



CITY OF WESTFIELD, IN
BoardofZoningAppeals_Meeting_Agenda_09_15_2015

Tuesday, September 15, 2015 at 07:00 PM

BOARD OR COMMISSION: Board of Zoning Appeals (BZA)

MEETING DATE: Tuesday, September 15, 2015 at 07:00 PM

MEETING PLACE: Westfield City Hall- Assembly Room

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

OPENING OF REGULAR MEETING

Note the presence of a quorum

Approval of Minutes - August 11, 2015

Documents: [August 11, 2015, Minutes](#)

Review BZA Rules & Procedures

ITEMS OF BUSINESS:

1503-VU-02

17777 Commerce Drive

Edward T. Tomich by Badger Engineering, LLC

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

Documents: [Petitioner Letter](#)

1506-VU-06

14939 Ditch Road

Jeff Kelich

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

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Existing Variance Approval_79-V-12](#) | [Exhibit 4: Application](#) | [Exhibit 5: Concept Plan and Landscape Plan](#) | [Exhibit 6: Existing Conditions](#) | [Exhibit 7: Written Commitments](#) | [Exhibit 8: Plan of Operation](#) | [Public Comments from AUGUST](#)

1509-VU-08 [PUBLIC HEARING]

203 Jersey Street

Penny Foster

The petitioner is requesting approval of a Variance of Use to allow a barber and beauty shop in the MF1: Multi-family Low Density District (Chapter 13: Use Table).

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Existing Conditions Exhibit](#) | [Exhibit 4: Petitioner's Statement of Intent](#) | [Exhibit 5: Petitioner's Site Plan & Character Exhibits](#)

1509-VS-12 [PUBLIC HEARING]

14946 Trotter Court (Village Farms)

Amy Heid by Mudslingers Pool & Patio

The petitioner is requesting a Variance of Development Standard for a reduction in the Rear Yard Minimum Building Setback Line in the SF-2: Single-Family Low Density District (Article 4.5(E)(3)).

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

1509-SE-02 [PUBLIC HEARING]

19540 Lamong Road

Cindy Tripp (Heavenly Care Kennels)

The petitioner is requesting Special Exception approval to allow a kennel business in the AG-SF1: Agriculture / Single-Family Rural District (Chapter 13: Use Table).

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Application](#) | [Exhibit 4: Existing Conditions Photos](#) | [Exhibit 5: Current Site Plan](#) | [Exhibit 6: Current Structure Site Plan](#) | [Exhibit 7: Current Utility Plot Plan](#) | [Exhibit 8: Proposed Site Plan](#) | [Exhibit 9: 2007 BZA Approval Letter](#)

1509-VS-13 [PUBLIC HEARING]

19540 Lamong Road

Cindy Tripp

The petitioner is requesting Variances of Development Standard for a reduction in the Minimum Lot Frontage requirement in the AG-SF1: Agriculture / Single-Family Rural District (Article 4.2 (D)).

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Application](#) | [Exhibit 4: Existing Conditions Photos](#) | [Exhibit 5: Current Site Plan](#) | [Exhibit 6: Current Structure Site Plan](#) | [Exhibit 7: Current Utility Plot Plan](#) | [Exhibit 8: Proposed Site Plan](#) | [Exhibit 9: 2007 BZA Approval Letter](#)

REPORTS/COMMENTS:

APC LIAISON

ECD STAFF

ADJOURNMENT

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Fax: (317) 632-2962

September 10, 2015

Jesse M. Pohlman, Senior Planner
City of Westfield - Economic and Community
Development Department
2728 East 171st Street
Westfield, IN 46074

Re: **City of Westfield Board of Zoning Appeals:**
Edward T. Tomich (Tim's Shooting Academy) 1503-VU-02

Dear Mr. Pohlman:

Please accept this written communication as a final request to continue the above-referenced variance application filed on behalf of Edward T. Tomich and related to Tim's Shooting Academy located at 17777 Commerce Drive, Westfield, Indiana 46074. Specifically, this request seeks to continue these matters a final time from the September 15, 2015 Board of Zoning Appeals Meeting Agenda to the October 13, 2015 Board of Zoning Appeals Meeting date.

I am pleased to report that we were allowed by the adjacent property owner to perform sound testing just yesterday, September 9, 2015. Since receiving authorization from the Westfield BZA and approval of permits from the state and the city, the foundation for the wall has been constructed and the slab for the new wall has been poured. Additionally the concrete block was ordered following the August hearing and the supplier has confirmed that the concrete block has now been delivered to them. A new sound dampening door for the vestibule was custom ordered following the August hearing and has been delivered to the site. As soon as the weather permits (rain anticipated on Friday), the masons will construct the remainder of the wall, the roofing will be constructed and the post-construction sound testing will be performed.

I will bring updated images of the construction progress - which may even be taking place next Tuesday prior to the hearing. This should be the last opportunity for an update-type proceeding and we can move forward in October with the construction completed.

Very truly yours,

BENESCH, FRIEDLANDER, COPLAN & ARONOFF LLP

A handwritten signature in black ink, appearing to read "Andrielle M. Metzel". The signature is fluid and cursive, with the first name "Andrielle" being more prominent than the last name "Metzel".

Andrielle M. Metzel

Cc: Edward T. Tomich
Christian C. Badger P.E.

The Westfield Washington Township Board of Zoning Appeals met at 7:00 p.m. on Tuesday, August 11, 2015, at Westfield City Hall. Members present included Martin Raines, Ron Rothrock, Bill Sanders and Dave Schmitz. Also present were Jesse Pohlman, Senior Planner; Kevin Todd, Senior Planner; and Brian Zaiger, City Attorney.

APPROVAL OF MINUTES

Schmitz moved to approve the July 14, 2015, Meeting Minutes.

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

Pohlman reviewed the Public Hearing Rules and Procedures.

ITEMS OF BUSINESS

1503-VU-02

17777 Commerce Drive

Edward Tomich by Badger Engineering, LLC

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

Pohlman presented an overview of the request.

Andi Metzel, Benesch, Friedlander, Coplan & Aronoff LLP, on behalf of the petitioner, gave a brief presentation of the progress made for the modification, noting the change to increase the vestibule wall from eight feet to ten feet. Metzel requested a continuance now that all of the permits had been obtained to allow for the vestibule to be constructed.

Schmitz motioned to approve the continuance as requested.

Rothrock seconded, and the motion passed 4-0.

1506-VU-06 (CONTINUED)

14939 Ditch Road

Jeff Kelich

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

Ron Rothrock noted a conflict with this petition and excused himself from the meeting.

Todd presented an overview of the requested Variance of Use as summarized in the department's report to allow a lawn and landscape business in the SF2: Single-Family Low Density District.

Joseph Calderon, Bose McKinney & Evans, LLP, on behalf of the petitioner, presented the request in detail, including the presentation of an operation plan and updated site plan.

Jeff Kelich, petitioner, further presented the proposed improvements to the property.

Public Hearing opened at 7:43 p.m.

Bob Burnesan, 14922 Mayfield Drive, on behalf of the Centennial Homeowners Association, presented residents' concerns regarding noise, lighting and drainage, particularly with regard to equipment backing up, lighting on adjacent properties, and possible hazardous chemicals. Burnesan stated their opposition to the request.

David Beach, 1327 Annapolis Drive, requested the Board deny the request. Beach stated the proposed use is an intrusion into the neighborhood and that the business should be located elsewhere.

Tom Crowley, 501 South Pennsylvania Parkway, presented he is the developer for the northwest corner of 146th Street and Ditch Road and that he believes the property needs to be cleaned up and as proposed does just that. He further noted that this property was non-residential before the surrounding properties developed as residential.

Jeff Kirk, 1359 Annapolis Drive, spoke in opposition to the request and stated he does not want fuel tanks near his backyard and that he was concerned about the smell of mulch and noise nuisances of the equipment.

Joe Plankis, 514 Stockbridge Drive, on behalf of the Centennial Homeowners' Association board, stated their concerns regarding traffic, noise, smells, and a containment systems. Plankis stated approval will interfere with the comprehensive plan and requested that the Board deny the petition.

Public Hearing closed at 7:58 p.m.

Calderon responded the use will have to comply with all current standards in place, including lighting and other nuisance ordinances. In addition, the traffic flow will not be effected by the business.

Schmitz indicated he would like to see greater community support for the business.

Sanders asked if they met with the adjacent property owners to address their concerns.

Calderon responded they met with those willing to meet early on, but they have not met with them since many of the proposed changes were made including the operation plan and updated site plan, but commented they would be happy to sit down with the property owners again. Calderon requested that the Board continue the request to allow them to meet with neighbors again.

Raines motioned to continue petition 1506-VU-06 until the next meeting.

Sanders seconded, and the motion passed 3-0 (1 abstain: Rothrock).

1508-VS-11
(CONTINUED)

2228 East State Road 38

Ronald M Clifford by Coots, Henke, Wheeler, LLP

The petitioner is requesting approval of a Variance of Development Standard from the Home Business Standards in the AG-SF1: Agriculture/Single-Family Rural District (Article 6.7).

REPORTS/COMMENTS

Plan Commission Liaison Report by Schmitz.

Economic and Community Development Department.

Sanders motioned to adjourn the meeting.

Schmitz seconded, and the motion passed.

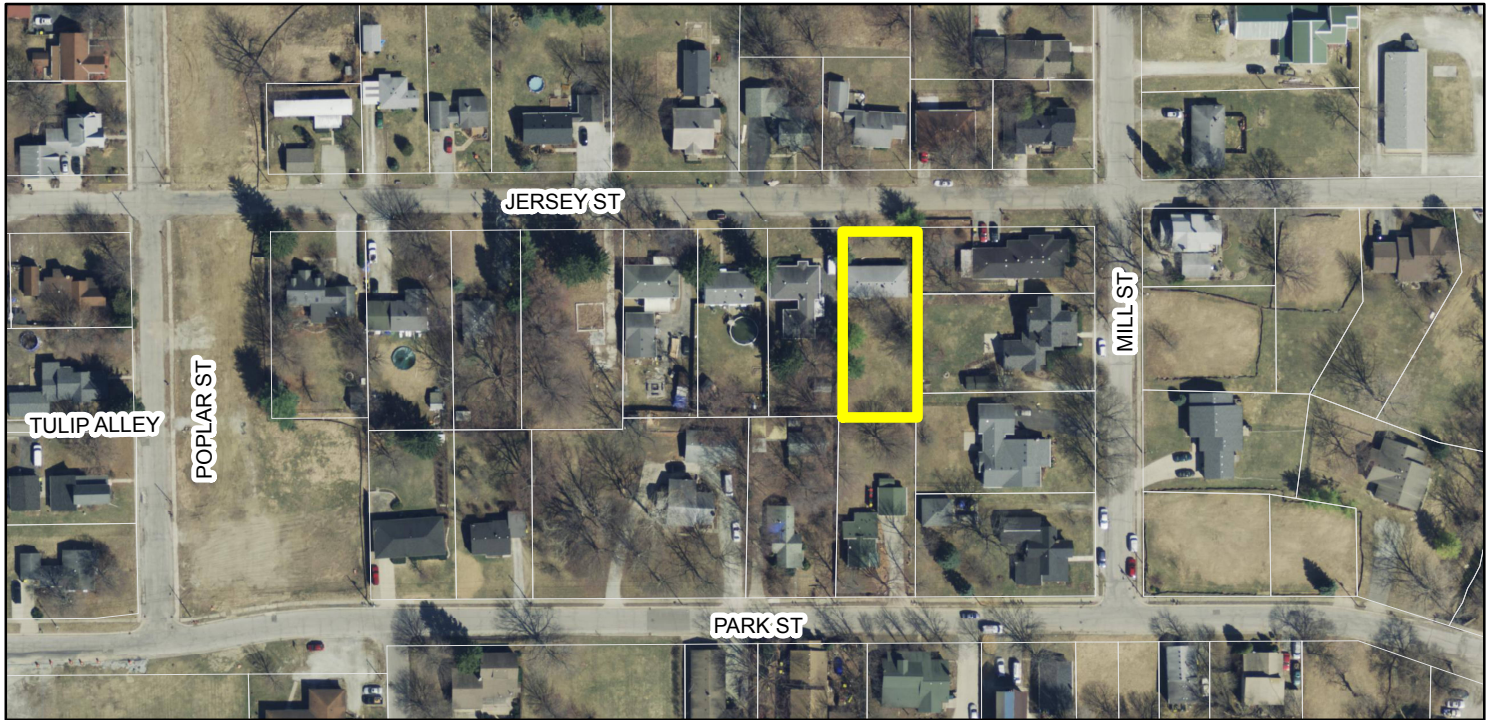
The meeting adjourned at 8:33 p.m.

Chairperson
Martin Raines

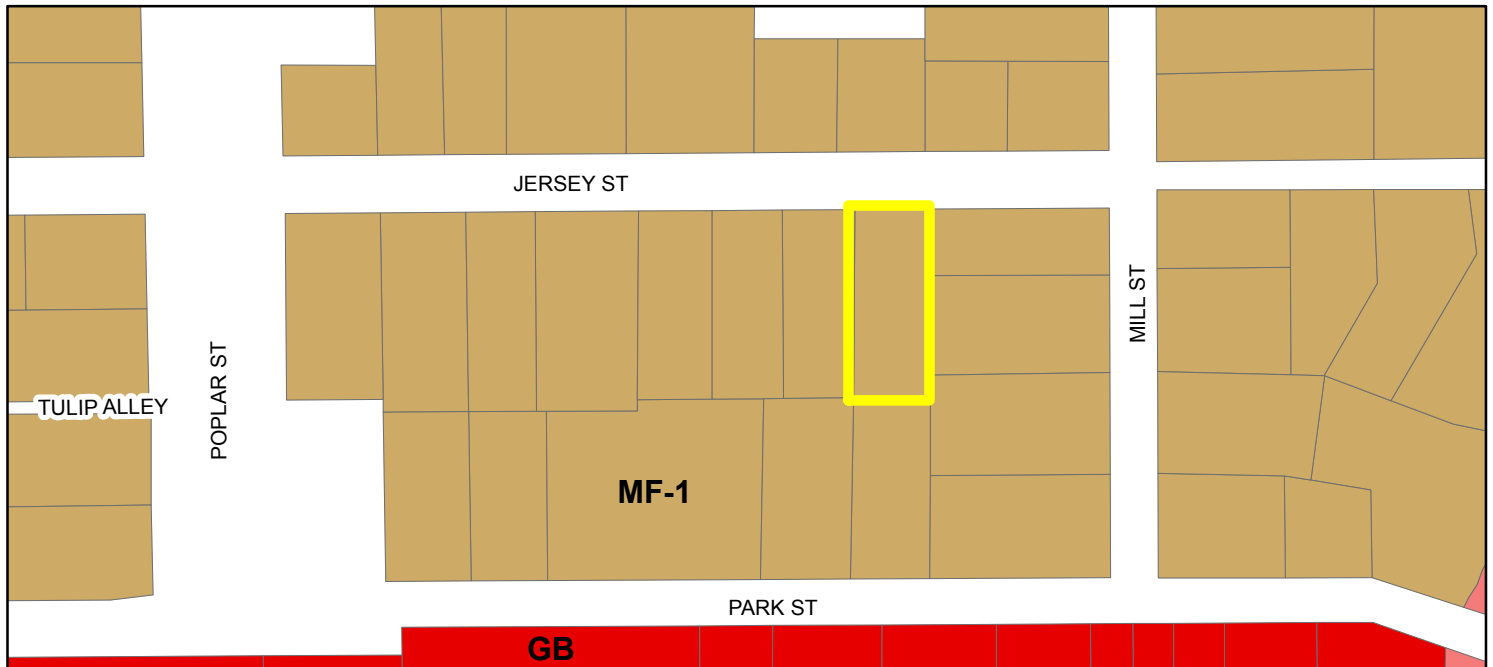
Secretary
Matthew S. Skelton, Esq., ACIP
Director

Aerial Location Map

 Site



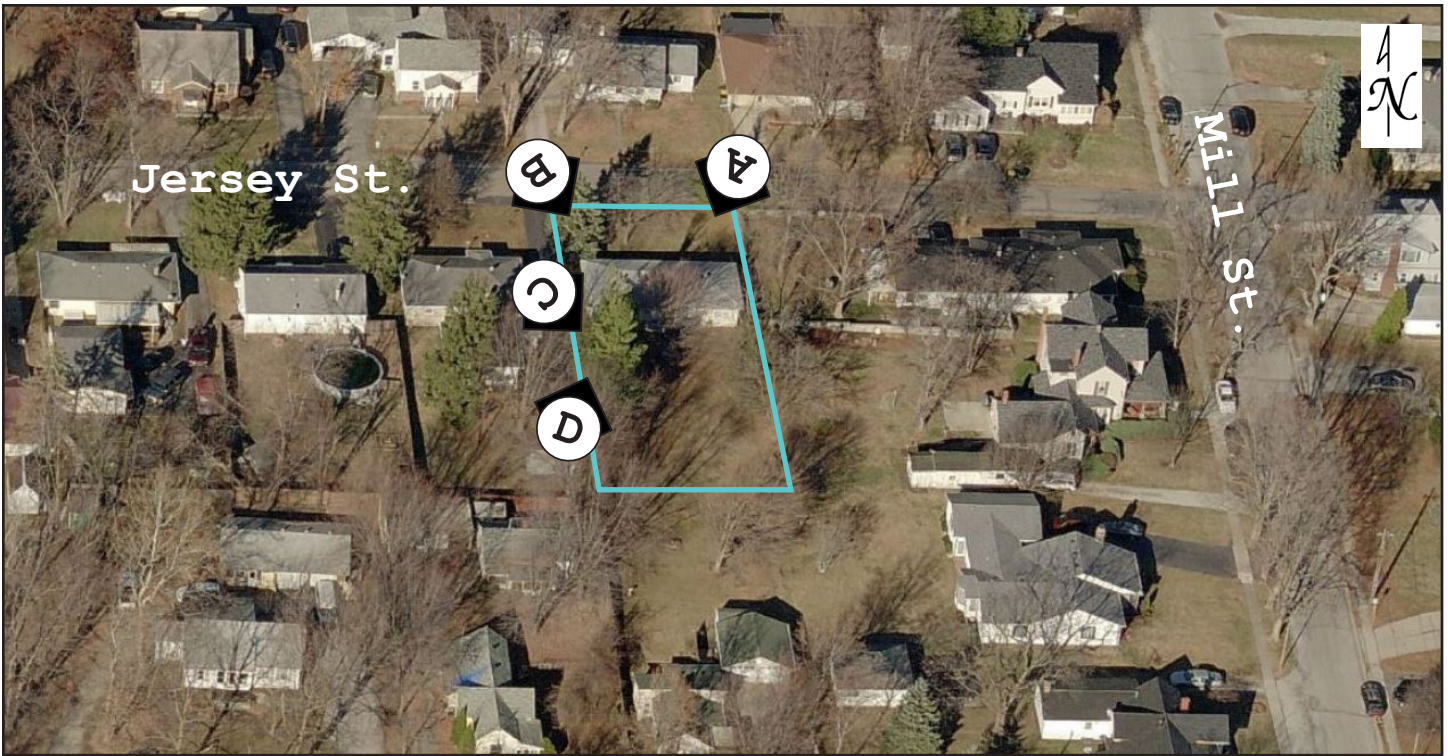
Zoning Map



Zoning

-  GB (General Business)
-  LB-H (Local Business - Historical)
-  MF-1 (Multiple Family - 1)

EXISTING CONDITIONS EXHIBIT



STATEMENT OF INTENT

WE WOULD OPEN A SALON. THIS WOULD BE FOR MYSELF, A LICENSED COSMETOLOGIST FOR 25 YEARS IN HAMILTON COUNTY, THE LAST 9YRS AT A BARBER SHOP ON 146TH STREET. THERE WOULD BE ONE OTHER STYLIST ON DUTY ON A PART-TIME BASIS. I HAVE A FOLLOWING OF CLIENTS AND THE EXTRA STYLIST WOULD BE ABLE TO ACCEPT APPOINTMENTS AND WALK-INS. SERVICES WOULD BE HAIRCUTS, STYLED AND CONDITIONING TREATMENTS. THE TIMES FOR EACH CLIENT WOULD BE 15-30 MINUTES. MYSELF, THE PART-TIME STYLIST AND THE APPOINTMENTS COMING AND GOING. I SERVE A LOT OF FAMILIES SO THERE WOULD BE THEIR VEHICLE USED AT LONGER PERIOD OF TIME, WITH THIS BEING A TOWN SALON, WE ARE NOT GOING TO HAVE THE FLOW OF CLIENTS YOU WOULD SEE IN A LARGER DEVELOPMENT.

SEE ATTACHED CHART FOR PARKING SPACES, THEY VARY DUE TO THE VARIOUS SIZES AND HANDICAPPED VEHICLES. I WOULD NEED A HANDICAP PARKING SPOT FOR THOSE CLIENTS. THE SPACES VARY, DUE TO VEHICLE VARIANCE. THEY RANGE FROM SHORTEST LENGTH 16'-18' AND 8.0-9.0'. THE ONLY EXCEPTION TO THIS IS HANDICAP SPOT NEEDS TO BE 20' IN LENGTH TO 14' WIDE. I WOULD BE WILLING TO ALLOW PARKING FOR THE COMMUNITY AS LONG AS IT IS NOT DURING BUSINESS HOURS.

THE HOURS OF OPERATION WOULD BE NO LATER THAN GREEK'S PIZZERIA OR RAIL. THE BUSIEST/LONGEST TIMES WOULD BE MONDAY-FRIDAY. I WOULD NEED TO OPEN ON SOME DAYS BY 8 AM DUE TO THE BUSINESS CLIENTELE THAT NEED AN EARLIER APPOINTMENT. I WOULD HAVE SHORTER HOURS ON THE WEEKEND'S DUE TO THIS IS THE MOST TIMES WHEN FAMILIES GET TOGETHER.

dark grey/pewter colors

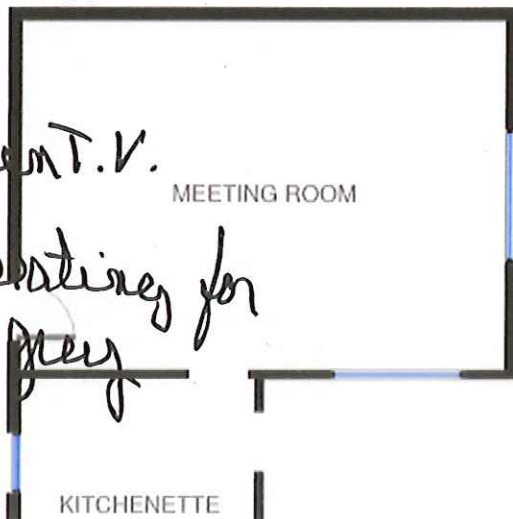
Parking (14)



- ⑧ make tub hidden w/ train shower curtain
- ⑨ Coffee Bar (Reclaimed wood small)
- ⑩ Receptionist desk
- ⑪ at head train ~~as parents~~ kids

- ① sign
 - a) Window Cling
- ② Product display
 - a) American crew
 - b) men
 - c) Reichen - Women
 - d) kids line

- ⑫ Flat screen T.V.
- ⑬ built in seating for clients w/ grey covering



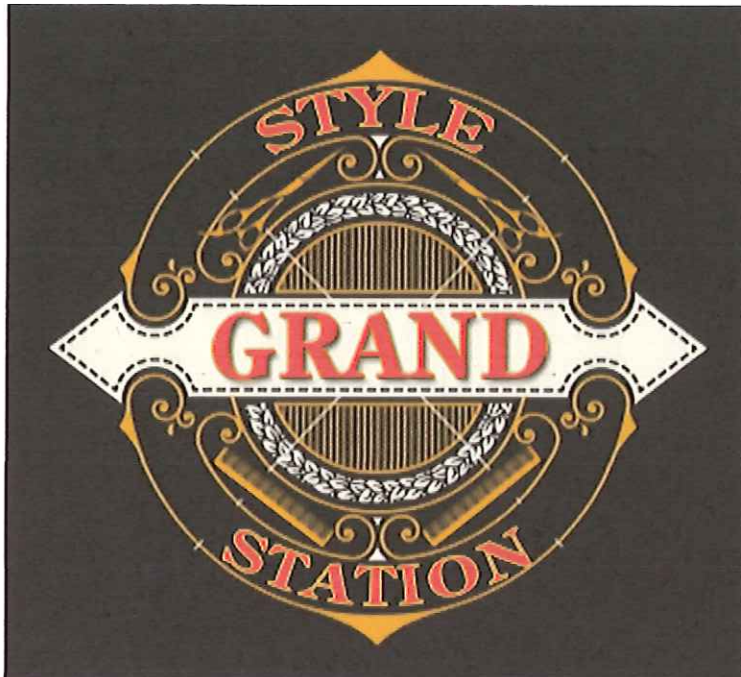
- ③ 2 Stations Back to Back
- ④ Client Chairs
- ⑤ Shampoo bowls - ~~shampoo~~ to
- ⑥ Shampoo Chair
- ⑦ Dryer Chair
- ⑧ Ionic Dryer

From: Pam Clarino booboo@dizzyc.com
 Subject: logos
 Date: July 21, 2015 at 4:55 PM
 To: Penny Weston 67jagger@gmail.com

PC

I have attached 2 logos, very rough. disregard the colors just want to make sure I am on the right track with the subject matter. We will do colors after we nail the initial design.

Pam



On Jul 20, 2015, at 8:28 PM, Penny Weston <67jagger@gmail.com> wrote:

|

1-A

Like

Visit site

Edit



Found on tumblr.com

 **Penny Weston** · 9 days ago
Dinan ~ France

 **Penny Weston** · That's you!

Add a comment...

 Saved by
Penny Weston

That's you!

 Via
Hugues Ouimet

Follow

 **Grand Style Station**
Penny Weston



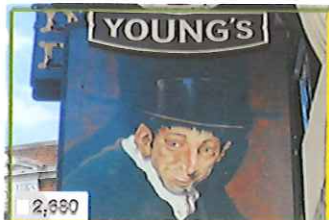
Edit

More from
tumblr.com



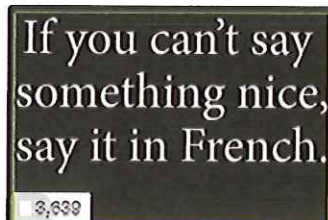
Also on these boards

 **signs**
Janell Christman



2,330

 **Paris and more**
Cheryl Tarasenko



3,639

 **France - voyage OISEAU**



3,339

 **FRANCIA : EUROPA**
Cristina Menendez



2,155

~~1B~~ 1A



Jim Griffith

5 mins

Vintage "Monon" post cards.

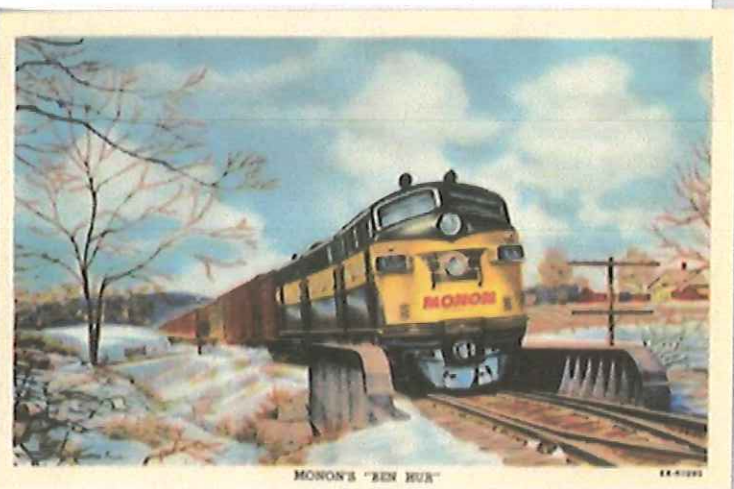


"THE THOROUGHbred"

60-10318



"THE HOOSIER" LEAVING CHICAGO



MONON'S "BEN HUR"

60-10319

Seen by 1

1A





WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

September 15, 2015

1509-VU-08

Exhibit 1

Petition Number: 1509-VU-08

Subject Site Address: 203 Jersey Street (the "Property")

Petitioner: Penny & Richard Foster (the "Petitioner")

Request: The petitioner is requesting approval for a Variance of Use to allow a barber and beauty shop in the MF1: Multi-Family Low Density District (*Chapter 13: Use Table*).

Current Zoning: MF1: Multi-Family Low Density District

Current Land Use: Residential

Approximate Acreage: 0.25 acre +/-

Exhibits:

1. Staff Report
2. Location Map
3. Existing Conditions Exhibit
4. Petitioner's Statement of Intent
5. Proposed Site Plan & Character Exhibits

Staff Reviewer: Jeffrey M. Lauer, Associate Planner

PETITION HISTORY

This petition will receive a public hearing at the September 15, 2015, Board of Zoning Appeals meeting.

ANALYSIS

Location: The subject property is approximately 0.25 acre +/- in size and located on the south side of Jersey Street, approximately 200 feet west of Mill Street (see **Exhibit 2**). The Property is zoned MF1: Multi-family Low Density District. The Property is improved with a single structure originally constructed as a single-family dwelling and more recently used as a childcare/daycare facility (see **Exhibit 3**). The surrounding properties are all zoned MF1.

Land Use: The Property is currently zoned MF1: Multi-Family Low Density District. As summarized in **Exhibit 4** (the Petitioner's "Statement of Intent"), the Petitioner is requesting a Variance of Use to allow a barber and beauty shop. A barber and beauty shop is a Low Intensity Retail¹ use, as

¹ The UDO defines "Retail, Low Intensity" as "[r]etail businesses that have a low impact on neighboring properties, traffic generation, and public safety. Example businesses include, but are not limited to: art gallery, banks and savings and loans, bakery with limited seating, barber and beauty shop, book store (small), camera store, convenience store (small), craft gallery (small), drug store (small), dry cleaning pick-up, flower shop, gift shop, jewelry store, laundromats and self-service dry cleaning, mail order stores, meat market, news dealer and stationary stores. Generally, a business under eight thousand (8,000) square feet qualifies as small for purposes of this definition.



defined by the Unified Development Ordinance (the “UDO”). A Low Intensity Retail use is not a permitted use in the MF1 District. As a result, this variance of use request has been filed in order to allow this use on the Property.

As shown in **Exhibit 5**, the Petitioner is proposing to use the existing structure and not proposing to construct any new buildings. The Petitioner is also proposing to utilize the interior as it generally exists today, which includes a large meeting room, studio space, a private office and support facilities, such as kitchen/break room, bathroom and mechanicals. The Petitioner’s Statement of Intent (see **Exhibit 4**) further describes the operational characteristics of the proposed use, including hours of operation.

The UDO generally provides the purpose and intent of the MF1 District² is to provide for a variety of attached and multi-family residential dwellings, the MF1 District also permits other nonresidential uses such as assisted living facilities, nursing homes, and childcare/daycare centers. The previous use of this Property was for a childcare/daycare center.

Comprehensive Plan: The Westfield-Washington Township Comprehensive Plan identifies this Property within the “Downtown”³ land use classification. The Downtown area was further studied in 2008 after the formation of the Grand Junction Task Group (the “GJTG”). The study resulted in an amendment to the Comprehensive Plan known as the Grand Junction Master Plan and Addendum, adopted in 2009, and then subsequently the adoption of the Grand Junction Implementation Plan (the “Implementation Plan”), an amendment to the Comprehensive Plan adopted in 2013 (collectively, the “Grand Junction Plan”).

The Grand Junction Plan identifies a long term vision as well as land use and financial investment goals for the intermediate and short terms. The centerpiece of the Grand Junction Plan includes creating public gathering spaces with key public investments opportunities to include: Grand Junction Plaza (currently being designed), new civic facilities, extended trail system and street network, enhanced stormwater management, and signature gateway developments.

The studied land use component of the Grand Junction Plan identified several sub-districts. The Property falls within the area identified as the “Junction Sub-District”. The specific objectives for the Junction Sub-District, as prioritized in the Implementation Plan, include: (i) develop architectural and development standards; (ii) formalize a position with INDOT regarding the SR32 expansion through downtown; (iii) develop standards to address modifications to existing structures; (iv) develop Downtown Westfield Association review process; and (v) develop strategy for attracting/encouraging the following land uses: trail-oriented businesses (i.e. bike

² Article 4.10(A)

³ *Westfield-Washington Township Comprehensive Plan 2007*, pg. 24



shop, coffee shop); dry cleaner; market; specialty shops; night-time gathering places; restaurants; offices⁴.

The Department, in coordination with the GJTG, is working on the prioritized objectives of the Implementation Plan; however, the specific objectives noted above for the Junction Sub-District are still in progress. Current discussions have identified that the Junction Sub-District includes several sub-areas, of which the Park Street and Jersey Street corridors were identified as areas where the adaptive re-use of existing structures⁵ may be desirable to support an eclectic mix of authentic buildings and “village character” that includes interesting shops and cottage industries⁶.

Procedural

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of this petition. This petition is scheduled to receive its public hearing at the September 15, 2015, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals’ Rules of Procedure.

Conditions: The UDO⁷ and Indiana Code § 36-7-4-918.4 provide that the Board of Zoning Appeals may impose reasonable conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of the UDO upon any Lot benefited by a variance as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject Lot or upon public facilities and services. Such conditions shall be expressly set forth in the order granting the variance.

