location for those Zoning Districts in which it is permitted. The determination of whether the Special Exception may be approved shall be subject to a public hearing by the Board of Zoning Appeals and review in accordance with Article 10.11 Special Exceptions.”

Purpose: Article 10.11(B) (Processes and Permits; Special Exceptions; Purpose) of the UDO states “[a] Special Exception is a use that requires a greater degree of scrutiny and review because of its potential adverse impact upon the immediate neighborhood and the community. The Board reviews a Special Exception and its characteristics and impacts to determine its suitability in a given location for the Zoning District in which it is permitted. The determination of whether the Special Exception is approved shall be contingent upon: (i) the Special Exception meeting the standards of this Ordinance and those standards as set forth in this Article; and (ii) the Board weighing, in each case, the public need and benefit against the local impact, giving effect to the proposals of the Applicant for ameliorating adverse impacts through special site planning and development techniques and contributions to the provisions of public improvements, sites, right-of-way and services.”

ANALYSIS

The below analysis coincides with the review criteria for a Special Exception set forth in the Unified Development Ordinance¹, as summarized herein.

Criteria #1: The establishment, maintenance, or operation of the Special Exception will not be detrimental to or endanger the public health, safety, morals, or general welfare.

Comment: It is unlikely that approving the requested Special Exception would be injurious to the public health, safety, morals, and general welfare of the community because no hazardous materials will be used on the Property.

Criteria #2: The Special Exception will be designed, constructed, operated, and maintained so as to: (i) not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted; (ii) not substantially diminish and impair property value within the neighborhood; (iii) be harmonious and appropriate in appearance with the existing or intended character of the immediate vicinity; and (iv) not change the essential character of the area.

¹ Article 10.11 Processes and Permits; Special Exceptions; Review Criteria of the UDO.



Comment: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The property will continue to operate in a commercial manner, and the proposed Special Exception should not have a negative impact on surrounding properties because the Petitioner is planning on making improvements to the Property (see **Exhibit 4**) in order to increase the aesthetics of the Property instead of the existing condition of the site (see **Exhibit 5**).

Criteria #3: The establishment of the Special Exception will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the Zoning District.

Comment: The proposed operation and design of the use should not impact surrounding properties and will not impede the use and development of adjacent properties. The property will continue to maintain its commercial character and the proposed Special Exception would be compatible with adjacent land uses permitted in the GB District.

Criteria #4: Adequate public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools have been or are being provided and the Special Exception will not result in excessive additional requirements at public expense for such public facilities and services.

Comment: The above is true; no additional requirements or infrastructure improvements are necessary.

Criteria #5: Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion and have vehicular approaches are designed as not to create an interference with traffic on surrounding rights-of-way.

Comment: No traffic improvements are proposed for the Special Exception. The proposed use is of an equal intensity to previous auto sales uses on the Property that already use the existing traffic circulation and design.

Criteria #6: The Special Exception will be harmonious with and in accordance with the objectives of the Comprehensive Plan.

Comprehensive Plan: The Westfield-Washington Township Comprehensive Plan identifies this Property within the "Local Commercial" land use classification. As summarized below, the Special Exception is generally consistent with the goals and objectives of the Comprehensive Plan.

Development policies of the Local Commercial land use classification include²: (i) Locate local commercial development only in planned centers and only on streets classified as

² Westfield-Washington Township Comprehensive Plan, pages 47-49.



arterials or on frontage roads as depicted on the Land use Concept Map; (ii) Require commercial uses to be dispersed, but also to be focused on key nodes, avoiding strip patterns, which are inefficient from an access standpoint; (iii) Require all parking areas to have interior landscaping as well as landscaping along the street; (iv) Encourage internal connectivity between adjacent commercial developments; (v) discourages masses of asphalt. Parking areas should be broken up by landscaping or by being located on more than one side of the buildings.

The Comprehensive Plan identifies appropriate land uses in this land use classification to include: (i) Community and local retail; (ii) Office; (iii) Service; (iv) Institutional uses; (v) Attached residential dwellings.

Criteria #7: The Special Exception will be located in a Zoning District where such use is permitted and that all other requirements of the Zoning District and the Unified Development Ordinance, and as may be applicable to such use, will be met.

Comment: The Unified Development Ordinance contemplates the use within the GB District as a Special Exception and the Property has previously been used for auto sales and service. The use and property will otherwise comply with or exceed the applicable standards of the GB District.

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Special Exception. This petition is scheduled to receive its public hearing at the October 9, 2018, 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 in granting a Special Exception, may prescribe conditions and limitations concerning the use, construction, character, location, landscaping, screening, parking and other matters relating to the purposes and objectives of this Ordinance upon the premises benefited by a Special Exception as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property or upon public facilities and services. Any conditions prescribed by the Board shall be recorded in the Office of the Recorder of Hamilton County, Indiana. Violation of any such condition or limitation shall be a violation of this Ordinance and shall constitute grounds for revocation of the Special Exception or related Improvement Location Permit, pursuant to Chapter 11: Enforcement & Penalties.

³ Article 10.11(l) Processes and Permits; Special Exceptions; Conditions of the UDO.



Review Criteria: The Board of Zoning Appeals may approve a Special Exception only upon a determination that the Special Exception at the proposed location meets the following⁴:

1. The establishment, maintenance, or operation of the Special Exception will not be detrimental to or endanger the public health, safety, morals, or general welfare.
2. The Special Exception will be designed, constructed, operated, and maintained so as to: (i) not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted; (ii) not substantially diminish and impair property value within the neighborhood; (iii) be harmonious and appropriate in appearance with the existing or intended character of the immediate vicinity; and (iv) not change the essential character of the area.
3. The establishment of the Special Exception will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the Zoning District.
4. Adequate public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools have been or are being provided and the Special Exception will not result in excessive additional requirements at public expense for such public facilities and services.
5. Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion and have vehicular approaches are designed as not to create an interference with traffic on surrounding rights-of-way.
6. The Special Exception will be harmonious with and in accordance with the objectives of the Comprehensive Plan.
7. The Special Exception will be located in a Zoning District where such use is permitted and that all other requirements of the Zoning District and this Ordinance, and as may be applicable to such use, will be met.

⁴ Article 10.11 Processes and Permits; Special Exceptions; Review Criteria of the UDO.



DEPARTMENT COMMENTS

Approval: If the Board finds that adequate evidence is shown that the Special Exception meets the applicable review criteria, then the Department recommends approving the Special Exception, with the recommended conditions below, and adopting the written review criteria findings as summarized herein.

Recommended Condition:

1. That all vehicles shall only be stored or parked on existing paved areas;
2. That the approval of the Special Exception shall expire on December 31, 2021.
3. The Petitioner shall record an acknowledgement of this approval with the Hamilton County Recorder's Office and return a copy of the recorded instrument to the Economic and Community Development Department.

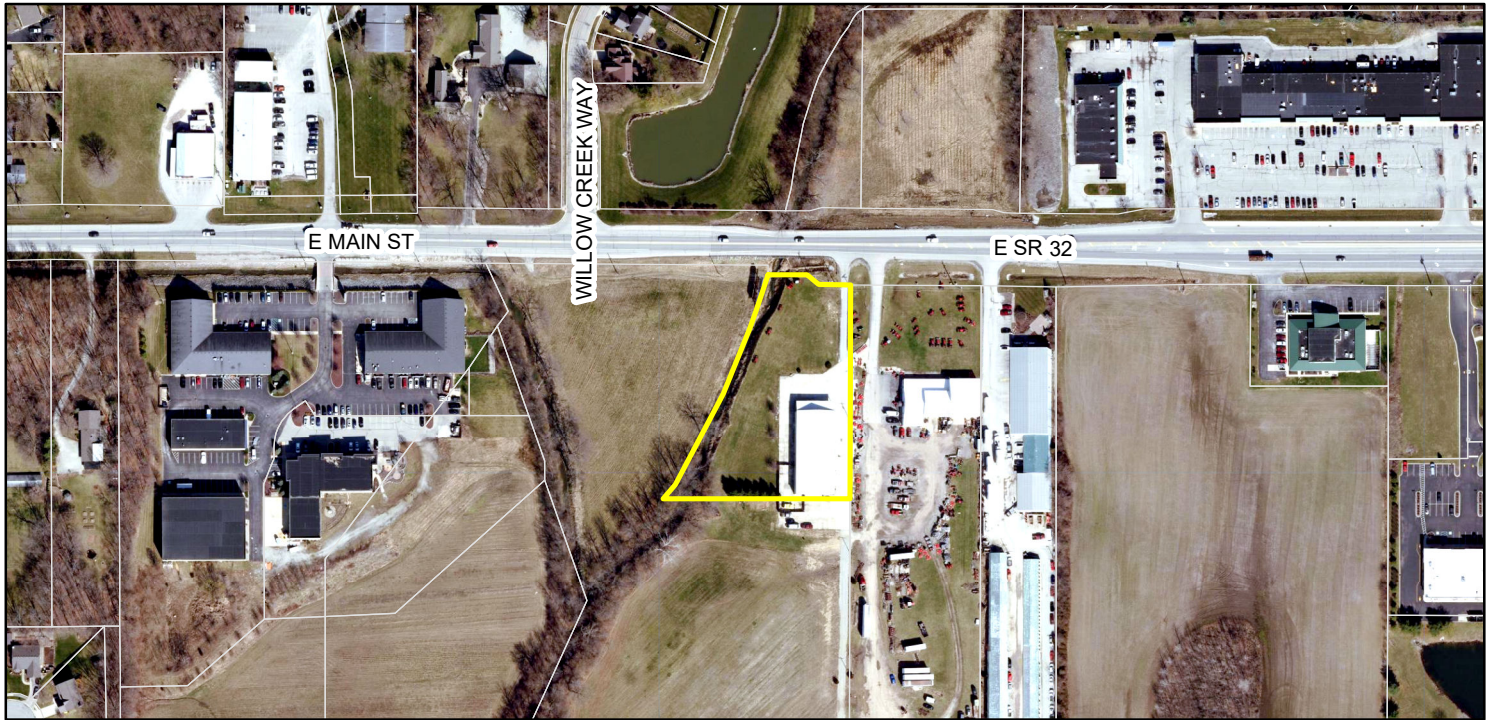
Denial: If the Board is inclined to reject or deny the Special Exception, then the Department recommends denying the Special Exception, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence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



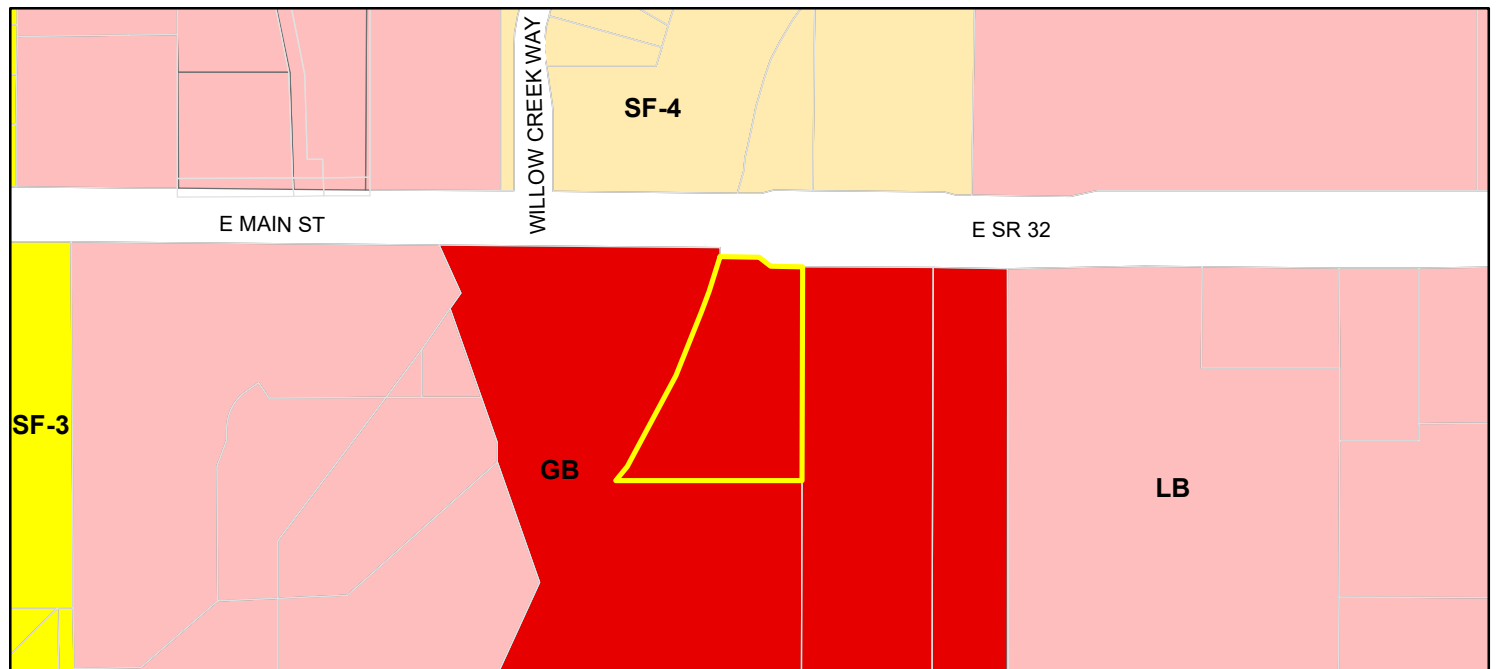
Property Location Map
NextGear Auto Sales
Special Exception
1810-SE-04



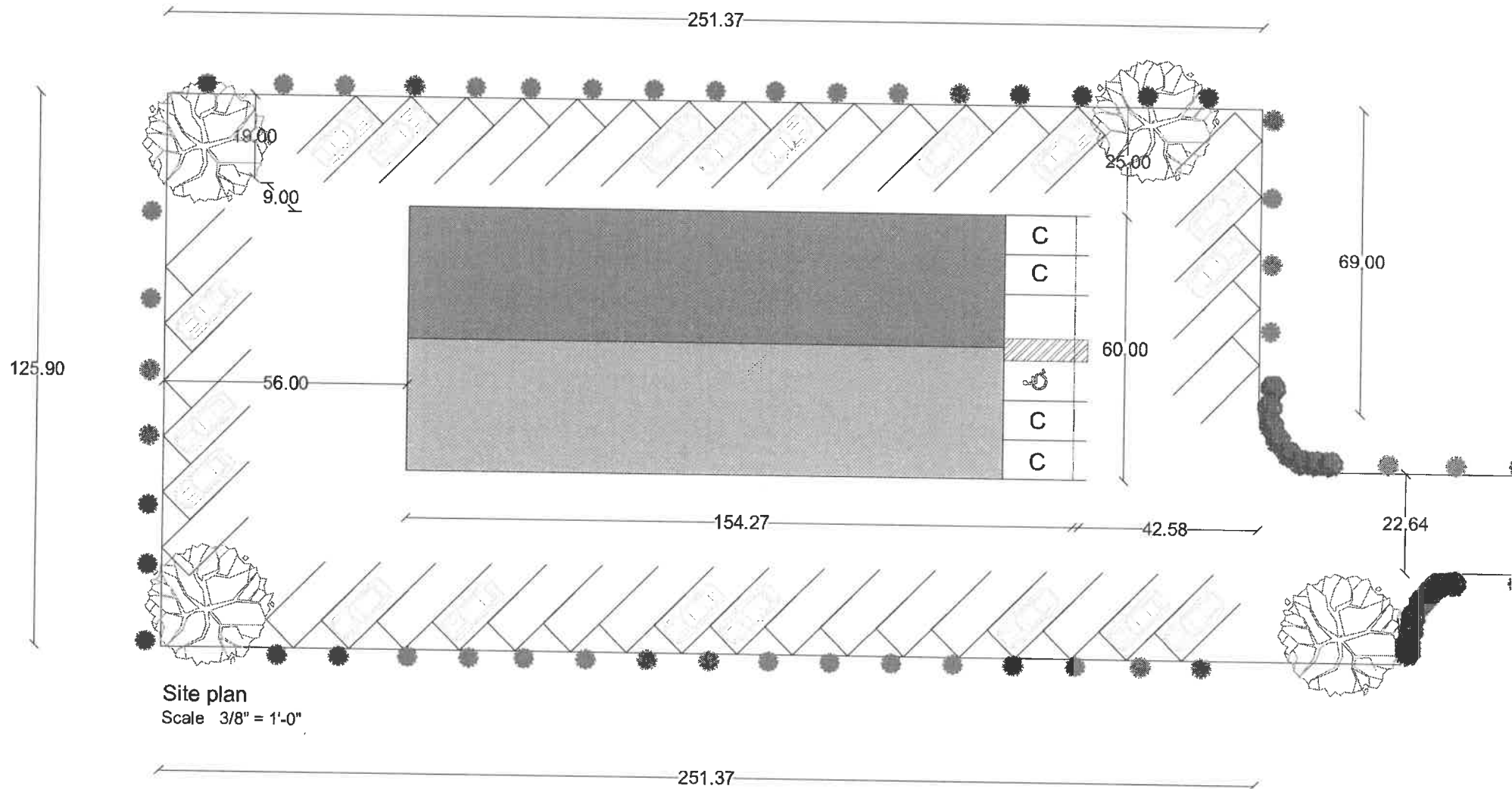
Aerial Location Map



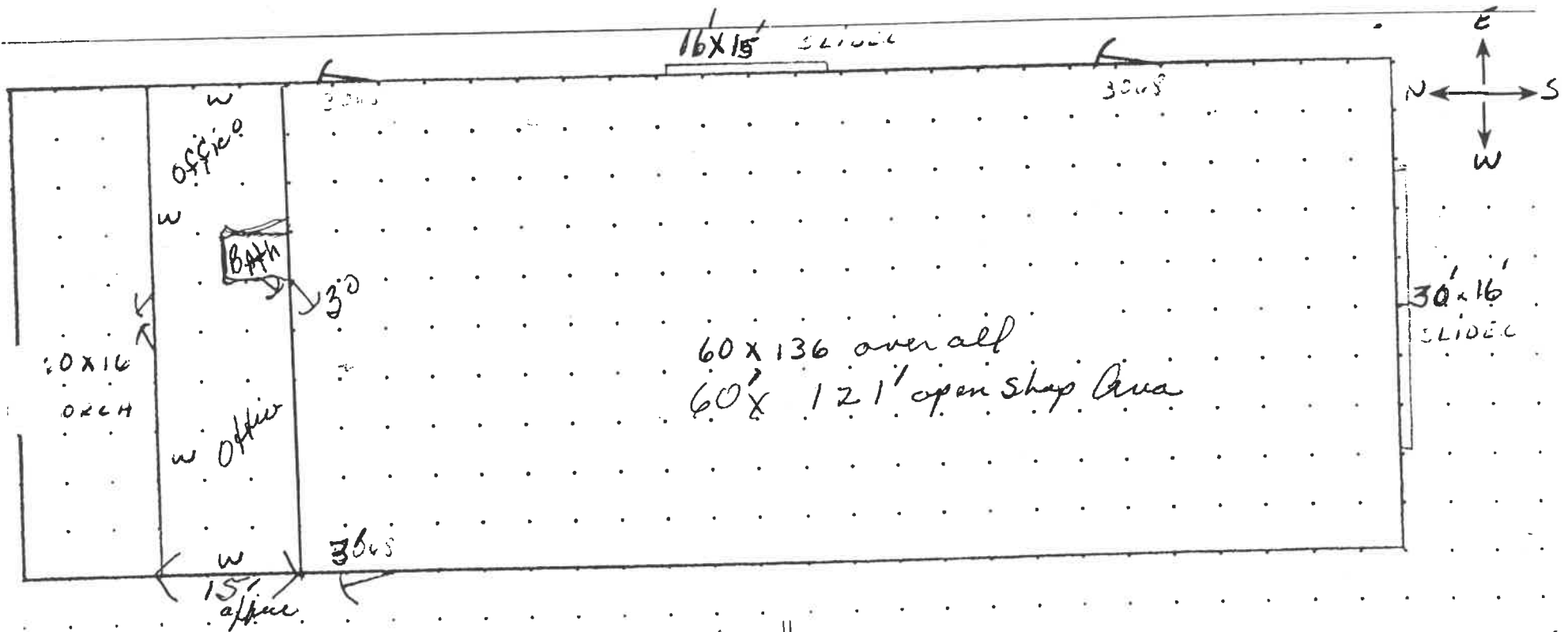
Zoning Map



- Parcel
- Zoning - All**
- Zoning**
- LB (Local Business)
 - SF-3 (Single Family - 3)
 - SF-4 (Single Family - 4)
 - GB (General Business)



OF ROAD



Eave Type 12" BOXED OVERHANG ON SIDES

Obstructions on Site

Yes ☐ No ☒

15' WATER EASEMENT

60.89

100YR.