Acknowledgement of Variance: If the Board of Zoning Appeals approves this petition, then the UDO⁸ 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

⁴ Grand Junction Implementation Plan, Chapter 6: Implementation Plan Objectives and Action Items (pg. 26).

⁵ *Westfield-Washington Township Comprehensive Plan 2007*, pg. 70

⁶ Cf. *Westfield-Washington Township Comprehensive Plan 2007*, pgs. 74-78

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

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



Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

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

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

RECOMMENDATION

The general area surrounding the Property (e.g., Main Street to Park Street, and Poplar Street to Mill Street) is experiencing a transition as a result of the improvements to US Highway 31, Grand Park (and its related visitors) and the continuing efforts and interest in revitalizing and enhancing downtown. As a result, the Department believes this request is consistent with what the City anticipates to continue to be an emerging trend for transitional businesses in downtown that contribute to further activity and liveliness.

The Department believes the proposed use is consistent with what the Comprehensive Plan has identified for the Junction Sub-District; however, because the refined vision that will be set forth in a Junction Sub-District addendum is not expected to be completed until 2016, the Department recommends a time limit for the variance of use. Although the proposed use and existing property conditions may be consistent with any future addendum, the time limit allows the City and the Board the ability to revisit the use and market/property conditions to determine whether it is appropriate long term and/or if an alternative zoning process (e.g., change of zoning) may be more appropriate.

The Department recommends approval of 1509-VU-08 with the following condition and findings:

Recommended Conditions:

1. This Variance of Use approval (1509-VU-08) shall expire on September 15, 2017, unless an extension is otherwise granted by the Board of Zoning Appeals.



2. The Variance of Use shall be limited in scope and operation to the Petitioner's Statement of Intent and Site Plan, attached hereto and incorporated herein as **Exhibit 4** and **Exhibit 5**, respectively. Any expansion or substantial alteration to the scope and operation of the Variance of Use, as determined by the Director, shall require approval by the Board of Zoning Appeals.

Recommended Findings for Variance of Use (1509-VU-08):

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

Finding: It is unlikely that approving the requested variance of use would be injurious to the public health, safety, morals, and general welfare of the community because the use is consistent with or less intense than the previously permitted use and is a use otherwise permitted in the community by the Unified Development Ordinance. The operation of the use will otherwise be required to comply with or exceed the applicable standards of the Unified Development Ordinance.

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

Finding: It is unlikely that the use and value of adjacent property will be affected in a substantially adverse manner. The proposed variance of use should not have a negative impact on surrounding properties because: (i) the proposed use will be utilizing only those improvements currently existing on the property and will be conducted entirely within the existing structure; (ii) the operations of the proposed use are intended to mitigate the impact, especially traffic, on surrounding residential properties; (iii) the proposed use is less intense than the previously permitted use of a childcare/daycare center; and (iv) the proposed use is consistent with and compatible with the current and anticipated short term character of the surrounding area.

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

Finding: The Comprehensive Plan and subsequent Comprehensive Plan Addendums have identified an emerging development activity in downtown of the adaptive reuse of existing structures. The existing conditions of the property and surrounding area generally do not lend itself to uses permitted in the MF1 District. The existing conditions do, however, lend itself to the proposed use, which is less intense than other uses the property may otherwise support in its current condition.

4. *The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought.*

Finding: The existing conditions of the property and surrounding area generally do not lend itself to uses permitted in the MF1 District. As a result, the use of the property in its



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

September 15, 2015

1509-VU-08

Exhibit 1

current condition for uses otherwise permitted in the MF1 District is restricted and constitutes an unnecessary hardship.

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

Finding: The Comprehensive Plan identifies this property within the Junction Sub-District of the Grand Junction District. The Comprehensive Plan generally recommends land uses within the Junction Sub-District that are trail-oriented, specialty retail, and night-time gathering destinations. The proposed use is consistent with the recommended land uses and offers an opportunity for the viable use of the property in its current condition. The success of short-term or interim uses of existing structures in downtown will contribute to the long-term success and stability of the Grand Junction District, thus the proposed use does not substantially interfere with the Comprehensive Plan.



Petition Number: 1509-VS-12

Subject Site Address: 14946 Trotter Court (Village Farms)

Petitioner: Amy Heid by Mudslingers Pool & Patio

Request: The Petitioner is requesting a Variance of Standard for a reduction of the Rear Yard Minimum Building Setback Line in the SF2: Single-Family Low Density District (Article 4.5 (E)(3)(a)).

Current Zoning: SF2: Single-Family Low Density District

Current Land Use: Residential

Approximate Acreage: 0.4 acres+/-

Exhibits:

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

Staff Reviewer: Amanda Rubadue, Associate Planner

PETITION HISTORY

This petition will receive a public hearing at the September 15, 2015, Board of Zoning Appeals meeting.

PROPERTY INFORMATION

The subject property is 0.4 acres +/- in size and is located at 14946 Trotter Court within the Village Farms subdivision (see **Exhibit 2**). The property is improved with a single family dwelling.

The property is zoned SF2: Single-Family Low Density District. The surrounding properties include other single family dwellings in the Village Farms subdivision.

VARIANCE REQUEST

The petitioner is requesting this variance to allow the construction of a proposed in-ground swimming pool that would be located in the rear yard, as generally illustrated on the Site Plan Exhibit (see **Exhibit 3**).

The standard for the Minimum Building Setback Line for the Rear Yard is thirty (30) feet (Article 4.5(E)(3)). The home currently has a rear yard setback of approximately 50 feet +/- . The petitioner is requesting a rear yard setback of nineteen (19) feet to accommodate the proposed 28'-wide by 14'-deep swimming pool with a 3' to 8' wide pool deck. An existing ten (10') foot drainage and utility easement runs along the west and south ends of the Property. The proposed pool improvements are not located within the existing easement.

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Development Standard. This petition is scheduled to receive its public hearing at the September 15, 2015, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

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

Acknowledgement of Variance: If the Board of Zoning Appeals approves this petition, then the UDO² requires that the approval of the variance shall be memorialized in an acknowledgement of variance instrument prepared by the Department. The acknowledgement shall: (i) specify the granted variance and any commitments made or conditions imposed in granting of the variance; (ii) be signed by the Director, Property Owner and Applicant (if Applicant is different than Property Owner); and (iii) be recorded against the subject property in the Office of the Recorder of Hamilton County, Indiana. A copy of the recorded acknowledgement shall be provided to the Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

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

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

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

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

DEPARTMENT COMMENTS:

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

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 because the SF2 District permits the proposed improvements and the resulting improvements and parcel will otherwise comply with or exceed the applicable standards of the SF2 District.

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

Finding: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The proposed variance should not have a negative impact on surrounding properties because: (i) the proposed improvement will enhance the value of the subject property; (ii) the improvements are below ground; (ii) the parcel will otherwise comply with or exceed the applicable standards of the SF2 District; and (iv) the approval of the variance will allow for the continued use and improvement of the property in a manner substantially consistent with the quality and character of the surrounding area and Comprehensive Plan.

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

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

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

Recommended Findings for Denial:

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

Finding: It is likely that approving the requested variance would not be injurious to the public health, safety, morals, and general welfare of the community because the SF2 District permits the proposed improvements and the resulting improvements and parcel will otherwise comply with or exceed the applicable standards of the SF2 District.



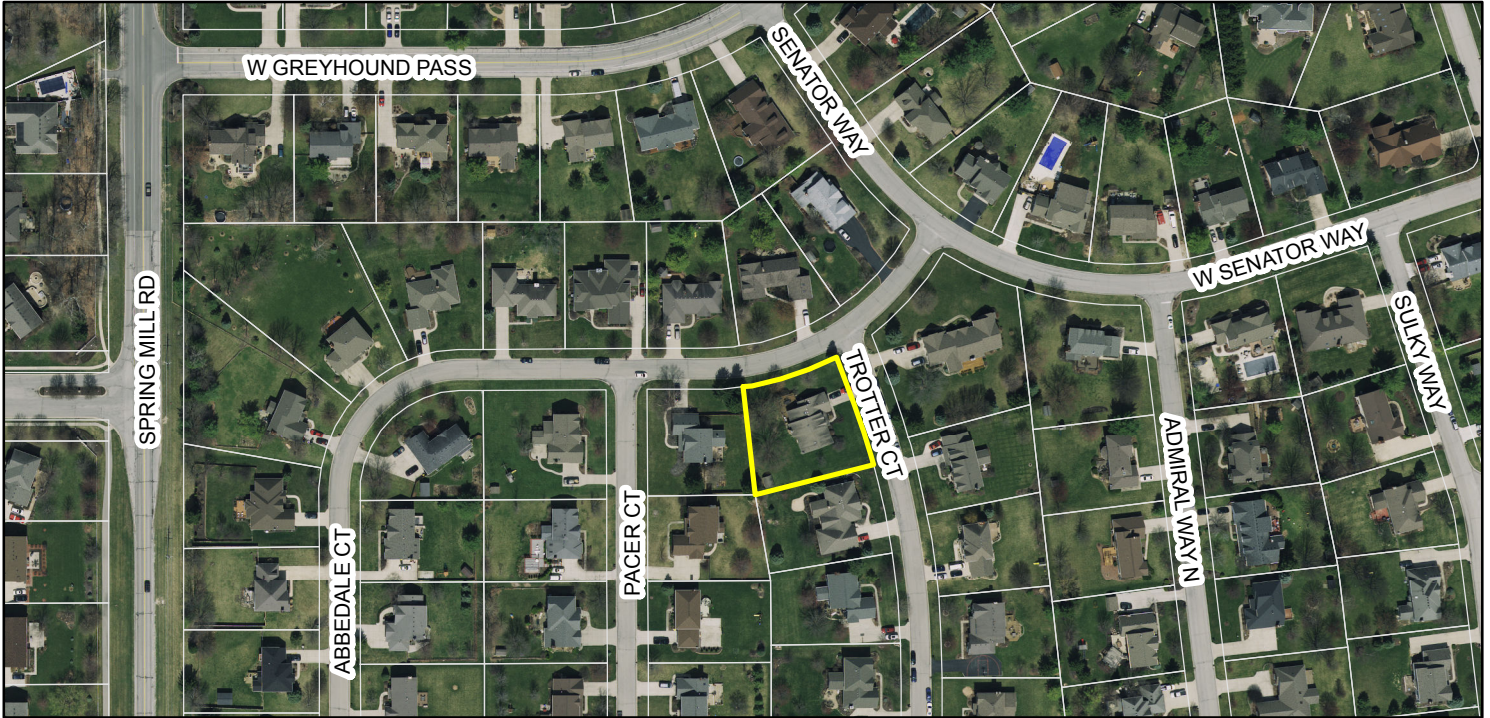
- 2) *The use and value of the area adjacent to the property included in the variance will be affected in a substantially adverse manner:*

Finding: It is likely the use and value of adjacent property will be affected in a substantially adverse manner. The proposed variance would result in a reduced separation between the adjacent property and proposed improvements than otherwise permitted by the applicable standards of the SF2 District.

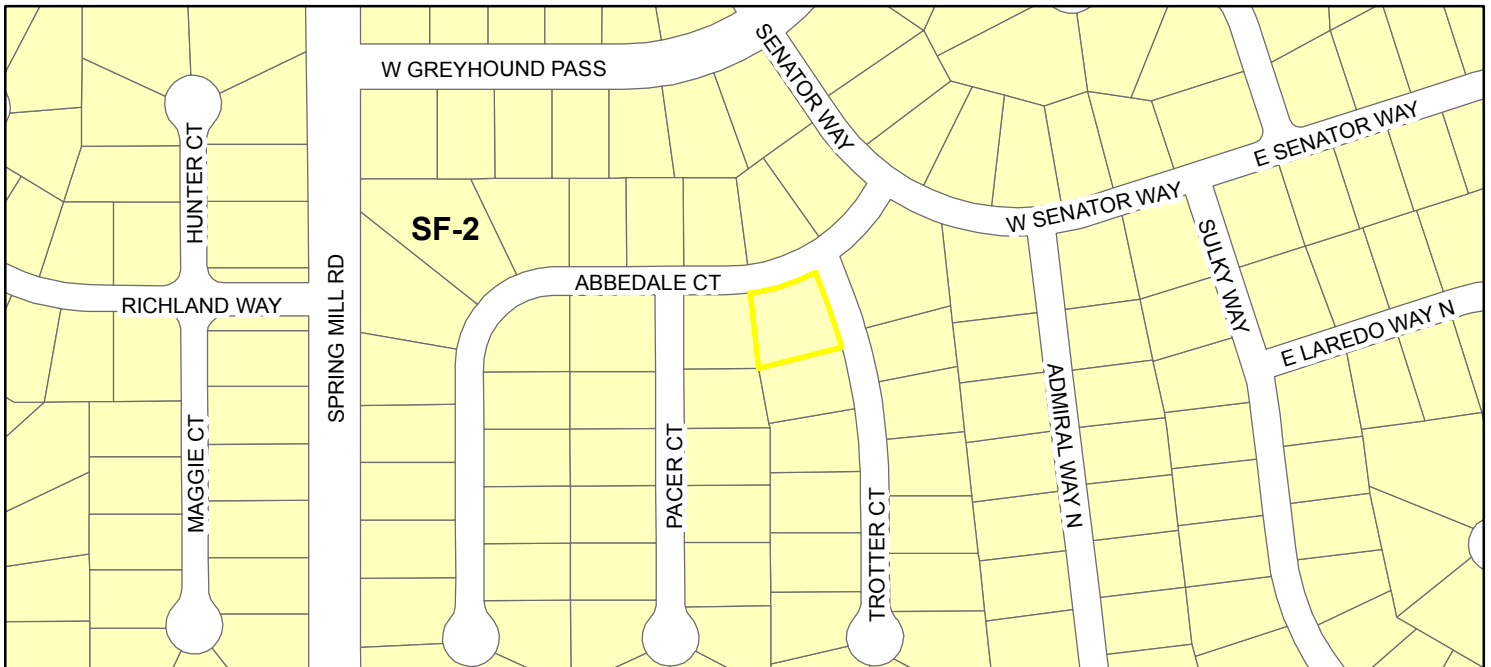
- 3) *The strict application of the terms of the zoning ordinance will not result in practical difficulties in the use of the subject property:*

Finding: Strict adherence to the zoning ordinance would not result in the inability to use the property because an alternative design of the proposed use and associated improvements could otherwise comply with the standards of the Unified Development Ordinance.

Aerial Location Map

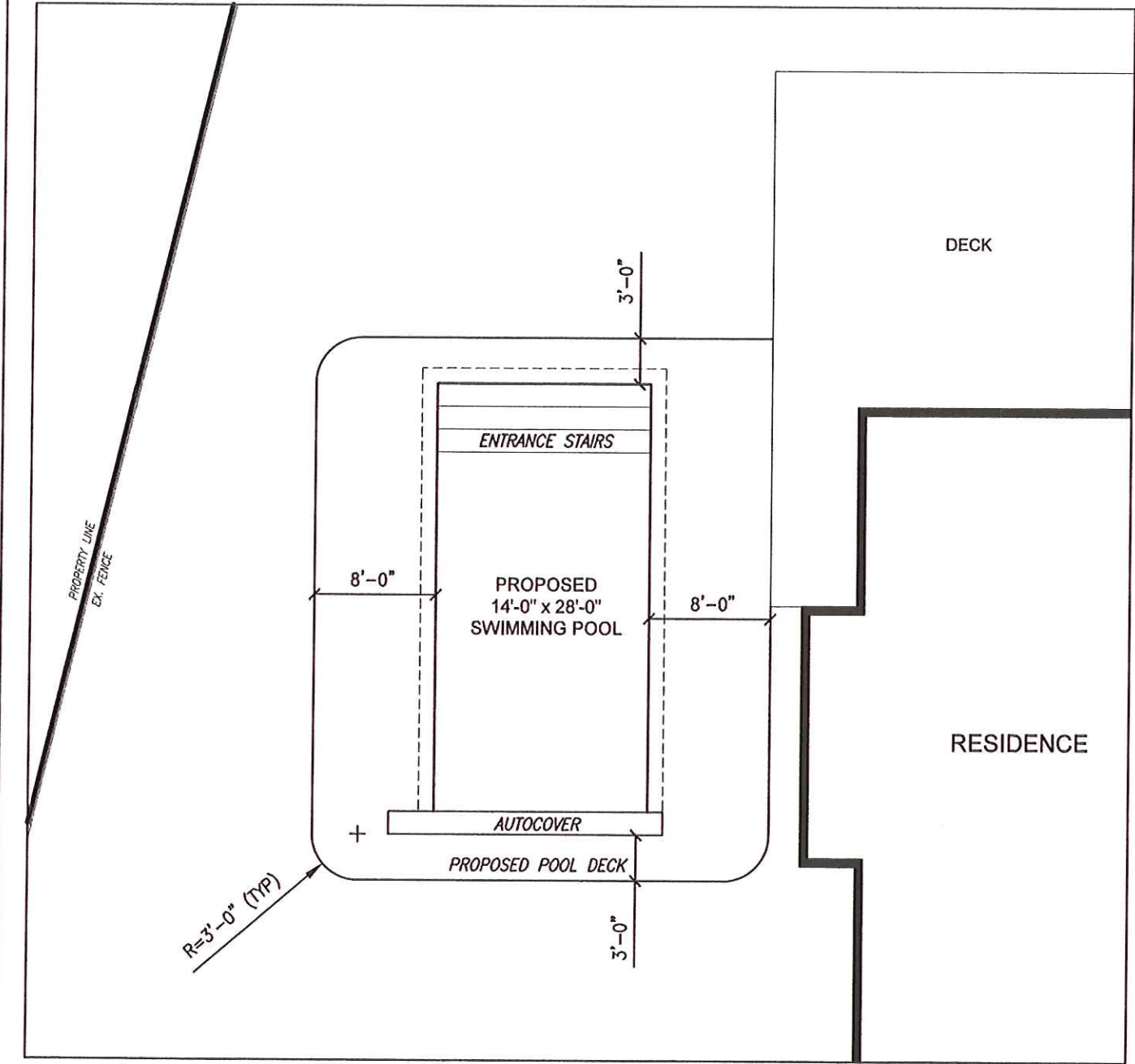


Zoning Map



Zoning  SF-2 (Single Family - 2)
 Parcel

14946 TROTTER CT. CARMEL, IN 46032-7010	PROPOSED SQ. FT. POOL: 392	317-650-5131 5575 ELMWOOD AVE., SUITE D INDIANAPOLIS, IN 46203 MUDSLINGERSINC.COM	
PREPARED FOR: MR. LARRY & MRS. AMY HEID	APPROXIMATE SQ. FT. POOL DECK: 640		
SCALE: REFER TO DRAWING(S)	JULY 9, 2015		



LEGEND

CONC

CONCRETE

CL

CENTERLINE

DA

DIMETER

EX

EXISTING

GA

GAS UTILITY

MM

METER MANHOLE

TEL

TELEPHONE UTILITY

(TYP)

TYPICAL

W

WATER UTILITY

SD

STORM DRAINAGE UTILITY

SDP

STORM DRAINAGE CURB PAVEMENT

02

POOL & POOL DECK LAYOUT PLAN

SCALE: 1" = 10'-0"

GRAPHIC SCALE

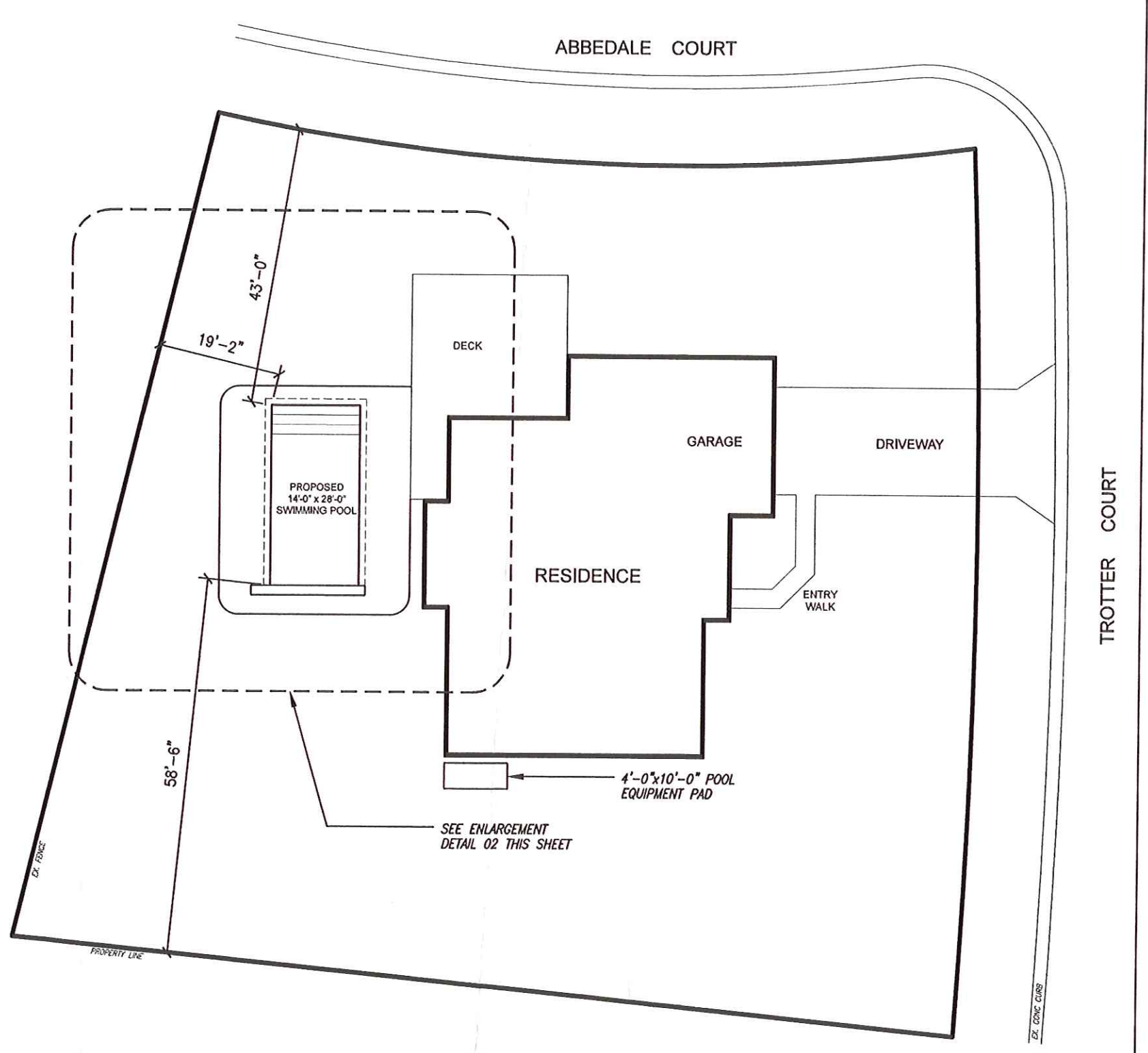
5'

0

10'

INDIANA811

KNOW WHAT'S BELOW. CALL BEFORE YOU DIG.



01

OVERALL SITE PLAN

SCALE: 1" = 20'-0"

GRAPHIC SCALE

10'

0

20'

VARIANCE APPLICATION

OFFICE
USE ONLYDOCKET #: 1509-VS-12FILING DATE: 7-29-15

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

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: A. Rubadue & K. Todd (STAFF NAME) DATE: 7/28/15

PRIOR OR RELATED DOCKET NUMBERS

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

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

APPLICANT INFORMATION

APPLICANT'S NAME: Amy Heid TELEPHONE: 317-402-6308ADDRESS: 14946 trotter ct carmel in 46032 EMAIL: awalrod@aol.comPROPERTY OWNER'S NAME: Amy Heid TELEPHONE: 317-402-6308ADDRESS: 14946 trotter ct carmel in 46032 EMAIL: awalrod@aol.comREPRESENTATIVE'S NAME: Joey Macke TELEPHONE: 317-800-4755COMPANY: Mudslingers Pool & Patio EMAIL: sales@mudslingersinc.comADDRESS: 5575 elmwood ave suite D indpls IN 46203

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 14946 trotter ct. carmel in 46032COUNTY PARCEL ID #(S): 08-09-14-03-05-018.000EXISTING ZONING DISTRICT(S): sf-2 EXISTING LAND USE(S): single family

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): _____

in-ground swimming pool with automatic pool cover, due to the concrete pool deck encroaching into the easement

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)

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 28 day of July, 2015.

State of IN, County of Marion, SS:



Courtney VanHorn
Notary Public Signature
Courtney VanHorn
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.

Larry Heid
Amy Heid
Property Owner (signature)

Larry Heid
Amy Heid
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 28 day of July, 2015.

State of IN, County of Marion SS:

Courtney VanHorn
Notary Public Signature
Courtney VanHorn
Notary Public (printed)

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

FINDINGS OF FACT (VARIANCE OF USE)

APPLICANT: _____

DOCKET #: _____

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

A. The use will not be injurious to the public health, safety, morals, and general welfare of the community because: _____

NO IT WILL NOT BE A INJURY TO
ANY PARTIES

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: _____

NO ADJACENT PROPERTIES WILL BE
AFFECTED

C. The need for the variance arises from some condition particular to the property involved because: _____

THE HOUSE SITS ON A CORNER LOT
WITH AN UNUSUALLY LARGE 30' EASEMENT

D. The strict application of the terms of the Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought because: _____

THE HOUSE SITS ON A CORNER LOT
WITH AN UNUSUAL LARGE 30' EASEMENT

E. The variance of use does not interfere substantially with the Comprehensive Plan because: _____

IT DOES NOT AFFECT ANY OTHER
PROPERTIES OR NORMAL DRAINAGE/UTILITY EASEMENTS

FINDINGS OF FACT (VARIANCE OF DEVELOPMENT STANDARD)

APPLICANT: _____

DOCKET #: _____

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

- A. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because: _____

THIS WILL NOT BE INJURIOUS IN ANY WAY

- 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: _____

THIS WILL NOT AFFECT ANY ADJACENT PROPERTIES

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

HOUSE SITS ON A CROWD LOT

WITH AN UNUSUALLY LARGE 30' SET BACK

IMPROVEMENT LOCATION PERMIT (BUILDING PERMIT) APPLICATION

OFFICE
USE ONLY

PERMIT #: 15-P-010-469

RECEIVED DATE:

PERMIT TYPE: ☐ RSFR ☐ RAD ☐ RAC ☐ RMF ☐ CAC ☐ CRM ☒ P ☐ C ☐ DEMO ☐ OTHER: _____

APPLICANT INFORMATION

BUILDER OF RECORD (COMPANY): Muddlingers pool + patio TELEPHONE: 317-656-5131

ADDRESS: 5575 Elmwood Ave Ste D, Indianapolis, IN 46203

NAME OF CONTACT PERSON: Joey Macle EMAIL: macle.e@muddlingersinc.com

PROPERTY OWNER'S NAME: Amy Herd TELEPHONE: 317-442-6308

ADDRESS: 14946 Trotter Ct. EMAIL: qwalrod@aol.com

PROPERTY INFORMATION

LOT #: 408 SECTION #: 6 SUBDIVISION: Village Farms ZONING DISTRICT: SF-2

ADDRESS OR PROPERTY LOCATION: 14946 Trotter Ct.

COUNTY PARCEL ID #(S): 48-19-14-43-42-418.000 CURRENT USE: single family

TYPE OF WATER SUPPLY: ☐ PUBLIC SYSTEM NAME OF SYSTEM: _____
☐ PRIVATE SYSTEM WELL PERMIT #: _____

TYPE OF SEWAGE DISPOSAL: ☐ PUBLIC SYSTEM NAME OF SYSTEM: _____
☐ PRIVATE SYSTEM PRIVATE / SEPTIC PERMIT #: _____

IS THE PROPERTY IN A SPECIAL FLOOD HAZARD AREA, AS ESTABLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY - NATIONAL INSURANCE PROGRAM (FEMA-NFIP), AS PER FLOOD INSURANCE RATE MAP (FIRM)? ☐ YES ☒ NO

FEMA-NFIP PANEL #: _____ IF YES, FLOOD ZONE DESCRIPTION: _____

IMPROVEMENT INFORMATION

RESIDENTIAL

- ☐ ONE-FAMILY DETACHED
☐ TWO-FAMILY ATTACHED
☐ TOWNHOMES (____ UNITS)
☐ DETACHED ADDITION
☐ ATTACHED ADDITION
☐ COVERED DECK OR PORCH
☐ ACCESSORY BUILDING
☐ OTHER: _____

NON-RESIDENTIAL

- ☐ RETAIL / COMMERCIAL
☐ OFFICE / PROFESSIONAL
☐ HOTEL / MOTEL (____ ROOMS)
☐ INDUSTRIAL
☐ MULTI-FAMILY (____ UNITS)
☐ ACCESSORY BUILDING
☐ INSTITUTIONAL
☐ OTHER: _____

TYPE OF IMPROVEMENT

- ☐ NEW STRUCTURE
☐ ADDITION / REMODEL
☐ COMMERCIAL TENANT SPACE
☐ DEMOLITION
☐ AGRICULTURAL STRUCTURE
☒ SWIMMING POOL
☐ OTHER: _____

SQ. FT. UNDER ROOF (INCLUDE PORCHES, GARAGES, HABITABLE ATTIC): 1ST FLOOR: _____ 2ND FLOOR: _____ BASEMENT: _____

LIVING AREA SIZE: _____ SQ. FT. BUILDING SIZE: _____ SQ. FT. FOUNDATION TYPE: _____

ESTIMATED COST OF CONSTRUCTION (EXCLUDING LAND): \$ 48,000 STATE CDR #: _____

ENERGY CODE METHOD: ☐ PERFORMANCE ☐ PRESCRIPTIVE ☐ UA PLUMBING CODE? ☐ UPC ☐ IRC

CERTIFICATION AND NOTICE OF INTENT TO COMPLY

I hereby certify that I have the authority to make the foregoing application, that the application is correct, and that construction will comply with, and conform to all applicable laws of the State of Indiana. I further certify that the construction will conform to the regulations in the Building Code, the Zoning Ordinance, or private, of the governing jurisdiction, which may imposed on the above property by deed. I further certify that the construction will not be used, or occupied until proper certificates of occupancy and compliance are filed with the governing jurisdiction.

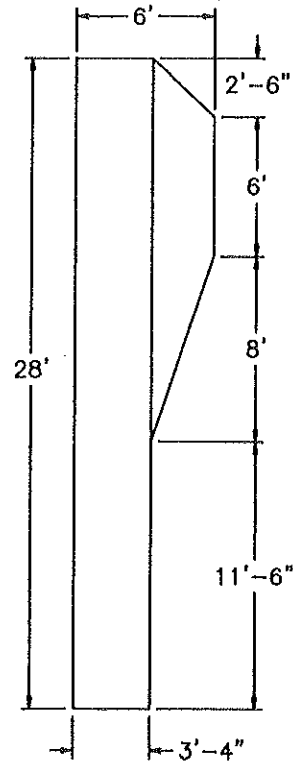
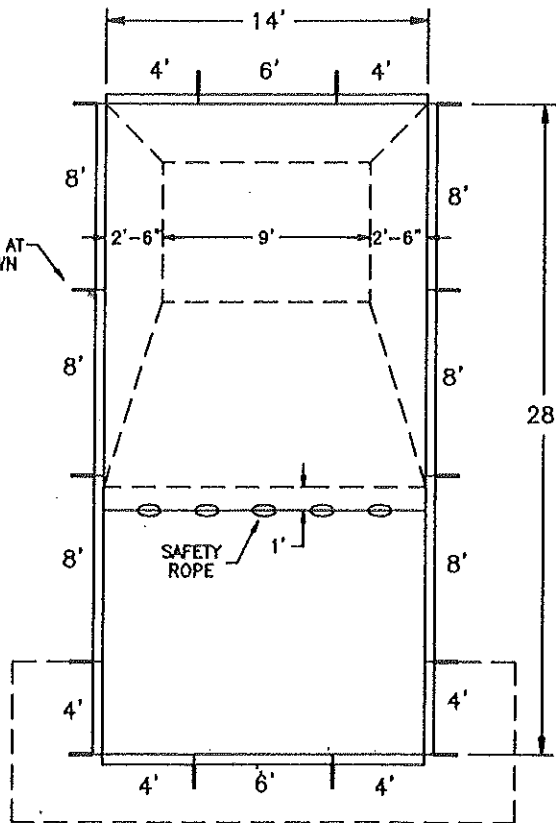
Authorized Agent (signature)

Kim Harper
Authorized Agent (printed)

Date

7-20-15

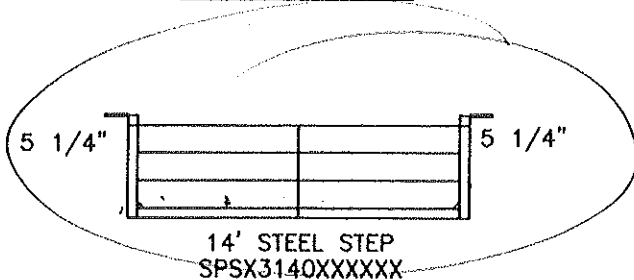
USE "A" FRAME BRACE AT
PANEL JOINTS AS SHOWN



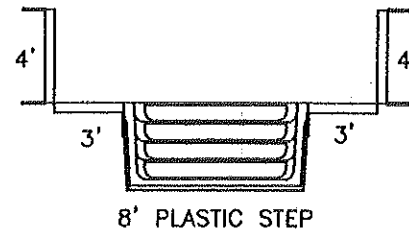
PANELS TO BE REMOVED
WHEN USING STEP OPTION

NON-DIVING POOL

STEEL STEP OPTION #1



PLASTIC STEP OPTION #2



PANEL LAYOUT & DIG SPECIFICATION

14' X 28' RECTANGLE 6" RAD.