GRASS

+ 60.80

+ 60.24

+ 61.85

CL
SR 32

FARM EQUIPMENT

136.05
STONE

16'

277'

PROPOSED

BUILDING

FIN. FL. EL. 863.5

"SHOW" SPACE

40' x 60'
PAVED
PARKING

M.H. 62.98

3' 0"

Sewer Stuck up.

27'

891.17'

— SITE PLAN —

SCALE ~ 1" = 30'

EASEMENT









2909











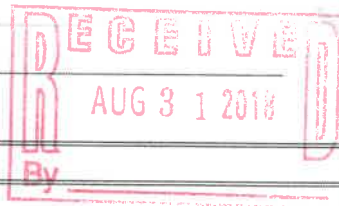






SPECIAL EXCEPTION APPLICATIONOFFICE
USE ONLYDOCKET #: 1810-SE - 03
FILING FEE: \$ _____

FILING DATE: _____

**PRE-FILING CONFERENCE**PRE-FILING CONFERENCE WITH: KEVIN TODD

(STAFF NAME)

DATE: 08/28/2018**PRIOR OR RELATED DOCKET NUMBERS**

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

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

APPLICANT INFORMATIONAPPLICANT'S NAME: NEXTGEAR AUTO SALESTELEPHONE: 317-997-7917ADDRESS: 870 WESTRIDGE NORTH DR NOBLESVILLE IN 46062EMAIL: F.ALSABIA@HOTMAIL.COMPROPERTY OWNER'S NAME: MR ROUDEBUSHTELEPHONE: 317-896-2543ADDRESS: 2911 E ST RT 32 WESTFIELD IN 46074

EMAIL: _____

REPRESENTATIVE'S NAME: _____ TELEPHONE: _____

COMPANY: _____ EMAIL: _____

ADDRESS: _____

PROPERTY AND PROJECT INFORMATIONADDRESS OR PROPERTY LOCATION: 2909 E ^{SR} ST RT 32 WESTFIELD IN 46074COUNTY PARCEL ID #(S): 08-10-06-00-00-005.101EXISTING ZONING DISTRICT(S): CITY OF WESTFIELDEXISTING LAND USE(S): COMMERICAL**SPECIAL EXCEPTION REQUEST**

CODE CITATION: _____

FINDINGS OF FACT: (PLEASE SEE ATTACHED)STATEMENT OF INTENT (EXPLANATION OF REQUEST - ATTACH SEPARATE SHEET IF NECESSARY): WE INTEND TO USE THE PROPERTY FOR AUTO SALES AND AUTO SERVICES AND TO MAKE THE PROPERTY VERY APPEALING TO THE EYE SINCE IT IS ON ONE OF THE MAIN TRAVELED STREETS IN WESTFIELD

FINDINGS OF FACT (SPECIAL EXCEPTION)APPLICANT: NEXTGEAR AUTO SALESDOCKET #: 08-10-06-00-00-005.101

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

- A. The establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health safety morals or general welfare because: NO HAZARDOUS MATERIALS WILL BE USED ON SITE
- B. The special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property value within the neighborhood because: WE WILL BE MAKING IMPROVEMENTS TO THE APPEARANCE OF THE OUTSIDE AND INSIDE OF THE BUILDING AND ADDING LANDSCAPING
THIS WILL HELP THE MAIN STREET OF OUR CITY BE MORE PLEASANT LOOKING VERSUS LOOKING LIKE A JUNK YARD WITH LAWNMOWERS AND JUNK IN THE FRONT WHERE IS CLEARLY VISIBLE TO ANYONE WHO PASSES BY
- C. The establishment of the special exception will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district because: IT WILL BE A RETAIL LOCATION IN WHICH CONSUMERS FROM ALL OVER WILL BE COMING FROM IN WHICH WILL MAKE OTHER BUSINESSES BENEFIT
- D. Adequate utilities, streets drainage and other necessary facilities have been or are being improved: HAVE ALREADY BEEN
- E. Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion: THE PROPERTY HAS A LONG DRIVEWAY IN WHICH CONSUMERS WILL PULL INTO TO DRIVE UP TO THE BUILDING THIS LOCATION HAS PREVIOUSLY BEEN USED FOR AUTO SALES IN THE PAST
- F. The special exception will be located in a district where such use is permitted and that all other requirements set forth, applicable to such special exception, will be met: IT IS ALREADY IN A DISTRICT THAT THE USE IS PERMITTED FOR AND HAS PREVIOUSLY BEEN AUTO SALES AND SERVICE

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)

FADI ALSABIA
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 26 day of Aug, 2018.

State of IN, County of Hamilton



[Signature]
Notary Public (signature)

Angela Elhaj
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)*

C Stephen Roudelush
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 26 day of Aug, 2018.

State of IN, County of Hamilton



[Signature]
Notary Public (signature)

Angela Elhaj
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

Board of Zoning Appeals

The Board of Zoning Appeals will meet on the 9th day of October 2018, at 7:00 pm at Westfield town hall, 130 Penn Street, Westfield, Indiana 46074 for the purpose of holding public hearing and acting on the following case:

Special Exception of use is requested for the property commonly known as:

2909 E state road 32, Westfield IN 46074

The appellant is requesting a special exception to legally establish an Auto Sales and Services facility at the mentioned location.

Case files are available for public review in the Community Development Department, Westfield Town Hall. Interested persons desiring to present comment either in writing or verbally will be given the opportunity to be heard at the above mentioned time and place.

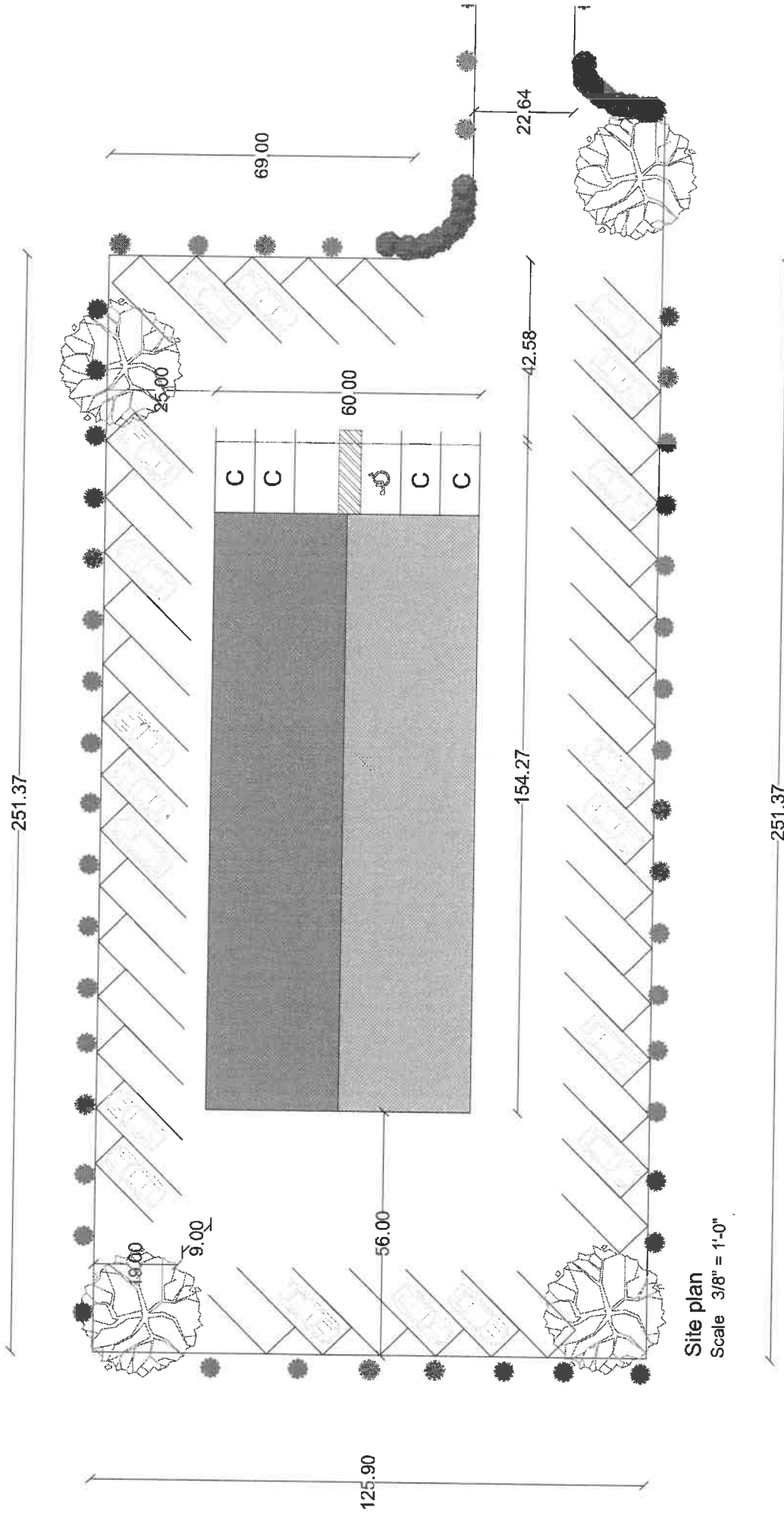
Westfield – Washington Township Board of Zoning Appeal

By: NextGear Auto Sales

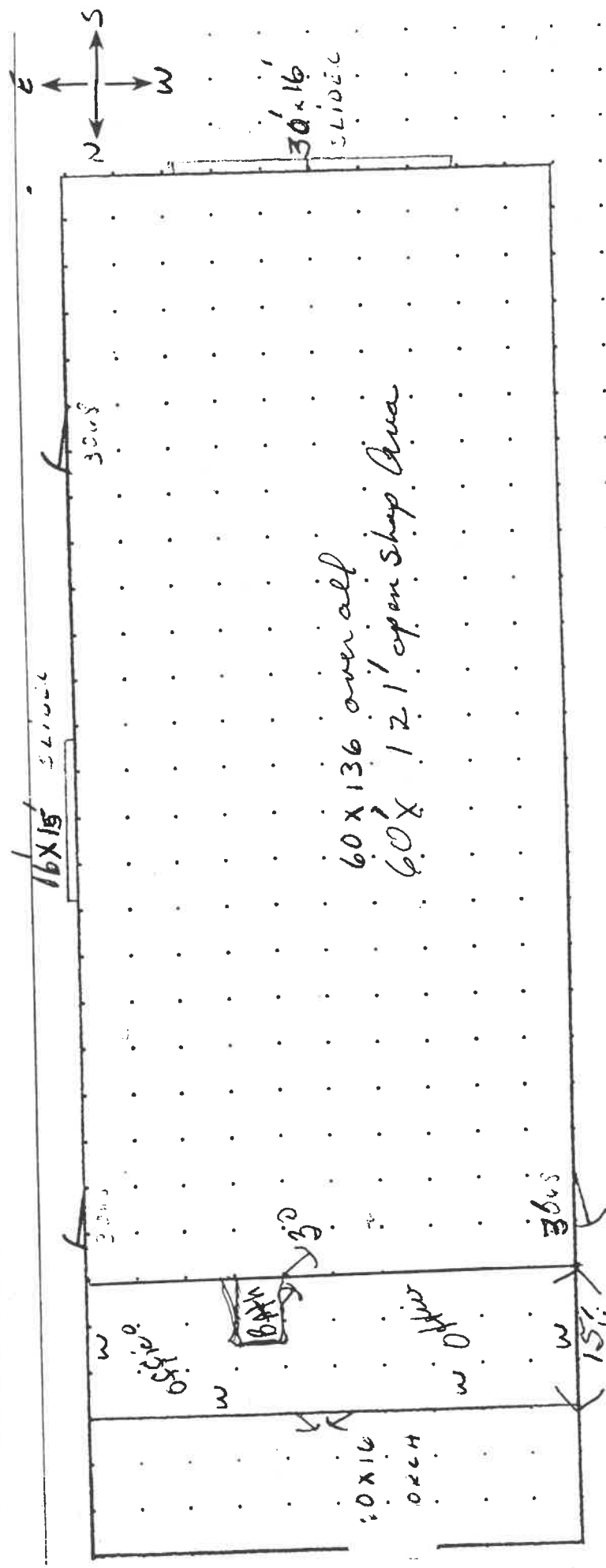
870 WestRidge North Dr

Noblesville, IN 46062

317-997-7917



OF ROAD



Yes ☐ No ☒

Obstructions on Site

Eave Type 12" BOXED OVERHANG ON SIDES

11'2"

60.89

100YR.

GRASS

15' WATER EASEM

FARM EQUIPMENT

+ 61.85

+ 60.80

+ 60.24

CL
5232

277'

136.0

STONE

16'

PROPOSED
BUILDING

FIN. FL. EL. 863.5

"SHOW" SPACE

40' x 60'
PAVED
PARKING

M.H. 62.98

EASEMENT

891.17'

SITE PLAN

SCALE 1" = 30'

Sewer Stub up

27'

6:

STATEMENT OF INTENT

WE NEXTGEAR AUTO SALES INTEND TO USE THE PROPERTY 2909 E ST RD 32 WESTFIELD IN 46074 FOR AUTO SALES AND SERVICE.

WE INTEND TO MAKE THE FACILITY A RETAIL FACILITY WITH PROPER LANDSCAPING AND A VERY NICE CURB APPEAL.

WE WILL BE CLEANING AND PAINTING THE FACILITY AND HAULING AWAY ALL OF THE CURRENT JUNK AND DEBRIS.

OUR MAIN GOAL IS TO HAVE A VERY NICE LOOKING FACILITY IN WHICH CONSUMERS WILL BE COMING TO AND A FACILITY THAT WE CAN BE PROUD OF AND THE CITY OF WESTFIELD CAN BE PROUD WE ARE LOCATED THERE

SINCERLY

A handwritten signature in black ink, appearing to read 'Fadi Alsabia', with a stylized, flowing script.

FADI ALSABIA

NEXTGEAR AUTO SALES

FILED ENTERED FOR TAXATION 8T

Subject to final acceptance for transfer

20 day of January, 2015

Dawn Coverdale Auditor of Hamilton County

NC Parcel #08-10-06-00-00-005-101

2015002403 QUIT CLAIM \$20.00

01/20/2015 01:10:58P 3 PGS

Jennifer Hayden

HAMILTON County Recorder IN

Recorded as Presented



QUITCLAIM DEED

THIS INDENTURE WITNESSETH, that Charles S. Roudebush ("Grantor") of Hamilton County, in the State of Indiana, CONVEYS, TRANSFERS, ASSIGNS, AND QUITCLAIMS an undivided $\frac{1}{3}$ interest to C. Stephen Roudebush LLC, an Indiana limited liability company for the sum of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, all right, title and interest in and to the following described real estate located at 2909 East State Road 32, Westfield, Hamilton County, Indiana 46074, which is owned or held by the Grantor at the time of execution of this Quitclaim Deed and described as follows, to-wit:

A tract of land located in the Northeast Quarter of Section 6, Township 18 North, Range 4 East of the Second Principal Meridian, Hamilton County, Indiana. Said tract being more particularly bound and described as follows, to-wit:

Assuming the North line of the Northeast Quarter of Section as being North 90 degrees 00 minutes 00 seconds East and all other bearings being relative thereto:

Commencing at the Northwest Corner of the Northeast Quarter of Section 6; thence running along the North line of said Quarter Section bearing North 90 degrees 00 minutes 00 seconds East 1090.09 feet, said point being 1568.00 feet North 90 degrees 00 minutes 00 seconds West of the Northeast Corner of said Quarter Section, to the POINT OF BEGINNING FOR THIS LEGAL DESCRIPTION; thence continuing to run along the North line of the Northeast Quarter bearing North 90 degrees 00 minutes 00 seconds East (center line of State Road #32) 116.00 feet to a point; thence running parallel with the East line of the Northeast Quarter bearing South 00 degrees 09 minutes 51 seconds West 430.00 feet to a point; thence running parallel with the North line of a 15 foot wide water line easement bearing North 90 degrees 00 minutes 00 seconds West 307.00 feet to the center line of an open legal drain known as Cool Creek or Wheeler-Bean Drain and running along the drain center line for the next Five (5) courses:

- 1) thence North 40 degrees 00 minutes 00 seconds East 30.00 feet to a point;
- 2) thence North 28 degrees 00 minutes 00 seconds East 168.00 feet to a point;
- 3) thence North 22 degrees 00 minutes 00 seconds East 114.00 feet to a point;
- 4) thence North 20 degrees 00 minutes 00 seconds East 35.00 feet to a point;
- 5) thence North 18 degrees 08 minutes 51 seconds East 126.39 feet to the POINT OF BEGINNING. (Containing 1.95 acres, more or less)

EXCEPT:

A part of the Northeast Quarter of Section 6, Township 18 North, Range 4 East, Hamilton County, Indiana, being all that part of the grantors' land identified as Parcel No.1 that lies within the right of way lines depicted upon the Right of Way Parcel Plat for Parcel 1 of INDOT Project STP-088-6(005) and attached as Exhibit "B", described as follows:

FILED FROM
HAMILTON COUNTY

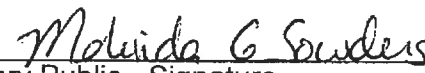
Commencing at the northwest Corner of said quarter section, designated as point "21" on said Exhibit "B"; thence North 89 degrees 43 minutes 48 seconds East 1,205.78 feet (1,206.09 feet deduced from Instrument #200100019139) along the north line of said section to the northeast Corner of the grantors' land; thence South 0 degrees 05 minutes 56 seconds East 43.29 feet along the east line of the grantors' land to the south boundary of S.R. 32 and the point of beginning of this description: thence South 0 degrees 05 minutes 56 seconds East 15.00 feet along said east line; thence North 89 degrees 21 minutes 37 seconds West 51.84 feet to point "507" as shown on said Exhibit "B"; thence North 52 degrees 29 minutes 25 seconds West 25.00 feet to the south boundary of said S.R. 32 and point "205" as shown on said Exhibit "B"; thence South 89 degrees 21 minutes 37 seconds East 71.64 feet along the boundary of said S.R. 32 to the point of beginning and containing 0.021 acres, more or less.

IN WITNESS WHEREOF, Charles S. Roudebush has executed this Quitclaim Deed this 26th day of November, 2014.


Charles S. Roudebush

STATE OF INDIANA)
) SS:
COUNTY OF HAMILTON)

Before me, a Notary Public in and for said County and State, personally appeared Charles S. Roudebush, who acknowledged the execution of the foregoing Quitclaim Deed, and who, having been duly sworn, stated that any representations therein contained are true this 26th day of November, 2014.


Notary Public - Signature

Melinda G. Sowders
Notary Public - Printed

My Commission Expires:

November 5, 2016

County of Residence:

Tipton



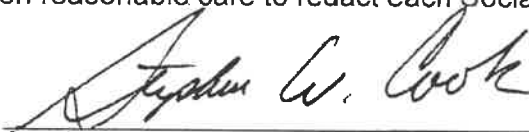
This instrument was prepared by:

Stephen W. Cook
COOK & COOK
Attorneys At Law
955 Logan Street
Noblesville, IN 46060

Return to: Stephen W. Cook
COOK & COOK
Attorneys at Law
955 Logan Street
Noblesville, IN 46060

Send tax statements to: 2911 East State Road 32
Westfield, IN 46074

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in the document, unless required by law.



Stephen W. Cook

HAMILTON COUNTY
REAL PROPERTY DEPARTMENT

FILED

AUG 30 2018

ADJOINER

• notification list •

Robin M. Miles
AUDITOR HAMILTON COUNTY

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

DATE TAKEN: 8.30.18 TIME TAKEN: 10:52 am

NAME OF PROPERTY OWNER: Stephen Roudsbush

NAME OF PETITIONER: FADI ALSABIA (Next Gear Auto sales)

LEGAL DESCRIPTION or PARCEL NUMBER OF PROPERTY:

08-10-06-00-005.101

— ZONING AUTHORITY APPLYING TO —

- | | |
|---|--|
| ☐ ARCADIA | ☐ FISHERS PLAN COMMISSION |
| ☐ ATLANTA | ☐ HAMILTON COUNTY PLANNING |
| ☐ CARMEL BZA | ☐ NOBLESVILLE HOME OCCUPATION |
| ☐ CARMEL PLANNING | ☐ NOBLESVILLE PUBLIC HEARING |
| ☐ CICERO | ☐ SHERIDAN |
| ☐ FISHERS & FALL BZA | ☒ WESTFIELD |

PERSON TO CONTACT: FADI ALSABIA

PHONE: 317-997-7917 EMAIL: f.alsabia@hotmail.com

— FOR STAFF USE ONLY —

EMPLOYEE INITIALS: CRH PAYMENT RECEIVED: NC RECEIPT NUMBER: _____

33 N. NINTH ST.
NOBLESVILLE, IN 46060

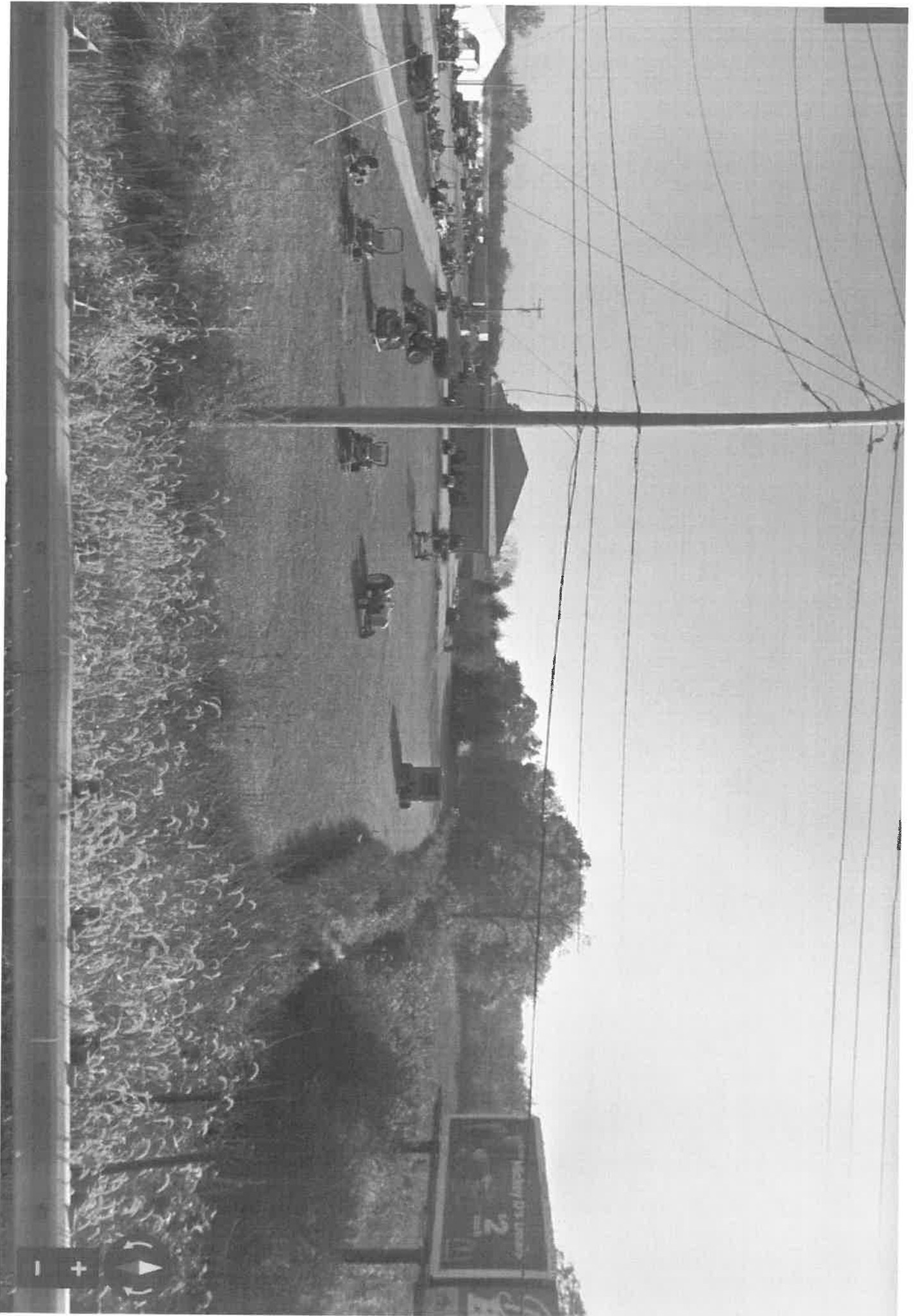


VOICE: 317-770-4412

PLATS@HAMILTONCOUNTY.IN.GOV

Willow Creek Way







[See photos](#)



[See outside](#)

Permanently closed

Verity Auto

(Previously)

[Directions](#)

[Save](#)

4.3 ★★★★★ 17 Google reviews

Used car dealer in Hamilton County, Indiana

Address: 2909 IN-32, Westfield, IN 46074

Phone: (317) 867-0461

Reviews

[Add a photo](#)



"Awesome service and willing to work out a deal."



"The staff are great people and put my driving needs first."



"Very happy with the purchase of my new car and customer service was top notch."

[View all Google reviews](#)

HAMILTON COUNTY
REAL PROPERTY DEPARTMENT

FILED

AUG 30 2018

ADJOINER

• notification list •

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PHONE: 317-997-7917 EMAIL: f.alsabia@hotmail.com

• FOR STAFF USE ONLY •

EMPLOYEE INITIALS: CRH PAYMENT RECEIVED: NC RECEIPT NUMBER: _____

33 N. NINTH ST.
NOBLESVILLE, IN 46060



VOICE: 317-770-4412
PLATS@HAMILTONCOUNTY.IN.GOV

HAMILTON COUNTY AUDITOR

I, ROBIN M. MILLS, 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.

ROBIN M. MILLS, HAMILTON COUNTY AUDITOR

DATED:

Robin Mills 09/05/2018

SUBJECT PROPERTY:

08-10-06-00-00-005.001	Subject
Roudebush, C Stephen LLC & Jeffory L jtrs	
2911 E State Road 32	
Westfield	IN 46074
08-10-06-00-00-005.101	Subject
C Stephen Roudebush LLC 1/3 int , Jeffory L Roudebush 1/3 int & Martin C Roudebush 1/3int to	
2911 E State Road 32	
Westfield	IN 46074
08-10-06-00-00-006.000	Subject
C Stephen Roudebush LLC	
2911 E State Road 32	
Westfield	IN 46074
08-10-06-00-00-056.001	Subject
Roudebush, C Stephen LLC & Jeffory L jtrs	
2911 E State Road 32	
Westfield	IN 46074

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

08-10-06-00-00-005.000		Neighbor
Newby, Richard E & Edna D		
2510 171st St E		
Westfield	IN	46074
08-10-06-00-00-005.002		Neighbor
WestCreek Partners LLC		
34 W RAMPART ST		
Shelbyville	IN	46176
08-10-06-00-00-005.102		Neighbor
Newby, Richard E & Edna D		
2510 171st St E		
Westfield	IN	46074
08-10-06-00-00-005.202		Neighbor
Vision Investment & Trading LLC		
777 E MAIN ST		
Westfield	IN	46074
08-10-06-00-00-005.212		Neighbor
Vision Investment & Trading LLC		
777 E MAIN ST		
Westfield	IN	46074
08-10-06-00-00-005.222		Neighbor
WestCreek Partners LLC		
34 W RAMPART ST		
Shelbyville	IN	46176
08-10-06-00-00-005.302		Neighbor
WestCreek Partners LLC		
34 W RAMPART ST		
Shelbyville	IN	46176
08-10-06-00-00-006.001		Neighbor
BDL Properties LLC		

PO Box 2132		
Noblesville	IN	46061
08-10-06-00-00-007.000		Neighbor
BDL Properties LLC		
PO Box 2132		
Noblesville	IN	46061
08-10-06-00-00-008.000		Neighbor
Clark, Eleanor		
1186 Evans Ave		
Noblesville	IN	46060
08-10-06-00-00-017.000		Neighbor
Town Of Westfield		
130 Penn St		
Westfield	IN	46074
08-10-06-00-00-018.000		Neighbor
Newby, Richard E & Edna D		
2510 171st St E		
Westfield	IN	46074
08-10-06-00-00-052.000		Neighbor
Westfield Enterprises LLC		
P O Box 374		
Carmel	IN	46082
08-10-06-00-00-055.000		Neighbor
City of Westfield		
17535 DARTOWN RD		
Westfield	IN	46074
08-10-06-00-00-056.000		Neighbor
City of Westfield		
17535 DARTOWN RD		
Westfield	IN	46074
09-06-31-00-00-014.000		Neighbor
Hamilton County Drainage Board		
1 Hamilton County Sq Ste 188		

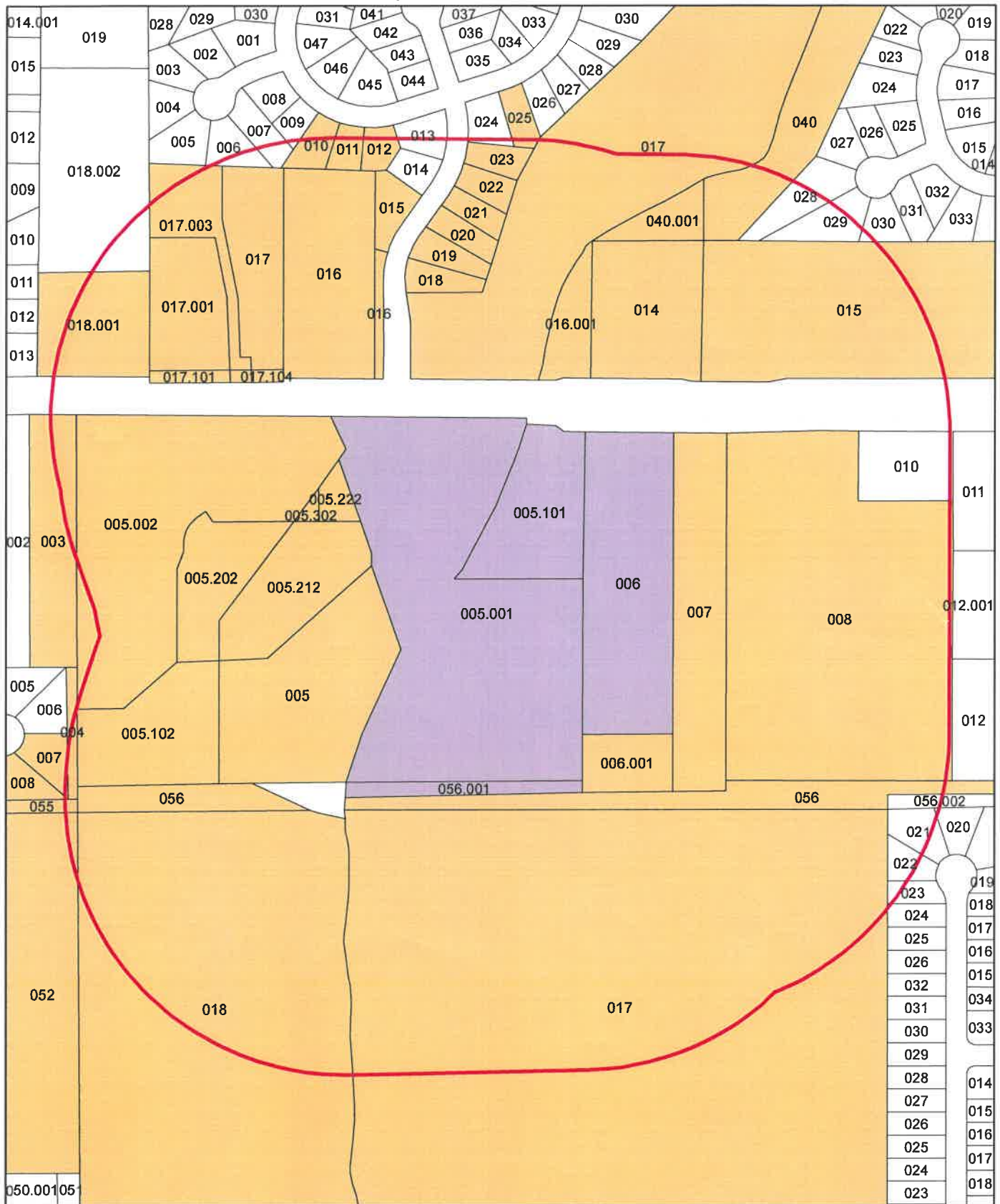
Noblesville	IN	46060
09-06-31-00-00-015.000		Neighbor
Westfield Crossing Company		
11308 Lakeshore Dr E		
Carmel	IN	46033
09-06-31-00-00-016.000		Neighbor
Big Hoffas Smokehouse Barbeque LLC		
3227 E 136th St		
Carmel	IN	46033
09-06-31-00-00-016.001		Neighbor
Hamilton County Drainage Board		
1 Hamilton County Sq Ste 188		
Noblesville	IN	46060
09-06-31-00-00-017.000		Neighbor
Louderback, Karen & Joseph Shaulis h&w 51% & Lana Louderback Fritts 49% tc		
840 E Main St		
Westfield	IN	46074
09-06-31-00-00-017.001		Neighbor
Crim, Roger D & Diane L		
19428 Prairie Baptist Rd		
Noblesville	IN	46060
09-06-31-00-00-017.003		Neighbor
Xander Built of Indiana Inc		
4823 Essex Ct		
Carmel	IN	46033
09-06-31-00-00-017.004		Neighbor
Xander Built of Indiana Inc		
4823 Essex Ct		
Carmel	IN	46033
09-06-31-00-00-017.101		Neighbor
Crim, Roger D & Diane L		
19428 Prairie Baptist Rd		