DIVING/SLIDING EQUIPMENT SHALL BE DESIGNED FOR SWIMMING POOLS AND SHALL BE INSTALLED IN ACCORDANCE WITH THE DIVING/SLIDING EQUIPMENT MANUFACTURER'S SPECIFICATIONS. PLEASE CONTACT THE DIVING/SLIDING EQUIPMENT MANUFACTURER FOR THEIR SPECIFICATIONS.

DWG #: 1428RECT

SURFACE AREA: (ft²): 392

PERIMETER: 84'-0"

DATE: 11/10/08

GALLONS ARE CALCULATED AT AN AVERAGE DEPTH OF 5'

VOLUME (US Gal): 14,700

SCALE: 1/8"=1'-0"

3' DECK AREA: 545.0

4' DECK AREA: 659.6

MEETS DEPTH AND SHAPE MINIMUM STANDARD ANSI/APSP-3-2003

RECTANGLE

SHEET: 1 OF 2

DWG#: **1428RECT**



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

September 15, 2015

1506-VU-06

Exhibit 1

Petition Numbers: 1506-VU-06

Subject Site Location: 14939 Ditch Road

Petitioner: Jeff Kelich

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

Current Zoning: Single-Family 2

Current Land Use: Concrete business

Approximate Acreage: 4.0 acres +/-

Exhibits:

1. Staff Report
2. Location Map
3. Existing Variance Approval (79-V-12)
4. Application
5. Concept Plan
6. Existing Conditions
7. Written Commitments
8. Plan of Operation

Staff Reviewer: Kevin M. Todd, AICP

PETITION HISTORY

This petition was originally scheduled to receive a public hearing at the June 9, 2015, Board of Zoning Appeals (the "BZA") meeting, however, Public Notice was not properly served for that hearing. The Board denied the petitioner's request at the June 9, 2015 meeting to reduce the public notice mailing requirement, and the case was continued to the July 14, 2015 BZA meeting.

The petitioner met with neighbors on July 8, 2015 and at the July 14, 2015 BZA meeting requested to continue the case to the August 11, 2015 BZA meeting. The request was granted.

All forms of public notice were properly served for the July 14, 2015 BZA meeting. Since the Board granted a continuance of the case to the August meeting, all previous notice was effectively carried over to the August 11, 2015 meeting.



The petitioner met with neighbors on August 10, 2015.

At the August 11, 2015 BZA meeting, a public hearing was held and the petitioner requested a continuance in order to spend additional time potentially working out issues with neighbors.

CHANGES SINCE THE AUGUST 11, 2015 BZA MEETING

The petitioner has met two (2) times with the neighbors since the public hearing on August 11, 2015. It is anticipated that changes have been made to the Written Commitments (**Exhibit 7**) and Plan of Operation (**Exhibit 8**) as a result. However, updates to those documents have not been received as of the publishing of this report, but it is anticipated that the petitioner will provide the Board with an update/updated materials at the September 15, 2015 meeting.

Because changes to the proposal are expected, the Board may want to consider allowing limited public feedback at the September 15, 2015 meeting. The Board is not required to provide additional public comment opportunities at the September 15, 2015 meeting. However, if they chose to allow it, an informal opportunity to hear from a neighborhood representative (or a few) regarding their reaction to the plan modifications may be meaningful in this situation.

Depending on the testimony received at the meeting, staff may or may not have additional or modified conditions of approval recommendations.

PROPERTY HISTORY

On June 18, 1979, the Board of Zoning Appeals approved a variance request to allow the operation of a concrete business and the construction of a storage building on the subject property (see **Exhibit 3**). There were no conditions of approval associated with this variance. Since the variance approval in 1979, a concrete business has operated on the subject property.

ANALYSIS

Location: The subject property is approximately 4 acres +/- in size and is located at 14939 Ditch Road (the "Property"). The Property is zoned Single Family-2 (SF-2). All adjacent property is single-family residential in use. Adjacent property to the north and east is the Centennial Subdivision and is zoned SF-3 (Cluster). Adjacent property to the south is the Centennial South Subdivision and is zoned Centennial



South PUD District. Adjacent property to the west is the Harmony Subdivision and is zoned Harmony PUD District.

Variance Requests: The request is to allow a new commercial lawn and landscaping business, including a limited retail component, on the Property. If approved, the proposed use would replace the existing use of the Property as a concrete business location.

Project Description: The proposed use would include outdoor storage of landscaping materials, plant materials, and equipment, as depicted in the proposed concept plan (see [Exhibit 5](#)). As proposed, the existing buildings would be used as an office and a retail shop. The proposed concept plan depicts new landscaping around the perimeter of the Property. If the use is approved through this variance request, then any new structures, parking areas, or any improvement requiring an Improvement Location Permit would require Development Plan review and approval by the Advisory Plan Commission.

Existing Screening and Buffering: It appears that existing screening and buffering along the perimeter of the site occurs on the Centennial/Centennial South side of the property line. The north property line has a wood privacy fence with trees. The east property line has a mature tree line. The west property line has an undulating mound, trees, and a privacy fence (see [Exhibit 6](#)). The petitioner is proposing the addition of landscaping around portions of the perimeter of the property (see [Exhibit 5](#)).

Land Use: Landscaping businesses in Westfield-Washington Township are not typically surrounded by suburban residential development. This would be an uncommon circumstance, if approved. Most of the landscaping businesses found in Westfield-Washington Township are either in rural or commercial/industrial areas of the community and either pre-date zoning or are allowed by variance. The UDO groups "landscaping contractors" under the land use term "Construction Trade Office", which is allowed by-right in the Enclosed Industrial and Open Industrial Districts and is allowed by Special Exception in the General Business District. The Property is currently being used as a concrete business with outdoor activity, and changing the use of the SF-2 property to a landscaping business with outdoor activity could arguably be considered a lateral change in terms of overall land use intensity and impact on the surrounding area.

The petitioner met with neighbors when he hosted a meeting on July 8, 2015 to discuss the proposed use and variance request, and is scheduled to have a follow-up meeting with neighbors on August 10, 2015. Neighbor support regarding the proposed change in use should be considered by the Board. The Board may want to request an update from the petitioner regarding the status of neighbor discussions and support levels.

Comprehensive Plan: The Westfield-Washington Township Comprehensive Plan (the "Comprehensive Plan") identifies this Property within the "Suburban Residential" ¹ land use classification. The Comprehensive Plan does not contemplate a landscaping business within the Suburban Residential area. Residential, institutional, and recreational uses are listed as appropriate land-use types within the Suburban Residential classification.

¹ Westfield-Washington Township Comprehensive Plan, Land Use Concept Map (pg. 24).



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 received its public hearing at the August 11, 2015, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals Rules of Procedure.

Conditions: The UDO² 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.

Development Plan Approval: If the Board of Zoning Appeals approves the requested Variance of Use and Variance of Development Standard, then certain future site improvements would be required to obtain Development Plan approval by the Advisory Plan Commission.

Acknowledgement of Variance: If the Board of Zoning Appeals approves this petition, then the UDO³ 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 of use from the terms of the zoning ordinance. The Board may impose reasonable conditions as a part of its approval. A variance may be approved under Ind. Code § 36-7-4-918.4 only upon a determination in writing that:

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

² Article 10.14(I) Processes and Permits; Variances; Conditions of the UDO.

³ Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.



FINDINGS OF FACT

- A. If the Board is inclined to **APPROVE** the variance of use request, then the Department recommends the following findings:

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

Finding: It is unlikely that allowing a landscaping business on the Property would be injurious to the public health, safety, morals, and general welfare of the community. A concrete company has operated on the Property for 36 years, and a landscaping operation would have a similar impact on the site and the surrounding area.

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

Finding: It is unlikely that the use and value of adjacent property will be affected in a substantially adverse manner. The proposed use would enhance the property at the property lines by installing proper buffering, thus improving the value of the property. Feedback from adjacent property owners should provide insight regarding the impact on adjacent properties.

3. *The need for the variance of use arises from some condition particular to the property involved:*

Finding: The subject property has been used as a concrete business with outdoor activity for 36 years and has been enveloped by residential development over that timeframe. Given the size of the property and its lack of connections to adjacent residential development, redeveloping this Property for residential development would be difficult.

4. *The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance of use is sought:*

Finding: Strictly applying the zoning ordinance would not permit the requested use. Per the UDO, landscaping businesses are only allowed by-right in industrial districts and the GB District by Special Exception. This use is typically found in either agricultural or industrial areas of the Westfield community. However, the previous (and current) use of this property as a concrete business with outdoor activity, coupled with the fact that this property has been surrounded by residential development and not provided any



connection points, lends itself to re-purposing the site for a landscaping operation with minimal site improvements.

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

Finding: The proposed land use is not contemplated in the Suburban Residential area of the Comprehensive Plan. However, the proposed use is not very dissimilar from the existing concrete business use, in terms of land-use intensity, and could be considered a similar continuation of the existing land use type.

B. If the Board is inclined to **DENY** the variance of use request, then the Department recommends the following findings:

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

Finding: It is unlikely that allowing a landscaping business on the Property would be injurious to the public health, safety, morals, and general welfare of the community. A concrete company has operated on the Property for 36 years, and a landscaping operation would have a similar impact on the site and the surrounding area.

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

Finding: It is possible that the use and value of adjacent property will be affected in a substantially adverse manner. While similar because there are outdoor activities involved in both, concrete operations and landscaping operations are not the same thing. Landscaping operations could have more intense and frequent outdoor activity than a concrete company could have. Feedback from adjacent property owners should provide insight regarding the impact on adjacent properties.

3. The need for the variance of use arises from some condition particular to the property involved:

Finding: Either a small, single-street residential subdivision project could theoretically develop on the 4-acre property, a single home could be built on the property, or one of the permitted institutional uses could build on the property. Either way, the property could be used in a manner that is consistent with permitted uses in the SF-2 District.



4. *The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance of use is sought:*

Finding: Strictly applying the zoning ordinance would not permit the requested use. Landscaping businesses are permitted elsewhere within Westfield-Washington Township, and this site that is surrounded by suburban residential development is not the most appropriate location for this use. The Property could be used in a manner that is consistent with permitted uses in the SF-2 District.

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

Finding: The proposed land use is not consistent with the recommendations for the Suburban Residential area of the Comprehensive Plan, which calls for residential, institutional, and recreational uses.

DEPARTMENT RECOMMENDATIONS

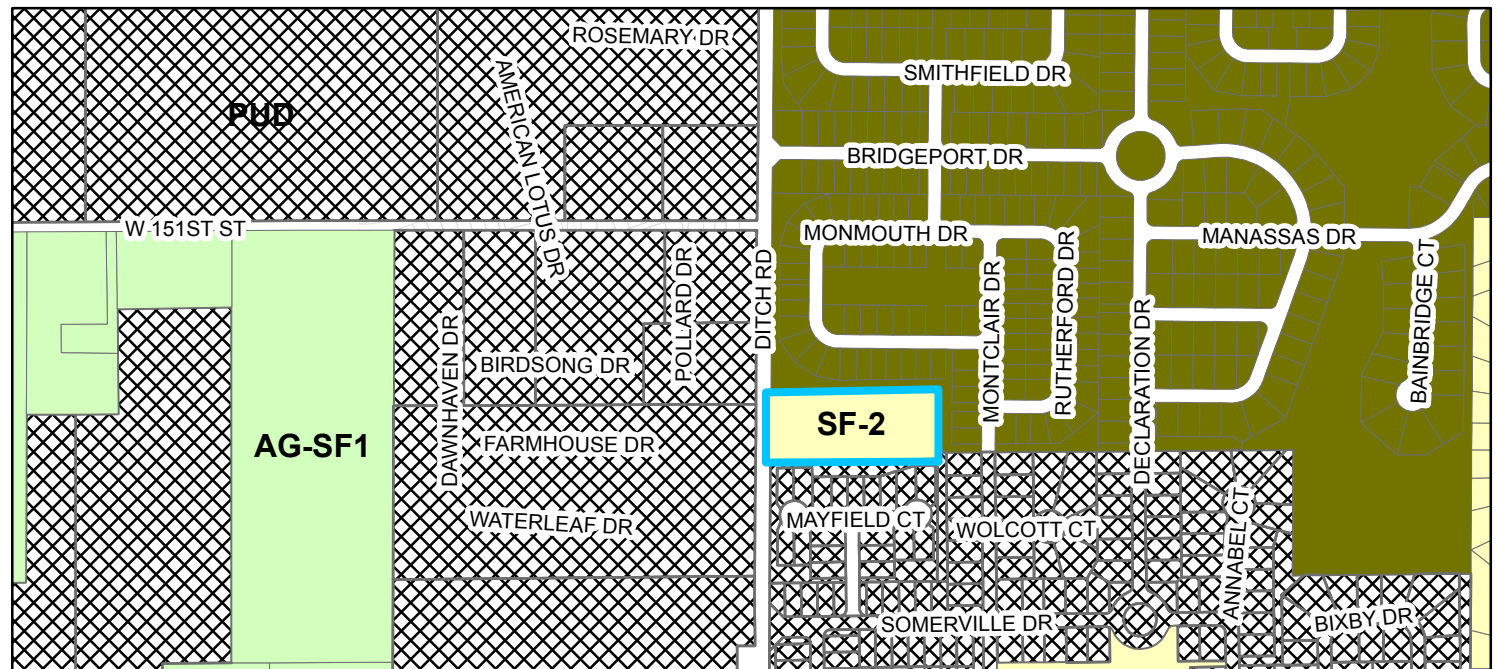
If the Board approves 1406-VU-06, then the Department recommends the following conditions:

1. BZA Case No. 79-V-12 be repealed and deemed no longer valid;
2. Subject to the petitioner's Written Commitments (**Exhibit 7**) being executed and recorded within thirty (30) days of the approval of this request; and,
3. Subject to the petitioner's submitted Plan of Operation (see **Exhibit 8**).

Aerial Location Map



Zoning Map



Zoning

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

Town of Westfield

130 PENN STREET
P.O. BOX 322
WESTFIELD, INDIANA 46074

June 20, 1979

Pettijohn & Banks
15111 Oak Road
Carmel, Indiana 46032

Gentlemen:

On Monday, June 18, 1979, the Westfield-Washington Board of Zoning Appeals met to consider your application #79-V-12 requesting a variance of use to permit construction of an additional storage building and continued operation of a non-conforming concrete business and removal of an existing building, for the property located at 14939 Ditch Road. The Board of Appeals by a vote of 4 to 0 unanimously approved and granted your petition.

When you are ready to begin construction, you may obtain an Improvement Location Permit at the office of the Building Commissioner. The hours are Monday, Tuesday, Thursday, and Friday from 9:00 A.M. until 3:00 P.M. and Wednesday from 9:00 A.M. until noon.

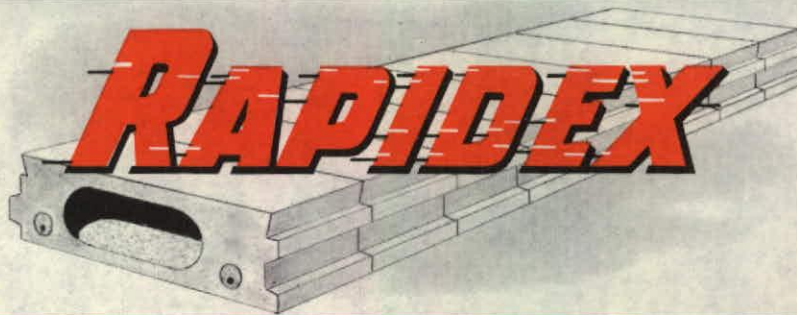
Yours truly,

Virginia C. Norris

Virginia C. Norris

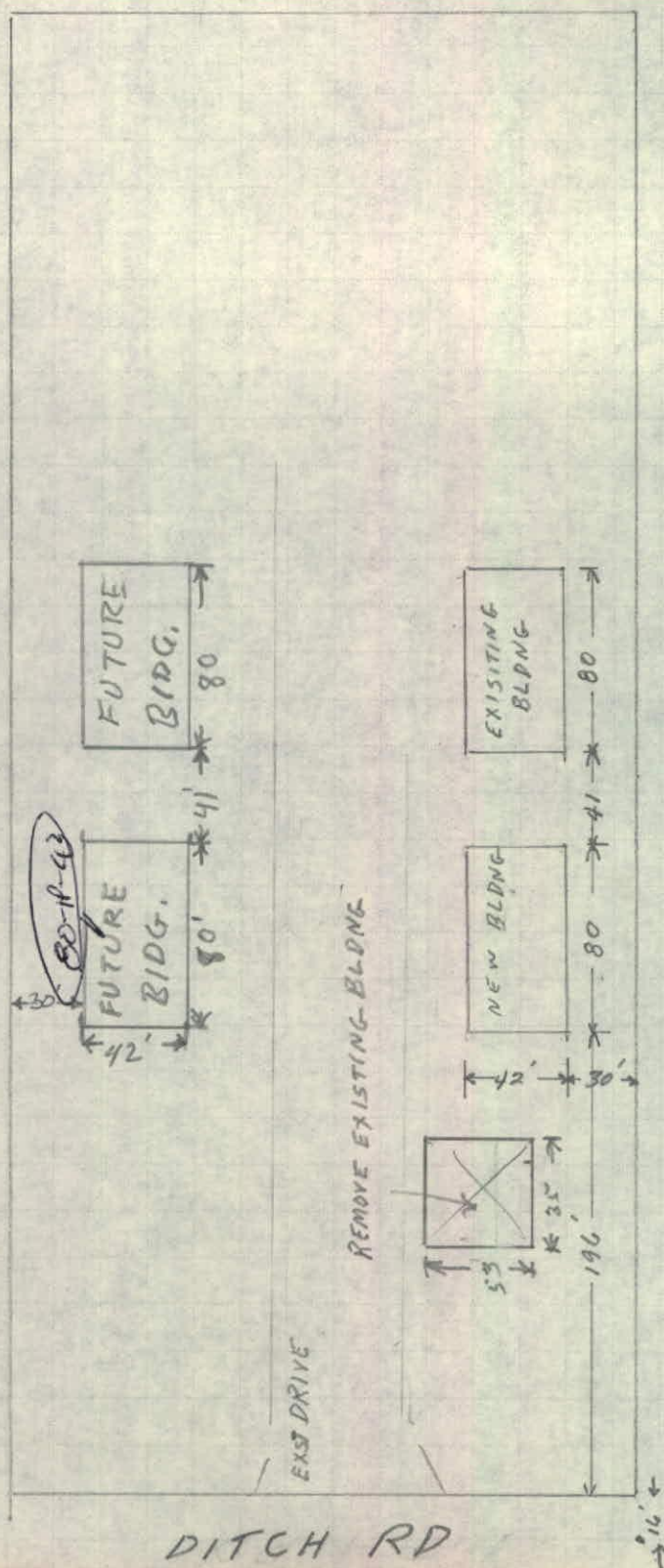
Secretary, Board of Zoning Appeals

- LIGHT WEIGHT •
- ACOUSTICAL •
- ECONOMICAL •
- INSULATING •



- FIRE RESISTIVE
- PRE-ARCHED
- LONG SPAN
- UNIFORM TEXTURE

NORTH
↑



EST APPROX COST @ 9.00 SQ FT = \$30,240

SPICKELMIER INDUSTRIES, INC.

1100 East 52nd Street • Indianapolis 5, Indiana

WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM

VARIANCE APPLICATION



OFFICE
USE ONLY

DOCKET #: 1506-VU-06

FILING DATE: _____

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

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: Kevin Todd (STAFF NAME) DATE: 4/30/15

PRIOR OR RELATED DOCKET NUMBERS

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

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

APPLICANT INFORMATION

APPLICANT'S NAME: Jeff Kelich TELEPHONE: 317-710-3989

ADDRESS: 25710 Devaney Rd Avondale, IN 46030 EMAIL: jeffk@carmelturfcare.com

PROPERTY OWNER'S NAME: Pettijohn & Banks, Inc. TELEPHONE: _____

ADDRESS: 14939 Ditch Road Westfield, IN 46074 EMAIL: _____

REPRESENTATIVE'S NAME: _____ TELEPHONE: _____

COMPANY: _____ EMAIL: _____

ADDRESS: _____

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 14939 Ditch Road, Westfield, IN 46074

COUNTY PARCEL ID #(S): 08-09-15-00-00-013.000

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

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): To operate

a full Lawn & Landscape business on property.



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)

Jeff Kolich
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 15 day of May, 2015.

State of Indiana, County of Hamilton, ss:



[Signature]
Notary Public Signature
Brenda C Kroeschen
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)*

STANLEY E. BANKS JR.
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 15 day of May, 2015.

State of Indiana, County of Hamilton, ss:



[Signature]
Notary Public Signature
Brenda C Kroeschen
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
AFFIDAVIT OF NOTICE OF PUBLIC HEARING

DOCKET #: _____

PUBLIC HEARING DATE: 6-9-15

APPLICANT'S NAME: Jeff KeLuh

REPRESENTATIVE'S NAME: _____

COMPANY: _____

PROJECT TO BE KNOWN AS: _____

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

PUBLIC NOTICE AFFIDAVIT

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath does hereby certify that notice of public hearing to consider above petition was sent by certified, registered or first class mail to the last known address of each of the following persons, as attached hereto as Exhibit A, they being all persons to whom notice was required to be sent by the Plan Commission's Rules of Procedure, and that said notices were postmarked on the 3 day of June, 2015, being at least ten (10) days prior the scheduled public hearing.

I (We) further certify that the notice required to be posted on the subject property described in the above petition was posted on the subject property in accordance with the Plan Commission's Rules of Procedures on the 3 day of June, 2015, being at least ten (10) days prior the scheduled public hearing.

Jeff KeLuh
Applicant/Representative (signature)*

Jeff KeLuh
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 8th day of June, 2015.

State of IN, County of HAMILTON SS:

Charlene Samples
Notary Public Signature

CHARLENE SAMPLES
Notary Public (printed)

Charlene Samples
Notary Public, State of Indiana
Hamilton County
My Commission Expires: 07-15-2021





FINDINGS OF FACT (VARIANCE OF USE)

APPLICANT: J & R Kelich Farms LLC 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: a Landscape Company / Nursery promotes green industry
- 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: A Landscape Company is an improvement in appearance and helps improve the land
- C. The need for the variance arises from some condition particular to the property involved because: Its a residential area with a commercial business use
- 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: It cant be used as a business to sell
- E. The varianace of use does not interfere substantially with the Comprehensive Plan because: Its an approved use in the area since 1979

WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS PUBLIC NOTICE

NOTICE IS HEREBY GIVEN THAT the Westfield-Washington Township Advisory Board of Zoning Appeals will hold a public hearing on Tuesday, June 9th, 2015, at 7:00p.m. at Westfield City Hall, 130 Penn Street, Westfield, Indiana, to consider petition(s) _____ #, filed by **Jeff Kelich** on behalf of **Pettijohn & Banks, INC.** The request pertains to real estate comprising approximately 4 acres and generally located at **14939 Ditch Road**, Washington Township, Westfield, Indiana.

The request is for approval of a **Variance of Use** to allow a commercial landscape business.

Specific details regarding this request, including the applications, file, and property legal descriptions, 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:

Jeff Kelich

25710 Devaney Rd, Arcadia, IN. 46030

(317) 710-3927

REPRESENTATIVE:

Pettijohn & Banks INC

14939 Ditch Road, Westfield, IN. 46074

(317) 873-8686

CITY OF WESTFIELD:

Economic and Community Development Department

2728 East 171st Street

Westfield, IN. 46074

Telephone: (317) 804-3170

www.westfield.in.us

7417 WARRA DEED BOOK 312 796

THIS INDENTURE WITNESSETH, That Stanley E. Banks & Patricia B. Banks,
his wife and Joseph E. Pettijohn & Beverly I. Pettijohn, his ("Grantor")
of Hamilton County, in the State of Indiana, CONVEY
AND WARRANT to Pettijohn & Banks, Inc.

of Hamilton County, in the State of Indiana, for the sum
of One Dollars (\$ 1.00) and other
valuable consideration, the receipt of which is hereby acknowledged, the following described real
estate in Hamilton County, in the State of Indiana:

Tract 2F: A part of the Northwest quarter of the Southwest
quarter of Section 15, Township 18 North, Range 3 East in
Washington Township, Hamilton County, Indiana, more particularly
described as follows: Beginning at a point on the West line of
the Southwest quarter of Section 15, Township 18 North, Range 3
East, said point being S 00 degrees 10 minutes 33 seconds E 608.04
feet from the Northwest corner thereof, thence N 88 degrees 43
minutes 27 seconds E 655.04 feet, thence S 00 degrees 09 minutes
40 seconds E 241.61 feet, thence S 00 degrees 13 minutes 33
seconds E 24.45 feet, thence S 88 degrees 43 minutes 27 seconds W
655.00 feet to a point on the West line of said quarter, thence N
00 degrees 10 minutes 33 seconds W on and along said West line
266.06 feet to the place of beginning and containing 4.000 acres,
subject to all legal easements and rights of way of record.

This document referred
to in Document No.
2008043766
8/27/08

This document referred
to in Document No.
200133157
5-18-01

Instrument Recorded June 12, 1979
MARY L. CLARK, RECORDER, HAMILTON COUNTY, IND.

RECEIVED
JUN 17 2 43 PM '79
MARY L. CLARK
RECORDER
HAMILTON CO., IND.

This document referred
to in Document No.
200102225813
5-8-01

DULY ENTERED FOR TAXATION

12 day June 19 79
Barbara J. Jennings Auditor
Hamilton County

IN WITNESS WHEREOF, Grantor has executed this deed this 6 day of
JUNE, 1979.

Signature Stanley E. Banks (SEAL)
Printed Stanley E. Banks
Patricia B. Banks
Patricia B. Banks
STATE OF INDIANA
COUNTY OF _____

Signature Joseph E. Pettijohn (SEAL)
Printed Joseph E. Pettijohn
Beverly I. Pettijohn
Beverly I. Pettijohn

SS:

Before me, a Notary Public in and for said County and State, personally appeared _____

Stanley E. Banks, Patricia B. Banks, Joseph E. Pettijohn & Beverly I. Pettijohn
who acknowledged the execution of the foregoing Warranty Deed, and who, having been duly
sworn, stated that the representations therein contained are true.

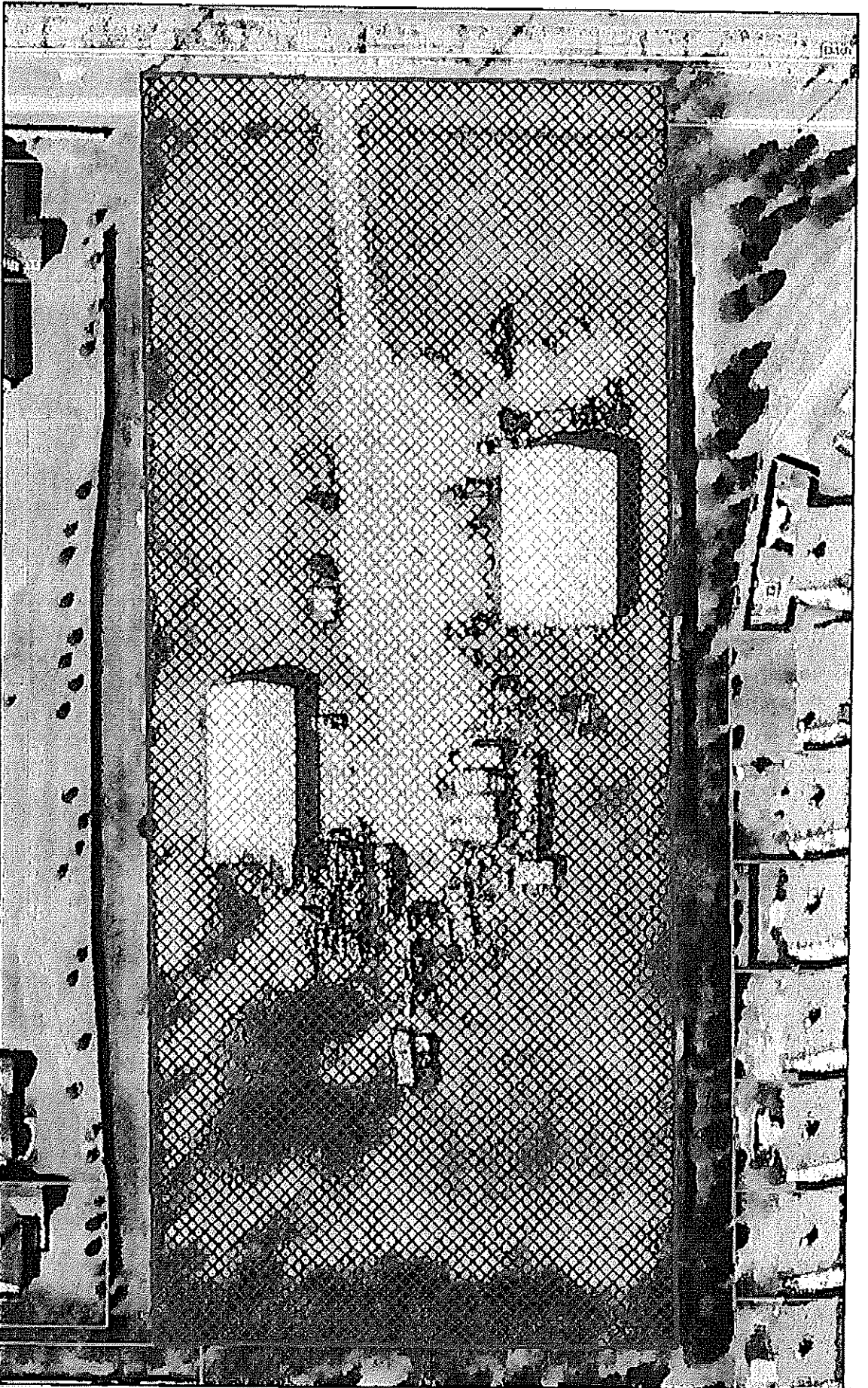
Witness my hand and the Notarial Seal this 6 day of JUNE, 1979.

My commission expires _____

Signature Donald R. Peyton
Printed Donald R. Peyton, Notary Public

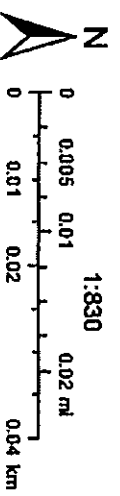
This instrument was prepared by Donald R. Peyton, attorney at law.