Noblesville	IN	46060
09-06-31-00-00-017.104		Neighbor
Louderback, Karen & Joseph Shaulis h&w 51% & Lana Louderback Fritts 49% tc		
840 E Main St		
Westfield	IN	46074
09-06-31-00-00-018.001		Neighbor
MPT Real Estate LLC		
6330 Creekview Ln		
Fishers	IN	46038
09-06-31-00-01-010.000		Neighbor
Umbach, Rian & Chasity h&w		
17729 White Willow Dr		
Westfield	IN	46074
09-06-31-00-01-011.000		Neighbor
Adams, Randall R		
17721 WHITE WILLOW DR		
Westfield	IN	46074
09-06-31-00-01-012.000		Neighbor
Pickel, Deborah S		
111 Dupont Ct		
Westfield	IN	46074
09-06-31-00-01-015.000		Neighbor
Coy, Joseph Palmer & Carolyn Anne h&w		
17640 Willow Creek Way		
Westfield	IN	46074
09-06-31-00-01-016.000		Neighbor
Willow Creek Of Westfield Homeowners Assn Inc		
P O Box 546		
Westfield	IN	46074
09-06-31-00-01-017.000		Neighbor
Willow Creek Of Westfield Homeowners Assn Inc		
P O Box 546		
Westfield	IN	46074

09-06-31-00-01-018.000		Neighbor
Pilarski, Jessica P & Christopher J Russo h&w		
17635 Willow Creek Way		
Westfield	IN	46074
09-06-31-00-01-019.000		Neighbor
Alcorn, Zane & Allison		
17641 WILLOW CREEK WAY		
Westfield	IN	46074
09-06-31-00-01-020.000		Neighbor
Rudd, Cathy A		
17645 WILLOW CREEK WAY		
Westfield	IN	46074
09-06-31-00-01-021.000		Neighbor
Musser, Charlie & Gail L Kroh & Kristin Musser jtrs		
17651 Willow Creek Way		
Westfield	IN	46074
09-06-31-00-01-022.000		Neighbor
Chase, Douglas K		
17659 WILLOW CREEK WAY		
Westfield	IN	46074
09-06-31-00-01-023.000		Neighbor
Cook, Lee A & Carla S		
17665 WILLOW CREEK WAY		
Westfield	IN	46074
09-06-31-00-01-025.000		Neighbor
Lorenzen, Audrey & Mike		
17709 CEDARBROOK DR		
Westfield	IN	46074
09-06-31-00-04-040.000		Neighbor
Willow Creek Of Westfield Homeowners Assn Inc		
PO BOX 546		
Westfield	IN	46074

09-06-31-00-04-040.001		Neighbor
Hamilton County Board of Commissioners		
33 N 9TH ST STE L-21		
Noblesville	IN	46060
09-10-06-00-00-003.000		Neighbor
Trentman, Thomas J & Alice E		
P O Box 574		
Westfield	IN	46074
09-10-06-00-00-004.000		Neighbor
Newby, Richard E & Edna D		
2510 E 171ST ST		
Westfield	IN	46074
09-10-06-01-10-007.000		Neighbor
Kuenne, Neal J		
557 Amberleaf Trl E		
Westfield	IN	46074
09-10-06-01-10-008.000		Neighbor
Copeland, Richard D & Holly		
549 AMBERLEAF TRL E		
Westfield	IN	46074

Adjoiner Notification Map



Legend

-  Buffer
-  Notify
-  Subject



HAMILTON COUNTY
REAL PROPERTY DEPARTMENT

\$25

FILED

AUG 30 2018

ADJOINER

• notification list •

Robin M. Miles
AUDITOR HAMILTON COUNTY

NOTE: DUE TO THE VOLUME AND TURNAROUND, **ORDERS TAKE 3-5 BUSINESS DAYS** FOR PROCESSING. THE GIS TEAM WILL APPROPRIATELY NOTIFY THE CONTACT WHEN THEIR ORDER IS READY TO BE RETRIEVED.

DATE TAKEN: 8.30.18 TIME TAKEN: 10:52 am

NAME OF PROPERTY OWNER: Stephen Roudsbush

NAME OF PETITIONER: FADI Alsabia (Next Gear Auto sales)

LEGAL DESCRIPTION or PARCEL NUMBER OF PROPERTY:

08-10-06-00-005.101

— ZONING AUTHORITY APPLYING TO —

- | | |
|---|--|
| ☐ ARCADIA | ☐ FISHERS PLAN COMMISSION |
| ☐ ATLANTA | ☐ HAMILTON COUNTY PLANNING |
| ☐ CARMEL BZA | ☐ NOBLESVILLE HOME OCCUPATION |
| ☐ CARMEL PLANNING | ☐ NOBLESVILLE PUBLIC HEARING |
| ☐ CICERO | ☐ SHERIDAN |
| ☐ FISHERS & FALL BZA | ☒ WESTFIELD |

PERSON TO CONTACT: FADI ALSABIA

PHONE: 317-997-7917 EMAIL: f.alsabia@hotmail.com

— FOR STAFF USE ONLY —

EMPLOYEE INITIALS: CRH PAYMENT RECEIVED: NO RECEIPT NUMBER: _____

33 N. NINTH ST.
NOBLESVILLE, IN 46060



VOICE: 317-770-4412

PLATS@HAMILTONCOUNTY.IN.GOV

HAMILTON COUNTY AUDITOR

I, ROBIN M. MILLS, 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.

ROBIN M. MILLS, HAMILTON COUNTY AUDITOR

DATED:

Robin Mills 09/05/2018

SUBJECT PROPERTY:

08-10-06-00-00-005.001	Subject
Roudebush, C Stephen LLC & Jeffory L jtrs	
2911 E State Road 32	
Westfield	IN 46074
08-10-06-00-00-005.101	Subject
C Stephen Roudebush LLC 1/3 int , Jeffory L Roudebush 1/3 int & Martin C Roudebush 1/3int to	
2911 E State Road 32	
Westfield	IN 46074
08-10-06-00-00-006.000	Subject
C Stephen Roudebush LLC	
2911 E State Road 32	
Westfield	IN 46074
08-10-06-00-00-056.001	Subject
Roudebush, C Stephen LLC & Jeffory L jtrs	
2911 E State Road 32	
Westfield	IN 46074

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

08-10-06-00-00-005.000	Neighbor
Newby, Richard E & Edna D	
2510 171st St E	
Westfield	IN 46074
08-10-06-00-00-005.002	Neighbor
WestCreek Partners LLC	
34 W RAMPART ST	
Shelbyville	IN 46176
08-10-06-00-00-005.102	Neighbor
Newby, Richard E & Edna D	
2510 171st St E	
Westfield	IN 46074
08-10-06-00-00-005.202	Neighbor
Vision Investment & Trading LLC	
777 E MAIN ST	
Westfield	IN 46074
08-10-06-00-00-005.212	Neighbor
Vision Investment & Trading LLC	
777 E MAIN ST	
Westfield	IN 46074
08-10-06-00-00-005.222	Neighbor
WestCreek Partners LLC	
34 W RAMPART ST	
Shelbyville	IN 46176
08-10-06-00-00-005.302	Neighbor
WestCreek Partners LLC	
34 W RAMPART ST	
Shelbyville	IN 46176
08-10-06-00-00-006.001	Neighbor
BDL Properties LLC	

PO Box 2132		
Noblesville	IN	46061
08-10-06-00-00-007.000		Neighbor
BDL Properties LLC		
PO Box 2132		
Noblesville	IN	46061
08-10-06-00-00-008.000		Neighbor
Clark, Eleanor		
1186 Evans Ave		
Noblesville	IN	46060
08-10-06-00-00-017.000		Neighbor
Town Of Westfield		
130 Penn St		
Westfield	IN	46074
08-10-06-00-00-018.000		Neighbor
Newby, Richard E & Edna D		
2510 171st St E		
Westfield	IN	46074
08-10-06-00-00-052.000		Neighbor
Westfield Enterprises LLC		
P O Box 374		
Carmel	IN	46082
08-10-06-00-00-055.000		Neighbor
City of Westfield		
17535 DARTOWN RD		
Westfield	IN	46074
08-10-06-00-00-056.000		Neighbor
City of Westfield		
17535 DARTOWN RD		
Westfield	IN	46074
09-06-31-00-00-014.000		Neighbor
Hamilton County Drainage Board		
1 Hamilton County Sq Ste 188		

Noblesville	IN	46060
09-06-31-00-00-015.000		Neighbor
Westfield Crossing Company		
11308 Lakeshore Dr E		
Carmel	IN	46033
09-06-31-00-00-016.000		Neighbor
Big Hoffas Smokehouse Barbeque LLC		
3227 E 136th St		
Carmel	IN	46033
09-06-31-00-00-016.001		Neighbor
Hamilton County Drainage Board		
1 Hamilton County Sq Ste 188		
Noblesville	IN	46060
09-06-31-00-00-017.000		Neighbor
Louderback, Karen & Joseph Shaulis h&w 51% & Lana Louderback Fritts 49% tc		
840 E Main St		
Westfield	IN	46074
09-06-31-00-00-017.001		Neighbor
Crim, Roger D & Diane L		
19428 Prairie Baptist Rd		
Noblesville	IN	46060
09-06-31-00-00-017.003		Neighbor
Xander Built of Indiana Inc		
4823 Essex Ct		
Carmel	IN	46033
09-06-31-00-00-017.004		Neighbor
Xander Built of Indiana Inc		
4823 Essex Ct		
Carmel	IN	46033
09-06-31-00-00-017.101		Neighbor
Crim, Roger D & Diane L		
19428 Prairie Baptist Rd		

Noblesville	IN	46060
09-06-31-00-00-017.104		Neighbor
Louderback, Karen & Joseph Shaulis h&w 51% & Lana Louderback Fritts 49% tc		
840 E Main St		
Westfield	IN	46074
09-06-31-00-00-018.001		Neighbor
MPT Real Estate LLC		
6330 Creekview Ln		
Fishers	IN	46038
09-06-31-00-01-010.000		Neighbor
Umbach, Rian & Chasity h&w		
17729 White Willow Dr		
Westfield	IN	46074
09-06-31-00-01-011.000		Neighbor
Adams, Randall R		
17721 WHITE WILLOW DR		
Westfield	IN	46074
09-06-31-00-01-012.000		Neighbor
Pickel, Deborah S		
111 Dupont Ct		
Westfield	IN	46074
09-06-31-00-01-015.000		Neighbor
Coy, Joseph Palmer & Carolyn Anne h&w		
17640 Willow Creek Way		
Westfield	IN	46074
09-06-31-00-01-016.000		Neighbor
Willow Creek Of Westfield Homeowners Assn Inc		
P O Box 546		
Westfield	IN	46074
09-06-31-00-01-017.000		Neighbor
Willow Creek Of Westfield Homeowners Assn Inc		
P O Box 546		
Westfield	IN	46074

09-06-31-00-01-018.000		Neighbor
Pilarski, Jessica P & Christopher J Russo h&w		
17635 Willow Creek Way		
Westfield	IN	46074
09-06-31-00-01-019.000		Neighbor
Alcorn, Zane & Allison		
17641 WILLOW CREEK WAY		
Westfield	IN	46074
09-06-31-00-01-020.000		Neighbor
Rudd, Cathy A		
17645 WILLOW CREEK WAY		
Westfield	IN	46074
09-06-31-00-01-021.000		Neighbor
Musser, Charlie & Gail L Kroh & Kristin Musser jtrs		
17651 Willow Creek Way		
Westfield	IN	46074
09-06-31-00-01-022.000		Neighbor
Chase, Douglas K		
17659 WILLOW CREEK WAY		
Westfield	IN	46074
09-06-31-00-01-023.000		Neighbor
Cook, Lee A & Carla S		
17665 WILLOW CREEK WAY		
Westfield	IN	46074
09-06-31-00-01-025.000		Neighbor
Lorenzen, Audrey & Mike		
17709 CEDARBROOK DR		
Westfield	IN	46074
09-06-31-00-04-040.000		Neighbor
Willow Creek Of Westfield Homeowners Assn Inc		
PO BOX 546		
Westfield	IN	46074

09-06-31-00-04-040.001	Neighbor
Hamilton County Board of Commissioners	
33 N 9TH ST STE L-21	
Noblesville	IN 46060

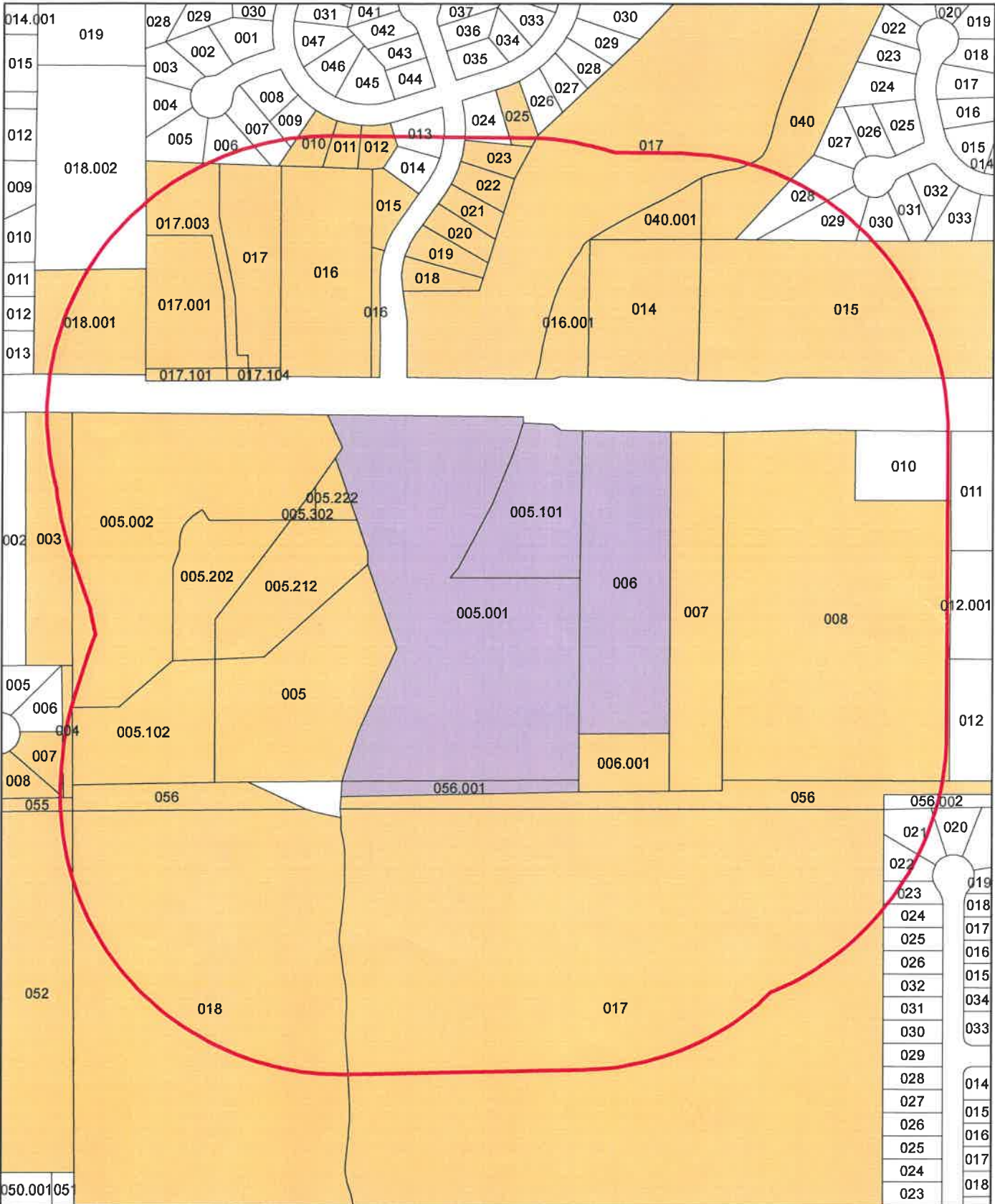
09-10-06-00-00-003.000	Neighbor
Trentman, Thomas J & Alice E	
P O Box 574	
Westfield	IN 46074

09-10-06-00-00-004.000	Neighbor
Newby, Richard E & Edna D	
2510 E 171ST ST	
Westfield	IN 46074

09-10-06-01-10-007.000	Neighbor
Kuene, Neal J	
557 Amberleaf Trl E	
Westfield	IN 46074

09-10-06-01-10-008.000	Neighbor
Copeland, Richard D & Holly	
549 AMBERLEAF TRL E	
Westfield	IN 46074

Adjoiner Notification Map



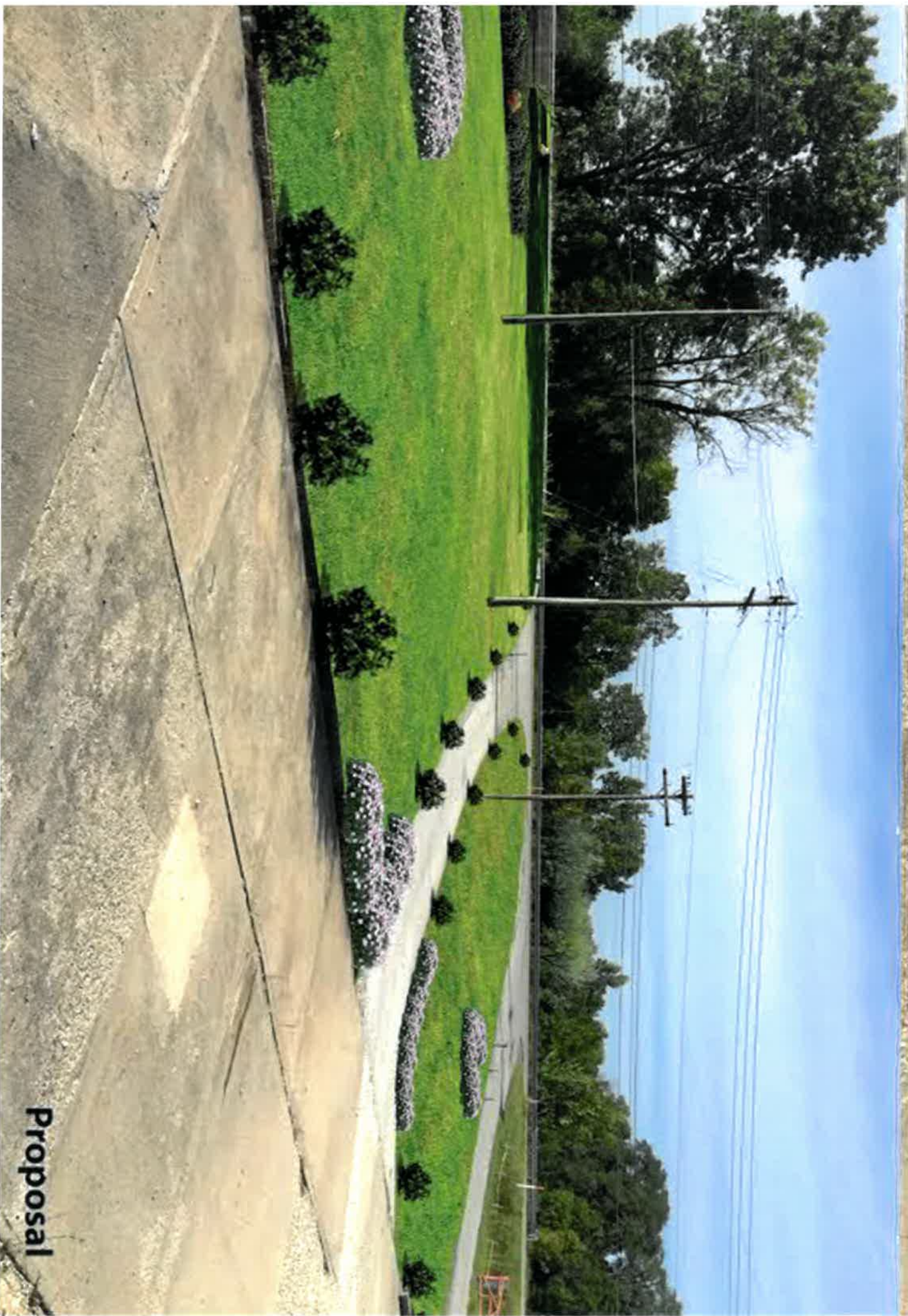
Legend

-  Buffer
 Notify
 Subject

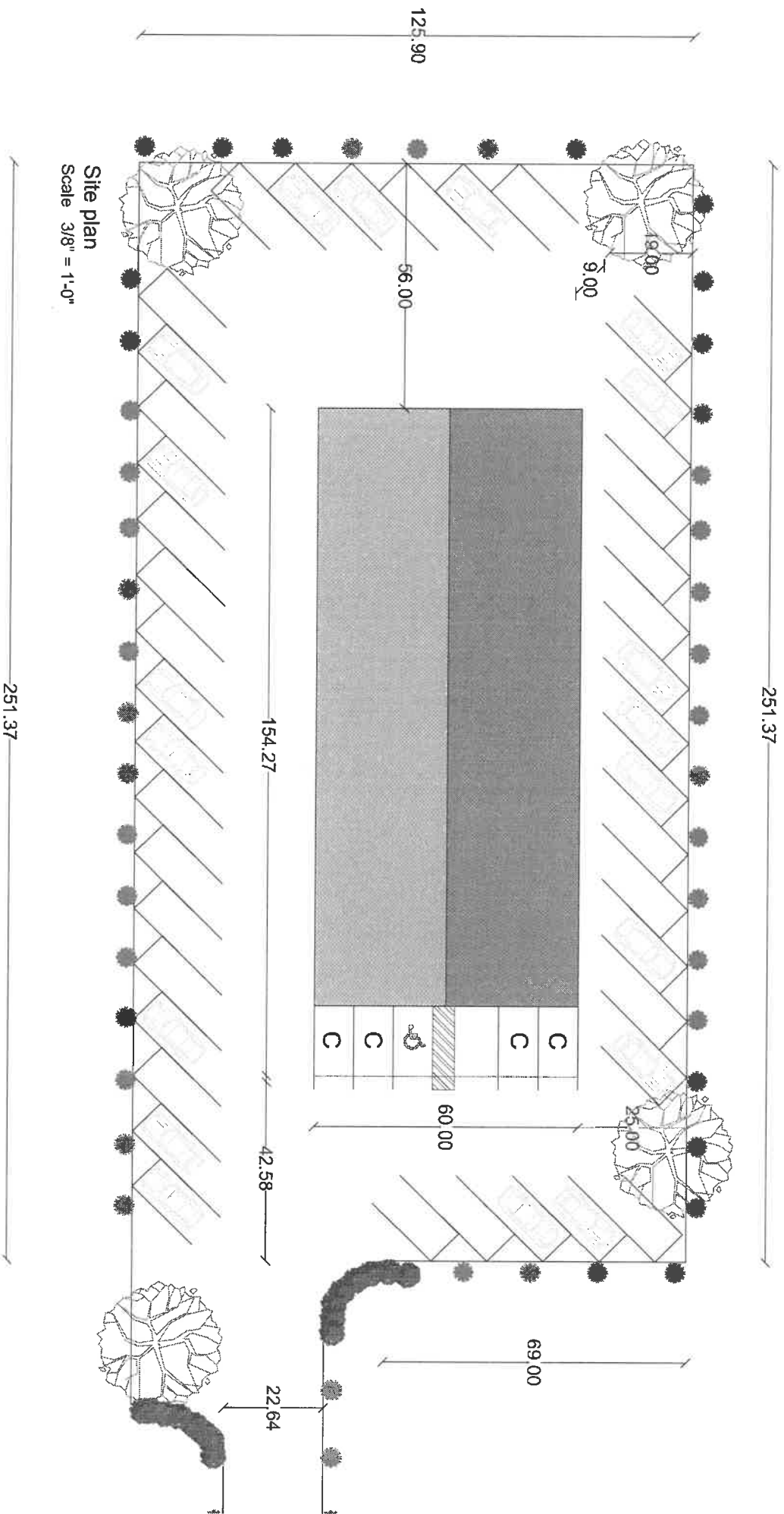
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Current



Proposal





WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

October 9, 2018

1810-VU-07

Exhibit 1

Petition Number: 1810-VS-07

Subject Site Address: 18626 Centennial Road (The "Property")

Petitioner: Andrew Lee Weaver (The "Petitioner")

Representative: Andrew Lee Weaver

Request: The Petitioner is requesting a Variance of Use to allow a Construction Trade Office only on a designated area of the Property on 9.00 acres +/- in the AG-SF1: Agriculture / Single-Family Rural District (Article 13.2).

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

Current Land Use: Residential

Approximate Acreage: 9.00 acres+/-

Exhibits:

1. Staff Report
2. Location Map
3. Site Plan: Designated Area for Variance
4. Application

Staff Reviewer: Caleb Ernest, Associate Planner

OVERVIEW

Location: The subject Property is 9.00 acres +/- in size and is located at 18626 Centennial Road (see **Exhibit 2**). The Property is currently zoned the AG-SF1 District. The surrounding properties are also zoned the AG-SF1 District.

Variance Request: The Petitioner is requesting a Variance of Use to allow a Construction Trade Office only on a designated area of the Property (Article 13.2) (see **Exhibit 3**).

SUMMARY OF VARIANCE

The Petitioner is requesting a Variance of Use to allow a Construction Trade Office only on a designated area of the Property (see **Exhibit 3**). The Westfield-Washington Township Unified Development Ordinance defines a Construction Trade Office as "Electrical contractors, general contractors or construction offices, home remodeling companies, septic system contractors, heating and cooling contractors, painting contractors, landscaping contractors, and plumbing contractor offices, and the like, where such use is typically characterized to include some or all of the following aspects: storage of product for sale or for installation, storage of materials related to the business, storage of equipment or other implements, office space, parking of company vehicles, service areas for equipment and vehicles, warehouse space, showroom space,



and/or retail sales.” (Article 12.1). This Variance of Use will bring the Petitioner’s site into compliance with the existing business operated on the Property and in accordance to the Construction Trade Office definition listed above.

COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan (The “Plan”) identifies the Property within the “Rural Northwest and Northeast” land use classification¹. The vision for the Rural Northwest and Northeast area classification is contemplated for Single-family detached houses on large lots or in a Rural or Conservation Subdivision, Accessory dwellings, Equestrian uses, Agriculture, including artisan farms, and institutional uses, such as schools, churches, public safety facilities, and similar uses².

The Rural Northwest and Northeast classification is designed to contemplate:

- View large-scale commodity farms (crops and livestock) as being subject to eventual change under growth pressure. Washington Township is in the path of growth and it is expected that the few remaining large-scale agricultural tracts will be converted to other uses:
- Encourage artisan farms and equestrian uses to maintain the rural, country-like atmosphere:
- Allow the continuation of the historic rural patterns (single-family houses on large parcels). New residential development will be accommodated, but only on large lots consistent with existing patterns or in Rural or Conservation Subdivisions as defined in this plan:
- 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.).

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 October 9, 2018, 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,

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

² Page 32 of the Westfield and Washington Township Comprehensive Plan; Chapter 2; Land Use Plan: Background.

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



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

October 9, 2018

1810-VU-07

Exhibit 1

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.

Variance 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 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;
- 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 (1810-VU-07), then the Department recommends the approval with the following condition:

1. That the approval of 1810-VU-07 apply only to the designated area as shown on

Exhibit 3.

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

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

Recommended Findings for Approval:

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

Finding: It is unlikely that approving the requested variance would be injurious to the public health, safety, morals, and general welfare of the community. The existing business conducts its services only on off-site locations and there is no physical work or production on the Property.

- 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 Petitioner has built a pole barn, obtaining building permits from the City, with the intention of storing all vehicles and trailers for the business inside and out of sight from neighbors and the street.

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

Finding: The proposed use is not contemplated by the Westfield-Washington Zoning ordinance in this district and a variance is needed to allow the use on the Property.

- 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 use is not contemplated by the Westfield-Washington Zoning ordinance in this district and a variance is needed to allow the use on the Property.

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

Finding: The approval of the requested variance would not interfere substantially with the comprehensive plan as the comprehensive plan does not address the storing of business vehicles on a property in this district.

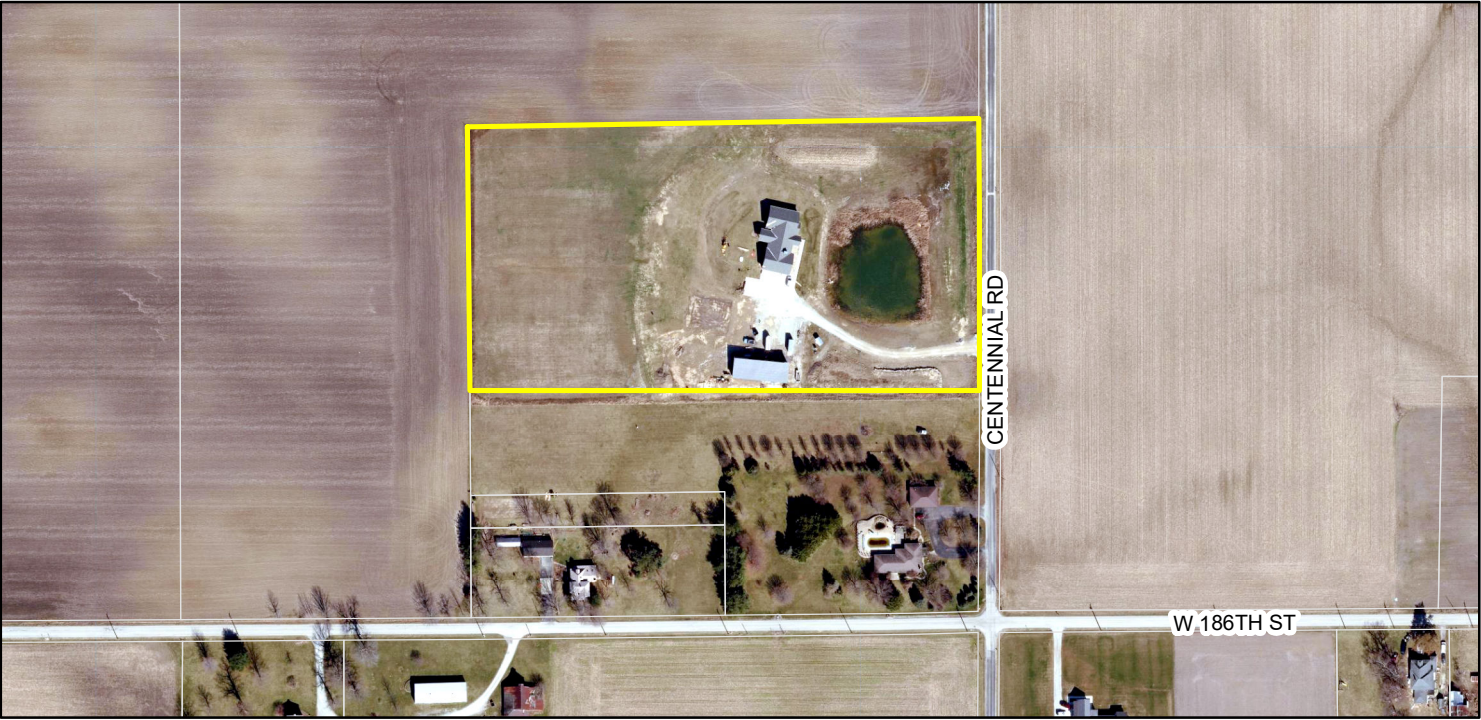
Denial: If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.



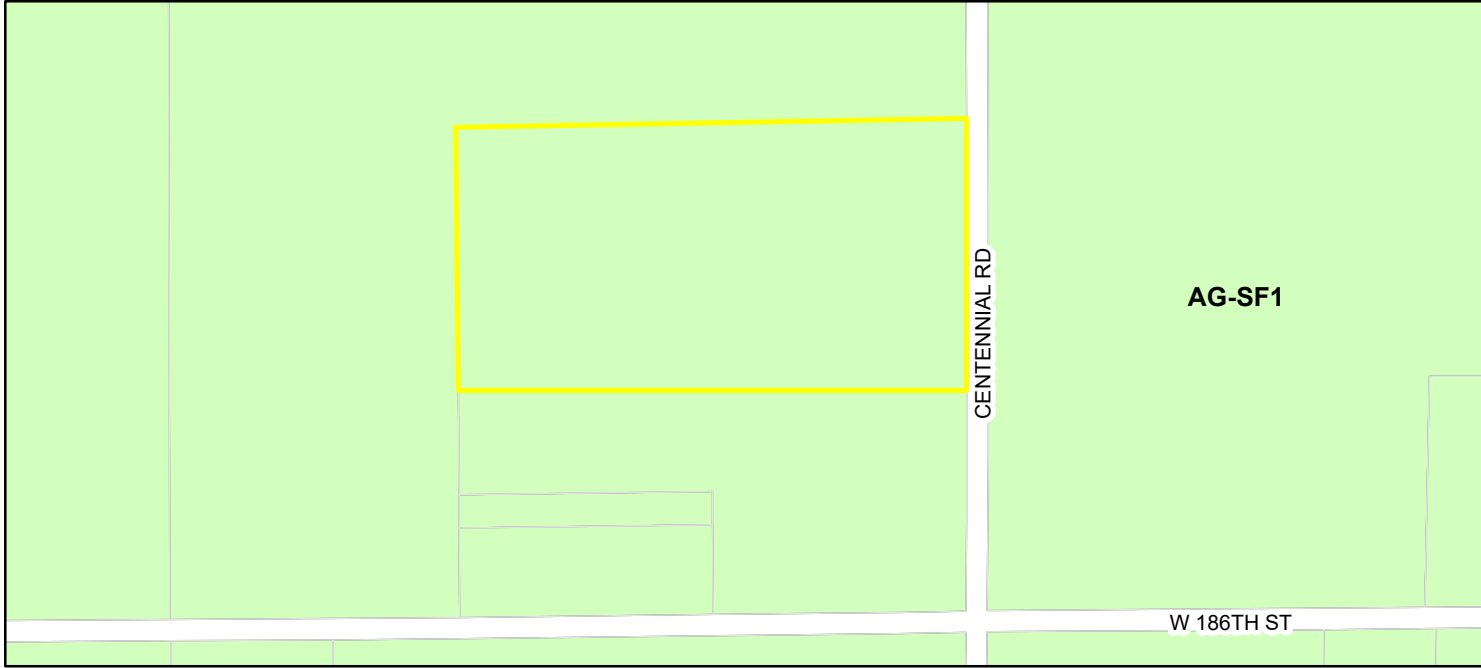
Property Location Map
Weaver Variance
Variance of Use
1810-VU-07