14939 Ditch Road



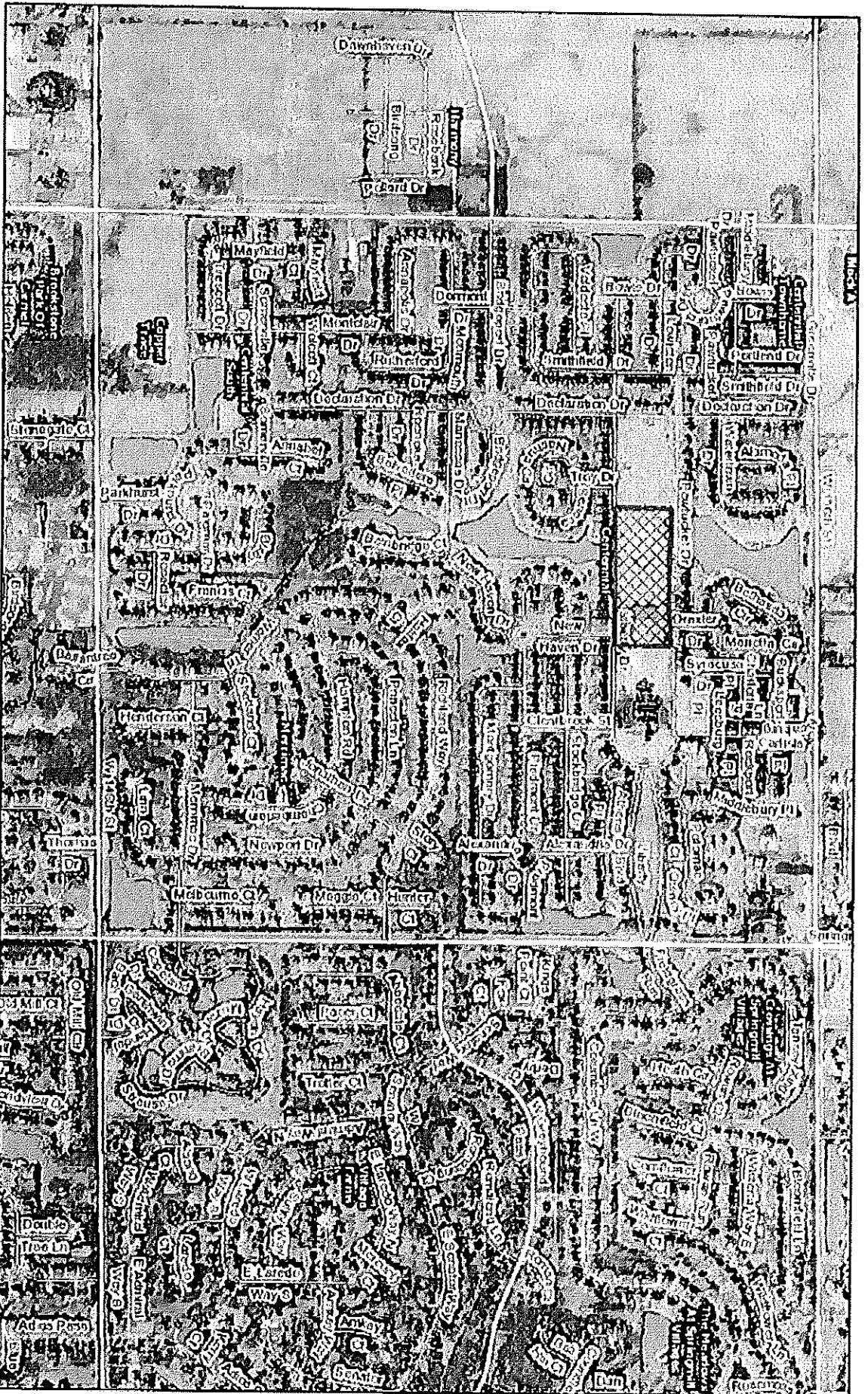
March 16, 2015

Parcels

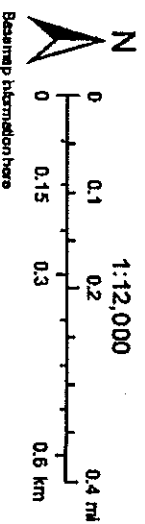


Base map information here

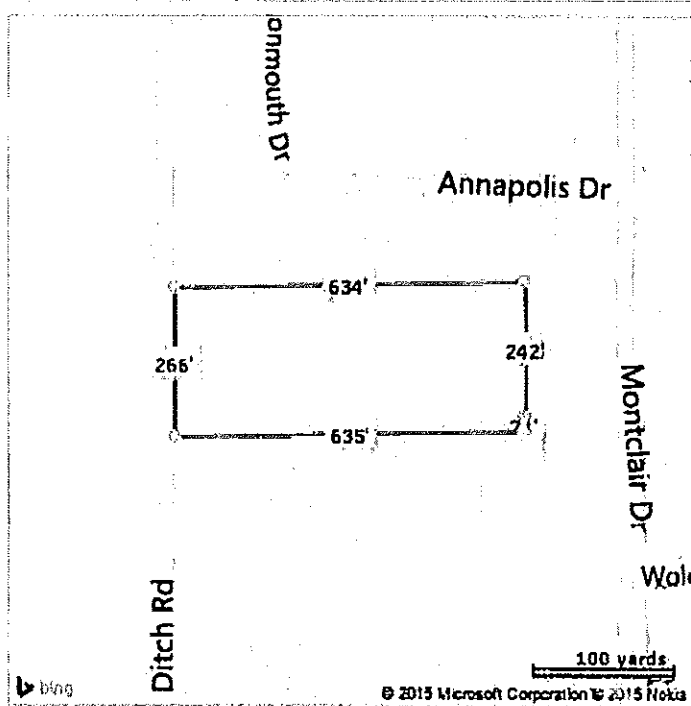
14939 Ditch Road



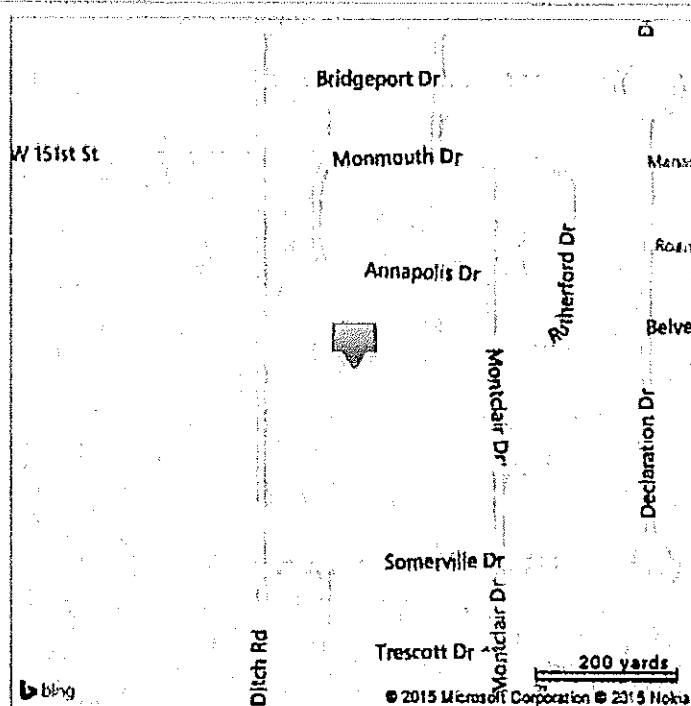
March 16, 2015



Property Map



*Lot Dimensions are Estimated



Building 1 of 2

Characteristics

Lot Acres:	4	Year Built:	1980
Lot Sq Ft:	174,240	Stories:	1
Land Use - County:	Other Commercial Structures	Finished Bldg Sq Ft:	4,992
Land Use - CoreLogic:	Shopping Center	Total Building Sq Ft:	9,024
Building Type:	Shops	Total Adjusted Bldg Sq Ft:	4,992

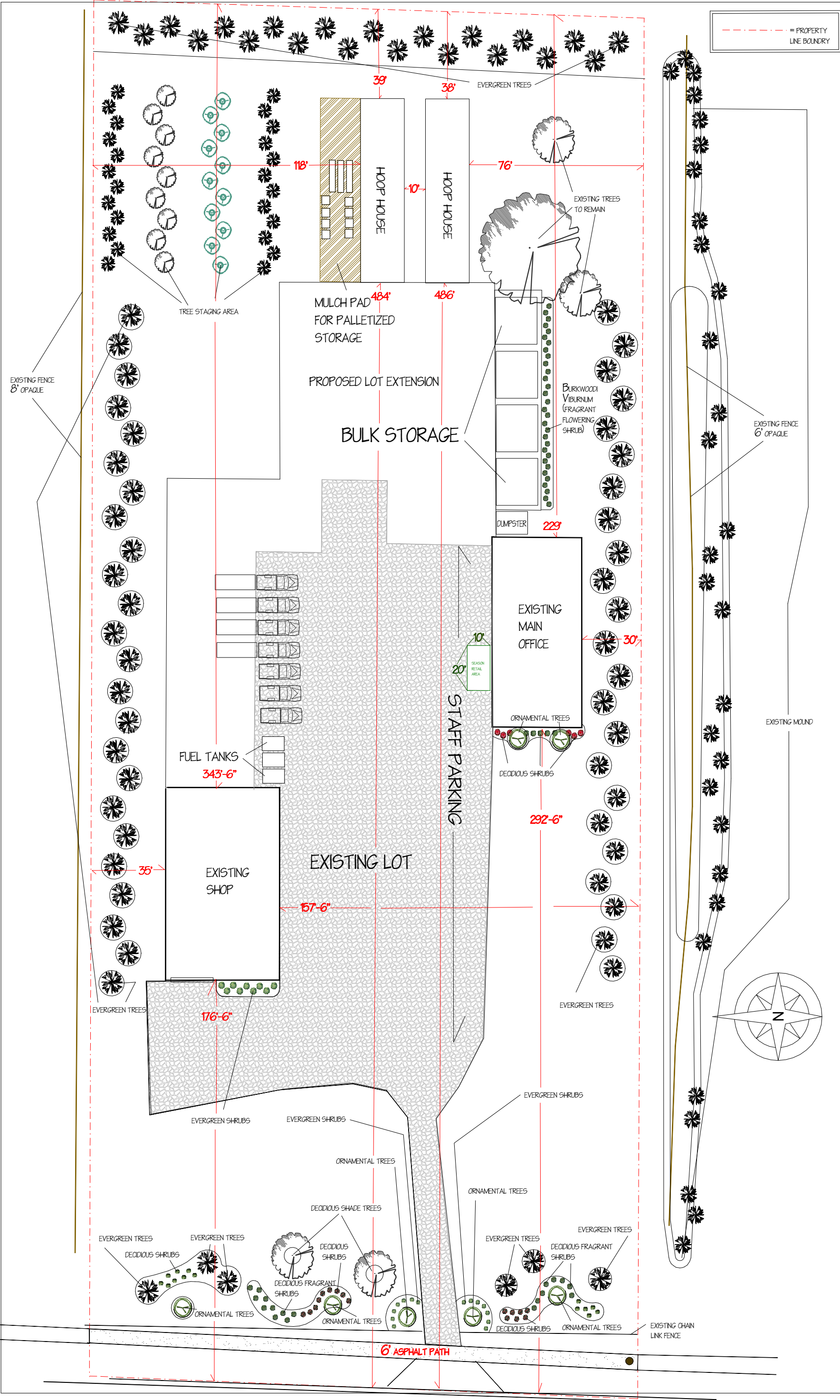
Features

Feature Type	Unit	Size/Qty	Year Built
Small Shop			1980
Mezzanine	S	832	
Fencing - Chain Link	S	240	1980
Small Shop			1976
Lean-To	S	360	
Mezzanine	S	672	1976

Building 2 of 2

Characteristics

Lot Acres:	4	Stories:	1
Lot Sq Ft:	174,240	Finished Bldg Sq Ft:	4,032
Land Use - County:	Other Commercial Structures	Total Building Sq Ft:	9,024
Land Use - CoreLogic:	Shopping Center	Total Adjusted Bldg Sq Ft:	4,032
Year Built:	1976		



Revision #: MASTER PLAN Date: 8/6/2015	Scale: 1" = 40'	Landscape Plan: FORMER PETTIJOHN CONCRETE COMPANY	Landscape Design by:  23478 US 31N SUITE B CICERO, IN 46034 CARMEL TURF CARE
---	--------------------	--	--



Per Drawing submitted Plant schedule:

Deciduous Shrub (may include but not limited to:)

Burning Bush
Vicary Privet
Diablo Ninebark
Annabelle Hydrangea
Red Prince Weigelia
Henry Garnet Sweetspire
Knock Out Rose

Deciduous Fragrant Shrub (may include but not limited to:)

Judd Viburnum
Burkwood Viburnum
Korean Spice Viburnum
Dwarf Korean Lilac
Miss Kim Lilac
Bloomerang Lilac

Evergreen Shrub (may include but not limited to:)

Boxwood (various)
Yew (various)
Juniper (various)

Deciduous Shade Tree (may include but not limited to:)

Red Sunset Maple
October Glory Maple
Autumn Brilliance Maple
Autumn Flame Maple
Red Oak
Pear

Evergreen Tree (may include but not limited to:)

Colorado Spruce
Colorado Blue Spruce
Norway Spruce

Ornamental Tree (May include but not limited to:)

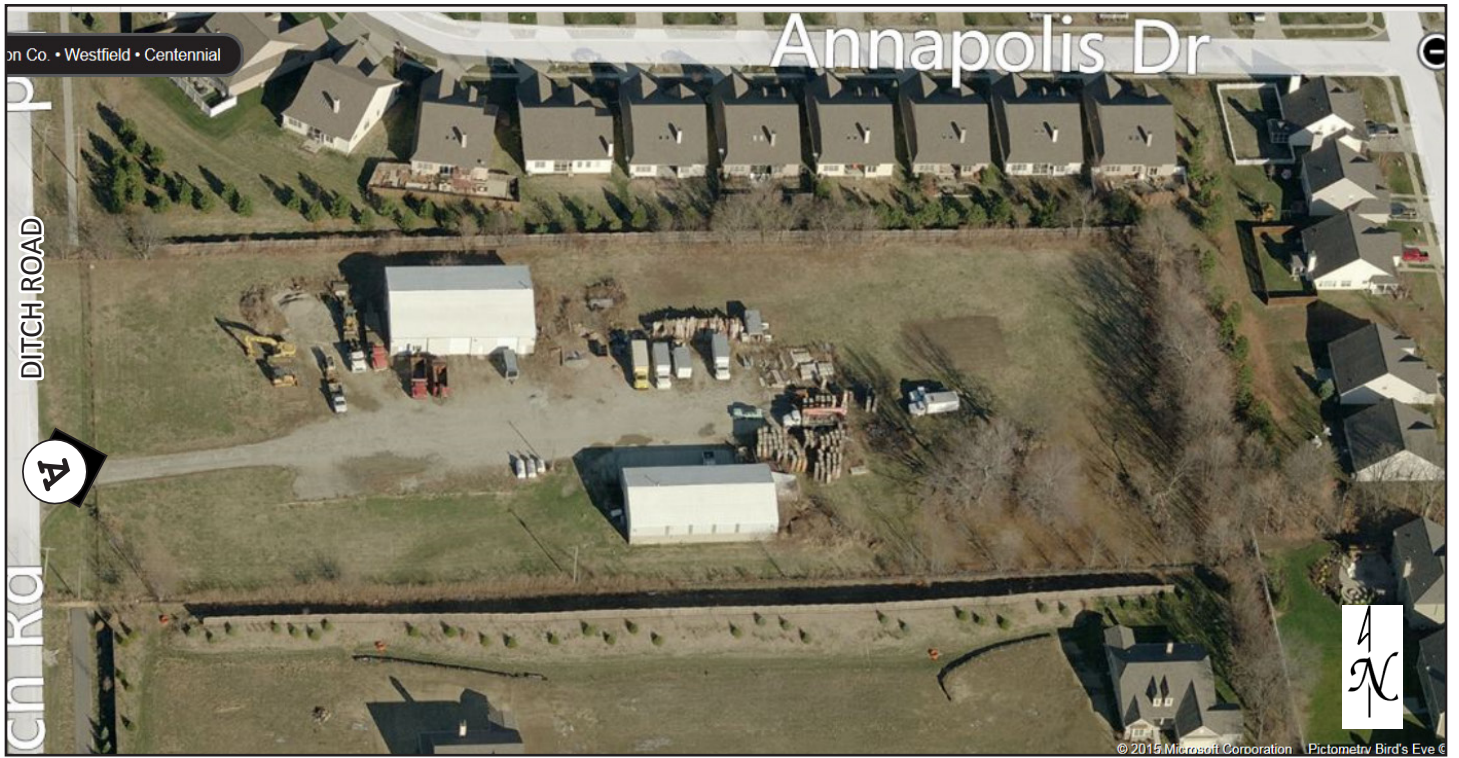
Serviceberry
Hawthorne
Magnolia
Flowering Crab

Custom Residential & Commercial Landscaping

Design • Installation • Maintenance
Irrigation • Lighting • Hardscapes • Landscapes • Waterscapes



EXISTING CONDITIONS EXHIBIT



EXISTING CONDITIONS EXHIBIT



**COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE
MADE IN CONNECTION WITH A VARIANCE GRANT UNDER
THE CITY OF WESTFIELD, INDIANA UNIFIED DEVELOPMENT ORDINANCE**

In accordance with I.C. 36-7-4-1015, the owner of the real estate located in the City of Westfield, Hamilton County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

LEGAL DESCRIPTION: (See attached description.)

See EXHIBIT "A" ATTACHED HERETO
(the "Subject Property")

STATEMENT OF COMMITMENTS:

1. The Petitioner shall provide supplemental landscaping and mounding along the perimeters of the Subject Property as shown on the site plan attached hereto as Exhibit "C". Additionally, if the existing fencing along the north or south adjoiners property lines is removed (for any reason) and not replaced, Petitioner shall install an opaque fence six (6) to eight (8) feet in height along the Subject Property's property lines as a replacement for such removed fence. Chain link fencing with slats shall not be permitted. Such landscaping, fencing and mounding shall be maintained in good condition, ordinary wear and tear excepted. A certificate of compliance for the landscaping or fencing, as the case may be, shall be obtained following a passed inspection of the installed landscaping or fencing.
2. The Petitioner's landscaping company shall be operated in substantial compliance with the Plan of Operation attached hereto as Exhibit "B".
3. The subject property will be developed in substantial accordance with the site plan attached hereto as Exhibit "C".
4. Any new site improvement or structure on shall follow the development and design rules in the City of Westfield Unified Development Ordinance ("UDO") applicable to Industrial Uses/Districts.
5. The external street frontage landscaping requirements required under the UDO shall apply along the Ditch Road frontage of the Subject Property, and shall be installed within three (3) months of the approval of the variance, or as soon as weather permits if the scheduled deadline would be in November through March. A certificate of compliance shall be obtained following a passed inspection of the installed landscaping.
6. Petitioner/Owner shall dedicate so much right of way along the subject property's Ditch Road frontage so as to provide for a Thirty-Five foot (35') half right of way, measured from the centerline. Such dedication shall be made within three (3) months of approval of the variance.
7. Petitioner/Owner shall install, at its expense, an eight foot (8') wide asphalt pedestrian pathway at the back of the dedicated right of way, within three (3) months following approval of the variance, or as soon as weather permits, if the scheduled installation deadline would be in November through March.
8. Hours of operation, including use of company equipment, delivery vehicles and trash pickup, shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 5:00 p.m. Saturday; provided, however, the office may remain open until 10:00 p.m., Monday through Thursday, and further provided, the business may operate on a limited basis outside of such hours during snow/ice events for the purpose of moving snow removal equipment from the Subject Property to clients locations.
9. All mulch shall be turned regularly to mitigate spoilage, and there shall not be in excess of a two (2) week supply on site at any given time.
10. All bulk outside storage of mulch, soil, rock and paver material shall be kept in bins which are covered when not in use.

These COMMITMENTS shall run with the land, be binding on the Owner of the above-described real estate, subsequent owners of the above-described real estate and other persons acquiring an interest therein. These COMMITMENTS may be modified or terminated by a decision of the City of Westfield made at a public hearing after proper notice has been given.

These COMMITMENTS may be enforced by

IN WITNESS WHEREOF, owner has executed this instrument this _____ day of _____, 2015

Printed _____
Renee Kelich

STATE OF INDIANA)
) SS:
COUNTY OF _____)

My Commission expires: _____

STATE OF INDIANA)
) SS:
COUNTY OF _____)

Before me, a Notary Public in and for said County and State, personally appeared Renee Kelich, Owner(s) of the real estate described above, who acknowledged the execution of the foregoing instrument for and on behalf of said trust.

Witness my hand and Notarial Seal this _____ day of _____, 2015

Signature _____

Printed _____

County of Residence _____

My Commission expires: _____

This instrument was prepared by Joseph D. Calderon, Bose McKinney & Evans LLP, 111 Monument Circle, Suite 2700 Indianapolis, Indiana, 46204

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. Joseph D. Calderon, Esq.

EXHIBIT A

7417 WARRA DEED BOOK **312** **796**

THIS INDENTURE WITNESSETH, That Stanley E. Banks & Patricia B. Banks,
his wife and Joseph E. Pettijohn & Beverly I. Pettijohn, his ("Grantor")
of Hamilton County, in the State of Indiana, CONVEY
AND WARRANT to Pettijohn & Banks, Inc.

of Hamilton County, in the State of Indiana, for the sum
of One Dollars (\$ 1.00) and other
valuable consideration, the receipt of which is hereby acknowledged, the following described real
estate in Hamilton County, in the State of Indiana:

Tract 2F: A part of the Northwest quarter of the Southwest
quarter of Section 15, Township 18 North, Range 3 East in
Washington Township, Hamilton County, Indiana, more particularly
described as follows: Beginning at a point on the West line of
the Southwest quarter of Section 15, Township 18 North, Range 3
East, said point being S 00 degrees 10 minutes 33 seconds E 608.04
feet from the Northwest corner thereof, thence N 88 degrees 43
minutes 27 seconds E 655.04 feet, thence S 00 degrees 09 minutes
40 seconds E 241.61 feet, thence S 00 degrees 13 minutes 33
seconds E 24.45 feet, thence S 88 degrees 43 minutes 27 seconds W
655.00 feet to a point on the West line of said quarter, thence N
00 degrees 10 minutes 33 seconds W on and along said West line
266.06 feet to the place of beginning and containing 4.000 acres,
subject to all legal easements and rights of way of record.

This document referred
to in Document No.
2008043766
8/27/08

This document referred
to in Document No.
200133157
5-18-01

Instrument Recorded June 12, 1979
MARY L. CLARK, RECORDER, HAMILTON COUNTY, IND.

RECEIVED
JUN 17 2 43 PM '79
MARY L. CLARK
RECORDER
HAMILTON CO., IND.

This document referred
to in Document No.
200102225813
5-8-01

DULY ENTERED FOR TAXATION

12 day June 1979
Barbara J. Jennings Auditor
Hamilton County

IN WITNESS WHEREOF, Grantor has executed this deed this 6 day of
JUNE, 1979.

Signature Stanley E. Banks (SEAL)
Printed Stanley E. Banks
Patricia B. Banks
Patricia B. Banks
STATE OF INDIANA
COUNTY OF _____

Signature Joseph E. Pettijohn (SEAL)
Printed Joseph E. Pettijohn
Beverly I. Pettijohn
Beverly I. Pettijohn

SS:

Before me, a Notary Public in and for said County and State, personally appeared _____

Stanley E. Banks, Patricia B. Banks, Joseph E. Pettijohn & Beverly I. Pettijohn
who acknowledged the execution of the foregoing Warranty Deed, and who, having been duly
sworn, stated that the representations therein contained are true.

Witness my hand and the Notarial Seal this 6 day of JUNE, 1979.

My commission expires _____
Signature Donald R. Peyton
Printed Donald R. Peyton, Notary Public

This instrument was prepared by Donald R. Peyton, attorney at law.

EXHIBIT B

PLAN OF OPERATION

Petitioner: Jeff Kelich
Property Address: 14939 Ditch Road
Case No.: 1506-VU-06

Petitioner, Jeff Kelich (“Petitioner”), is the owner of a business known as Carmel TurfCare, a full service landscaping business. Petitioner recently purchased a four (4) acre tract of improved real property commonly known as 14939 Ditch Road (the “Subject Property”).

Petitioner’s business is seasonal, and geocentric, focusing on customers in the north suburbs of Indianapolis, including Westfield. The Subject Property is zoned for residential use (SF-2), but has been improved with commercial/industrial buildings and has been and may be used by a concrete company under a variance granted in 1979. Petitioner proposes to occupy the existing buildings, and add temporary greenhouse structures as shown on the site plan attached hereto as Exhibit “A”.

Petitioner is proposing this Plan of Operation to the Board of Zoning Appeals (“BZA”) as a proposed condition to the approval of the requested variance, as a reflection of Petitioner’s sincerity and confidence in using the Subject Property in a manner that is compatible with the existing zoning and land use development pattern in the area.

Use of Subject Property

Petitioner will only use the Subject Property for a landscaping contractor business, with proposed incidental seasonal retail sales in the area shown on the Site Plan. If retail sales were to take place, it would be limited to Saturdays between the hours of 9 a.m. to 4 p.m. There will be inventory maintained on site, including mulch, soil, rock and paver material. Additionally, on occasion, there might be PVC pipe stored on site pending installation at a customer’s property. These materials will be stored on locations shown on the Site Plan and the mulch and soil will be in covered bins. Plants for ultimate installation at customer’s properties will also be stored in the greenhouse building. All of the foregoing items will be stored in those locations shown on the Site Plan. All other materials, such as seed/fertilizers, will be stored inside.

Hours of Operation

The Subject Property will have two distinct patterns of operation, except the office building will be staffed year round with approximately 5 employees performing administrative, and outside sales functions. During “season”, which is typically March through October, Petitioner proposes that his employees would arrive at the Subject Property in the morning, park

their personal vehicles, load and take the necessary equipment from the Subject Property to the job site, and return the equipment in the evening, or if circumstances warrant, take the equipment to their respective residences. Employees would typically arrive at the Subject Property by 7 a.m. and return by 7 p.m., Monday through Friday, and 8 a.m. to 5 p.m. on Saturday.

During the “off” season there would be little to no activity. On occasion, employees may work on the equipment inside the shop building on the Subject Property, and employees would come to the Subject Property during certain snow events for the purpose of picking up snow removal equipment.

Traffic Patterns, Lighting, Signs

Other than employee trips described above, there is little other traffic that will be generated by the proposed use of the Subject Property. Commercial traffic is expected to include a weekly visit by a trash truck to empty the dumpsters, a fuel truck to fill on site tanks, no more than twice per month, and delivery of product. Plant material is delivered on a monthly inventory cycle, while mulch and soil are managed and delivered on a 7 to 10 day inventory cycle.

No additional freestanding outdoor lighting other than what currently exists is proposed. The office building and shop building on the Subject Property may have wall pack or attached spotlights for security. A small sign at the entrance to the Subject Property is proposed.

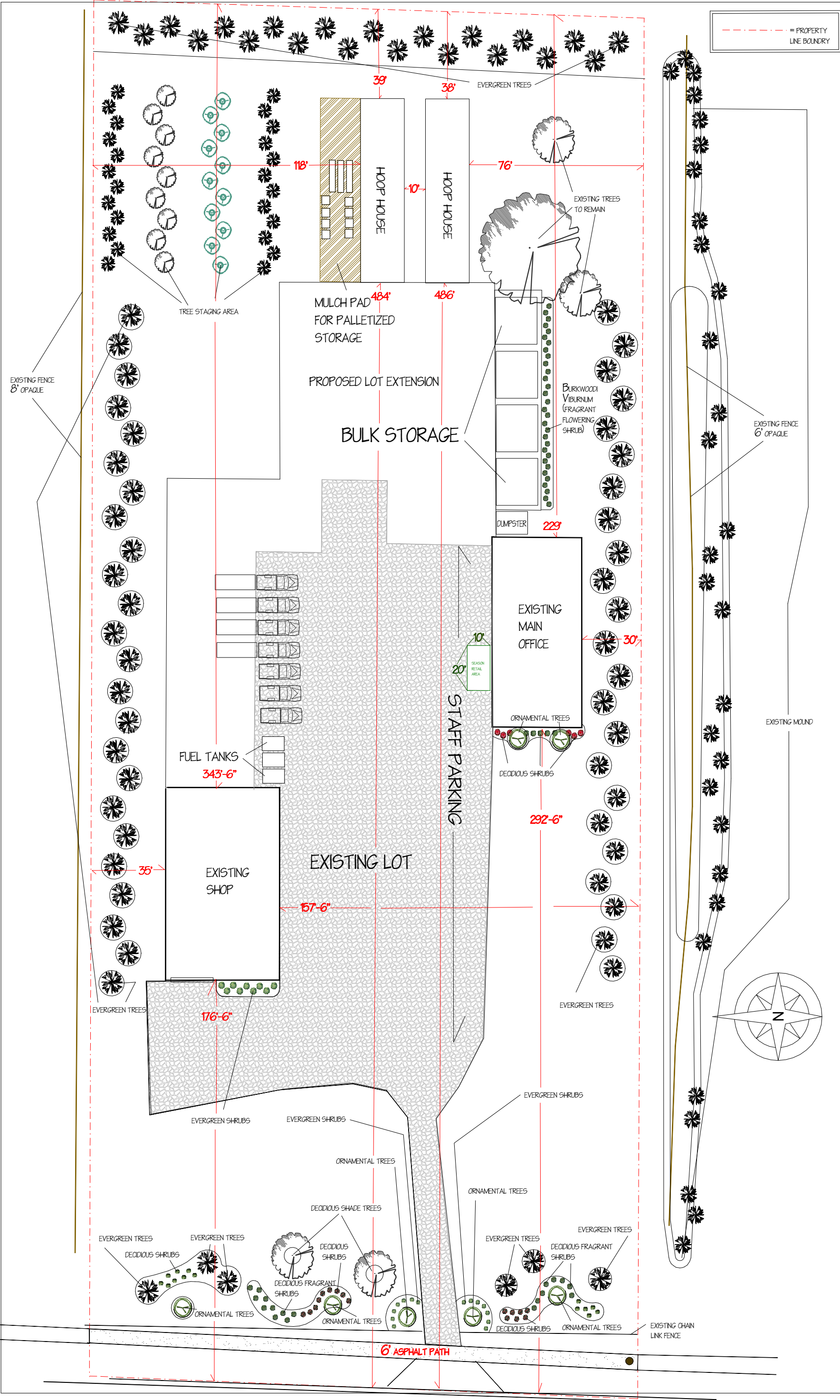
The Petitioner proposes to maintain a gravel drive/parking area, consistent with current conditions.

Employee Growth

Currently, Petitioner has 19 employees, and anticipates approximately 26 employees to visit the Subject Property on a daily basis during season.

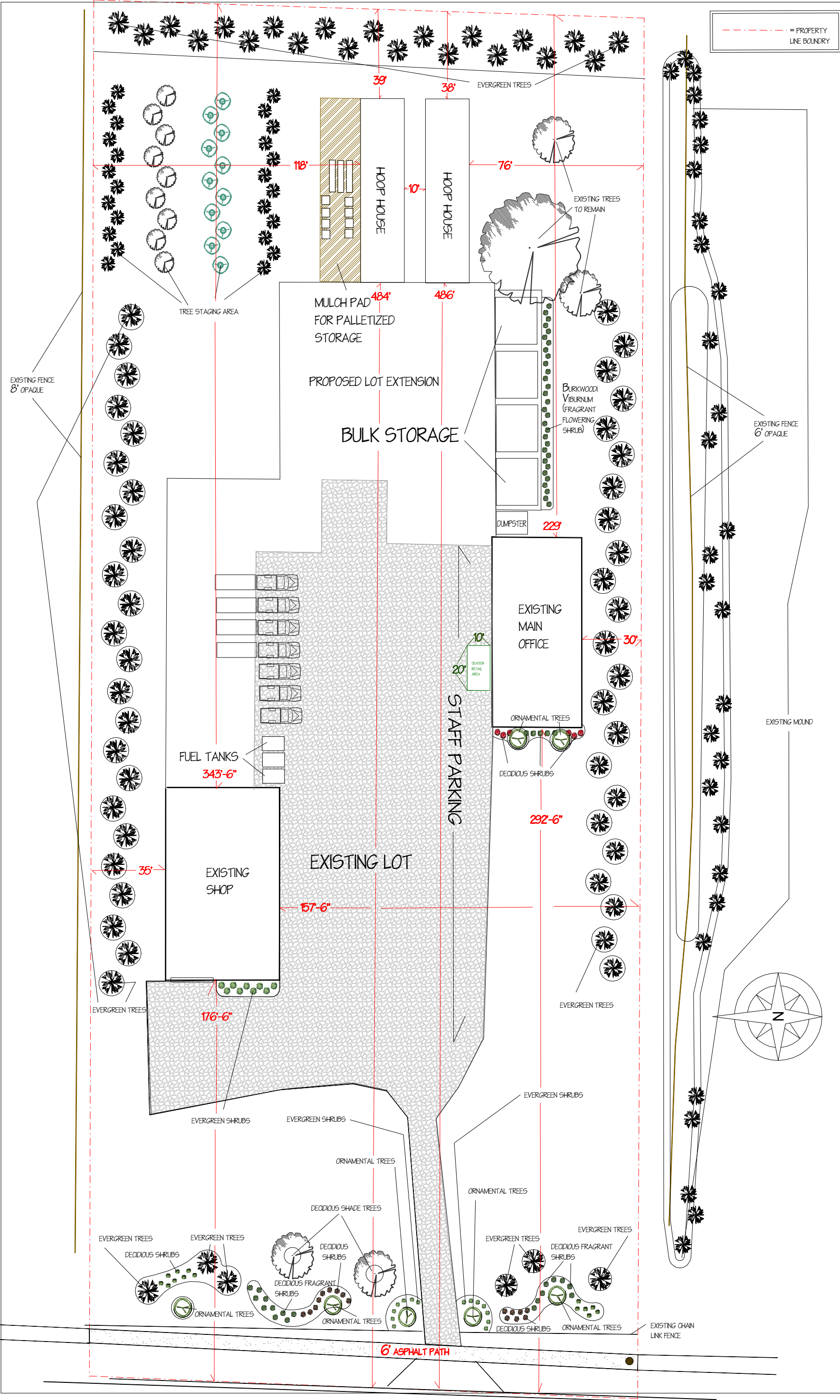
Commitments

In addition to the foregoing Plan of Operation, the Petitioner is providing certain statutorily authorized commitments, which will provide additional certainty and protections.



Revision #: MASTER PLAN Date: 8/6/2015	Scale: 1" = 40'	Landscape Plan: FORMER PETTIJOHN CONCRETE COMPANY	Landscape Design by:  CARMEL TURF CARE	23478 US 31N SUITE B CICERO, IN 46034
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EXHIBIT C



Revision #: MASTER PLAN Date: 8/6/2015	Scale: 1" = 40'	Landscape Plan: FORMER PETTIJOHN CONCRETE COMPANY	Landscape Design by:  CARMEL TURF CARE	23478 US 31N SUITE B CICERO, IN 46034
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PLAN OF OPERATION

Petitioner: Jeff Kelich
Property Address: 14939 Ditch Road
Case No.: 1506-VU-06

Petitioner, Jeff Kelich (“Petitioner”), is the owner of a business known as Carmel TurfCare, a full service landscaping business. Petitioner recently purchased a four (4) acre tract of improved real property commonly known as 14939 Ditch Road (the “Subject Property”).