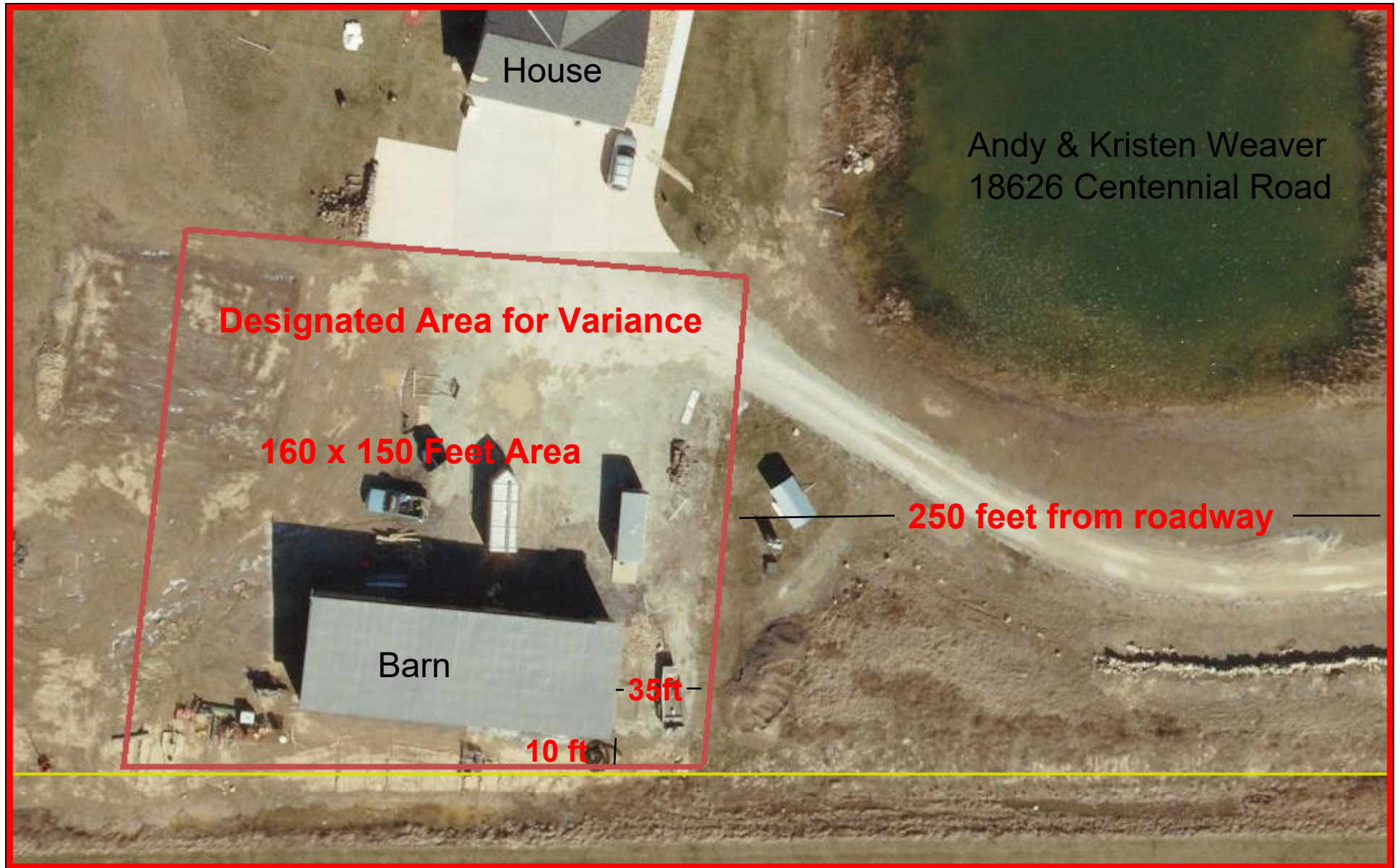
Aerial Location Map



Zoning Map



Hamilton County, Indiana

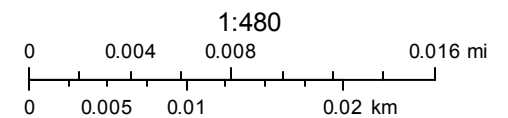


October 3, 2018

Lines

— Override 1

Parcels



WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM

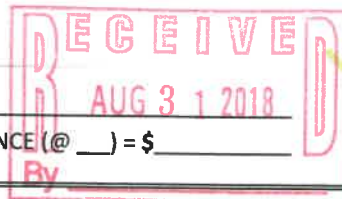
VARIANCE APPLICATION

OFFICE
USE ONLY

DOCKET #: 1810-VU-07

FILING DATE:

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



PRE-FILING CONFERENCE

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

PRIOR OR RELATED DOCKET NUMBERS

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

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

APPLICANT INFORMATION

APPLICANT'S NAME: Andrew Lee Weaver TELEPHONE: 765-469-1002

ADDRESS: 18626 Centennial Rd. Westfield, IN EMAIL: penuandy@gmail.com

PROPERTY OWNER'S NAME: Andrew Lee Weaver + Kristen Weaver TELEPHONE: 317-989-1002

ADDRESS: _____ EMAIL: _____

REPRESENTATIVE'S NAME: _____ TELEPHONE: _____

COMPANY: _____ EMAIL: _____

ADDRESS: _____

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: Same

COUNTY PARCEL ID #(S): 08-05-29-00-00-023.002

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

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):

Equipment
Permission for operation of construction business to
be stored on designated area on property

FINDINGS OF FACT (VARIANCE OF USE)

APPLICANT: Andrew Lee Weaver

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: Since we have been in business, our services have only been completed at the customer's home or business. There is no physical work or production being conducted at our home address of 18026 Centennial Rd. Westfield, IN 46074.
- 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: With this petition we are not asking to modify the property nor are we asking to be able to conduct physical labor at this location. We are simply asking to be able to park our company vehicle and trailers on the property. The vehicle & trailers are not on public land. We own 9.1 acres.
- C. The need for the variance arises from some condition particular to the property involved because: The reason we need the variance is because we cannot afford to park our company vehicle & trailers at a new location. The cost would be greater than the profit.
- 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: we are a small business with no employees and would find it very difficult to stay in business if we were required to find a different location for our company vehicle & trailers.
- E. The variance of use does not interfere substantially with the Comprehensive Plan because: we have built a pole barn with the intention to store all vehicles & trailers so they are inside & out of sight from neighbor & street views.



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)

Andrew Lee Weaver
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 31 day of August, 2018.

State of Indiana, County of Hamilton, SS.

Julie E Sole
Notary Public
SEAL

Hamilton County, State of Indiana
My Commission Expires October 4, 2024
Commission Number: 691639

Notary Public Signature

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)*

Andrew Lee Weaver
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.

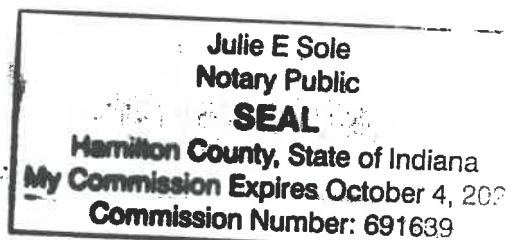
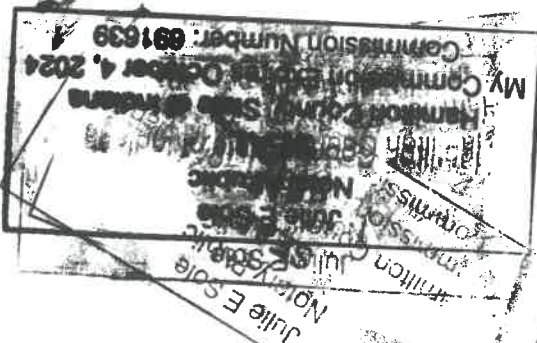
Witness my hand and Notarial Seal this 31 day of August, 2018.

State of Indiana, County of Hamilton, 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.





Hamilton County

Parcel Information Report

08-05-29-00-00-023.002

Tax Year: 2018 pay 2019
Generation Date: Sep 26, 2018
User: TMU1
Includes Certified Charges

Parcel Number: 08-05-29-00-00-023.002

Property Type: Real Estate

Taxing District: Washington (08)

State Parcel Number: 29-05-29-000-023.002-014

Duplicate Number: 0303244

Deeded Owner (Billing): Weaver, Andrew L & Kristen M

18626 Centennial Rd
Westfield, IN 46074

Legal Description:

Acreage 9.04
Section 29, Township 19, Range 3

Primary Location:

18626 Centennial Rd
Westfield, IN 46074

Recorded Document: Warranty Deed 2012-56392

09/18/2012

DEDUCTIONS APPLIED

Geothermal Energy

(Specific Value: \$6,300)

Mortgage

Standard Homestead

CALCULATED DEDUCTIONS

Standard Homestead

\$45,000

Homestead Supplemental

\$98,245

Mortgage

\$3,000

Geothermal Energy

\$6,300

Total:

\$152,545

RATES

Tax Rate:

0.0000

CHARGES

Type	Item Description	Charge Amount	Balance Due
------	------------------	---------------	-------------

Grand Total

Advance Payment:

\$0.00

Surplus Payment:

\$0.00

DULY ENTERED FOR TAXATION

Subject to final acceptance for transfer *LL*

18 day of *September*, 2012

B. Dawn Cowdale Auditor of Hamilton County

Parcel # *08-05-29-00-00-023.002*

2012056392 WARR DEED \$18.00

09/18/2012 12:44:43P 2 PGS

Mary L. Clark

HAMILTON County Recorder IN

Recorded as Presented



18.00
(2)

CHICAGO TITLE
MASTERS
455788

WARRANTY DEED

THIS INDENTURE WITNESSETH, That Bonnie D. Crull (FKA Bonnie D. Harvey), an Adult (Grantor)
CONVEYS AND WARRANTS to:

Andrew L. Weaver and Kristen M. Weaver, Husband and Wife (Grantees) for the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the following described real estate in Hamilton County, State of Indiana:

SEE ATTACHED EXHIBIT "A"

Property Address: "Address not yet assigned" - Centennial Road, Westfield, IN 46074

Tax ID No.: 08-05-29-00-00-023.002 State Tax ID #29-05-29-000-023.002-014

Subject to current taxes not delinquent, and all easements, agreements and restrictions of record and all public rights of way.

Grantor swears and affirms she is one and the same person as Bonnie D. Harvey who acquired the tract of land this real estate was split from by Warranty Deed recorded June 12, 2007 as Instrument Number 2007032525.

IN WITNESS WHEREOF, Grantor has executed this deed on the *28th* day of *August*, 2012.

Bonnie D. Crull

Bonnie D. Crull (FKA Bonnie D. Harvey)

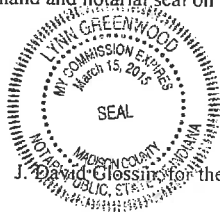
STATE OF INDIANA)

) SS.

COUNTY OF *Hamilton*)

Before me, a Notary Public in and for said County and State, personally appeared Bonnie D. Crull (FKA Bonnie D. Harvey), an Adult, who acknowledged the execution of the foregoing deed.

Witness my hand and notarial seal on the *28th* day of *August*, 2012.



Notary Public

Resident of

County

My Commission expires:

Prepared by: J. David Glossin for the benefit of Chicago Title Company, LLC

Grantee's Address and Tax Billing Address:

240 Bayview Dr.
Cicero, IN 46034

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

Lynn Greenwood

File No. 455788

Exhibit "A"

File No. 455788

A PART OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 19 NORTH, RANGE 3 EAST LOCATED IN WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 19 NORTH, RANGE 3 EAST; THENCE SOUTH 00 DEGREES 03 MINUTES 24 SECONDS EAST (BEARINGS BASED ON DEED DESCRIPTION OF 12.949 ACRE PARCEL CONVEYED TO BONNIE D. HARVEY RECORDED AS INSTRUMENT NO. 200706729 IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA) 503.82 FEET ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER TO A MAG NAIL AT THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 00 DEGREES 03 MINUTES 24 SECONDS EAST, ALONG SAID EAST LINE, 461.41 FEET TO A MAG NAIL WHICH LIES NORTH 00 DEGREES 03 MINUTES 24 SECONDS WEST 360.79 FEET FROM THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER SECTION; THENCE SOUTH 89 DEGREES 22 MINUTES 47 SECONDS WEST 852.37 FEET TO A CAPPED REBAR STAMPED FIRM 0066; THENCE NORTH 00 DEGREES 56 MINUTES 28 SECONDS WEST, ALONG THE WEST LINE OF SAID 12.949 ACRE PARCEL, 461.40 FEET TO A CAPPED REBAR STAMPED MILLER SURVEYING; THENCE NORTH 89 DEGREES 22 MINUTES 47 SECONDS EAST, ALONG THE NORTH LINE OF SAID 12.949 ACRE PARCEL, 859.49 FEET TO THE POINT OF BEGINNING AND CONTAINING 9.066 ACRES, MORE OR LESS.

HAMILTON COUNTY
REAL PROPERTY DEPARTMENT

ADJOINER

• notification list •

NOTE: DUE TO THE VOLUME AND TURNAROUND, **ORDERS TAKE 3-5 BUSINESS DAYS** FOR PROCESSING. THE GIS TEAM WILL APPROPRIATELY NOTIFY THE CONTACT WHEN THEIR ORDER IS READY TO BE RETRIEVED.

DATE TAKEN: 9-26-18 TIME TAKEN: 11:54

NAME OF PROPERTY OWNER: Weaver, Andrew L & Kristen M
u 11

NAME OF PETITIONER: _____

LEGAL DESCRIPTION or PARCEL NUMBER OF PROPERTY:

08-05-29-00-00 023.002

• ZONING AUTHORITY APPLYING TO •

- | | |
|---|--|
| ☐ ARCADIA | ☐ FISHERS PLAN COMMISSION |
| ☐ ATLANTA | ☐ HAMILTON COUNTY PLANNING |
| ☐ CARMEL BZA | ☐ NOBLESVILLE HOME OCCUPATION |
| ☐ CARMEL PLANNING | ☐ NOBLESVILLE PUBLIC HEARING |
| ☐ CICERO | ☐ SHERIDAN |
| ☐ FISHERS & FALL BZA | ☒ WESTFIELD |

PERSON TO CONTACT: Andrew Weaver

PHONE: 317-989-1002 EMAIL: peruandy@gmail.com

• FOR STAFF USE ONLY •

EMPLOYEE INITIALS: AW PAYMENT RECEIVED: 25.- RECEIPT NUMBER: 2018-0076

33 N. NINTH ST.
NOBLESVILLE, IN 46060



VOICE: 317-770-4412

PLATS@HAMILTONCOUNTY.IN.GOV

HAMILTON COUNTY AUDITOR

I, ROBIN M. MILLS, 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.

ROBIN M. MILLS, HAMILTON COUNTY AUDITOR

DATED: *Olivia Jesses* 10/02/2018

SUBJECT PROPERTY:

08-05-29-00-00-023.002	Subject
Weaver, Andrew L & Kristen M	
18626 Centennial Rd	
Westfield IN	46074

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

08-05-29-00-00-017.000	Neighbor
------------------------	----------

Carey & Sons Inc

20412 Six Points Rd

Sheridan	IN	46069
----------	----	-------

08-05-29-00-00-018.000	Neighbor
------------------------	----------

King, Michael E Revocable Trust 50% int & Lou Ann King Revocable Trust 50% int

19101 Centennial Rd

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

08-05-29-00-00-022.000	Neighbor
------------------------	----------

Stuart, Cherie M

3231 193rd St

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

08-05-29-00-00-023.000	Neighbor
------------------------	----------

HJW Holdings VI LLC

18863 MULE BARN RD

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

08-05-29-00-00-023.001	Neighbor
------------------------	----------

Ward, Chris G

3010 186th St W

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

08-05-29-00-00-023.102	Neighbor
------------------------	----------

Younger, James P & Judith

3124 W 186TH ST

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

08-05-29-00-00-024.000	Neighbor
------------------------	----------

Younger, James P & Judith

3124 W 186TH ST

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

08-05-29-00-00-025.000	Neighbor
------------------------	----------

HJW Holdings VI LLC

18863 MULE BARN RD

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

08-05-32-00-00-002.000

Neighbor

Roberts, Bradley E & Sarah J

18519 Mule Barn Rd

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

08-05-32-00-00-007.000

Neighbor

Friddle, Jared K & Rhiannon J h&w

3131 W 186th St

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

08-05-32-00-00-007.001

Neighbor

White, Gillian L Rev Trust

4575 196th St W

Sheridan	IN	46069
----------	----	-------

08-05-32-00-00-008.005

Neighbor

Matney, Kerry L & Debra K

2977 W 186th St

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

002

006

007

008

016

017

018

022

023

024

025

023.001

023.002

023.102

006.001

008.003

008.004

008.005

008.001





WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

October 9, 2018

1808-VU-04

Exhibit 1

Petition Number: 1808-VU-04 (Formerly docketed as "1808-SE-03")

Subject Site Address: 3459 Heathcliff Court (The "Property")

Petitioner: Juliana Robertson (The "Petitioner")

Representative: Gary D. Sallee, Attorney at Law (The "Representative")

Request: The Petitioner is requesting a Variance of Use to allow a Kennel in the Oak Manor Planned Unit Development (PUD) District (Article 13.2).

Current Zoning: Oak Manor PUD District

Current Land Use: Residential

Approximate Acreage: 0.16 acres+/-

Exhibits:

1. Staff Report
2. Location Map
3. Revised Findings 3 and 4
4. Application

Staff Reviewer: Caleb Ernest, Associate Planner

OVERVIEW

Location: The subject Property is 0.16 acres +/- in size and is located at 3459 Heathcliff Court (see **Exhibit 2**). The Property is currently zoned the Oak Manor PUD. The surrounding properties are also zoned the Oak Manor PUD.

Property History: The Secondary Plat for The Villages of Oak Manor, Section 1, was recorded on August 11, 2006 (Instrument No. 200600047128).

Variance Request: The Petitioner is requesting a Variance of Use to allow a Kennel¹ in the Oak Manor PUD, as further described in the Petitioner's application (see **Exhibit 4**).

SUMMARY OF VARIANCE

The Property is governed by the Oak Manor PUD (Ord. 03-37). The permitted uses established by Ord. 03-37 do not include a Kennel as a permitted use. The Petitioner is requesting this variance to allow the keeping of four (4) or more dogs on the Property.

¹ Chapter 12 of the UDO defines "Kennel" as "Any use on which four (4) or more dogs, or small animals (e.g., cats, rabbits, chickens), at least four (4) months of age are kept."



PETITION HISTORY

The Petition was first scheduled for the August 14, 2018, Board of Zoning Appeals (the “Board”) meeting. The Petitioner requested a continuance to the next scheduled Board of Zoning Appeals meeting. The Petition then received a public hearing on the September 11, 2018, Board of Zoning Appeals meeting. At this meeting, the Board explained a need to reach certain findings by statute in order to support the Board’s final ruling. The Representative requested a thirty (30) day continuance to work out the findings. The Petitioner is scheduled to present the revised findings (see **Exhibit 3**) at the next Board of Zoning Appeals meeting on October 9, 2018. The Findings of Facts in this report have been updated to reflect the Petitioner’s revised findings.

COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan (The “Plan”) identifies the Property within the “Suburban Residential” land use classification². The vision for the Suburban Residential classification is contemplated for future residential growth of the community, generally to the west and north of the Existing Suburban area³.

The New Suburban classification is designed to accommodate detached dwellings, attached dwellings, institutional uses, recreational uses, artisan farms and equestrian uses⁴. The Plan also contemplates New Suburban to:

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

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Use. This petition received its public hearing at the September 11,

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

³ Page 38 of the Westfield and Washington Township Comprehensive Plan; Chapter 2; Land Use Plan: Background.

⁴ Pages 39-43 of the Westfield and Washington Township Comprehensive Plan; Chapter 2; Land Use Plan; New Suburban.



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

October 9, 2018

1808-VU-04

Exhibit 1

2018, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

Conditions: The UDO⁵ and Indiana 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 UDO⁶ requires that the approval of the variance shall be memorialized in an acknowledgement of variance instrument prepared by the Department. The acknowledgement shall: (i) specify the granted variance and any commitments made or conditions imposed in granting of the variance; (ii) be signed by the Director, Property Owner and Applicant (if Applicant is different than Property Owner); and (iii) be recorded against the subject property in the Office of the Recorder of Hamilton County, Indiana. A copy of the recorded acknowledgement shall be provided to the Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

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 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.
- 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 (1808-VU-04), then the Department recommends the approval with the following conditions:

1. That the approval of this variance shall expire on October 31, 2020.

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

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

2. That any request to extend the time limit for this variance shall be reviewed and approved by the Board of Zoning Appeals prior to October 31, 2020.
3. That a new application shall be submitted by April 30, 2020 to the Economic and Community Development Department if an extension to the time limit for the variance is requested.
4. That if the Petitioner ceases operation on the Property prior to October 31, 2020, then this variance shall be annulled.
5. That this variance is limited to no more than six (6) dogs.
6. That approval of this variance shall only be applicable to dogs.
7. That the Petitioner records an Acknowledgement of Variance with the Hamilton County Recorder's Office and returns a copy of the recorded instrument to the Economic and Community Development Department.

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

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 allowing four (4) or more dogs on the Property will be injurious to the public health, safety, morals, and general welfare of the community. Adjacent and nearby neighbors have submitted their support of this request.
- 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. Adjacent and nearby neighbors have submitted their support of this request.
- 3) *The need for the variance of use arises from some condition peculiar to the property involved.*
Finding: See **Exhibit 3** for findings.
- 4) *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:*
Finding: See **Exhibit 3** for findings.



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

Finding: The Comprehensive Plan does not address this type of activity in the vision and scope of the New Suburban area.

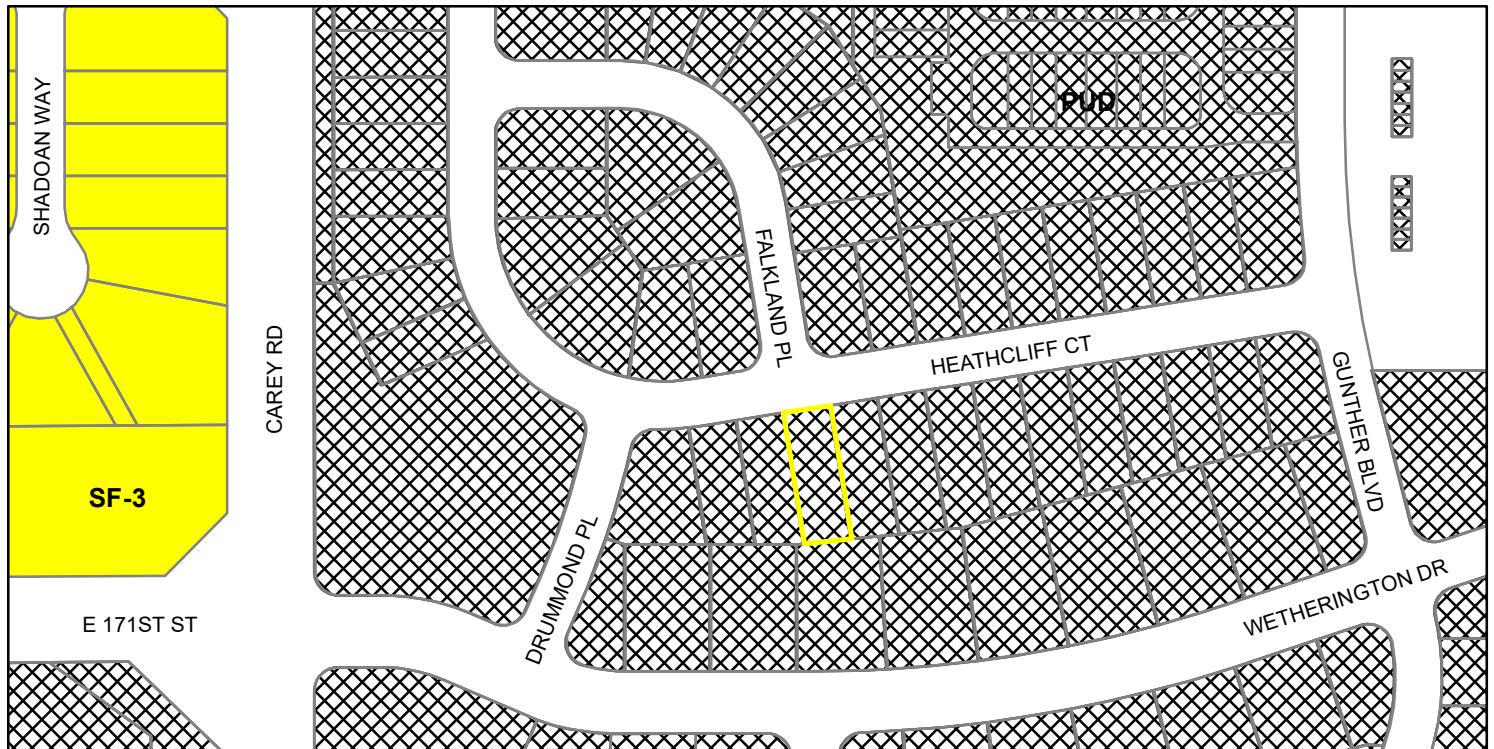
Denial: If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.

Aerial Location Map

Site



Zoning Map



PUD (Planned Unit Development)



SF-3 (Single Family - 3)

PETITION NO.: 1808-VU-04
PETITION LOCATION: 3459 Heathcliff Court
PETITIONER: Juliana Robertson

SUPPLEMENTAL RESPONSE

Petitioner Juliana Robertson (“Petitioner”) supplements her previous petition as follows:

In order to obtain a variance, a petitioner must demonstrate five things. This supplemental response is being filed to address more fully the third requirement that “the need for the variance arises from some condition peculiar to the property involved” and the fourth requirement that “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”. As will be shown below, Petitioner’s particular situation satisfies both of these requirements and, in accordance with Indiana law, her request for a variance must be granted.

I. A Condition Peculiar to the Property

The variance should be granted because the need for the variance arises from a condition peculiar to the property. Petitioner has used the property continuously for at least nine years as a home for more than three animals. All animals currently in the household have been on the property for at least six years and as long as eleven years. As will be shown below, and especially given the advanced ages and life spans of these animals, the fact that these animals have been on the property continuously for this period of time satisfies the

requirement that the need for a variance arise from a “condition peculiar to the property”.

Support for this position is found in Burcham v. Metropolitan Board of Zoning Appeals (“BZA”), 883 N.E.2d 204 (Ind. App. 2008), a widely cited case decided by the Indiana Court of Appeals. In that case, a family-owned retail business sold fireworks in an area where fireworks sales were not permitted. The company eventually filed for a variance requesting permission to sell fireworks from the existing location. The BZA granted the variance. A remonstrator challenged the grant of the variance, and a lawsuit was eventually filed. The Appellate Court upheld the BZA’s decision to grant the variance finding that the evidence presented to the BZA supported the granting of the variance since the required findings set out in the Indiana code were satisfied. The evidence that satisfied the Indiana code is that the business “has been operating a fireworks store for approximately twenty years at this location”. Thus, the grant of a variance to continue that use was determined to be unlikely to cause an adverse impact on the surrounding properties”. According to the Court:

“With regard to the third element, the BZA found the need for the variance arises from some condition peculiar to the property involved and the condition is not due to the general condition of the neighborhood because “due to the existing development and the sale of Class ‘C’ fireworks, relief is warranted . . . again, the evidence indicated that this family-owned retail business, which included some sales of fireworks, had existed on this site for nearly twenty years; this supports the BZA finding that there was a condition peculiar to the property.”

Given the law as stated in the Burcham case, a “condition peculiar to the property” results from a long term, continuous non-conforming use of property. The number of greyhounds on the property have exceeded the number allowed by the ordinance for at least nine years. Because the Petitioner’s use of the property has been both long term and non-conforming, the requirement that a “condition peculiar to the property” exist before a variance can be granted is satisfied. In accordance with the well-established law in Indiana, the Board of Zoning Appeals must find that

the variance requested by the Petitioner satisfies the requirement that a “condition peculiar to the property” exists.

II. Undue Hardship

The variance should be granted because “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”, which is the fourth requirement that must be satisfied. As shown by the testimony, Petitioner has lived in her home for more than 11 years and used the property continuously for at least nine years as a home for more than three animals. Since the last meeting of the City of Westfield Board of Zoning Appeals, Petitioner has completed a total redesign of her backyard and continues to clean her yard on a daily basis. Furthermore, not only have the remonstrators left open the windows on the backs of their houses (the ones that directly overlook Petitioner’s backyard) for extended periods of time on multiple occasions, including the evening of the last Board of Zoning Appeals meeting, they have also eaten several meals while sitting on their patio and have hosted multiple neighborhood gatherings where they all sit outside on the patio and watch football games on a large projection screen set up inside their house. Finally, it must not be forgotten that Petitioner has submitted numerous letters from her neighbors who support her being able to stay in her home with her current greyhounds. If a variance is not granted, Petitioner, for apparently no genuine reason, will not be able to keep her current greyhounds in her long time home and will be forced to move. The Burcham case

says that such a result is an “undue hardship” upon the property for which Petitioner is seeking a variance. Clearly, requiring Petitioner to move from her home of 11 plus years or give up her greyhounds that have lived in her home for six to eleven years would be a strict application of the terms of the zoning ordinance that would create an unnecessary hardship to the property for which the variance is sought, especially as evidenced by the actions of the remonstrators.

In Burcham, the Court stated that the BZA found that the strict application of the terms of the zoning ordinance constituted an unusual and unnecessary hardship if applied to the property for which the variance is sought. The Court continued that, due to the present zoning, the store owners will be unable to utilize the current location for the sale of fireworks unless the variance is granted and would be forced to move. The Court felt requiring the store to move its business location where it has been for twenty years is an “unnecessary hardship” on the property. The Court thought it was significant that the owners had agreed to measures to eliminate any fire safety concerns and that numerous neighbors had signed letters of support for the variance.

Given the law as stated in Burcham, an “unnecessary hardship” exists when a person is required to move from a long term location. The greyhounds have lived on the Petitioner’s property from six to eleven years. Petitioner has owned her home for eleven years. Petitioner, like the store owners, has taken several measures to ensure that there will be no genuine issues with her yard. In fact, since the last meeting, Petitioner has completed a total redesign of her backyard and continues to ensure its cleanliness, measures whose success is clearly demonstrated by the open windows on backs of houses and multiple gatherings hosted by the remonstrators. Because the Petitioner’s use of the property has been both long term and non-conforming and

since denial of the variance would require her to move from her home, the requirement that a “undue hardship” on the property exist before a variance can be granted is satisfied. According to Indiana law, the variance requested by the Petitioner must be granted in order to avoid an undue hardship on the property for which Petitioner is seeking a variance.

III. Conclusion

Because the evidence in the record supports all five of the statutory findings, including the requirement of a “condition peculiar to the property” and an “undue hardship” on the property for which the variance is sought, in order to comply with Indiana law, the Board of Zoning Appeals must grant the requested variance to Petitioner.

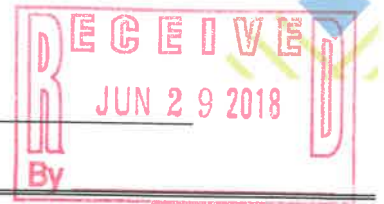
SPECIAL EXCEPTION APPLICATION

OFFICE
USE ONLY

DOCKET #: 1808-SE-03

FILING FEE: \$

FILING DATE:



PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: Caleb Ernest

(STAFF NAME)

DATE: June 7, 2018

PRIOR OR RELATED DOCKET NUMBERS

CHANGE OF ZONING: AMENDMENTS: DEVELOPMENT PLAN:

PRIMARY PLAT: SECONDARY PLAT: VARIANCE(S):

APPLICANT INFORMATION

APPLICANT'S NAME: Juliana Robertson

TELEPHONE: 317 501 6237

ADDRESS: 3459 Heathcliff Court, Westfield, IN 46074

EMAIL: julianagr@aol.com

PROPERTY OWNER'S NAME: Same as above

TELEPHONE:

ADDRESS:

EMAIL:

REPRESENTATIVE'S NAME: Gary D. Sallee, Attorney at Law

TELEPHONE: 317 416 9543

COMPANY:

EMAIL: gdsallee@gmail.com

ADDRESS:

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 3459 Heathcliff Court, Westfield, IN 46074

COUNTY PARCEL ID #(S): 29-10-45-010-029.000-015 / 08-10-05-00-10-029.000

EXISTING ZONING DISTRICT(S): Oak Manor Planned Unit Development

EXISTING LAND USE(S): Residential

SPECIAL EXCEPTION REQUEST

CODE CITATION: Section 10-3(b)

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

STATEMENT OF INTENT (EXPLANATION OF REQUEST - ATTACH SEPARATE SHEET IF NECESSARY): See attached, paragraph 1.



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)

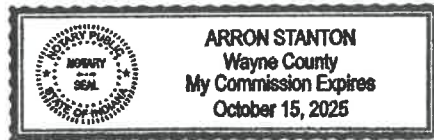
Juliana G. Robertson

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 June, 2018.

State of Hamilton, County of Indiana, SS:



Notary Public Signature

Arron Stanton
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)*

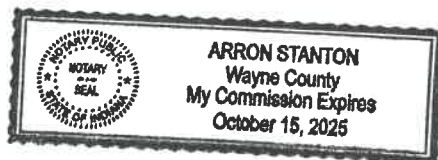
Juliana G. Robertson

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 29 day of June, 2018.

State of Hamilton, County of Indiana, SS:



Notary Public Signature

Arron Stanton
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 (SPECIAL EXCEPTION)



APPLICANT: Juliana G Robertson

DOCKET #: _____

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

- A. The establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health safety morals or general welfare because: See attached, paragraph 2.

- B. The special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property value within the neighborhood because: See attached, paragraph 3.

- C. The establishment of the special exception will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district because: See attached, paragraph 4,

- D. Adequate utilities, streets drainage and other necessary facilities have been or are being improved: Not applicable.

- E. Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion: Not applicable.

- F. The special exception will be located in a district where such use is permitted and that all other requirements set forth, applicable to such special exception, will be met: See attached, paragraph 5.

WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM

SPECIAL EXCEPTION APPLICATIONS



GENERAL INSTRUCTIONS

- A. **Pre-Filing Conference:** A pre-filing conference is required for all petitions. An appointment must be made with the Economic and Community Development Department (the "Department") to discuss a petition prior to filing. An application will not be considered filed until a pre-filing conference has occurred. Applicants are encouraged to incorporate the Department's comments into the application prior to filing.
- B. **Filing Petition:** A petition shall be filed with the Department by the filing deadline in accordance with the Schedule of Meeting and Filing Dates. In order to be deemed a complete petition, a petition shall include the following:
- | | |
|--|--|
| ☐ Completed Application | ☐ Legal Description |
| ☐ Draft Public Notice | ☐ List of Adjoining Property Owners (as provided by County) |
| ☐ Property Owner Consent | ☐ TAC Delivery Affidavit (if TAC is determined to be necessary) |
| ☐ Site Plan (to scale) | ☐ Vicinity Map (including property within 500 feet) |
| ☐ Statement of Intent | ☐ Covenants and commitments (if any) |
| ☐ Copy of Property Deed | |
| ☐ Elevations, photographs, service reports or other supporting information necessary to explain the nature of the special exception use | |
- C. **Filing Fee Check:** After the filing of an application, the Department will advise the applicant of the applicable filing fee amount, which is due and payable (checks made out to "City of Westfield") within two (2) weeks of filing.
- D. **Technical Advisory Committee (TAC):** The applicant is responsible for submitting a copy of the application and related information to Technical Advisory Committee members prior to filing. An affidavit confirming delivery of information is required to be completed and signed by the applicant and submitted with the petition. Technical Advisory Committee meetings are held in the City Services Building (2728 East 171st Street, Westfield, IN 46074) in accordance with the Schedule of Meeting and Filing Dates. A representative must be present at this meeting.
- E. **Public Hearing and Notice:** All special exception petitions require a public hearing by the Board of Zoning Appeals. The public hearing is held at City Hall, 130 Penn Street, Westfield, Indiana, in accordance with the Schedule of Meeting and Filing Dates. Notice of the hearing is required in accordance with the Board's [Rules of Procedure](#):
1. **Newspaper Publication:** Notice of the hearing will be published in the Hamilton County Reporter and The Times. The Department will handle the newspaper publication requirement.
 2. **Mailed Public Notice:** The applicant is responsible to send public notice by certified mail with proof of mailing (certificate of mailing) to all interested parties, postmarked at least ten (10) days prior to the hearing. A list of adjacent property owners may be obtained from the **Hamilton County Auditor, Office of Transfers and Mapping** (33 North 9th Street, Noblesville, IN 46060, (317) 776-9624), and shall include all owners of property to a depth of two (2) ownerships of no direct or indirect financial or other interest to the applicant or property owner or one-eighth of a mile (1/8), whichever is less.
 3. **Public Notice Sign:** The applicant is responsible to post a public notice sign(s) on the property at least ten (10) days prior to the public hearing. The Department will determine sign locations and will make signs available for the applicant to obtain in the office of the Department.
 4. **Affidavit of Notice of Public Hearing:** The applicant shall deliver a copy of the mailed notice and a signed affidavit, verifying that the notices were mailed and the public notice sign(s) was posted on the subject property, to the Department at least four (4) calendar days prior to the public hearing.
- F. **Ex-parte Communication:** In no event shall applicants or other interested parties contact or attempt to communicate with members of the Board in regard to a filed variance petition prior to the public hearing.
- G. **Revised Materials:** If the applicant wishes to submit additional or revised information than what is filed, then the applicant shall submit those to the Department no later than ten (10) days prior to the public hearing.
- H. **Board's Consideration:** Following the public hearing, the Board may either approve, approve with conditions, deny or continue the petition.
- I. **Resource:** Please see the Board's [Rules of Procedure](#) for more detailed procedural information.

Special Exception Request
Juliana G. Robertson
3459 Heathcliff Court
Westfield, IN 46074

1. STATEMENT OF INTENT

I am seeking a limited special exception to the City of Westfield Unified Development Ordinance (UDO) section which defines the keeping of four (4) or more dogs as a kennel. My home is located at 3459 Heathcliff Court, which is in the Oak Manor Planned Unit Development (PUD) District. I am seeking this exception (and also a variance of use or PUD amendment) so that I may keep the six senior greyhounds that have lived in my home for the past seven to ten years. Because of the special reason that I have these greyhounds, they will not be replaced as their number decreases by natural attrition. I am seeking a variance that will allow me to continue to live in my house with the greyhounds that I currently have and only these greyhounds. In the future, I will never have more than three. In the alternative, I am seeking a limited special exception that will allow me to keep my greyhounds in my home while I build a new home for them and my widowed mother on property that I currently own outside of Westfield. I would ask you to understand that we simply have no place else to go, and it is probably impossible for me to find a suitable place to rent if we have to leave. I really like my neighborhood and my neighbors. I am hoping that we can stay in our home.