Petitioner’s business is seasonal, and geocentric, focusing on customers in the north suburbs of Indianapolis, including Westfield. The Subject Property is zoned for residential use (SF-2), but has been improved with commercial/industrial buildings and has been and may be used by a concrete company under a variance granted in 1979. Petitioner proposes to occupy the existing buildings, and add temporary greenhouse structures as shown on the site plan attached hereto as Exhibit “A”.

Petitioner is proposing this Plan of Operation to the Board of Zoning Appeals (“BZA”) as a proposed condition to the approval of the requested variance, as a reflection of Petitioner’s sincerity and confidence in using the Subject Property in a manner that is compatible with the existing zoning and land use development pattern in the area.

Use of Subject Property

Petitioner will only use the Subject Property for a landscaping contractor business, with proposed incidental seasonal retail sales in the area shown on the Site Plan. If retail sales were to take place, it would be limited to Saturdays between the hours of 9 a.m. to 4 p.m. There will be inventory maintained on site, including mulch, soil, rock and paver material. Additionally, on occasion, there might be PVC pipe stored on site pending installation at a customer’s property. These materials will be stored on locations shown on the Site Plan and the mulch and soil will be in covered bins. Plants for ultimate installation at customer’s properties will also be stored in the greenhouse building. All of the foregoing items will be stored in those locations shown on the Site Plan. All other materials, such as seed/fertilizers, will be stored inside.

Hours of Operation

The Subject Property will have two distinct patterns of operation, except the office building will be staffed year round with approximately 5 employees performing administrative, and outside sales functions. During “season”, which is typically March through October, Petitioner proposes that his employees would arrive at the Subject Property in the morning, park

their personal vehicles, load and take the necessary equipment from the Subject Property to the job site, and return the equipment in the evening, or if circumstances warrant, take the equipment to their respective residences. Employees would typically arrive at the Subject Property by 7 a.m. and return by 7 p.m., Monday through Friday, and 8 a.m. to 5 p.m. on Saturday.

During the “off” season there would be little to no activity. On occasion, employees may work on the equipment inside the shop building on the Subject Property, and employees would come to the Subject Property during certain snow events for the purpose of picking up snow removal equipment.

Traffic Patterns, Lighting, Signs

Other than employee trips described above, there is little other traffic that will be generated by the proposed use of the Subject Property. Commercial traffic is expected to include a weekly visit by a trash truck to empty the dumpsters, a fuel truck to fill on site tanks, no more than twice per month, and delivery of product. Plant material is delivered on a monthly inventory cycle, while mulch and soil are managed and delivered on a 7 to 10 day inventory cycle.

No additional freestanding outdoor lighting other than what currently exists is proposed. The office building and shop building on the Subject Property may have wall pack or attached spotlights for security. A small sign at the entrance to the Subject Property is proposed.

The Petitioner proposes to maintain a gravel drive/parking area, consistent with current conditions.

Employee Growth

Currently, Petitioner has 19 employees, and anticipates approximately 26 employees to visit the Subject Property on a daily basis during season.

Commitments

In addition to the foregoing Plan of Operation, the Petitioner is providing certain statutorily authorized commitments, which will provide additional certainty and protections.



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

September 15, 2015
1509-SE-02 & 1509-VS-13
Exhibit 1

Petition Number: 1509-SE-02 & 1509-VS-13

Subject Site Address: 19540 Lamong Road (the "Property")

Petitioner: Cindy Tripp d/b/a Heavenly Care Kennels (the "Petitioner")

Request: The petitioner is requesting approval of a Special Exception to allow the continued use of a kennel business (Chapter 13: Use Table) and a Variance of Development Standard to reduce the Minimum Lot Frontage requirement, which would allow the subject property to be split into two (2) lots in the AG-SF1: Agriculture-Single Family Rural District (Article 4.2 (D)).

Current Zoning: AG-SF1: Agriculture-Single Family Rural District ("AG-SF1")

Current Land Use: Residential/Kennel Business

Approximate Acreage: 11.7 acres +/-

Zoning History: 0706-SE-01 – Special Exception for Kennel Use, *Approved 06/18/07*
0706-VS-014 – Subordinate Structures Variance, *Approved 06/18/07*
0706-VS-015 – Fence Height Variance, *Approved 06/18/07*
0710-DP-15/0710-SIT-12 – Development Plan, *Approved 10/22/07*

Exhibits: Exhibit 1: Staff Report
Exhibit 2: Location Map
Exhibit 3: Application
Exhibit 4: Existing Conditions Photos
Exhibit 5: Current Site Plan
Exhibit 6: Current Structure Site Plan
Exhibit 7: Current Utility Plot Plan
Exhibit 8: Proposed Site Plan
Exhibit 9: 2007 BZA Approval Letter

Staff Reviewer: Kevin M. Todd, AICP

PETITION HISTORY

This petition will receive a public hearing at the September 15, 2015, Board of Zoning Appeals meeting.



ANALYSIS

Location: The subject property is approximately 11.7 acres +/- in size and located at 19540 Lamong Road (**see Exhibit 2**). The Property is zoned AG-SF1 and currently contains a residential structure, a kennel structure, and three (3) accessory structures. The surrounding adjacent properties in all directions are zoned AG-SF1 and are large-lot, rural-residential/agricultural in nature and use.

Property History: On June 18, 2007, the Board of Zoning Appeals approved a Special Exception request (0706-SE-01) to allow a kennel business on the Property (the "2007 Special Exception"). Two (2) Variances of Development Standard (0706-VS-014 and 0706-VS-015) were also approved which addressed accessory building size and fence height issues for the kennel use (**see Exhibit 9**). The 2007 Special Exception was approved with a condition that the Special Exception be granted for a period of five (5) years. The 2007 Special Exception approval expired on June 18, 2012. There were no time limits associated with either Variance of Development Standard approval.

On October 22, 2007, the Advisory Plan Commission approved development and site plans for the construction of the outdoor runs and expansion of the indoor kennel building (0710-DP-15/0710-SIT-12). To-date, the building expansion has not been constructed, and the Petitioner has indicated that there are no plans to expand the building now.

Special Exception Request (1509-SE-02): The 2007 Special Exception expired over three years ago, however, unbeknown to the City, the Property has maintained the use as a kennel. While operating as an illegal use for the past three-plus (3+) years, the Economic and Community Development Department has not received any complaints regarding the use/business on the Property. The Petitioner has filed a Special Exception request to legally allow the continued use of the kennel business on the Property. According to the Petitioner, no future construction/expansion is anticipated for the kennel business.

Variance of Development Standard Request (1509-VS-13): In addition to the Special Exception request, the Petitioner would like to split the 11+ acre property into two (2) lots. One lot would contain the kennel business and its associated structures, and a second lot would contain a new residential structure. The existing lot has approximately 300 feet +/- of road frontage. In order to legally split property in AG-SF1, each lot created would need a minimum of 250 feet of road frontage. The Property does not have enough road frontage to meet this requirement. The Petitioner is requesting that one lot have a minimum road frontage of 144 feet +/- (Lot 1), and the other lot have a minimum road frontage of 166 feet +/- (Lot 2) (**see Exhibit 8**). Lot 1 would be approximately 6.3 acres +/- in size and would be the new residential home site. Lot 2 would be approximately 5.4 acres +/- in size and would be the kennel business site. All other AG-SF1 standards would apply.

As shown on the proposed site plan, the existing driveway would be shared and no additional road cuts on Lamong Road would be needed (**see Exhibit 8**).



Comprehensive Plan: The Comprehensive Plan identifies this Property within the “Rural Northwest” land use classification. Large-lot single-family residential and agricultural uses are recommended in this area of the community.

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Special Exception and Variances of Development Standard. The petitions are scheduled to receive its public hearing at the September 15, 2015, Board of Zoning Appeals meeting. Notice of the public hearings were properly advertised in accordance with Indiana law and the Board of Zoning Appeals’ Rules of Procedure.

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

Acknowledgement of Variance: If the Board of Zoning Appeals approves this petition, then the UDO² requires that the approval of the variance shall be memorialized in an acknowledgement of variance instrument prepared by the Department. The acknowledgement shall: (i) specify the granted variance and any commitments made or conditions imposed in granting of the variance; (ii) be signed by the Director, Property Owner and Applicant (if Applicant is different than Property Owner); and (iii) be recorded against the subject property in the Office of the Recorder of Hamilton County, Indiana. A copy of the recorded acknowledgement shall be provided to the Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

Special Exceptions: The UDO (Chapter 12: Definitions) defines “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”.

Special Exception Decision Criteria: A Special Exception may be approved by the Board of Zoning Appeals only upon the determination in writing that the Special Exception at the proposed location meets the following³:

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

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

³ Article 10.11(D) Processes and Permits; Special Exceptions; Review Criteria



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September 15, 2015
1509-SE-02 & 1509-VS-13
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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; and
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.

Variances of Development Standard Decision Criteria: Variances of Development Standard may be approved only upon the determination that⁴:

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

⁴ Article 10.11(G)(2) Processes and Permits; Variances, Decision Criteria



DEPARTMENT COMMENTS

- **If the Board of Zoning Appeals is inclined to APPROVE the Special Exception and Variance of Development Standard**, then the Department recommends approving the petitions with the following **conditions**:

Recommended Conditions:

1. Only one (1) driveway cut is allowed for the entire 11.8 acre property;
 2. An access easement for the shared driveway is legally established and recorded prior to the subdivision of the Property; and,
 3. The size and scope of the kennel business be substantially similar to the information depicted in **Exhibits 4-8**.
- **The Department recommends the following Findings of Fact for the Special Exception and Variance of Development Standard cases:**

SPECIAL EXCEPTION (1509-SE-02)

Recommended Findings of Fact (APPROVAL):

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:*

Finding: 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 the use has been in operation for over eight years without incident. All kenneled animals will be kept either indoors or within a fully enclosed outdoor run.
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:*

Finding: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The proposed kennel use has been in operation for over eight years. Allowing the use to continue operations should not have a negative impact on neighboring properties.
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:*

Finding: It is unlikely that allowing the continued use of the kennel will impede the normal and orderly development of the surrounding area for uses permitted in the AG-SF1 area. Large-lot residential uses, agricultural uses, and institutional uses are allowed



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Exhibit 1

in AG-SF1 by-right and are unlikely to conflict with the neighboring kennel operation because of its limited size and scope.

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:*

Finding: The use should have little or no impact on utilities, streets, drainage or other necessary facilities.

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:*

Finding: The 2007 Development Plan review and approval addressed ingress/egress needs for this site. Unless the use changes or dramatically increases over what was approved in 2007, there is no further need to address ingress/egress to this site.

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

Finding: The Comprehensive Plan identifies this Property within the "Rural Northwest" land use classification. Large-lot single-family residential and agricultural uses are recommended in this area of the community. Kennel uses are identified in the UDO as appropriate in agricultural areas (AG-SF1) by Special Exception approval.

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.*

Finding: If the property remains in its current configuration, it will be fully compliant with the AG-SF1 standards. If the property is subdivided as contemplated in this request, pending approval of 1509-VS-13, the property will be compliant with the AG-SF1 standards.

Recommended Findings of Fact (DENIAL):

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:*

Finding: 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 the use has been in operation for over eight years without incident. All kenneled animals will be kept either indoors or within a fully enclosed outdoor run.



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BOARD OF ZONING APPEALS

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Exhibit 1

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:*

Finding: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The proposed kennel use has been in operation for over eight years. Allowing the use to continue operations should not have a negative impact on neighboring properties.

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:*

Finding: It is possible that allowing the continued use of the kennel will impede the normal and orderly development of the surrounding area for uses permitted in the AG-SF1 area. Potential AG-SF1 uses such as large-lot residential uses and institutional uses may conflict with the neighboring kennel operation.

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:*

Finding: The use should have little or no impact on utilities, streets, drainage or other necessary facilities.

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:*

Finding: The 2007 Development Plan review and approval addressed ingress/egress needs for this site. Unless the use changes or dramatically increases over what was approved in 2007, there is no further need to address ingress/ingress to this site.

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

Finding: The Comprehensive Plan identifies this Property within the "Rural Northwest" land use classification. Large-lot single-family residential and agricultural uses are recommended in this area of the community. Kennel uses are identified in the UDO as appropriate in agricultural areas (AG-SF1) by Special Exception approval.

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.*

Finding: If the property remains in its current configuration, it will be fully compliant with the AG-SF1 standards. If the property is subdivided as contemplated in this request,



pending approval of 1509-VS-13, the property will be compliant with the AG-SF1 standards.

VARIANCE OF STANDARD (1509-VS-13)

Recommended Findings of Fact (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. There would be one shared drive way and each lot would meet all other applicable AG-SF1 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 that the use and value of adjacent property will be affected in a substantially adverse manner. The variance would allow the Property to be split into two lots, allowing a new residential structure to be built. Large-lot single-family dwellings are contemplated in the Comprehensive Plan and allowed in the AG-SF1 District. Traffic patterns on Lamong Road would be impacted minimally, if at all, because there will be a shared driveway between the two properties.

3. *The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property.*

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

Recommended Findings of Fact (DENIAL):

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. There would be one shared drive way and each lot would meet all other applicable AG-SF1 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:*



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

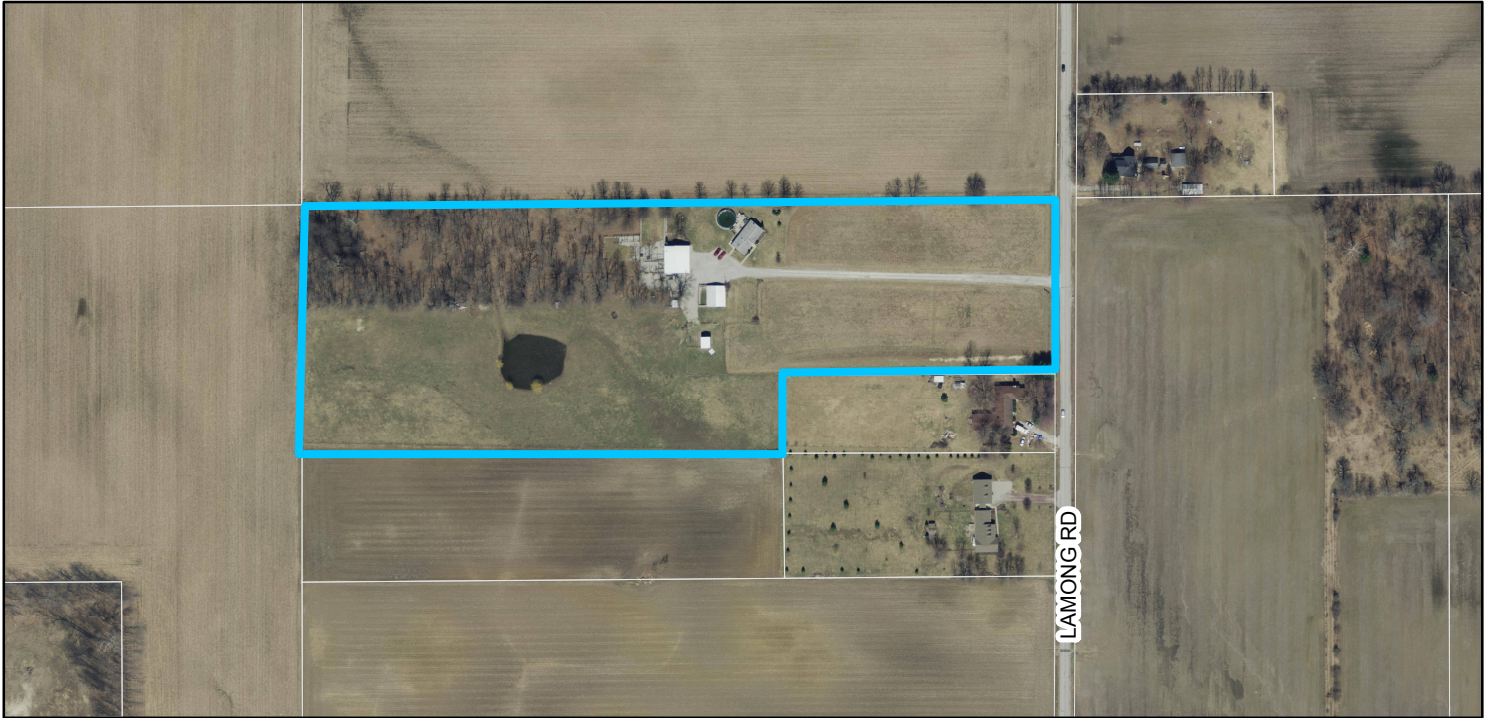
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Finding: It is possible that the use and value of adjacent property will be affected in a substantially adverse manner. The proposed variance would allow the creation of two lots on property that is not configured in a manner that would otherwise allow it to be split into two lots. The AG-SF1 standards are intentionally designed to keep the rural character of the District, as described in the Comprehensive Plan. Allowing a second lot would allow a second residential dwelling on a lot with improper road frontage. Allowing this lot split could compromise the vision of the Comprehensive Plan for this area of the community.

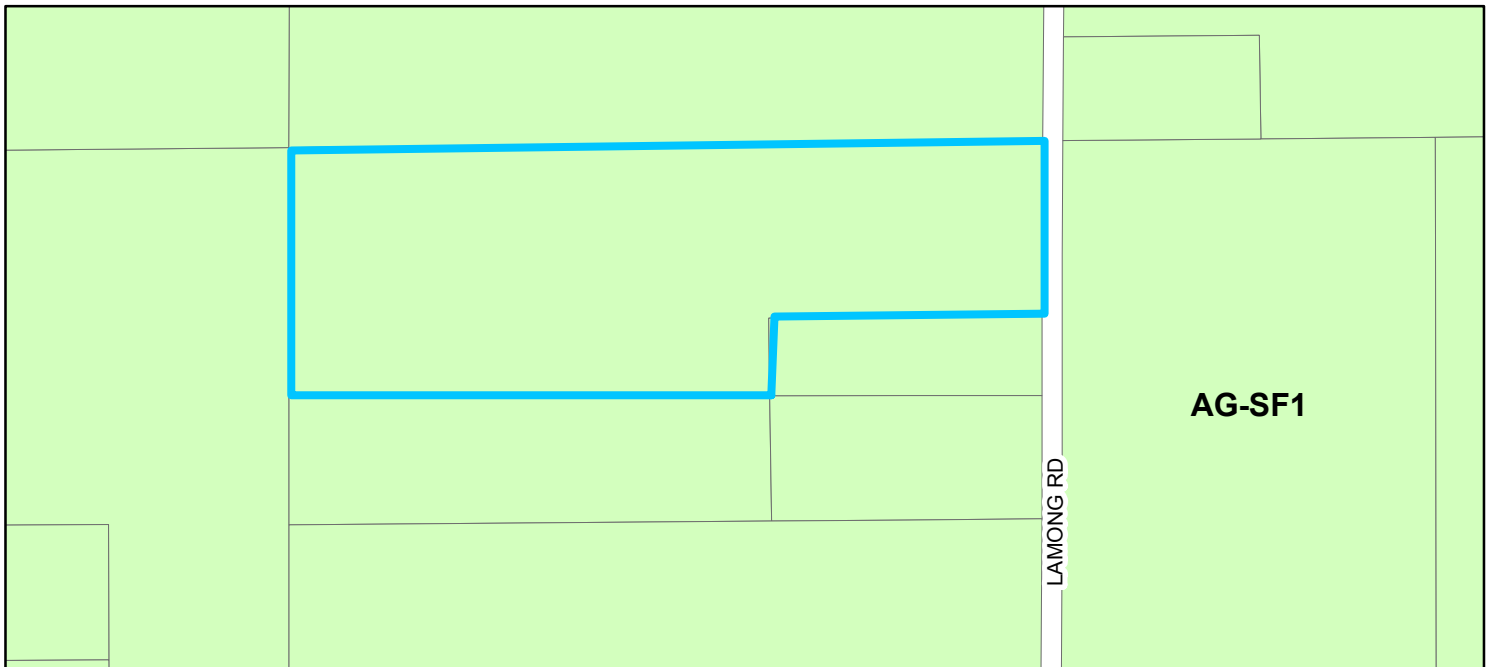
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Finding: Strict adherence to the zoning ordinance would result in the inability to improve the Property, as proposed, in accordance with the Unified Development Ordinance. The use is contemplated by the Unified Development Ordinance and the proposed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

Aerial Location Map

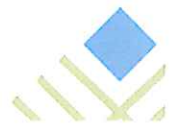


Zoning Map



WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM

SPECIAL EXCEPTION APPLICATION



OFFICE
USE ONLY

DOCKET #: 1509-SE-02
FILING FEE: \$

FILING DATE: 8-7-15

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: Jesse PohlaantKevin Todd (STAFF NAME) DATE:

PRIOR OR RELATED DOCKET NUMBERS

CHANGE OF ZONING: AMENDMENTS: DEVELOPMENT PLAN: SAME

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

APPLICANT INFORMATION

APPLICANT'S NAME: Cindy Tripp TELEPHONE: 317 896 3846

ADDRESS: 19540 Lamong Rd sheridan IN 46069 EMAIL: Cat3846@Gmail.Com

PROPERTY OWNER'S NAME: S.A.A TELEPHONE:

ADDRESS: EMAIL:

REPRESENTATIVE'S NAME: TELEPHONE:

COMPANY: EMAIL:

ADDRESS:

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION:

COUNTY PARCEL ID #(S):

EXISTING ZONING DISTRICT(S): AQ-SF1 EXISTING LAND USE(S): residential/kennel

SPECIAL EXCEPTION REQUEST

CODE CITATION: chapter 13: Use Table FINDINGS OF FACT: (PLEASE SEE ATTACHED)

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

WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM

FINDINGS OF FACT (SPECIAL EXCEPTION)

APPLICANT: Cheryl Tripp

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: Because it is a very small facility with Apron Accord to the Community for its efficient work ethics
- 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: again very small and easy facility that provides a service to the Community
- 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 sets back are beyond the required set backs, + Rural Area
- D. Adequate utilities, streets drainage and other necessary facilities have been or are being improved: yes
- E. Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion: yes
Appointment Based per customer with minimum traffic on Drop off + Pick up?
- 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: yes

WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM

VARIANCE APPLICATION



OFFICE
USE ONLY

DOCKET #: 1509-VS-13

FILING DATE: 8-7-15

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

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: Jesse Pohlman + Kevin Todd (STAFF NAME)

DATE:

PRIOR OR RELATED DOCKET NUMBERS

CHANGE OF ZONING: AMENDMENTS: DEVELOPMENT PLAN: 0710-DP-15

PRIMARY PLAT: SECONDARY PLAT: VARIANCE(S): 0706-SE-01;
0706-VS-014; 0706-VS-15

APPLICANT INFORMATION

APPLICANT'S NAME: Cindy Tripp TELEPHONE: 317-896-3846

ADDRESS: 19540 Lamong Rd Sheridan IN 46069 EMAIL: Cat3846@Gmail.Com

PROPERTY OWNER'S NAME: S.A.A TELEPHONE: S.A.A

ADDRESS: EMAIL: S.A.A

REPRESENTATIVE'S NAME: TELEPHONE:

COMPANY: EMAIL:

ADDRESS:

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 19540 Lamong Rd Sheridan, IN 46069

COUNTY PARCEL ID #(S): #08-05-29-00-00-010-000

EXISTING ZONING DISTRICT(S): EXISTING LAND USE(S): AG-SFI w/ special exception

VARIANCE REQUEST

☐ VARIANCE OF LAND USE CODE CITATION:

☒ VARIANCE OF DEVELOPMENT STANDARD(S) CODE CITATION: Article 4.2(D) Lot Frontage

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

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

Please SEE ATTACHED

Requesting Variance of development Standard for
reduced minimum lot frontage to allow two parcels
with a min of 144' and 138'.

Special exception to continue to allow Kennel use.

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



APPLICANT: Cindy Tripp

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: _____

WE will be adding value to the area, no adverse actions against the community.
Continued Excellent Animal Care.

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: We Are Adding to the Value of the property.

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

We need the variance to split the two properties, the ~~minimum~~ Road Frontage.
Including a special exception to continue to Allow Kennel use, but that would be
greatly hampered.

WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM



APPLICANT AFFIDAVIT

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says that above information is true and correct as he/she is informed and believes and that Applicant owns or controls the property involved in this application.

Cindy Tripp
Applicant/Representative (signature)

Cindy Tripp
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 ____ day of _____, 20____.

State of _____, County of _____, SS:

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.

Cindy Tripp
Property Owner (signature)*

Cindy Tripp
Property Owner (printed)

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

Witness my hand and Notarial Seal this ____ day of _____, 20____.

State of _____, County of _____, SS:

Notary Public Signature

Notary Public (printed)

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

Legal Description

Exhibit A

In Re: Cynthia Tripp
19540 Lamong Road
Sheridan, Indiana, 46069

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

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 19 NORTH, RANGE 3 EAST, THENCE SOUTH 89 DEGREES 22 MINUTES 33 SECONDS WEST OVER AND ALONG THE NORTH LINE OF SAID QUARTER QUARTER A DISTANCE OF 1331.11 FEET TO A POINT WHICH IS THE NORTHWEST CORNER OF SAID QUARTER QUARTER, THENCE SOUTH 00 DEGREES 39 MINUTES 45 SECONDS EAST ON AND ALONG THE WEST LINE OF SAID QUARTER QUARTER A DISTANCE OF 654.60 FEET TO A POINT WHICH IS 4.6 FEET NORTH OF AN EXISTING WIRE FENCE, THENCE NORTH 89 DEGREES 22 MINUTES 30 SECONDS EAST AND PARALLEL TO THE NORTH LINE OF SAID QUARTER QUARTER A DISTANCE OF 1330.68 FEET TO A POINT ON THE EAST LINE OF SAID QUARTER QUARTER WHICH IS 1.1 FEET SOUTH OF AN EXISTING WIRE FENCE, THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST ON AND ALONG THE EAST LINE OF SAID QUARTER QUARTER A DISTANCE OF 654.60 FEET TO A POINT, SAID POINT BEING THE PLACE OF BEGINNING AND CONTAINING 20.00 ACRES

EXCEPT THE FOLLOWING

BEGINNING AT A POINT ON THE EAST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 19 NORTH, RANGE 3 EAST, SAID POINT BEING SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST (ASSUMED BEARING) A DISTANCE OF 304.46 FEET FROM THE NORTHEAST CORNER OF SAID QUARTER QUARTER, THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS (ASSUMED BEARING) ON AND ALONG SAID EAST LINE A DISTANCE OF 132.00 FEET, THENCE SOUTH 89 DEGREES 22 MINUTES 30 SECONDS WEST AND PARALLEL TO THE NORTH LINE OF SAID QUARTER QUARTER A DISTANCE OF 495.00 FEET, THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST AND PARALLEL TO THE EAST LINE OF SAID QUARTER QUARTER A DISTANCE OF 132.00 FEET, THENCE NORTH 89 DEGREES 22 MINUTES 30 SECONDS EAST AND PARALLEL TO THE NORTH LINE OF SAID QUARTER QUARTER A DISTANCE OF 495.00 FEET TO A POINT, SAID POINT BEING THE PLACE OF BEGINNING AND CONTAINING 1.500 ACRES

ALSO EXCEPT:

PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 19 NORTH, RANGE 3 EAST IN WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING ON THE EAST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 19 NORTH, RANGE 3 EAST 436.46 FEET SOUTH 00 DEGREES 00 MINUTES 00 SECONDS (ASSUMED BEARING) FROM THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH 89 DEGREES 22 MINUTES 33 SECONDS WEST PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER 231.00 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 33 SECONDS PARALLEL WITH SAID EAST LINE 218.14 FEET; THENCE NORTH 89 DEGREES 22 MINUTES 33 SECONDS EAST PARALLEL WITH SAID NORTH LINE 231.00 FEET TO THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS ON SAID EAST LINE 218.14 FEET TO THE PLACE OF BEGINNING

ALSO EXCEPT

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 19 NORTH, RANGE 3 EAST; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS (ASSUMED BEARING) 436.46 FEET ON AND ALONG THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 89 DEGREES 22 MINUTES 33 SECONDS WEST 231.00 FEET PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER TO THE NORTHWEST CORNER OF A 1.156 ACRE TRACT OF REAL ESTATE DESCRIBED IN DEED RECORD 338, PAGE 807 (THE NORTHWEST CORNER OF SAID 1.156 ACRE TRACT ALSO BEING THE POINT OF BEGINNING OF THIS DESCRIPTION); THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS 218.14 FEET PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER TO THE SOUTHWEST CORNER OF SAID 1.156 ACRE TRACT; THENCE SOUTH 89 DEGREES 22 MINUTES 33 SECONDS WEST 264.00 FEET PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS 218.14 FEET PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 89 DEGREES 22 MINUTES 33 SECONDS EAST 264.00 FEET TO THE POINT OF BEGINNING

ALSO EXCEPT

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

COMMENCING AT THE 5/8" ROD AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 19 NORTH, RANGE 3 EAST; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS (ASSUMED BEARING) 654.60 FEET ON AND ALONG THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 89 DEGREES 19 MINUTES 59 SECONDS WEST 495.00 FEET PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER TO AN 5/8" IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING AT THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 89 DEGREES 18 MINUTES 59 SECONDS WEST 829.46 FEET PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER TO AN 5/8" IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID NORTHEAST QUARTER; THENCE NORTH 00 DEGREES 01 MINUTES 23 SECONDS WEST 238.66 FEET ON AND ALONG THE WEST LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER TO AN 5/8" IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING; THENCE SOUTH 89 DEGREES 09 MINUTES 44 SECONDS EAST 829.59 FEET TO AN 5/8" IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS 216.64 FEET TO THE POINT OF BEGINNING, CONTAINING 4.335 ACRES, MORE OR LESS

Cindy Tripp
19540 LAMONG Road
Sheridan, IN 46069

Legal Parcel
08-05-29-00-00-010.000
Washington Township
Total of 11.83 Acres

PURPOSE AND INTENT

Requesting variance to divide my parcel in half.

Both being AG-SF1 with a

**Variance of development standard for reduced minimum
lot frontage to allow two parcels with a min. Lot frontage
of 144' and 138'**

And

Special exception to continue to allow kennel use.

2013 GOOGLE
CLOSE UP
Property PIC

Cindy Tripp
19540 LAMONG Road
Sheridan, IN 46069

Legal Parcel
08-05-29-00-00-010.000
Washington Township
Total of 11.83 Acres











CURRENT

SITE PLAN

Cindy Tripp
19540 LAMONG Road
Sheridan, IN 46069

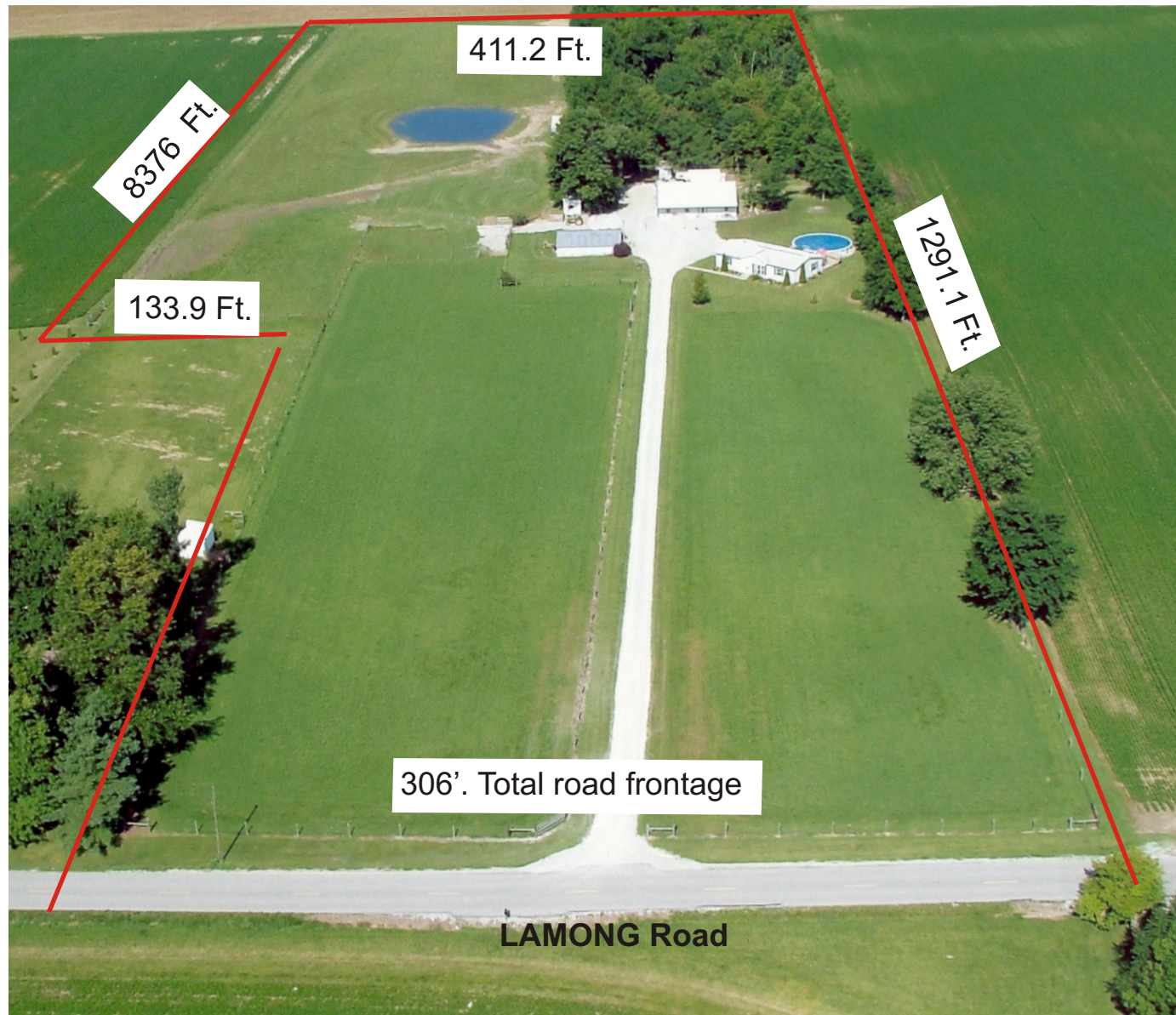
Legal Parcel
08-05-29-00-00-010.000
Washington Township
Total of 11.83 Acres

LEGEND

— = Property Line

$\frac{1}{2}$ 1"
 $\frac{1}{2}$ " = 20 ft.

North →



**CURRENT
STRUCTURE
SITE PLAN**

Cindy Tripp
19540 LAMONG Road
Sheridan, IN 46069

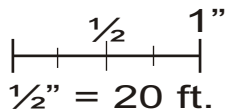
Legal Parcel
08-05-29-00-00-010.000
Washington Township
Total of 11.83 Acres

LEGEND

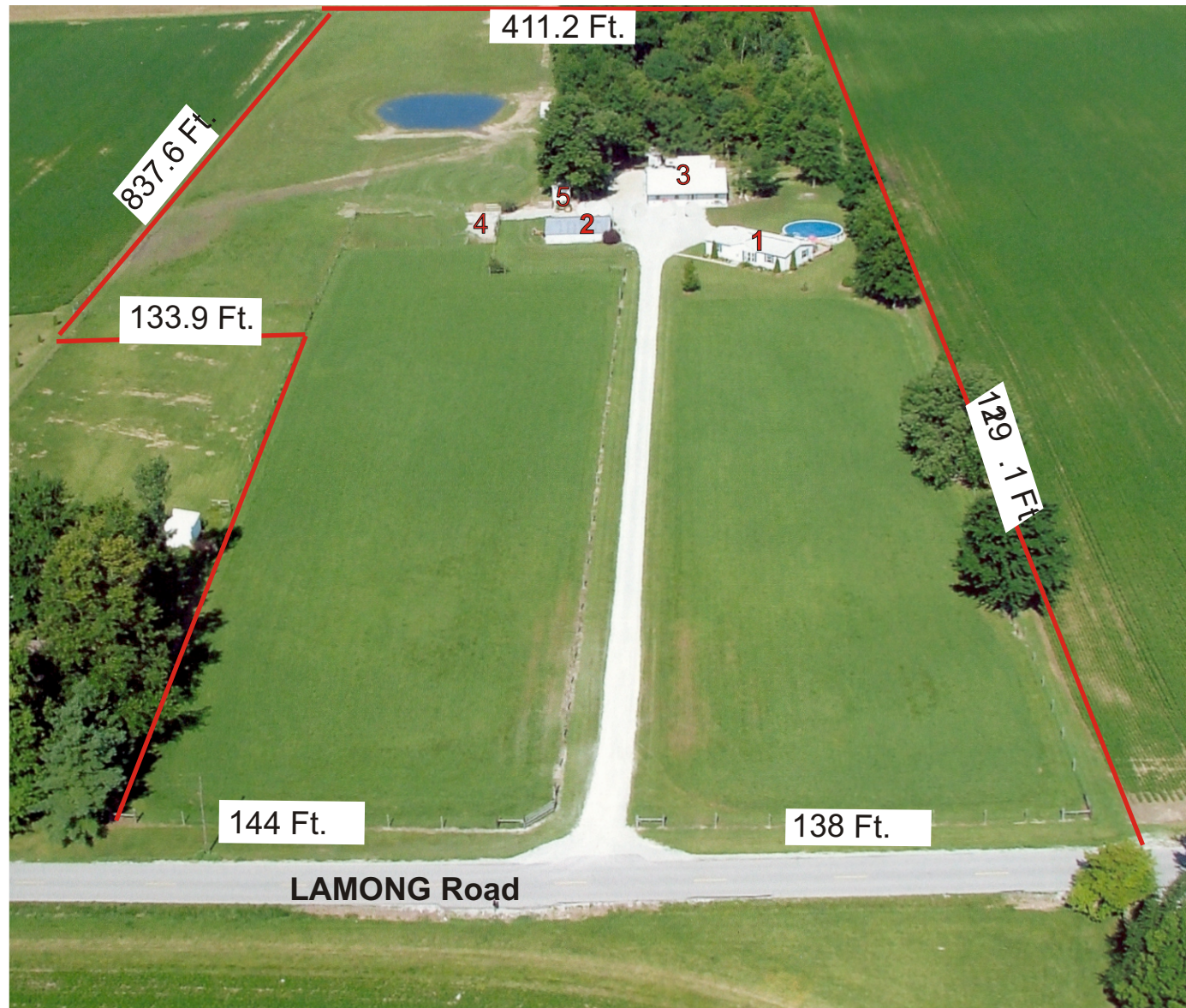
— = Property Line

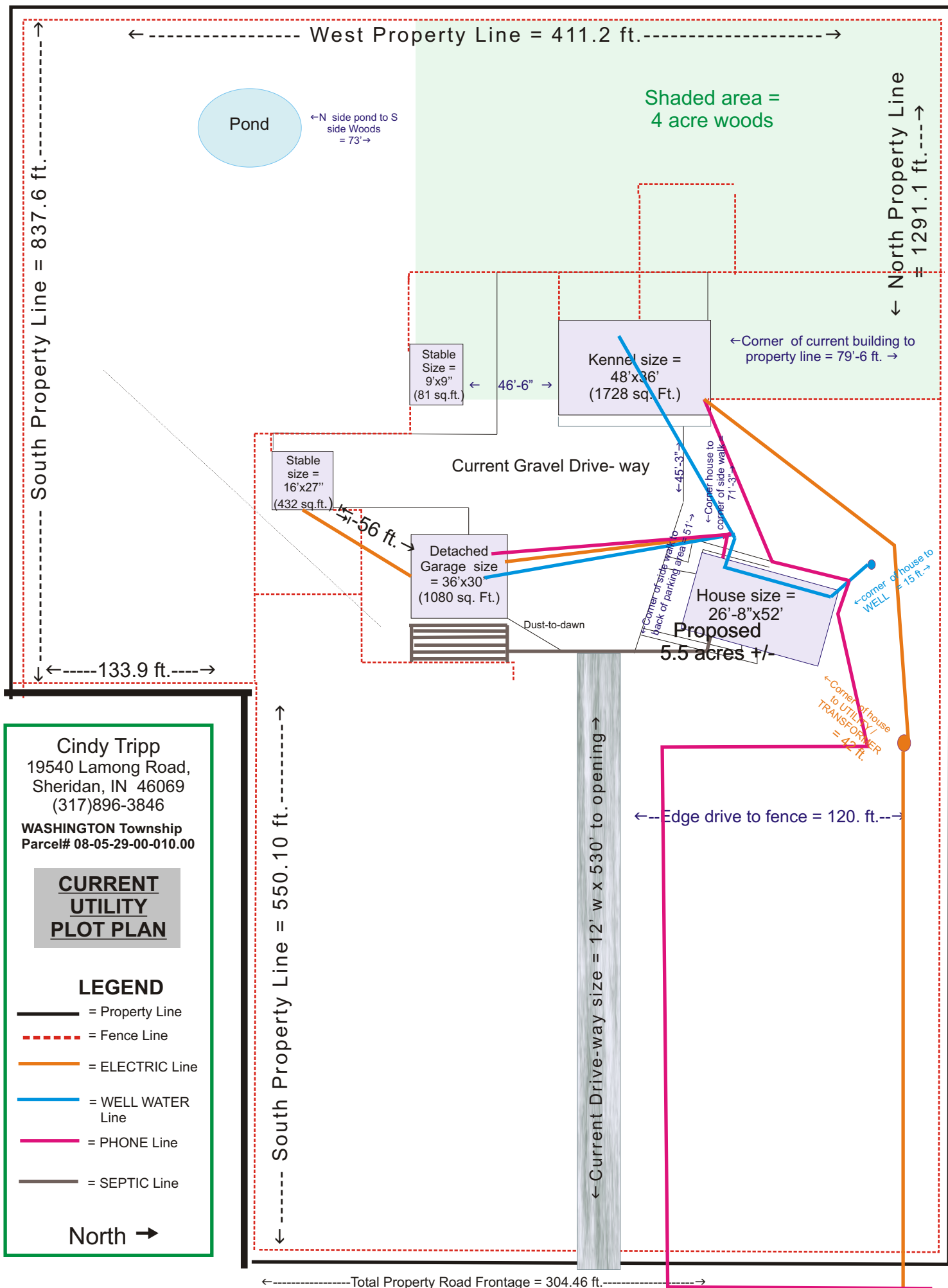
1. House size is
26'-8"x52' (1387 sq.Ft.)
39' ft. From property line
2. Detached Garage size is
36'x30" (1080 sq. Ft.)
3. Kennel Building size is
48'x36' (1728 sq. Ft.)
79'6" from property line
4. Stable size is
16'x27' (432 sq. Ft.)
180' from property line
5. Stable size is
9'x9"(81 sq.ft.)
176' from property line

Driveway is 530 ft. From road
to first sidewalk at house



North →





PROPOSED

SITE PLAN

Cindy Tripp
19540 LAMONG Road
Sheridan, IN 46069

Legal Parcel
08-05-29-00-00-010.000
Washington Township
T11.83 Total Acres

LEGEND

— = EXISTING
Property Line

— = PROPOSED
Property Line
56' between
detached
garage and
stable.

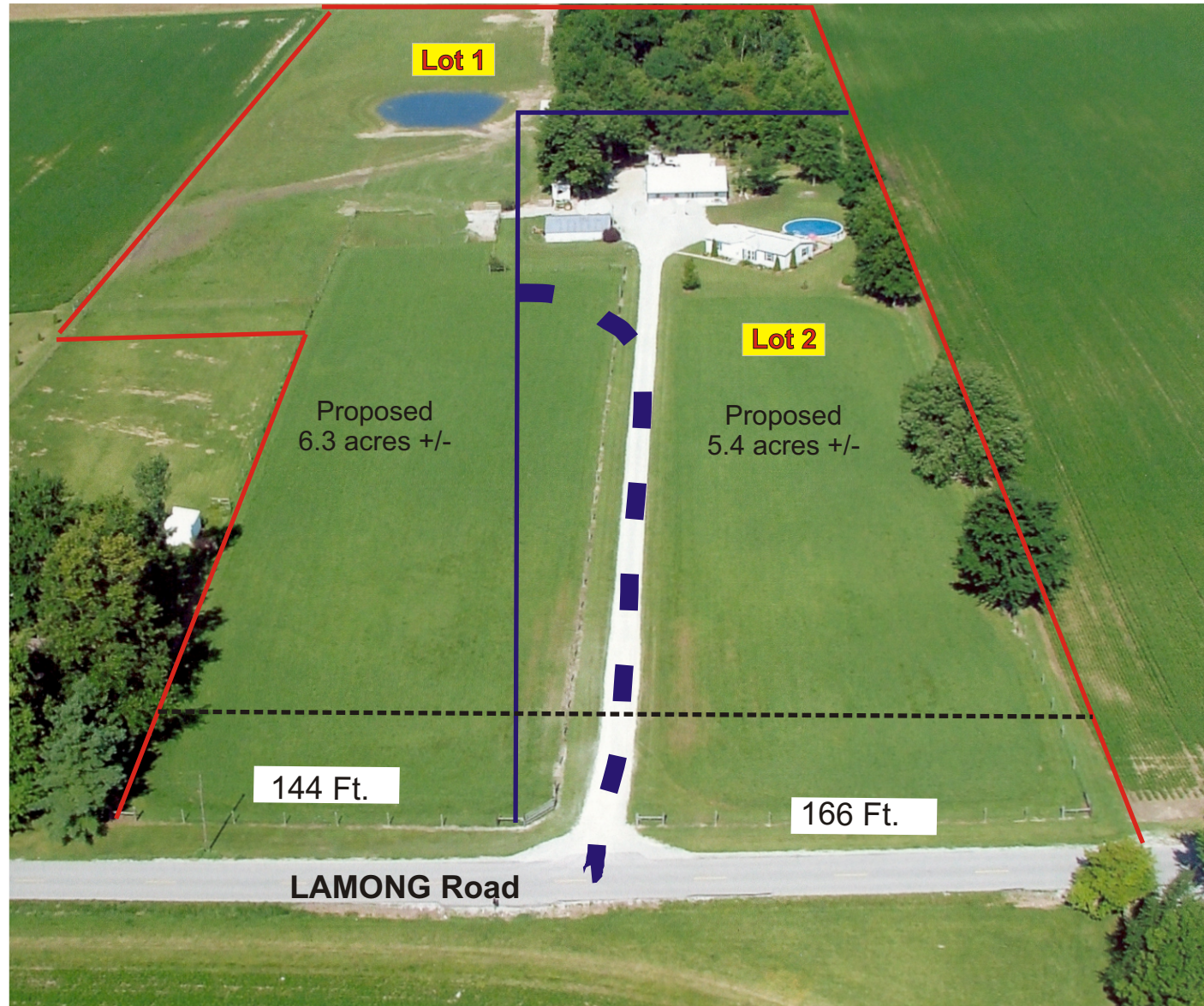
- - - - 75' half of r/w
pursuant to
thoroughfare
plan

- - - - Proposed
access
easement

1. Is Approx. Location of
proposed home

1/2" = 20 ft.

North →



TOWN OF WESTFIELD

COMMUNITY DEVELOPMENT DEPARTMENT

WESTFIELD WASHINGTON TOWNSHIP
PLAN COMMISSION
BOARD OF ZONING APPEALS
ZONING ENFORCEMENT
BUILDING PERMITS

19.00
11.00
(5) None

Cross Referenced to Instrument No. _____

June 26, 2007

Ms. Cindy Tripp
19540 Lamong Road
Sheridan, IN 46069

2007036689 MISC \$20.00
06/29/2007 11:35:41A 5 PGS
Jennifer J Hayden
HAMILTON County Recorder IN
Recorded as Presented

Dear Ms. Tripp:

The Westfield-Washington Township Board of Zoning Appeals met on Monday, June 18, 2007 to review:

0706-SE-01: 19540 Lamong Road: Cindy Tripp: The Appellant is requesting a Special Exception from the Westfield-Washington Township Zoning Ordinance (WC 16.04.180, Figure 2), to allow for the use of a Kennel the AG-SF1 District

0706-VS-014: 19540 Lamong Road: Cindy Tripp: The Appellant is requesting a Variance of Standard from the Westfield-Washington Township Zoning Ordinance (WC 16.04.100, 2bvii), to allow for the construction of an accessory structure that is not subordinate to the principal structure

0706-VS-015: 19540 Lamong Road: Cindy Tripp: The Appellant is requesting a Variance of Standard from the Westfield-Washington Township Zoning Ordinance (WC 16.04.100, 3), to allow for the construction of a fence that exceeds six (6) feet in height

A public hearing was held and the Board voted 4-1 to approve 0706-SE-01 with the following conditions:

1. Unless otherwise required by the Technical Advisory Committee, the subject property shall be limited to a single access drive off of Lamong Road;
2. That signage for the kennel shall comply with the standards for home occupation signage under WC 16.08.010, F;
3. That, except for the area that is to be cleared for the building expansion of the kennel, the existing wooded area shall be maintained and shall not be removed. If any of the existing wooded area is removed or dies, then it shall be replaced with:
 - a. Shrubs of similar type and size

- b. Trees of similar type, and shall comply with the replacement requirements established in WC 16.06.020, E; and,
4. That all conditions associated with variance requests 0706-VS-014 and 0706-VS-015 are binding on the subject property.
5. That due to the transitional nature of the surrounding property, this Special Exception is granted for a five-year term.

A public hearing was held and the Board voted 5-0 to approve 0706-VS-014 with the following conditions:

1. That no further building or expansion of accessory structure occur on the subject property; and
2. That the five-year term limit of 0706-SE-01 shall not apply to this variance request.
3. That all other conditions associated with variance requests 0706-SE-01 and 0706-VS-015 are binding on the subject property.

The Board voted 5-0 to approve 0706-VS-015 with the following conditions:

1. That this variance request (0706-VS-015) apply only to the fence enclosing the kennel area, as per the submitted plans;
2. That all other fencing on the subject property be subject to WC 16.04.100, 3;
3. That the fence enclosing the kennel area be no taller than eight feet (8') in height; and,
4. That the five-year term limit of 0706-SE-01 shall not apply to this variance request; and,
5. That all other conditions associated with special exception 0706-SE-01 and variance request 0706-VS-014 are binding on the subject property.

Please feel free to contact this office at (317) 896-5577 should you have any questions.

Sincerely,



Kevin M. Todd, AICP
Planner I

The above signatory hereby certifies that the information contained in and accompanying this document is true and correct.

STATE OF INDIANA)
) SS:
COUNTY OF HAMILTON)

Signed and acknowledged before me this 28th day of June, 20 07.

(SEAL)

Patricia J. Leuteritz
Signature of Notary Public

Patricia J. Leuteritz
Printed name of Notary Public

My County of Residence: Hamilton

My Commission Expires: 3/13/08

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: Kevin M. Todd

Prepared by: Kevin M. Todd, AICP, Planner I, Town of Westfield
130 Penn Street, Westfield, IN 46074, (317) 896-5577.



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

September 15, 2015
1509-SE-02 & 1509-VS-13
Exhibit 1

Petition Number: 1509-SE-02 & 1509-VS-13

Subject Site Address: 19540 Lamong Road (the "Property")

Petitioner: Cindy Tripp d/b/a Heavenly Care Kennels (the "Petitioner")

Request: The petitioner is requesting approval of a Special Exception to allow the continued use of a kennel business (Chapter 13: Use Table) and a Variance of Development Standard to reduce the Minimum Lot Frontage requirement, which would allow the subject property to be split into two (2) lots in the AG-SF1: Agriculture-Single Family Rural District (Article 4.2 (D)).

Current Zoning: AG-SF1: Agriculture-Single Family Rural District ("AG-SF1")

Current Land Use: Residential/Kennel Business

Approximate Acreage: 11.7 acres +/-

Zoning History: 0706-SE-01 – Special Exception for Kennel Use, *Approved 06/18/07*
0706-VS-014 – Subordinate Structures Variance, *Approved 06/18/07*
0706-VS-015 – Fence Height Variance, *Approved 06/18/07*
0710-DP-15/0710-SIT-12 – Development Plan, *Approved 10/22/07*

Exhibits: Exhibit 1: Staff Report
Exhibit 2: Location Map
Exhibit 3: Application
Exhibit 4: Existing Conditions Photos
Exhibit 5: Current Site Plan
Exhibit 6: Current Structure Site Plan
Exhibit 7: Current Utility Plot Plan
Exhibit 8: Proposed Site Plan
Exhibit 9: 2007 BZA Approval Letter

Staff Reviewer: Kevin M. Todd, AICP

PETITION HISTORY

This petition will receive a public hearing at the September 15, 2015, Board of Zoning Appeals meeting.



ANALYSIS

Location: The subject property is approximately 11.7 acres +/- in size and located at 19540 Lamong Road (**see Exhibit 2**). The Property is zoned AG-SF1 and currently contains a residential structure, a kennel structure, and three (3) accessory structures. The surrounding adjacent properties in all directions are zoned AG-SF1 and are large-lot, rural-residential/agricultural in nature and use.

Property History: On June 18, 2007, the Board of Zoning Appeals approved a Special Exception request (0706-SE-01) to allow a kennel business on the Property (the "2007 Special Exception"). Two (2) Variances of Development Standard (0706-VS-014 and 0706-VS-015) were also approved which addressed accessory building size and fence height issues for the kennel use (**see Exhibit 9**). The 2007 Special Exception was approved with a condition that the Special Exception be granted for a period of five (5) years. The 2007 Special Exception approval expired on June 18, 2012. There were no time limits associated with either Variance of Development Standard approval.

On October 22, 2007, the Advisory Plan Commission approved development and site plans for the construction of the outdoor runs and expansion of the indoor kennel building (0710-DP-15/0710-SIT-12). To-date, the building expansion has not been constructed, and the Petitioner has indicated that there are no plans to expand the building now.

Special Exception Request (1509-SE-02): The 2007 Special Exception expired over three years ago, however, unbeknown to the City, the Property has maintained the use as a kennel. While operating as an illegal use for the past three-plus (3+) years, the Economic and Community Development Department has not received any complaints regarding the use/business on the Property. The Petitioner has filed a Special Exception request to legally allow the continued use of the kennel business on the Property. According to the Petitioner, no future construction/expansion is anticipated for the kennel business.

Variance of Development Standard Request (1509-VS-13): In addition to the Special Exception request, the Petitioner would like to split the 11+ acre property into two (2) lots. One lot would contain the kennel business and its associated structures, and a second lot would contain a new residential structure. The existing lot has approximately 300 feet +/- of road frontage. In order to legally split property in AG-SF1, each lot created would need a minimum of 250 feet of road frontage. The Property does not have enough road frontage to meet this requirement. The Petitioner is requesting that one lot have a minimum road frontage of 144 feet +/- (Lot 1), and the other lot have a minimum road frontage of 166 feet +/- (Lot 2) (**see Exhibit 8**). Lot 1 would be approximately 6.3 acres +/- in size and would be the new residential home site. Lot 2 would be approximately 5.4 acres +/- in size and would be the kennel business site. All other AG-SF1 standards would apply.

As shown on the proposed site plan, the existing driveway would be shared and no additional road cuts on Lamong Road would be needed (**see Exhibit 8**).



Comprehensive Plan: The Comprehensive Plan identifies this Property within the “Rural Northwest” land use classification. Large-lot single-family residential and agricultural uses are recommended in this area of the community.

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Special Exception and Variances of Development Standard. The petitions are scheduled to receive its public hearing at the September 15, 2015, Board of Zoning Appeals meeting. Notice of the public hearings were properly advertised in accordance with Indiana law and the Board of Zoning Appeals’ Rules of Procedure.

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

Acknowledgement of Variance: If the Board of Zoning Appeals approves this petition, then the UDO² requires that the approval of the variance shall be memorialized in an acknowledgement of variance instrument prepared by the Department. The acknowledgement shall: (i) specify the granted variance and any commitments made or conditions imposed in granting of the variance; (ii) be signed by the Director, Property Owner and Applicant (if Applicant is different than Property Owner); and (iii) be recorded against the subject property in the Office of the Recorder of Hamilton County, Indiana. A copy of the recorded acknowledgement shall be provided to the Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

Special Exceptions: The UDO (Chapter 12: Definitions) defines “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”.

Special Exception Decision Criteria: A Special Exception may be approved by the Board of Zoning Appeals only upon the determination in writing that the Special Exception at the proposed location meets the following³:

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

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

³ Article 10.11(D) Processes and Permits; Special Exceptions; Review Criteria



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

September 15, 2015
1509-SE-02 & 1509-VS-13
Exhibit 1

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; and
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.

Variances of Development Standard Decision Criteria: Variances of Development Standard may be approved only upon the determination that⁴:

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

⁴ Article 10.11(G)(2) Processes and Permits; Variances, Decision Criteria



DEPARTMENT COMMENTS

- If the Board of Zoning Appeals is inclined to **APPROVE** the **Special Exception and Variance of Development Standard**, then the Department recommends approving the petitions with the following **conditions**:

Recommended Conditions:

1. Only one (1) driveway cut is allowed for the entire 11.8 acre property;
 2. An access easement for the shared driveway is legally established and recorded prior to the subdivision of the Property; and,
 3. The size and scope of the kennel business be substantially similar to the information depicted in **Exhibits 4-8**.
- The Department recommends the following **Findings of Fact** for the **Special Exception and Variance of Development Standard** cases:

SPECIAL EXCEPTION (1509-SE-02)

Recommended Findings of Fact (APPROVAL):

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:*

Finding: 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 the use has been in operation for over eight years without incident. All kenneled animals will be kept either indoors or within a fully enclosed outdoor run.
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:*

Finding: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The proposed kennel use has been in operation for over eight years. Allowing the use to continue operations should not have a negative impact on neighboring properties.
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:*

Finding: It is unlikely that allowing the continued use of the kennel will impede the normal and orderly development of the surrounding area for uses permitted in the AG-SF1 area. Large-lot residential uses, agricultural uses, and institutional uses are allowed



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

September 15, 2015
1509-SE-02 & 1509-VS-13
Exhibit 1

in AG-SF1 by-right and are unlikely to conflict with the neighboring kennel operation because of its limited size and scope.

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:*

Finding: The use should have little or no impact on utilities, streets, drainage or other necessary facilities.

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:*

Finding: The 2007 Development Plan review and approval addressed ingress/egress needs for this site. Unless the use changes or dramatically increases over what was approved in 2007, there is no further need to address ingress/egress to this site.

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

Finding: The Comprehensive Plan identifies this Property within the "Rural Northwest" land use classification. Large-lot single-family residential and agricultural uses are recommended in this area of the community. Kennel uses are identified in the UDO as appropriate in agricultural areas (AG-SF1) by Special Exception approval.

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.*

Finding: If the property remains in its current configuration, it will be fully compliant with the AG-SF1 standards. If the property is subdivided as contemplated in this request, pending approval of 1509-VS-13, the property will be compliant with the AG-SF1 standards.

Recommended Findings of Fact (DENIAL):

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:*

Finding: 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 the use has been in operation for over eight years without incident. All kenneled animals will be kept either indoors or within a fully enclosed outdoor run.



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

September 15, 2015
1509-SE-02 & 1509-VS-13
Exhibit 1

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:*

Finding: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The proposed kennel use has been in operation for over eight years. Allowing the use to continue operations should not have a negative impact on neighboring properties.

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:*

Finding: It is possible that allowing the continued use of the kennel will impede the normal and orderly development of the surrounding area for uses permitted in the AG-SF1 area. Potential AG-SF1 uses such as large-lot residential uses and institutional uses may conflict with the neighboring kennel operation.

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:*

Finding: The use should have little or no impact on utilities, streets, drainage or other necessary facilities.

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:*

Finding: The 2007 Development Plan review and approval addressed ingress/egress needs for this site. Unless the use changes or dramatically increases over what was approved in 2007, there is no further need to address ingress/ingress to this site.

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

Finding: The Comprehensive Plan identifies this Property within the "Rural Northwest" land use classification. Large-lot single-family residential and agricultural uses are recommended in this area of the community. Kennel uses are identified in the UDO as appropriate in agricultural areas (AG-SF1) by Special Exception approval.

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.*

Finding: If the property remains in its current configuration, it will be fully compliant with the AG-SF1 standards. If the property is subdivided as contemplated in this request,



pending approval of 1509-VS-13, the property will be compliant with the AG-SF1 standards.

VARIANCE OF STANDARD (1509-VS-13)

Recommended Findings of Fact (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. There would be one shared drive way and each lot would meet all other applicable AG-SF1 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 that the use and value of adjacent property will be affected in a substantially adverse manner. The variance would allow the Property to be split into two lots, allowing a new residential structure to be built. Large-lot single-family dwellings are contemplated in the Comprehensive Plan and allowed in the AG-SF1 District. Traffic patterns on Lamong Road would be impacted minimally, if at all, because there will be a shared driveway between the two properties.

3. *The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property.*

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

Recommended Findings of Fact (DENIAL):

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. There would be one shared drive way and each lot would meet all other applicable AG-SF1 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:*



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

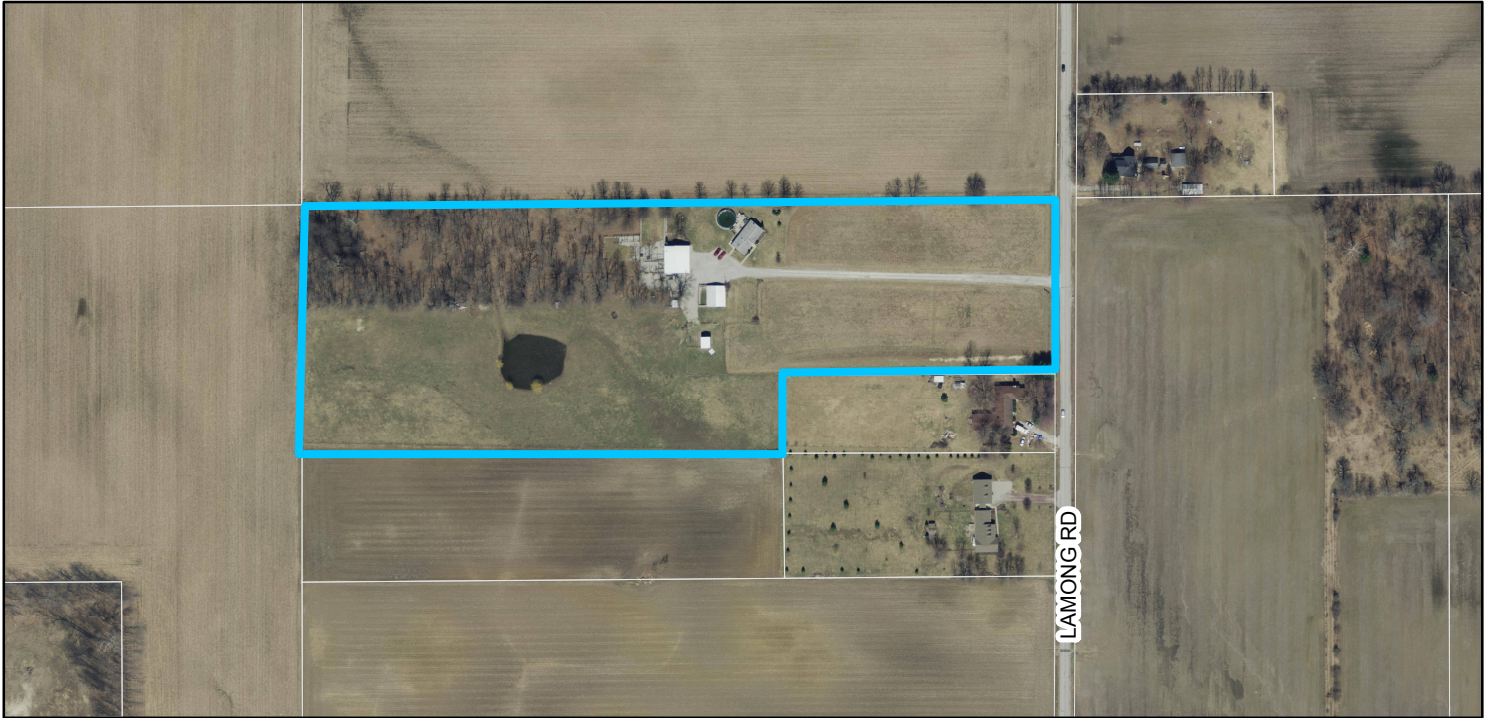
September 15, 2015
1509-SE-02 & 1509-VS-13
Exhibit 1

Finding: It is possible that the use and value of adjacent property will be affected in a substantially adverse manner. The proposed variance would allow the creation of two lots on property that is not configured in a manner that would otherwise allow it to be split into two lots. The AG-SF1 standards are intentionally designed to keep the rural character of the District, as described in the Comprehensive Plan. Allowing a second lot would allow a second residential dwelling on a lot with improper road frontage. Allowing this lot split could compromise the vision of the Comprehensive Plan for this area of the community.