2. THE ESTABLISHMENT, MAINTENANCE, OR OPERATION OF THE SPECIAL EXCEPTION WILL NOT BE DETRIMENTAL TO OR ENDANGER THE PUBLIC HEALTH, SAFETY, MORALS, OR GENERAL WELFARE BECAUSE:

My six senior greyhounds have lived in my home anywhere from six to ten years without complaint. They have never in any way been detrimental to or endangered the public health safety, morals, or general welfare of my neighborhood. They do not bark. They are not walked in the neighborhood. They do not run free in the neighborhood. They only go outside in groups of two or three to relieve themselves in a fenced backyard and sometimes to play for a couple of minutes. They are rarely seen by anyone in the community because they spend the vast majority of their time doing what greyhounds do - laying around or sleeping. They are gentle natured animals that pose a threat to no one. They are very closely supervised by me at all times because I work primarily from home.

The six senior greyhounds in my home range in age from eight to 12 years old, each having a life expectancy of about 12 years. I am a single female who lives alone, but for these greyhounds. I have absolutely no intent of replacing my greyhounds as they pass and would eventually comply with the current ordinance in any event. These greyhounds have resided in my Westfield home for the last seven to ten years without incident. Being typical senior greyhounds, they very rarely bark. They are never taken off of my property or walked in the neighborhood, nor will they be in the future. They are turned out five times a day, in groups of two or three, for no more than 10 minutes at a time. You have to make a concerted effort to figure out that there

are more than three because of the way that I manage them and because they all look alike. If a special variance is granted, I will continue being diligent so as not to advertise how many live with me. They are closely supervised whenever they are in their fenced yard and are not allowed to bark at other dogs in the area. I am very concerned about waking my neighbors at night, and I do not let them out if the lights in the neighbor's house are off. If it is an emergency, I will put them on a leash and take them out myself so that I can ensure that they do not disturb anyone. In the morning, I do not let them out before 6 am.

Their waste, which is actually very minimal because of the special home cooked diet that they are fed, is now picked up at least once every day. That waste is then placed into a sealed trash container in my garage so that there is no outside odor issue. This is a change in my procedure for cleaning the yard that I have made in response to the recent issue with my neighbor. Previous to that, I would pick up the waste and would store it in a closed container in my backyard until my trash pickup on Friday. I believe the container used to store waste might have been large part of any alleged odor issue. That entire issue is now resolved.

My greyhounds have all been spayed and are regularly seen by a veterinarian. They are probably better fed and get better medical care than your children do. They each have health insurance. They are very friendly, extremely gentle, love people, and are never allowed to be in a situation in which either they or someone else or someone else's pet would be placed in danger. They never behave in an aggressive manner and are always excited to meet a new person. Because of their breed, I make sure that they are always contained. I go to extreme lengths to make sure that they never get out of my house or their fenced backyard. To date, they never have.

I have also enclosed pictures of my house which show that it is properly maintained. I have my home professionally cleaned on a regular basis. I used to hire someone to clean my yard, but now I do that myself because I do a better job.

If anyone had said anything about having an issue with the way that I manage my greyhounds, I would have immediately resolved the situation. In this particular instance, no one said anything to me before making a complaint, even though I had asked each of my neighbors to tell me if my greyhounds were causing them an issue. Furthermore, after talking to my neighbors, and as evidenced by the letters that I have submitted in support of this exception, it is clear that the vast majority of my neighbors have never been bothered by my greyhounds. Most people only think that there are a couple of dogs at my home or none at all.

Regarding the waste issue, an allegation that I find terribly embarrassing and totally regret, I have always checked to see if I could smell anything in my backyard. The neighbor directly beside me, who is the closest down wind home, has told me that he has not smelled anything this entire year. I did get behind with maintaining my yard because of several overwhelming events. The person that I hired to clean my yard failed to show up on multiple occasions. Then, starting at the end of last year, a close friend died a couple of months after a

cancer diagnosis, and I was one of her main care givers; my widowed mother, who lives in Avon, had four surgeries; I had pneumonia; and, both of my horses died after multiple hospitalizations at Purdue, one at the end of March, the other at the end of May. It has been a daily thing dealing with one loss after another that required me to spend a lot of time either at hospitals or at Purdue's Large Animal Hospital. These losses have had a tremendous impact on me and continue to do so. In spite of this, I have totally resolved the waste issue and will never let it happen again. I personally clean up my backyard every day without exception and will continue to do so. Since I will not be getting any more horses, I now have even more time to devote to the maintenance of my home and my greyhounds. And, as I have been cleaning my bark yard every day, I have discovered that is actually easier and quicker to do it daily than once a week.

I would also note that I am trying for the fourth time to get permission from my HOA to do some landscaping in my backyard. If I can get approval, it will go a long way toward solving any issue that I may have with the neighbor immediately behind me.

It was never my specific intent to run afoul of the zoning ordinances by having this many greyhounds. I am not a breeder, nor am I a random adopter or hoarder of animals. My greyhounds are all the offspring of my CoCo who passed away several years ago. She was a famous racing greyhound who lost a rear leg in an horrific accident at the breeding farm in Kansas. (One summer night, CoCo got out of the kennel and did not return. Just by chance they found her three days later, hanging over a fence on the edge of a bluff, suspended by the barbed wire that was wrapped around her rear leg. She was unconscious and almost dead.) Because she was famous, they amputated her leg so that they could breed her, which they did three times. I fought for several years to get CoCo before finally succeeding. Two years after I got her, she developed osteosarcoma (bone cancer) in her remaining rear leg and eventually died a few months later. Trying to make some sense out of the suffering that she had endured, a friend and I set out to ensure that all of her babies found homes. For years, we literally begged to get them from the racetracks. Against tremendous odds, we got them and found homes for all but three of CoCo's 18 babies. The three that could not find homes have lived with me for the past seven years. The others were never in my home. CoCo is the only reason that I have this number of greyhounds. After this group, I will never have more than two or three.

After working with retired racing greyhounds for 16 years, I can state without reservation that, now that mine are senior dogs, their chance of being adopted from a rescue or shelter is zero. No one wants the senior dogs, especially when, like mine, they already have ailments and issues. Osteosarcoma is the great killer of greyhounds. Unfortunately, mine, due to their breeding, are at a very high risk to develop cancer. If they do, I, unlike most, will fight to give them every possible day. They are probably only alive today because of the way that I care for them. And they are so close to me and to one another, that it would be absolutely devastating to them and their health to break us up. And putting them in a shelter to waste away or be killed would be an absolute travesty that would in no way serve any community's greater good. I would like to stay in my home with the greyhounds that I currently have, especially since I have spent a lot of money doing upgrades to my home, and because this situation is temporary. If that

is not possible, I am prepared to move out of Westfield. In that case, I am asking for a limited variance that would allow me to keep my greyhounds while I build a home for them and my elderly mother who currently lives in Avon. I already own the property on which I would build.

Greyhounds really are not dogs, and you cannot judge them like you would other dogs. Six greyhounds are certainly less work and less intrusive than three of any other breed of any size. And, from what I have seen, my six greyhounds are less intrusive than my neighbors' dogs who bark frequently and are in yards that are cleaned far less often than my own. Since I have a fence, it is likely that someone with dogs will purchase my property. Those dogs (or dog) will surely be more disruptive to the neighborhood than my six have ever been, especially given various comments made by my neighbors about how the other dogs in the neighborhood bark.

Having multiple greyhounds in one household is very common. The frequent saying amongst greyhound people is that three greyhounds in a home equal one cat. Having had both animals, I absolutely agree with that statement. Greyhounds do not shed. They do not bark. They are incredibly gentle. They are not destructive. They are extremely clean. They come crate-trained. They do not require very much exercise. When they are awake, they are extremely quiet. They sleep 20 hours a day.

My greyhounds, due to their advanced age, sleep probably closer to 21 hours a day, especially since my household is extremely quiet and low key. At any given moment, there are six sleeping greyhounds somewhere in my house not bothering anyone. It is like that every day, all day long. They are so quiet that they do not interfere with the phone calls that I make daily to clients, courts, and other attorneys. The fact that they are there, sound asleep, only going out to relieve themselves, in no way impacts the health or welfare of anyone else in my neighborhood.

I am submitting several letters supporting my request for an exception. One of those letters is from my neighbors Jean and Curtis Ray who live in the other half of my paired patio home and essentially share the same backyard. Since we share a common wall and yard, if anyone is going to be disturbed, it would be the Rays. They have noted on their letter that my greyhounds have never bothered them.

I would finally like to point out that no is alleging that my greyhounds have done anything to interfere in any way with anyone in my neighborhood. The only complaint is that six is not three, and that I, not them, did not clean up my backyard. Given the fact that my greyhounds are less intrusive than other dogs in the neighborhood and that I have been cleaning my backyard each day without exception, if this special exception is granted, my greyhounds, just like during the previous ten years, will not impact, the public health, safety, morals, or general welfare of the community. I will continue to do all in my power to make sure that is true. I am confident that I will be successful.

3. THE SPECIAL EXCEPTION WILL NOT BE INJURIOUS TO THE USE AND ENJOYMENT OF OTHER PROPERTY IN THE IMMEDIATE VICINITY FOR THE PURPOSES ALREADY PERMITTED, NOR SUBSTANTIALLY DIMINISH AND IMPAIR PROPERTY VALUE WITHIN THE NEIGHBORHOOD BECAUSE:

For all the reasons stated above, and the supporting letters that I have included with my application, it is clear that my greyhounds have not injured the use and enjoyment of properties in the immediate vicinity nor have they substantially diminished or impaired property values in the neighborhood. They have resided in my home for the past six to ten years. There has only been one complaint, and that issue has been resolved. That issue will be even further resolved if I am allowed to landscape my backyard. During the time that my greyhounds have been here, the property values in my neighborhood have increased substantially. A unit next to me that originally sold for \$180,000 recently sold for \$234,000. My own home has increased in value from \$209,000 to \$263,000, and that does not take into consideration the numerous improvements that I have made to my house. When I built my house, I was the fourth person on my street and no homes were beside or behind me. My greyhounds have been here from the beginning. In that time, all the lots in the neighborhood have sold. Given the presence of my fence and my greyhounds, those purchases were made with knowledge that there were dogs on the property. If there had been something injurious going on, I am sure people would not have purchased their homes. In fact, I talked with Jessica, the sales representative at the Fischer model home that is two houses down from the back of my house. She was surprised to hear about any complaints because she only thought that I had two dogs, had never smelled anything, and had never heard any comments from anyone about my greyhounds. Clearly, there has been nothing going on at my home or in my backyard or with my greyhounds that truly discourages people from purchasing lots on which to build the \$400,000 homes that now back up on to my property. Given these facts, and the discussion above, it is clear that the number of greyhounds on the property has had no significant impact on the enjoyment or value of the neighborhood nor will they in the future. Please remember that I have taken such good care of my greyhounds that most people do not even know that I have them, or think that I have only a couple.

I have been canvassing my neighborhood to get support so that we can stay in our home. When I tell neighbors how many greyhounds I have, they are all surprised because they had no idea that I had more than a couple of animals, if any at all. And, as I have talked with them, no one has complained to me about any problems that my greyhounds have caused in the neighborhood. As shown by the letters that I am submitting with this request, my neighbors are supportive of the granting of this exception. And I have reiterated with them all that they should always feel free to contact me if they perceive an issue so that I can remedy it immediately.

4. THE ESTABLISHMENT OF THE SPECIAL EXCEPTION WILL NOT IMPEDE THE NORMAL AND ORDERLY DEVELOPMENT AND IMPROVEMENT OF SURROUNDING PROPERTY FOR USES PERMITTED IN THE DISTRICT BECAUSE:

Again, I incorporate the above information. My greyhounds are totally confined to my house and backyard. They never run free in the neighborhood, nor do they bark. They have been here for the past six to ten years. We were the fourth house sold on my street. After moving in, I immediately built a fence in my backyard, and my greyhounds have been going out into that yard since the fence was installed. During that time, all the empty lots have sold, and now there are houses built on each of them. I have talked to a lot of my neighbors, and none of them feel like my greyhounds have interfered in any way. In fact, a lot of them spend considerable time outdoors and have never said anything to me. Since the surrounding property has been fully developed while my greyhounds have been here, it is clear that they are not a deterrent in any way to the development and improvement of the surrounding property. And, since I have resolved the waste issue, there is absolutely nothing that they do that extends beyond the confines of my property.



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

October 9, 2018

1810-VS-14

Exhibit 1

Petition Number: 1810-VS-14

Subject Site Address: 2727 W 166th Street (The "Property")

Petitioner: Jeremiah Hamman (The "Petitioner")

Representative: Jesse M. Pohlman

Request: The Petitioner is requesting multiple Variances of Development Standard to 1) reduce the Minimum Lot Frontage requirement (Article 4.2(D)); 2) eliminate the Perimeter/External Pedestrian Network requirement along 166th Street (Article 8.7 (D)); and 3) modify various accessory building standards (Article 6.1(D) and Article 6.1(I)) on 19.94 acres +/- in the AG-SF1: Agriculture / Single-Family Rural District.

Current Zoning: AG-SF1 Agricultural / Single-Family Rural District

Current Land Use: Residential

Approximate Acreage: 19.94 acres+/-

Exhibits:

1. Staff Report
2. Location Map
3. Site Plan
4. Application

Staff Reviewer: Jonathan Dorsey, Associate Planner

OVERVIEW

Location: The subject Property is 19.94 acres +/- in size and is located at 2727 W 166th Street (see **Exhibit 2**). The Property is currently zoned the AG-SF1 District. The surrounding properties to the north, east and west are also zoned the AG-SF1. The adjacent properties to the south and southwest are zoned SF-2.

Variance Request: The Petitioner is requesting multiple Variances of Development Standard to 1) reduce the minimum lot frontage requirement (article 4.2(D)), 2) eliminate the Perimeter/External Pedestrian Network requirement along 166th Street (Article 8.7 (D)), and 3) modify various accessory building standards (Article 6.1 (D) and Article 6.1 (I)) (see **Exhibit 4**).

SUMMARY OF VARIANCE

The Petitioner is requesting to 1) reduce the minimum lot setback requirements on Lots 1 and 2 from two hundred and fifty (250) feet to zero (0) feet, 2) eliminate the requirement for the construction of a path along the perimeter street of 166th Street, and 3) modify various accessory

building standards and requirements to allow existing accessory buildings to conform to new lot subdivision; more specifically outlined below:

- 1) The Minimum Lot Frontage for AG-SF1 as defined in the Unified Development Ordinance is two hundred and fifty (250) feet (Article 4.2 (D)).
- 2) The Property must comply with the Unified Development Ordinance Pedestrian Network Standards as listed (Article 8.7 (D)) wherein all developments shall establish or improve the pedestrian network along streets adjacent to its perimeter.
- 3) The Property currently contains Accessory Buildings and Agriculture-Related Accessory Buildings which are regulated in the Unified Development Ordinance (Article 6.1 (D) and Article 6.1 (I)). In which accessory buildings shall be closer than ten (10) feet from the established Front Yard. An Accessory Building of two hundred (200) square feet or less shall be a minimum of two and one half (2.5) feet from the Side and Rear Lot Lines and located out of all easements. An Accessory Building over two hundred (200) square feet shall meet the minimum Side and Rear Yard Building Setback Lines of the underlying Zoning District, except as otherwise established by Article 6.1. The Existing Accessory Buildings that are regulated under Article 6.1 (I) for Agriculture-Related Accessory Buildings are exempt from Article 6.1 Section (B)(2) General Standards, (D) Building Location, and (F) Maximum Accessory Building Height, so long as the accessory building is of Agricultural Use, Agritourism Use, Equestrian Facilities, Private Stables, and Nurseries. Stables also are regulated by Article 6.1 (I)(2) wherein the Minimum Side and Rear Yard Building Setback is to be one hundred and fifty (150) feet and a required building separation of at least two hundred (200) feet from existing Dwelling Units on adjacent lots, the abutting Property Owner may execute and record a notarized consent to reduce the setback to a new minimum of thirty (30) feet.

COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan (The “Plan”) identifies the Property within the “New Suburban” land use classification¹. The vision for the New Suburban Southwest includes a diverse mix of uses including a town park, golf courses, open farmland, residential development, and a central core of large-lot residential and rural properties, equestrian uses and artisan farms².

The New Suburban classification is designed to accommodate attached and detached dwellings, institutional uses, recreational uses, artisan farms, and equestrian farms³. The Plan also contemplates Employment Corridor to:

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

² Page 39 of the Westfield and Washington Township Comprehensive Plan; Chapter 2; Land Use Plan: Background.

³ Pages 41-44 of the Westfield and Washington Township Comprehensive Plan; Chapter 2; Land Use Plan; Highway Corridors.

- Require appropriate transitions and buffers between neighborhoods, particularly those of differing character or density. At interfaces between large lot residential property and new suburban development, baseline buffering requirements should be used to preserve the rural environment:
- Preserve existing older structures when possible:
- Encourage development of bicycle and pedestrian facilities (sidewalks, trails, paths or any combination thereof designed to accommodate pedestrians) in new development. These facilities should be designed to improve connectivity. In particular, promote connections to new regional trails such as the Monon and Midland Trace Trails:

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 October 9, 2018, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

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

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

Variances of Development Standard: The Board of Zoning Appeals shall approve or deny variances from the terms of the UDO. A variance may be approved under Indiana Code § 36-7-4-918.5 only upon a determination in writing that:

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

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

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

DEPARTMENT COMMENTS

Approval: If the Board is inclined to approve the Variance of Development Standard (1810-VS-14), then the Department recommends the following written findings of fact related to the Variance of Development Standard:

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(s) would be injurious to the public health, safety, morals, and general welfare of the community. The proposed use of the new lots would be compliant to the applicable standards of the current AG-SF1 District Standards.

- 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 use of the Property would not change from its most recent use as residential and the continued use will stay consistent with the quality and character of the surrounding area as designated in the 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 properly subdivide and improve the property, as proposed.

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.