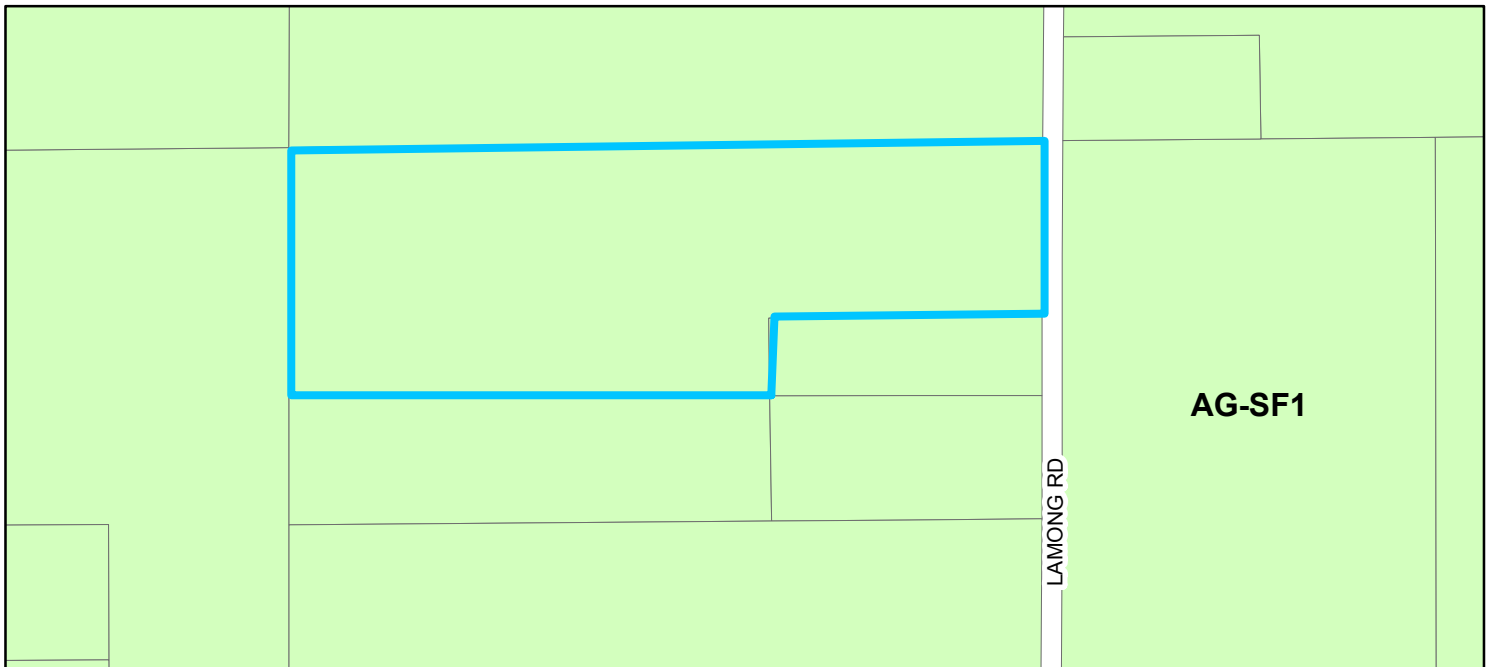
3. *The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property.*

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

Aerial Location Map

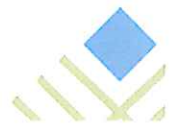


Zoning Map



WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM

SPECIAL EXCEPTION APPLICATION



OFFICE
USE ONLY

DOCKET #: 1509-SE-02
FILING FEE: \$ _____

FILING DATE: 8-7-15

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: Jesse Pohlman + Kevin Todd (STAFF NAME) DATE: _____

PRIOR OR RELATED DOCKET NUMBERS

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

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

APPLICANT INFORMATION

APPLICANT'S NAME: Cindy Tripp TELEPHONE: 317 896 3846

ADDRESS: 19540 Lamong Rd Sheridan TN 37379 EMAIL: Cat3846@Gmail.Com

PROPERTY OWNER'S NAME: S.A.A TELEPHONE: _____

ADDRESS: _____ EMAIL: _____

REPRESENTATIVE'S NAME: _____ TELEPHONE: _____

COMPANY: _____ EMAIL: _____

ADDRESS: _____

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: _____

COUNTY PARCEL ID #(S): _____

EXISTING ZONING DISTRICT(S): AQ-SF1 EXISTING LAND USE(S): residential/kernel

SPECIAL EXCEPTION REQUEST

CODE CITATION: chapter 13: Use Table FINDINGS OF FACT: _____ (PLEASE SEE ATTACHED)

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

WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM

FINDINGS OF FACT (SPECIAL EXCEPTION)

APPLICANT: Cheryl Tripp

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: Because it is a very small facility with Apron Accord to the Community for its efficient work ethics
- 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: again very small and easy facility that provides a service to the Community
- 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 sets back are beyond the required set backs, + Rural Area
- D. Adequate utilities, streets drainage and other necessary facilities have been or are being improved: yes
- E. Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion: yes
Appointment Based per customer with minimum traffic on Drop off + Pick up?
- 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: yes

WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM

VARIANCE APPLICATION



OFFICE
USE ONLY

DOCKET #: 1509-VS-13

FILING DATE: 8-7-15

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

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: Jesse Pohlman + Kevin Todd (STAFF NAME) DATE:

PRIOR OR RELATED DOCKET NUMBERS

CHANGE OF ZONING: AMENDMENTS: DEVELOPMENT PLAN: 0710-DP-15

PRIMARY PLAT: SECONDARY PLAT: VARIANCE(S): 0706-SE-01;
0706-VS-014; 0706-VS-15

APPLICANT INFORMATION

APPLICANT'S NAME: Cindy Tripp TELEPHONE: 317-896-3846

ADDRESS: 19540 Lamong Rd Sheridan IN 46069 EMAIL: Cat3846@Gmail.Com

PROPERTY OWNER'S NAME: S.A.A TELEPHONE: S.A.A

ADDRESS: EMAIL: S.A.A

REPRESENTATIVE'S NAME: TELEPHONE:

COMPANY: EMAIL:

ADDRESS:

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 19540 Lamong Rd Sheridan, IN 46069

COUNTY PARCEL ID #(S): #08-05-29-00-00-010-000

EXISTING ZONING DISTRICT(S): EXISTING LAND USE(S): AG-SFI w/ special exception

VARIANCE REQUEST

☐ VARIANCE OF LAND USE CODE CITATION:

☒ VARIANCE OF DEVELOPMENT STANDARD(S) CODE CITATION: Article 4.2(D) Lot Frontage

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

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

Please SEE ATTACHED

Requesting Variance of development standard for
reduced minimum lot frontage to allow two parcels
with a min of 144' and 138'.

Special exception to continue to allow Kennel use.

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



APPLICANT: Cindy Tripp

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: _____

WE will be adding value to the area, no adverse actions against the community.
Continued Excellent Animal Care.

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: We Are Adding to the Value of the property.

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

We need the variance to split the two properties, the ~~minimum~~ Road Frontage.
Including a special exception to continue to Allow Kennel use, but that would be
greatly hampered.

WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM



APPLICANT AFFIDAVIT

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says that above information is true and correct as he/she is informed and believes and that Applicant owns or controls the property involved in this application.

Cindy Tripp
Applicant/Representative (signature)

Cindy Tripp
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 ____ day of _____, 20____.

State of _____, County of _____, SS:

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.

Cindy Tripp
Property Owner (signature)*

Cindy Tripp
Property Owner (printed)

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

Witness my hand and Notarial Seal this ____ day of _____, 20____.

State of _____, County of _____, SS:

Notary Public Signature

Notary Public (printed)

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

Legal Description

Exhibit A

In Re: Cynthia Tripp
19540 Lamong Road
Sheridan, Indiana, 46069

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

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 19 NORTH, RANGE 3 EAST, THENCE SOUTH 89 DEGREES 22 MINUTES 33 SECONDS WEST OVER AND ALONG THE NORTH LINE OF SAID QUARTER QUARTER A DISTANCE OF 1331.11 FEET TO A POINT WHICH IS THE NORTHWEST CORNER OF SAID QUARTER QUARTER, THENCE SOUTH 00 DEGREES 39 MINUTES 45 SECONDS EAST ON AND ALONG THE WEST LINE OF SAID QUARTER QUARTER A DISTANCE OF 654.60 FEET TO A POINT WHICH IS 4.6 FEET NORTH OF AN EXISTING WIRE FENCE, THENCE NORTH 89 DEGREES 22 MINUTES 30 SECONDS EAST AND PARALLEL TO THE NORTH LINE OF SAID QUARTER QUARTER A DISTANCE OF 1330.68 FEET TO A POINT ON THE EAST LINE OF SAID QUARTER QUARTER WHICH IS 1.1 FEET SOUTH OF AN EXISTING WIRE FENCE, THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST ON AND ALONG THE EAST LINE OF SAID QUARTER QUARTER A DISTANCE OF 654.60 FEET TO A POINT, SAID POINT BEING THE PLACE OF BEGINNING AND CONTAINING 20.00 ACRES

EXCEPT THE FOLLOWING

BEGINNING AT A POINT ON THE EAST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 19 NORTH, RANGE 3 EAST, SAID POINT BEING SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST (ASSUMED BEARING) A DISTANCE OF 304.46 FEET FROM THE NORTHEAST CORNER OF SAID QUARTER QUARTER, THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS (ASSUMED BEARING) ON AND ALONG SAID EAST LINE A DISTANCE OF 132.00 FEET, THENCE SOUTH 89 DEGREES 22 MINUTES 30 SECONDS WEST AND PARALLEL TO THE NORTH LINE OF SAID QUARTER QUARTER A DISTANCE OF 495.00 FEET, THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST AND PARALLEL TO THE EAST LINE OF SAID QUARTER QUARTER A DISTANCE OF 132.00 FEET, THENCE NORTH 89 DEGREES 22 MINUTES 30 SECONDS EAST AND PARALLEL TO THE NORTH LINE OF SAID QUARTER QUARTER A DISTANCE OF 495.00 FEET TO A POINT, SAID POINT BEING THE PLACE OF BEGINNING AND CONTAINING 1.500 ACRES

ALSO EXCEPT:

PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 19 NORTH, RANGE 3 EAST IN WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING ON THE EAST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 19 NORTH, RANGE 3 EAST 436.46 FEET SOUTH 00 DEGREES 00 MINUTES 00 SECONDS (ASSUMED BEARING) FROM THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH 89 DEGREES 22 MINUTES 33 SECONDS WEST PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER 231.00 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 33 SECONDS PARALLEL WITH SAID EAST LINE 218.14 FEET; THENCE NORTH 89 DEGREES 22 MINUTES 33 SECONDS EAST PARALLEL WITH SAID NORTH LINE 231.00 FEET TO THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS ON SAID EAST LINE 218.14 FEET TO THE PLACE OF BEGINNING

ALSO EXCEPT

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 19 NORTH, RANGE 3 EAST; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS (ASSUMED BEARING) 436.46 FEET ON AND ALONG THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 89 DEGREES 22 MINUTES 33 SECONDS WEST 231.00 FEET PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER TO THE NORTHWEST CORNER OF A 1.156 ACRE TRACT OF REAL ESTATE DESCRIBED IN DEED RECORD 338, PAGE 807 (THE NORTHWEST CORNER OF SAID 1.156 ACRE TRACT ALSO BEING THE POINT OF BEGINNING OF THIS DESCRIPTION); THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS 218.14 FEET PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER TO THE SOUTHWEST CORNER OF SAID 1.156 ACRE TRACT; THENCE SOUTH 89 DEGREES 22 MINUTES 33 SECONDS WEST 264.00 FEET PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS 218.14 FEET PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 89 DEGREES 22 MINUTES 33 SECONDS EAST 264.00 FEET TO THE POINT OF BEGINNING

ALSO EXCEPT

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

COMMENCING AT THE 5/8" ROD AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 19 NORTH, RANGE 3 EAST; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS (ASSUMED BEARING) 654.60 FEET ON AND ALONG THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 89 DEGREES 19 MINUTES 59 SECONDS WEST 495.00 FEET PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER TO AN 5/8" IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING AT THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 89 DEGREES 18 MINUTES 59 SECONDS WEST 829.46 FEET PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER TO AN 5/8" IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID NORTHEAST QUARTER; THENCE NORTH 00 DEGREES 01 MINUTES 23 SECONDS WEST 238.66 FEET ON AND ALONG THE WEST LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER TO AN 5/8" IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING; THENCE SOUTH 89 DEGREES 09 MINUTES 44 SECONDS EAST 829.59 FEET TO AN 5/8" IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS 216.64 FEET TO THE POINT OF BEGINNING, CONTAINING 4.335 ACRES, MORE OR LESS

Cindy Tripp
19540 LAMONG Road
Sheridan, IN 46069

Legal Parcel
08-05-29-00-00-010.000
Washington Township
Total of 11.83 Acres

PURPOSE AND INTENT

Requesting variance to divide my parcel in half.

Both being AG-SF1 with a

**Variance of development standard for reduced minimum
lot frontage to allow two parcels with a min. Lot frontage
of 144' and 138'**

And

Special exception to continue to allow kennel use.

2013 GOOGLE
CLOSE UP
Property PIC

Cindy Tripp
19540 LAMONG Road
Sheridan, IN 46069

Legal Parcel
08-05-29-00-00-010.000
Washington Township
Total of 11.83 Acres











CURRENT

SITE PLAN

Cindy Tripp
19540 LAMONG Road
Sheridan, IN 46069

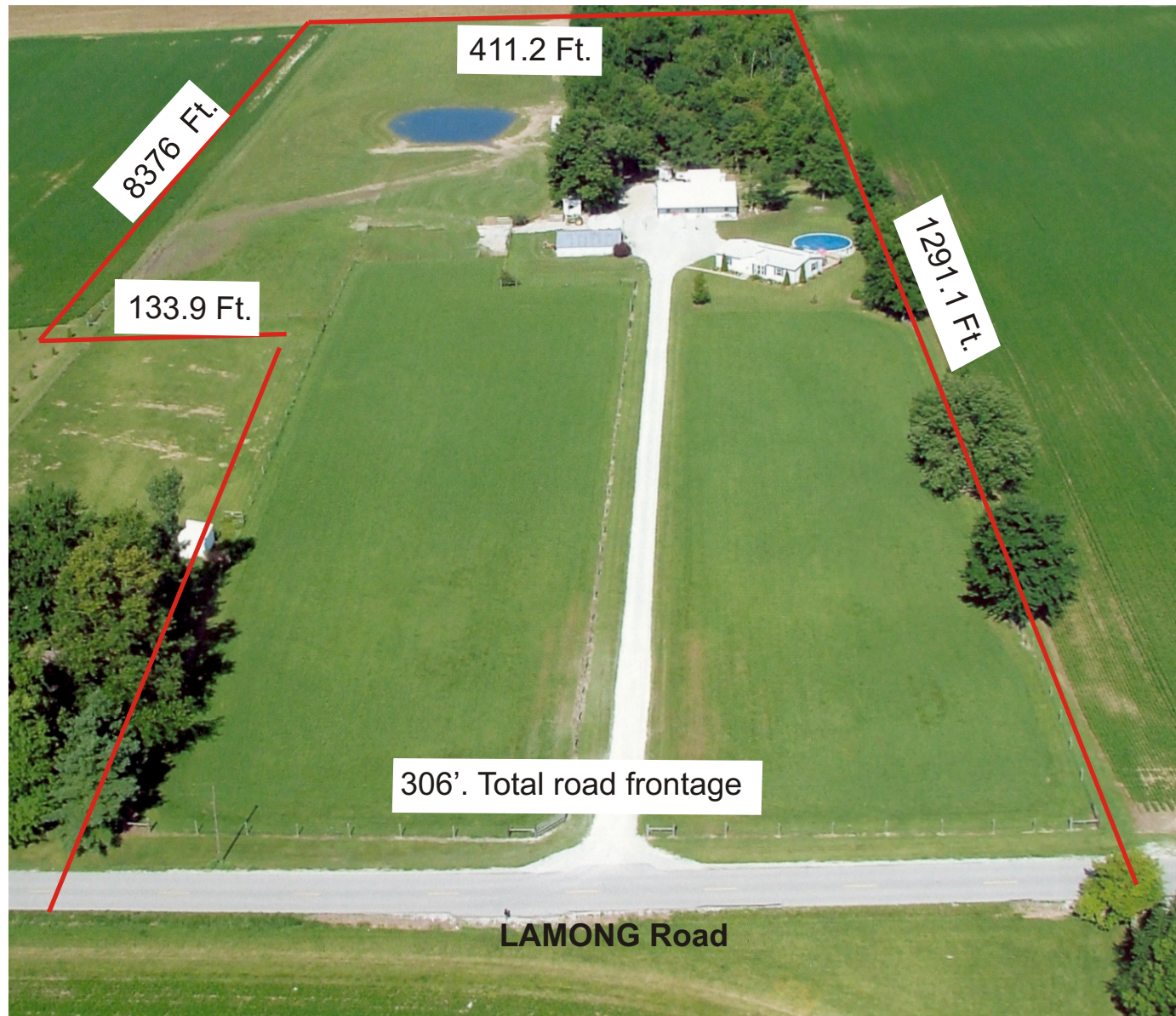
Legal Parcel
08-05-29-00-00-010.000
Washington Township
Total of 11.83 Acres

LEGEND

— = Property Line

$\frac{1}{2}$ 1"
 $\frac{1}{2}$ " = 20 ft.

North →



**CURRENT
STRUCTURE
SITE PLAN**

Cindy Tripp
19540 LAMONG Road
Sheridan, IN 46069

Legal Parcel
08-05-29-00-00-010.000
Washington Township
Total of 11.83 Acres

LEGEND

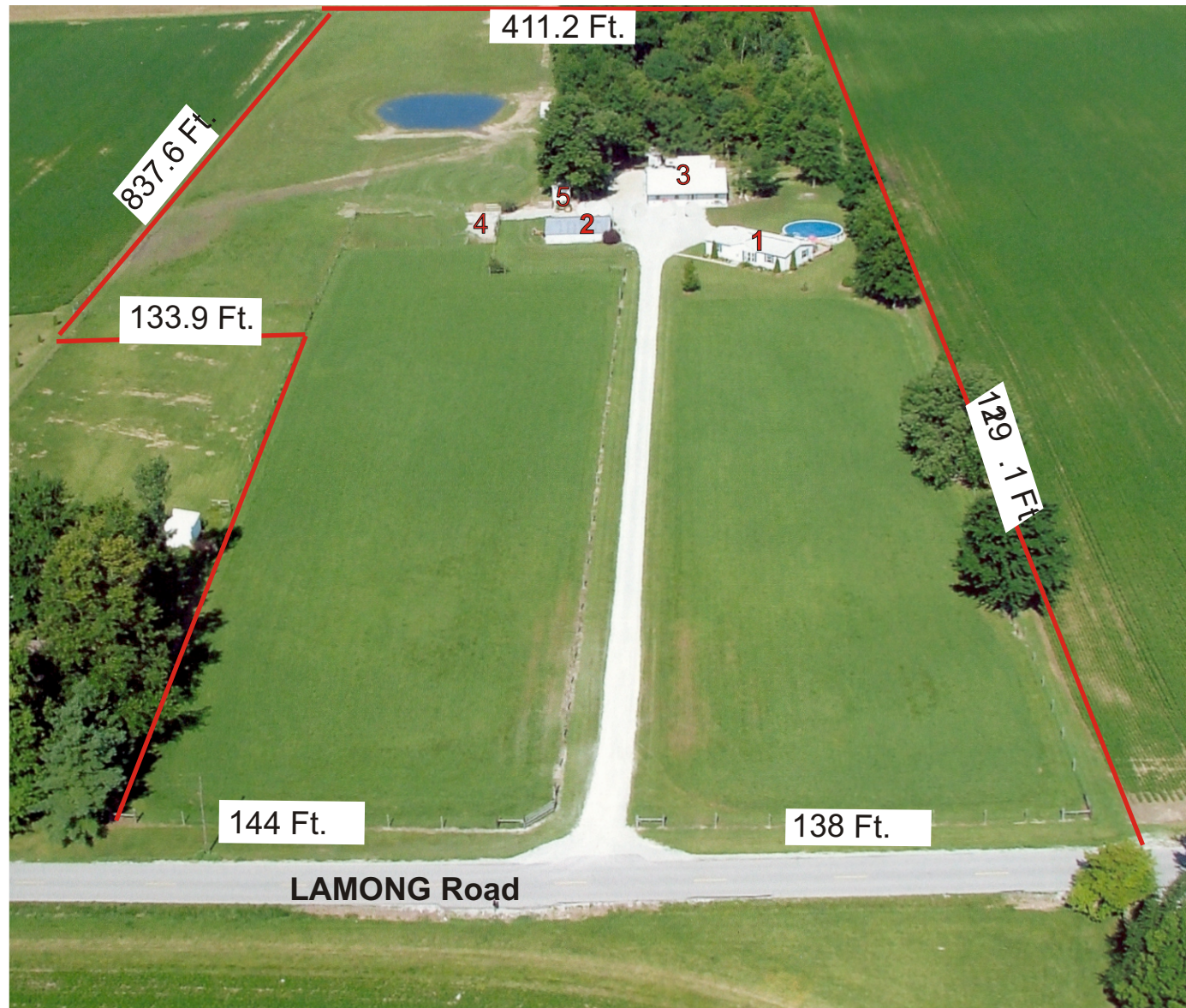
— = Property Line

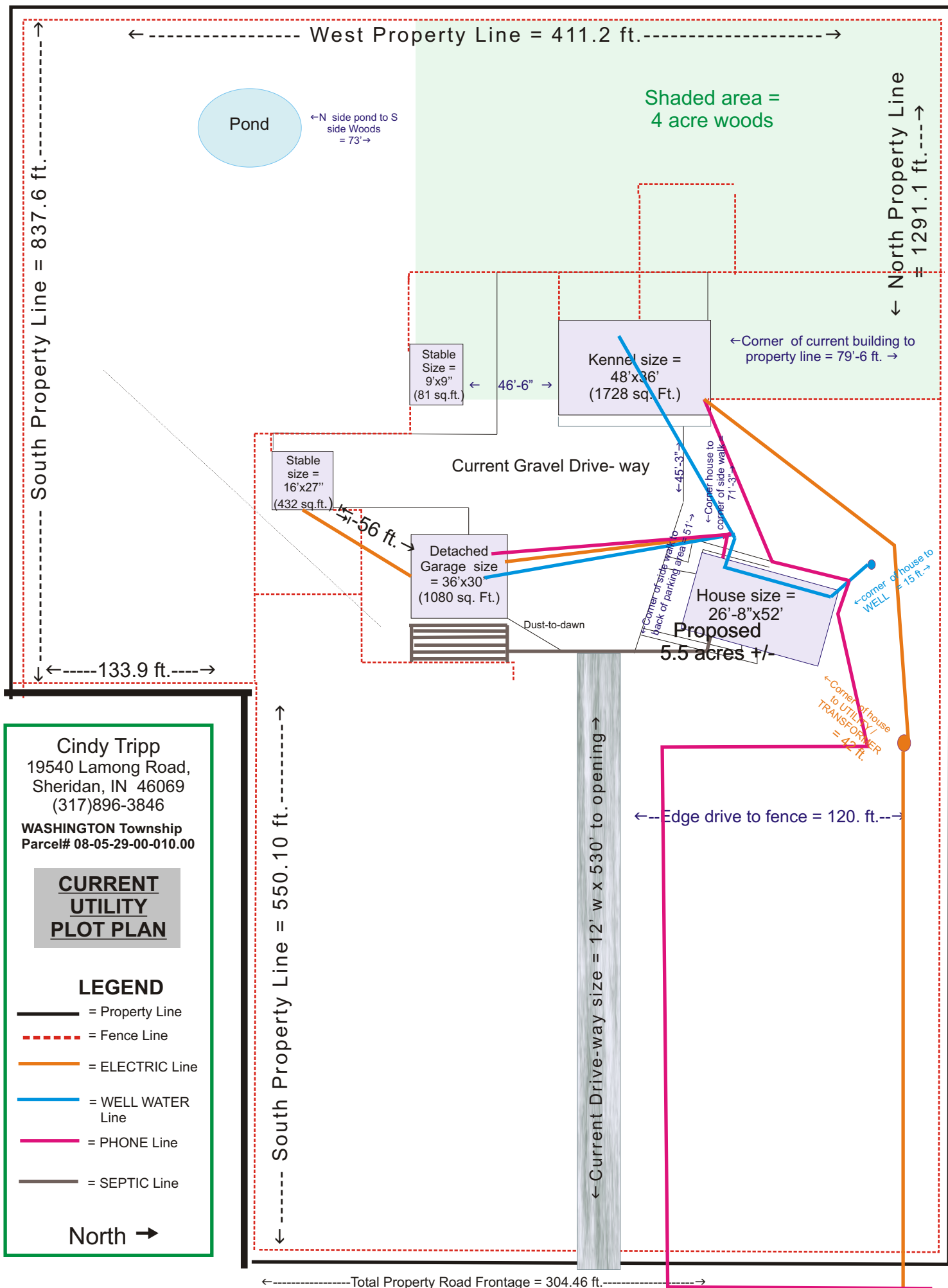
1. House size is
26'-8"x52' (1387 sq.Ft.)
39' ft. From property line
2. Detached Garage size is
36'x30" (1080 sq. Ft.)
3. Kennel Building size is
48'x36' (1728 sq. Ft.)
79'6" from property line
4. Stable size is
16'x27' (432 sq. Ft.)
180' from property line
5. Stable size is
9'x9"(81 sq.ft.)
176' from property line

Driveway is 530 ft. From road
to first sidewalk at house

1" = 20 ft.
1/2" = 10 ft.

North →





Cindy Tripp
19540 Lamong Road,
Sheridan, IN 46069
(317)896-3846
WASHINGTON Township
Parcel# 08-05-29-00-010.00

**CURRENT
UTILITY
PLOT PLAN**

LEGEND

- = Property Line
- - - - = Fence Line
- = ELECTRIC Line
- = WELL WATER Line
- = PHONE Line
- = SEPTIC Line

PROPOSED

SITE PLAN

Cindy Tripp
19540 LAMONG Road
Sheridan, IN 46069

Legal Parcel
08-05-29-00-00-010.000
Washington Township
T11.83 Total Acres

LEGEND

— = EXISTING
Property Line

— = PROPOSED
Property Line
56' between
detached
garage and
stable.

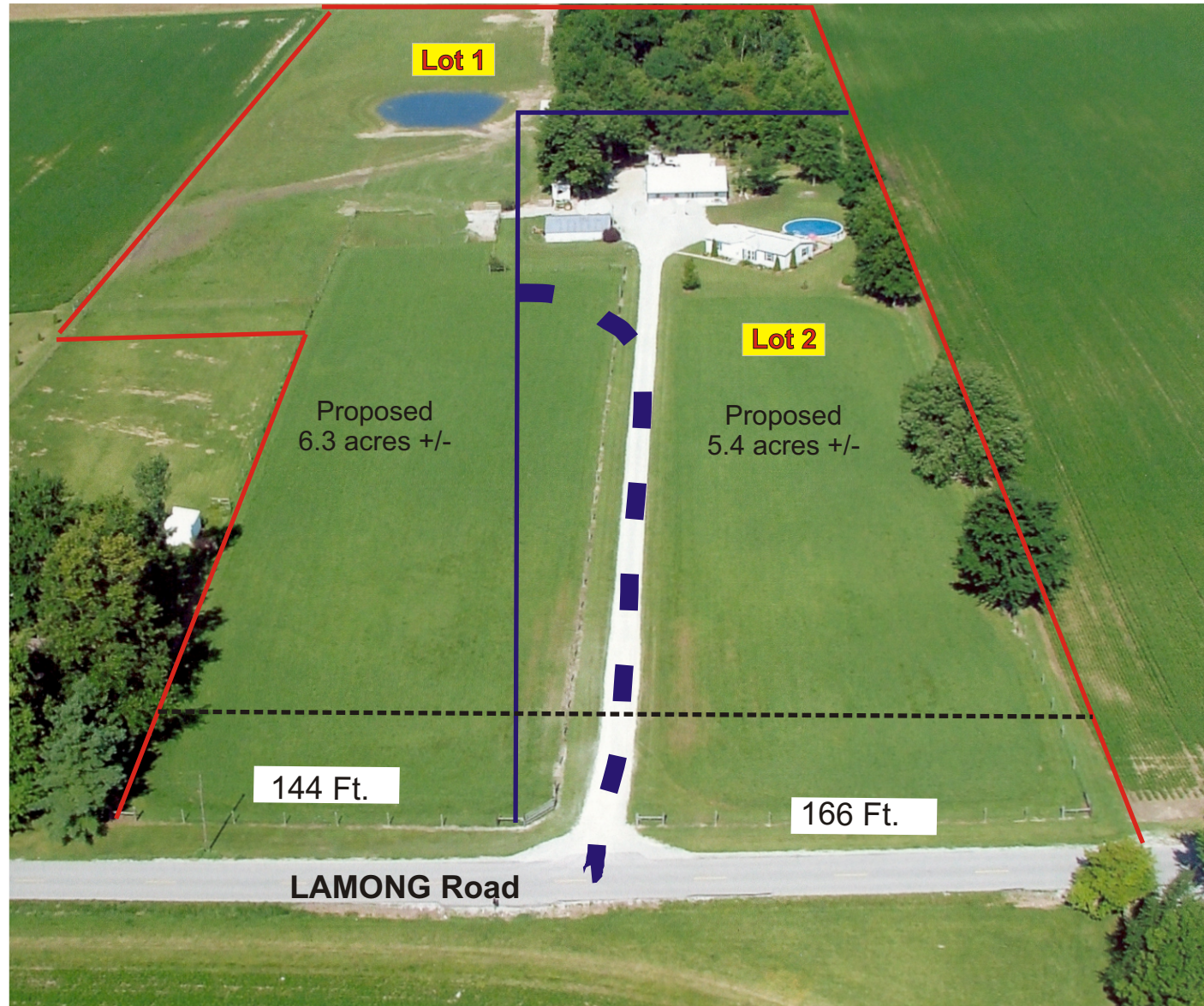
- - - - 75' half of r/w
pursuant to
thoroughfare
plan

- - - - Proposed
access
easement

1. Is Approx. Location of
proposed home

1/2" = 20 ft.

North →



TOWN OF WESTFIELD

COMMUNITY DEVELOPMENT DEPARTMENT

WESTFIELD WASHINGTON TOWNSHIP
PLAN COMMISSION
BOARD OF ZONING APPEALS
ZONING ENFORCEMENT
BUILDING PERMITS

19.00
11.00
(5) None

Cross Referenced to Instrument No. _____

June 26, 2007

Ms. Cindy Tripp
19540 Lamong Road
Sheridan, IN 46069

2007036689 MISC \$20.00
06/29/2007 11:35:41A 5 PGS
Jennifer J Hayden
HAMILTON County Recorder IN
Recorded as Presented

Dear Ms. Tripp:

The Westfield-Washington Township Board of Zoning Appeals met on Monday, June 18, 2007 to review:

0706-SE-01: 19540 Lamong Road: Cindy Tripp: The Appellant is requesting a Special Exception from the Westfield-Washington Township Zoning Ordinance (WC 16.04.180, Figure 2), to allow for the use of a Kennel the AG-SF1 District

0706-VS-014: 19540 Lamong Road: Cindy Tripp: The Appellant is requesting a Variance of Standard from the Westfield-Washington Township Zoning Ordinance (WC 16.04.100, 2bvii), to allow for the construction of an accessory structure that is not subordinate to the principal structure

0706-VS-015: 19540 Lamong Road: Cindy Tripp: The Appellant is requesting a Variance of Standard from the Westfield-Washington Township Zoning Ordinance (WC 16.04.100, 3), to allow for the construction of a fence that exceeds six (6) feet in height

A public hearing was held and the Board voted 4-1 to approve 0706-SE-01 with the following conditions:

1. Unless otherwise required by the Technical Advisory Committee, the subject property shall be limited to a single access drive off of Lamong Road;
2. That signage for the kennel shall comply with the standards for home occupation signage under WC 16.08.010, F;
3. That, except for the area that is to be cleared for the building expansion of the kennel, the existing wooded area shall be maintained and shall not be removed. If any of the existing wooded area is removed or dies, then it shall be replaced with:
 - a. Shrubs of similar type and size

- b. Trees of similar type, and shall comply with the replacement requirements established in WC 16.06.020, E; and,
4. That all conditions associated with variance requests 0706-VS-014 and 0706-VS-015 are binding on the subject property.
5. That due to the transitional nature of the surrounding property, this Special Exception is granted for a five-year term.

A public hearing was held and the Board voted 5-0 to approve 0706-VS-014 with the following conditions:

1. That no further building or expansion of accessory structure occur on the subject property; and
2. That the five-year term limit of 0706-SE-01 shall not apply to this variance request.
3. That all other conditions associated with variance requests 0706-SE-01 and 0706-VS-015 are binding on the subject property.

The Board voted 5-0 to approve 0706-VS-015 with the following conditions:

1. That this variance request (0706-VS-015) apply only to the fence enclosing the kennel area, as per the submitted plans;
2. That all other fencing on the subject property be subject to WC 16.04.100, 3;
3. That the fence enclosing the kennel area be no taller than eight feet (8') in height; and,
4. That the five-year term limit of 0706-SE-01 shall not apply to this variance request; and,
5. That all other conditions associated with special exception 0706-SE-01 and variance request 0706-VS-014 are binding on the subject property.

Please feel free to contact this office at (317) 896-5577 should you have any questions.

Sincerely,



Kevin M. Todd, AICP
Planner I

The above signatory hereby certifies that the information contained in and accompanying this document is true and correct.

STATE OF INDIANA)
) SS:
COUNTY OF HAMILTON)

Signed and acknowledged before me this 28th day of June, 20 07.

(SEAL)

Patricia J. Leuteritz
Signature of Notary Public

Patricia J. Leuteritz
Printed name of Notary Public

My County of Residence: Hamilton

My Commission Expires: 3/13/08

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: Kevin M. Todd

Prepared by: Kevin M. Todd, AICP, Planner I, Town of Westfield
130 Penn Street, Westfield, IN 46074, (317) 896-5577.

Petition No.:

1506-VU-06

Petition Location: 14939 Ditch Road

Petitioner: Jeff Kelich

Packet Includes:

1. **06/05/15 HOA:** Joe Plankis (President)
(response e-mail) Centennial Homeowners' Association
2. **06/09/15 Murray Letter:** Shirley Murray (neighbor)
(letter of concerns) 14950 Montclair Drive (Centennial)
3. **07/06/15 Balan Letter:** Douglas Balan (neighbor)
(opposed) 1334 Monmouth Drive (Centennial)
4. **07/06/15 Dalton Letter:** Joe Dalton (neighbor)
(opposed) 15047 Bainbridge Court (Centennial)
5. **07/06/15 Foutz Letter:** Carole Foutz (neighbor)
(opposed) 741 Bucksport Lane (Centennial)
6. **07/06/15 Inlow Letter:** Janet Inlow
(opposed)
7. **07/06/15 Keyes Letter:** Barbara Keyes (neighbor)
(opposed) 1362 Valdosta Place (Centennial)
8. **07/06/15 Mansfield Letter:** Ginny Mansfield (Centennial)
(support)
9. **07/06/15 Migut Letter:** Kimberly Migut (neighbor)
(opposed) 1351 Annapolis Drive (Centennial)
10. **07/06/15 Smith Letter:** Vincent Smith (neighbor)
(opposed) 606 Piedmont Drive (Centennial)
11. **07/06/15 Weintraut Letter:** Alice Weintraut (Centennial)
(support)
12. **07/06/15 Wilkinson Letter:** Mary Wilkinson (neighbor)
(opposed) 1358 Monmouth Drive (Centennial)

Petition No.:

1506-VU-06

13. **07/06/15 Winkler Letter:** Carl Winkler (Centennial)
(opposed)
14. **07/07/15 Garofalo Letter:** Henry Garofalo (neighbor)
(opposed) 1039 Monmouth Drive (Centennial)
15. **07/07/15 Williams Letter:** Steven Williams (Centennial)
(letter of questions)
16. **07/08/15 Beach Letter:** David Beach (neighbor)
(opposed) 1327 Annapolis Drive (Centennial)
17. **07/08/15 Bengel Letter:** Claudia Bengel (neighbor)
(opposed) 1343 Annapolis Drive (Centennial)
18. **07/08/15 Fisher Letter:** Pat Fisher (neighbor)
(opposed) 1386 Mayfield Court (Centennial)
19. **07/08/15 Gilbert Letter:** Nicholas Gilbert (neighbor)
(opposed) 14910 Mayfield Court (Centennial)
20. **07/08/15 Hannon Letter:** Michael Hannon (neighbor)
(opposed) 1335 Annapolis Drive (Centennial)
21. **07/08/15 Scheller Letter:** Curt Scheller (neighbor)
(letter of concerns) 615 Montgomery Drive (Centennial)
22. **07/14/15 Benedict Letter:** Steve Benedict (neighbor)
(support) 1354 Pawtucket Drive (Centennial)
23. **07/14/15 Pierce Letter:** Jim Pierce
(opposed)
24. **07/14/15 Yerian Letter:** Neal Yerian (neighbor)
(letter about HOA Board) 1324 Pawtucket Drive (Centennial)
25. **07/27/15 HOA:** Joe Plankis (President)
(HOA Board position) Centennial Homeowners' Association
26. **07/27/15 Lehman Letter:** Chuck Lehman Centennial
(opposed)

Petition No.:

1506-VU-06

27. **08/08/15 Burneson Letter:** Bob Burneson (neighbor)
(opposed) 14922 Mayfield Drive (Centennial)
28. **08/08/15 Fisher Letter:** Pat Fisher (neighbor)
(opposed) 1386 Mayfield Court (Centennial)
29. **08/08/15 Gilbert Letter:** Pam Gilbert (Centennial)
(opposed)
30. **08/09/15 Sawyer Letter:** Don Sawyer (neighbor)
(opposed) 1310 Mayfield Court (Centennial)
31. **08/09/15 Wilson Letter:** Joan Wilson (Centennial)
(opposed)
32. **08/10/15 Brown Letter:** Bill Brown (neighbor)
(opposed) 1318 Mayfield Court (Centennial)
33. **08/10/15 Streeter Letter:** Dwayne Streeter (Centennial)
(opposed)
34. **08/11/15 Benge Letter:** Claudia Benge (neighbor)
(support) 1343 Annapolis Drive (Centennial)
35. **08/11/15 Crowley Letter:** Thomas Crowley (neighboring property owner)
(support) NWC of Ditch Road/146th Street
36. **08/11/15 Perkins Letter:** John Perkins (neighbor)
(opposed) 1317 Mayfield Court (Centennial)
37. **08/11/15 Worysz Letter:** Andrew Worysz (neighbor)
(opposed) 14913 Mayfield Drive (Centennial)

Jesse Pohlman

From: Joseph Plankis <jplankis@gotown.net>
Sent: Friday, June 05, 2015 7:56 PM
To: Kevin M. Todd, AICP; Jesse Pohlman
Cc: Ancich Tom; Dwayne Streeter; Joe Plankis; Joseph Ruppert; Lyons Mike; Robert P Smith II; Robin Barbera; Ron Rothrock; Susan Stephens; Matt Englert; Roxanne Krieg; Scott Tanner
Subject: BZA Hearing

Hi Kevin,

Since I do not have the email addresses of the members of the BZA, I would appreciate it if you would forward this message to all the members of the BZA and enter it into the public record for this petition.

Facts:

1. I did speak with Jeff Kelich on Wednesday, June 2, 2015. His first call was at 3:35 PM and lasted 35 seconds. It was of short duration since I was in the middle of a project and asked him to call me back a half hour later.
2. He called back at 4:14 PM and I was running an errand in Carmel and just entering a store at the time. The call lasted approximately 10 minutes not the "spoke with Joe for over 20 minutes" that he indicated in his email to Kevin Todd on the morning of June 3, 2015.
3. He indicated in his email that "Joe was very receptive and mentioned he would send out a blast email to the neighborhood that he had supported what we were doing and the information was coming via mail." That is not accurate. What I said was I needed to see the information about his petition since I knew nothing about his proposal. I did say that I would send out a blast email to the residents with the information that he provided to the HOA, as one of the owners that needed to be notified, since the HOA owns common area within 600 feet of the PettyJohn site. I told him that I personally felt that his proposal, as he described verbally, might be a better use of the property, but I needed to see the plans first. I never said that the email would be in support of his project. At the time of the phone conversation on June 2nd, I had not seen any copy of the plans for the property, hours of operation, etc. In addition, I obviously had not received any feedback from the residents about the project since no one had received any notice of the petition and the public hearing. Let me be clear, Jeff Kelich does not speak for me or for our HOA.. Since it appears there is a significant misunderstanding, that is indeed unfortunate.
4. In the Variance Application there is a Public Notice Affidavit that is signed by Mr. Kelich. In that affidavit, he certifies that the notice of the public hearing to consider the petition was to be sent to all persons shown on Exhibit A (was not part of the application that is linked on the City's website), which I assume was a list of property owners within 600 feet of the PettyJohn property. Those notices were to be postmarked on May 15th according to the affidavit, but as indicated in the staff report, were not postmarked until June 3, 2015, in violation of BZA rules that requires at least a 10 day notice before the hearing. He obviously had plenty of time to send out the notices to the property owners prior to the 10 days prior to the hearing and he failed to do so. One homeowner that contacted me received the notice on Thursday June 4th. At this point, late on Friday afternoon, I am not been made aware by any other homeowners that they have received their letters.
5. The petitioner also did not post a notice on the property until June 3, 2015 in violation of BZA Rules. That would have been another method of notifying homeowners of the fact that something was going on with the PettyJohn property.

6. Since the pre-filing conference with staff was held on April 30, 2015, there was plenty of time to reach out to the Centennial community to set up a meeting with homeowners to present the project to them. Staff suggested setting up a meeting with the homeowners to attempt to gain support for the petition. This has been done very successfully by the developers of Harmony, and Cardon Associates in the past, and the HOA has been more than happy to provide that organizing effort to set up such a meeting at the Cornerstone Bible Church. Staff is aware of those past efforts by our HOA and that suggestion was evidently made several times, but apparently ignored by Mr. Kelich.
7. Having a better understanding of the petition and a review of the posted documents, I attempted to contact Mr. Kelich by phone early this morning (Friday) and as of this Friday evening, have not received a call back.

Having said all this, I would request that the BZA REJECT the petitioners request to suspend the rules and proceed with the public hearing. It is obvious that the homeowners have not had enough time to review the petition. The petitioner had ample time to follow the notification requirements and did not do so. That would allow the case to be continued until the July 14, 2015 meeting. Since this petition, if approved, could have a significant impact on home values in the area of the PettyJohn property, this request is not out of line.

In spite of the way the petitioner has handled this situation, the HOA would be willing to facilitate a meeting between the petitioner and the Centennial homeowners so they could gain a full understanding of what Mr. Kelich is proposing and have their questions answered. That results of that meeting would then determine whether the homeowners and the HOA would support or oppose the petition.

Respectfully submitted,

Joe Plankis
President
Centennial HOA

--

Joe Plankis
Cell: [317-625-4387](tel:317-625-4387)
Email: jplankis@gotown.net

Jesse Pohlman

From: Andrew Murray
Sent: Monday, June 08, 2015 8:15 PM
To: Jesse Pohlman
Cc: Kevin M. Todd, AICP
Subject: Fwd: Lawn and Landscaping Business

Please include in the record for tomorrow's BZA meeting.

This email was sent from a smartphone. Please excuse any grammar errors.

Andrew Murray
City of Westfield
Associate Planner | Economic and Community Development
Office: 317.804.3170
Direct: 317.379.9080
www.westfield.in.gov

Begin forwarded message:

From: Shirley Murray <samurray222@gmail.com>
Date: June 8, 2015 at 7:45:16 PM EDT
To: Andrew Murray <amurray@westfield.in.gov>
Subject: Lawn and Landscaping Business

Andrew,

Just sending you a note to voice my concern about a public hearing. I learned from a neighbor that the Board of Zoning Appeals meeting regarding this new business is on June 9, 2015. I have read the information that is posted on the City's website. I have received no notice regarding this meeting, I do not recall receiving any email from Mr. Plankis. I am a little concerned since my property backs right up to this proposed new business. Other commitments that I currently have will not allow me to attend this meeting on June 9th.

I was not concerned moving into this house with the concrete business that is currently in place. I have no objections to a new business going in here if they will be as respectful as the current concrete business that is in place. I am concerned with the smell from the piles of mulch, the palletized bulk storage area which will mean equipment moving about frequently and if they choose to operate on a Saturday morning at 7 a.m. Thus, more noise. This area all backs up to my property. I would hope before any decision is made, we would all get the proper information as a show of being neighborly.

Thank you.

Shirley Murray

Kevin M. Todd, AICP

From: Douglas Balan <dgbalan@hotmail.com>
Sent: Monday, July 6, 2015 7:30 PM
To: Kevin M. Todd, AICP; jplankis@gotown.net
Subject: FW: Special Meeting Regarding Variance Request for 14939 Ditch Road

Kevin Todd
Joe Plankis

We do not support the variance request.

Let the city follow the established zoning for this land. The land is contiguous to Centennial and would best be used as currently zoned. I would assume the owner was well aware of the zoning change when the land became part of Westfield and was then zoned as SF2. He can sell the land to a developer of SF2 properties.

Also, currently there are no commercial businesses on Ditch road alone the Centennial and Harmony corridor. Any commercial business at this location will add to traffic problems with vehicles entering and exiting from/onto Ditch road.

I want to believe the board will honor the city's existing plans for the land as well as the desires of the local residences over the wishes of an individual businessman.

Sincerely,

Douglas Balan
1334 Monmouth Drive
Westfield, IN 46074

To: dgbalan@hotmail.com
Subject: Special Meeting Regarding Variance Request for 14939 Ditch Road
Date: Mon, 6 Jul 2015 18:56:27 -0400
From: hoa@centennialhoa.org

Dear Douglas Balan,

The email is to inform you of a special meeting that will be held this Wednesday. JULY 8, 2015 AT 7pm for all Centennial homeowners at the main conference room at the City Services building at 2728 East 71st Street in Westfield. If attending, please use the East entrance to the City Services building. There is a parking lot on the east side of the building and you should park there if you can. If the lot is full, you can use the west

lot, but you will still have to use the east entrance to enter the building. If you cannot attend this special meeting, I encourage you to attend the BZA (Board of Zoning Appeals) meeting at 7PM on July 14th.

The meeting was requested by Jeff Kelich, owner of Carmel Turf Care. He has filed a petition with the City of Westfield (1506-VU-06) requesting approval of a Variance of Use for the property at 14939 Ditch Road, currently known to most of us as the PettyJohn property. As you know, PettyJohn is a contractor that installs concrete foundations and does other similar work. They have been in that location since 1979, about 20 years before Centennial was started. The site is about four acres.

The property is currently zoned as SF2:Single Family Low Density District (Chapter 13:Use Table). That basically means that homes, such as we have in Centennial, can be built on the site with the developer having to provide a site plan before the Plan Commission for approval. No change in zoning would be required.

The reason, that an operation such as we have now existing on the site, is that PettyJohn requested a Variance of Use in 1979 before the BZA. At that time no homes were anywhere close by and this area was part of the township, but not part of the City of Westfield. Because that Variance was granted for a specific use, a concrete construction company, it cannot be used for other purposes. Thus, the petition request by Mr. Kelich for placing his landscaping business on that site. It would be a retail site for a landscaping business that would include various kinds of equipment, sale of bulk mulch, shrubs, and other plant and landscaping matter, etc. It would operate from 7 AM to 7 PM five days a week and until 5PM on Saturdays.

The hearing was continued from June 9th until July 14th since Mr. Kelich did not notify approximately 60 Centennial homeowners in a timely manner in violation of BZA rules. He had requested a waiver from the rule, even though he was the one that failed to execute the proper procedure for notifying property owners. The BZA voted NO to the waiver so that he would have to come before the July 14th meeting.

It had been suggested to him to request a meeting with the homeowners of Centennial to explain what he wants to do with the property as stated in his petition. He finally made that request recently and due to some issues with being able to line up the Cornerstone Bible Church for a community meeting, the City has graciously allowed Mr. Kelich to use the City Services Conference room for the community meeting.

I encourage all homeowners to attend the meeting on Wednesday. I, along with other board members will be there and will want your input as to whether or not your board, who represents the homeowners, should support such a request. This request is contrary to the current zoning as well as to the vision stated in the Comprehensive Land Use Plan for this area.

If anyone has any questions in the meantime, please contact me or one of the other board members.

If you cannot attend the Wednesday meeting or the BZA meeting on July 14th, but would like to express your thoughts, please send your comments directly to Kevin Todd at the Community and Economic Development Department at ktodd@westfield.in.gov so he can pass it on to the members of the BZA. If you send any comments to Kevin Todd, please copy me on those emails at jplankis@gotown.net.

Respectfully submitted,
Joe Plankis
President,
Centennial HOA

--

Joe Plankis

Cell: 317-625-4387

Email: jplankis@gotown.net

You have received this message because you are a registered member of the Centennial Homeowner Association's website and you have subscribed to receive special messages from the webmaster. To stop receiving special messages like this one from the Centennial Homeowner's Association website, please log in at www.centennialhoa.org and modify the appropriate notification options in your profile.

Kevin M. Todd, AICP

From: Joe Dalton <pudaddy@gotown.net>
Sent: Monday, July 6, 2015 6:27 PM
To: Kevin M. Todd, AICP; jplankis@gotown.net
Subject: Variance of Use for 14939 Ditch Road

Due to the fact that I will not be able to attend the special meeting, July 8th or the Board of Zoning Appeals on July 14th, I am sending this email.

As a Homeowner in the Centennial Subdivision I ask that there would be no Variance of Use for the property at 14939 Ditch Road. This is contrary to the current zoning as well as to the vision stated in the Comprehensive Land Use Plan for this area. It is my understanding that the areas near the corner of Ditch Road and 146th Street have several businesses already planned to surround our neighborhood. Putting in another business backed up to our neighborhood will cause a greater increase in traffic of heavier equipment in our area. This is something we do not need . We need the land to be used as it was intended--for single family homes.

Thank you, Joseph Dalton
15047 Bainbridge Ct.
Westfield, IN 46074

Kevin M. Todd, AICP

From: Carole Foutz <clyfoutz@yahoo.com>
Sent: Monday, July 6, 2015 5:12 PM
To: Kevin M. Todd, AICP
Subject: Variance

As a resident of Centennial I would not be in favor of a variance. This piece of land now is in the middle of a major residential area as it was not originally when the prior business began. A landscaping business will lend itself to large equipment, piles of mulch, etc. which is not in our best interest as a homeowner. Continuation of pathways need to happen in that area as well as other upgrades which are not present now.

Carole Foutz
741 Bucksport Lane

Sent from my iPhone

Kevin M. Todd, AICP

From: Janet Inlow <inlow@gotown.net>
Sent: Monday, July 6, 2015 5:38 PM
To: Kevin M. Todd, AICP
Subject: landscaping business

Tell Mr. Kelich to keep his business in Carmel!

Kevin M. Todd, AICP

From: Barb <btkeyes@me.com>
Sent: Monday, July 6, 2015 7:30 PM
To: Kevin M. Todd, AICP
Subject: Special Meeting Regarding Variance Request for 14939 Ditch Road

I am a homeowner in Centennial and cannot attend the meeting on Wednesday. I am strongly opposed to Carmel Turf having a retail store in our neighbor. I am also concern about how he tried to push it through without residents being aware. Please do not allow this business to proceed.

Thank you,
Barbara Keyes
1362 Valdosta Pl.
Westfield , IN. 46074

Kevin M. Todd, AICP

From: Mansfield, Geneva <GMansfield@IUHealth.org>
Sent: Monday, July 6, 2015 7:47 PM
To: Kevin M. Todd, AICP
Subject: Special Variance Meeting for 14939 Ditch road

I am confused by the email sent by Joe. Was this site granted a variance for the use as a concrete construction company? If so it was zoned for business. If not was it zoned only for homes to be built upon the 4 acres? If this variance was granted before there was ever a Zoning Board, for commercial endeavors then I see no reason for the variance not to be granted. 4 acres isn't a very large area for homes to be built upon and I see no reason why if there is a current business there that another business can't be in the same location. The greater the tax base the better.

Ginny Mansfield CCS, CCDA
Denial Prevention and Recovery
Coding/Denial Mgmt Coordinator
Indiana University Health
Revenue Cycle Services
Office 317-963-0923
Fax- 317-968-1105
gmansfield@iuhealth.org

Kevin M. Todd, AICP

From: Migut, Kimberly C. <kim.migut@FaegreBD.com>
Sent: Monday, July 6, 2015 5:26 PM
To: Kevin M. Todd, AICP
Cc: jplankis@gotown.net
Subject: FW: Special Meeting Regarding Variance Request for 14939 Ditch Road

Hello Todd-

I am one of the residents that live on Annapolis Drive in Centennial and my property is directly facing the Pettyjohn property.

I highly oppose the variance. First I am disappointed to the type of person the Mr. Kelich appears to be . Failing to execute a simple notice in a timely manner indicates to me that he potentially lacks the type of character and business tactics that I can respect.

Allowing this variance would dramatically impact my property value in a negative way. I purchase my home two years ago and it is a nice quiet street. The noise that the new business would create would be highly disruptive to my family and virtually kill my property value. The last thing I am sure you would like to wake up to on a Saturday morning after working 60 hours a week is the sound of a backloader going “beep beep beep” outside your bedroom window at 7 am while it’s loading mulch into a truck. (and yes my bedroom windows are about 20 feet from this property) The Pettyjohn business that is there make virtually zero noise and creates no additional traffic. I am also concerned with the safety and security of my home with all the new traffic and random people that would be entering the area. I am not at all inclined to have a retail site in my back yard with only a 8’ privacy fence separating it from my 4 year old daughter.

I urge you to please convey my concerns and urge the committee to vote no to the variance.

Thank you,

Kim Migut
1351 Annapolis Drive

Kim Migut, CMP
Director of Events
kim.migut@FaegreBD.com [Download vCard](#)
D: +1 317 237 1365 | M: +1 317 445 2861 | F: +1 317 237 1000

Faegre Baker Daniels LLP
300 N. Meridian Street | Suite 2700 | Indianapolis, IN 46204, USA
Connect: [LinkedIn](#) | [Twitter](#)

Kevin M. Todd, AICP

From: Smith Vincent <vsmith1814@aol.com>
Sent: Monday, July 6, 2015 8:41 PM
To: Kevin M. Todd, AICP
Cc: jplankis@gotown.net; McNeal Smith Sheiletha
Subject: RE: Variance Request for 14939 Ditch Road

Mr. Todd,

My name is Vincent Smith and I live at 606 Piedmont Dr. Westfield, IN. (317-669-8355) We will not be able to attend the special meeting regarding the variance request.

However I would like it to be known that my wife and I are against granting this variance. The city of Westfield has approved the Harmony plan and this is directly across Ditch Road from this property.

This property is also surrounded on three sides by the Centennial residential area and therefore we believe it should remain residential.

It is our wish that the BZA decline the variance and that the Comprehensive Land Use Plan be adhered to.

Sincerely,

Vincent & Sheiletha Smith

Kevin M. Todd, AICP

From: enzamatic@gmail.com on behalf of Alice Weintraut <alice.weintraut@gmail.com>
Sent: Monday, July 6, 2015 6:19 PM
To: Kevin M. Todd, AICP
Cc: Joseph Plankis
Subject: Landscaping company at 14939 Ditch Road

I just wanted to chime in as a resident of Centennial that I think this would be the perfect type of business for this location. It's a small enough spot that you couldn't build a neighborhood there. It seems the only options would be an individual home or some type of business. Rather than have an individual home, I would LOVE having a convenient location to buy mulch, landscaping plants, etc. The closest similar businesses are Tractor Supply (which rarely has anything) and Lowes (big box, not a local business). I would love to see a local landscaping business be the most convenient shopping location for neighborhood residents like myself. I also feel landscaping, unlike other retail businesses, are usually attractive with their product around, don't have an excessive amount of traffic, and in general are suitable for proximity to homes.

Excited about the possibility, hope I'm not in the minority.

Alice Weintraut

Kevin M. Todd, AICP

From: mwilkinson@opusdesignad.com
Sent: Monday, July 6, 2015 5:22 PM
To: Kevin M. Todd, AICP
Cc: jplankis@gotown.net
Subject: FW: Special Meeting Regarding Variance Request for 14939 Ditch Road

Mr. Todd, I am a nearly ten-year resident of Centennial.

I am one of the unfortunate homeowners who backs up to Ditch Road and have borne the brunt of the Estridge construction project across the road. I would also be located four homes down from the proposed rezoning site.

I was given the choice of a lot that backed up to the PettyJohn site or my home site, which backs up to Ditch Road. At the time, Ditch Road was a quiet thoroughfare with little traffic. The PettyJohn site was rather noisy and so I chose my current home site. I was told – ten years ago by the Estridge representative – that PettyJohn was moving and by the time my home was complete, the facility would be gone. As you can see, that has not happened.

At the same time, I was told that the property across Ditch was to be developed in the next 10 years or so, but there would be no problem with my home, since Estridge would set up sound mitigation for Centennial residents on the property in order to maintain the value of our homes.

Neither of these promises have taken place.

The time has come to turn that space into what it was intended to be...residential sites. The noise, dirt and traffic would expand an already difficult and untenable situation for the residents along Ditch and those that back up to the property who have already had to deal with disruption, dirt, noise and exponentially increased traffic from development.

I work from my home, and this was my dream cottage that I poured everything into. Now it's a noisy, dirty, albatross with a drag strip behind it...I couldn't sell it for what I have into it until I tried.

While growth for Westfield is a good thing, does it need to be at further cost to residents in place?

Please deny the petition of Carmel Turf Care. Westfield has determined this to be an area for residences, so please don't place industrial and retail traffic in our neighborhood.

Respectfully submitted,

Mary Wilkinson
1358 Monmouth Drive

Kevin M. Todd, AICP

From: CarlJWinkler <carljwinkler@gmail.com>
Sent: Monday, July 6, 2015 6:36 PM
To: Kevin M. Todd, AICP
Cc: Joe Plankis
Subject: Petty John Property on Ditch

Dear Mr. Todd

The variance on the Petty john property should be honored.

However in additional variance it is not consistent with the surrounding property should not be considered or granted.

It is certainly not the highest and best use of the property.

A 4 acre site there could support 6 to 8 homes. Certainly a better value and consistent with the surrounding community.

Sincerely CARL WINKLER

Sent from my iPhone

Kevin M. Todd, AICP

From: Baked Apple Industries <bakedappleinc@yahoo.com>
Sent: Tuesday, July 7, 2015 7:49 AM
To: Kevin M. Todd, AICP
Subject: Property Change

Dear Mr. Todd:

Good morning I own a property In Centennial (1039 Monmouth Drive) that backs up to Ditch Road. I would like to OBJECT to the Landscape company coming into a residential area. I also own a home in Boca Raton Florida the has the same thing in that community, their is nothing but noise and dirt flying around from the trucks and machines moving around not to mention the customers picking up plants and mulch, and in addition to Pesticide odors.

Again please consider the problems they would create and turn down their request!!!!

Concerned Home Owner
Henry Garofalo

Kevin M. Todd, AICP

From: Steve Williams <skwilliams@gmail.com>
Sent: Tuesday, July 7, 2015 8:57 AM
To: Kevin M. Todd, AICP
Subject: July 14th meeting

Kevin

I will be unable to attend the meeting. My question is will the landscaping business produce any types of smells that will carry over to the neighborhood? There is a bulk mulch and landscaping business on 96t and 465. That you can smell when you drive by.

Now that is a large business and I'm guessing it's bigger than 4 acres, but i don't want that smell hanging around. If there might be anything producing a smell i would vote against this.

--

Thanks
Steven Williams
Burnish and Press
480-262-3942.

Kevin M. Todd, AICP

From: David Beach <beachrunners@sbcglobal.net>
Sent: Wednesday, July 8, 2015 5:16 PM
To: Kevin M. Todd, AICP
Cc: jplankis@gotown.net
Subject: Variance Request -1506-VU-06
Attachments: bza response.odt

Page 1 of 2

July 8, 2015

To: Board of Zoning Appeals
City of Westfield, Indiana
1327 Annapolis Drive
Westfield, Indiana 46074

As a Professional Engineer and Surveyor, I have been involved in the review of development plans for various cities in Ohio for the last 30 years. The current proposal, for the construction of a landscaping business in a area zoned for residential, and completely surrounded by residential use should be denied as follows:

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

a. Finding: It is likely that allowing a landscaping business on the Property **would** be injurious to the public health, safety, morals, and general welfare of the community. A concrete company has operated on the Property for 36 years. This landscaping company has been a good neighbor and, except for a few trucks leaving in the morning and returning in the evening, the noise and disturbance has been minimal. A landscaping operation would **not** have a similar impact on the site and the surrounding area. Traffic will be ongoing throughout the day and loading and unloading of materials, including noise from backup alarms will be a substantial increase from the existing use. This proposed use will definitely lower the property values of existing homes.

b. Finding: It is likely that the use and value of adjacent property **will** be affected in a substantially adverse manner. While similar because there are outdoor activities involved in both, concrete operations and landscaping operations are not the same thing. Landscaping operations could have more intense and frequent outdoor activity than a concrete company would have. My experience is that typically, landscape companies frequently engage in snow removal services during the winter months and storage, loading and traffic will occur during the winter when the current use is basically dormant, again, an expansion of the existing use. The added noise and disturbances **will have an adverse impact on the health and general welfare** of the residents who live in the homes adjoining the site.

c. Finding: Either a small, single-street residential subdivision project could theoretically develop on the 4-acre property, a single home could be built on the property, or one of the institutional uses could build on the property. Either way, the property could be used in a

manner that is consistent with permitted uses in the SF-2 District. 4. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance of use is sought: Finding: Strictly applying the zoning ordinance would **not** permit the requested use. Landscaping businesses are permitted elsewhere within Westfield-Washington Township, and this site that is surrounded by suburban residential development is **not** the most appropriate location for this use. The Property could be used in a manner that is consistent with permitted uses in the SF-2 District. 5. The approval does not interfere substantially with the comprehensive plan: Finding: The proposed land use is not consistent with the recommendations for the Suburban Residential area of the Comprehensive Plan, which calls for residential, institutional, and recreational uses.

Page 2 of 2

In conclusion, the site plan / conceptual plan for this landscaping business is a significant expansion of the existing variance. The parking lot is planned for expansion and paving of a majority of the parcel as a gravel parking lot, which does not meet existing site development regulations nor include provisions for stormwater detention/retention in accordance with existing regulations. The expansion is setting a precedence for retail sales in a residential area and the added traffic from the expanded use will create a safety problem due to the undeveloped condition of Ditch Rd. in front of the site.

Therefore, it is my request that the board DENY the current request for variance.

Respectfully,

David E. Beach, P.E., P.S.

Kevin M. Todd, AICP

From: Claudia Bengé <bengecaj@iquest.net>
Sent: Wednesday, July 8, 2015 5:32 PM
To: Kevin M. Todd, AICP; jplankis@gotown.net
Cc: mhannon10@cox.net
Subject: Property at 14939 Ditch Road; petition 1506-VU-06

Mr. Todd

My husband and I are Centennial property owners on Annapolis Drive. Our home backs up to the above mentioned property in the discussion. We have problems now with the occasional loud noises that come from the current occupants/business.

We respectfully want the property to be returned to it's original zoning designation as SF-2: Single Low Family Density District.

Centennial single family homes surround this particular property. With Harmony going up on the westside of Ditch Road which will include a strip mall, we are going to experience enough of a problem with traffic as it stands right now.

Please do not approve the petition from Carmel Turf Care/Jeff Kelich for that particular 4 acre plot.

Claudia A and James R Bengé
1343 Annapolis Drive
Westfield, Indiana 46074
317 626 1260

Kevin M. Todd, AICP

From: Pat. Fisher <pfisher4163@gmail.com>
Sent: Wednesday, July 8, 2015 2:41 PM
To: Kevin M. Todd, AICP
Subject: RE: Variance of use for property at 14939 Ditch Road

Our home backs up to the property at 14939 Ditch Road. We have lived here for over a year and have no complaints about the present concrete company. However, we are concerned about the idea of a commercial business with long business hours and noisy equipment in use, and it is our hope that Carmel Turf Care will not be given a variance.

Jim and Pat. Fisher
1386 Mayfield Court

Kevin M. Todd, AICP

From: Nicholas Gilbert <nkgilb1@aol.com>
Sent: Wednesday, July 8, 2015 4:01 PM
To: Kevin M. Todd, AICP
Cc: jplankis@gotown.net
Subject: Variance request for 14939 Ditch Road

As residents of Centennial, we are against for the request to change variance of use for the property at 14939 Ditch Road. We feel that any change from the current code of SF2 single family, low density, will adversely effect the property values of our neighborhood of Centennial and that of the Harmony neighborhood.

With all surrounding property being single family homes, the installation of the landscaping business, or any business would be detrimental.

Please reject any change brought up before the board as it is contrary to the current zoning and well as the vision stated in the Comprehensive Land Use Plan for this area.

Regards,

Nicholas K Gilbert
14910 Mayfield Drive
Westfield, IN 46074
317-460-2020
Sent from my iPad

Kevin M. Todd, AICP

From: M&M Hannon <mhannon10@cox.net>
Sent: Wednesday, July 8, 2015 4:11 PM
To: Kevin M. Todd, AICP
Cc: jplankis@gotown.net
Subject: 14 JULY 2015 BOARD OF ZONING APPEALS MEETING

Good Afternoon Mr. Todd,

I am writing to you regarding the BZA Meeting scheduled for Tuesday 14 July to address Mr. Jeff Kelich, owner of "Carmel Turf Care" petition he filed with the City of Westfield (1506-VU-06) requesting approval of a Variance of Use for the property located at 14939 Ditch Road, which is currently known as the "PettyJohn" property. This property is currently zoned as SF2: "Single Family Low Density District."

My wife and I currently own a home at 1335 Annapolis Drive in Centennial, Lot: 607, Parcel ID Number: 08-09-15-00-11-066.000. Our property backs up to the 14939 Ditch Road property. The properties are separated by a Centennial Subdivision provided "Privacy Fence" and narrow common area corridor. As homeowners, we are very much opposed to this property continuing as a commercial enterprise of any sort.

Since the development of our section of the Centennial community, the property located at 14939 Ditch Road has become a question of concern, particularly as related to property appearance. The appearance of this property has a negative impact on neighborhood appeal. In general, residential property intermixed with commercial property tends to lose property value, especially for the residential properties located along the borders of the commercial property.

With the continued growth of the neighborhood communities in and around the Centennial community, this growth brings with it the potential for increased neighborhood crime and property damage. Having an active commercial enterprise as proposed by Mr. Jeff Kelich would most definitely have an adverse effect on adjacent Centennial homeowner property values as well as have a negative impact on homeowner/resident privacy and quiet solitude.

It is challenging to deal with the current construction traffic, the poor road conditions, construction trash, residue, and dust. It would also be very concerning to those Centennial homeowners and residents should the BZA approve Mr. Kelich's petition, to have to also deal with and tolerate Mr. Kelich's business trucks and vehicles, the comings and goings of supplier delivery trucks, and company personnel, the building of any additional administration and operations buildings on the property, and most especially the worry and concern of potential site vandalism and burglary during non-business hours.

I can understand why Mr. Kelich would want to establish his business at 14939 Ditch Road, it is a beautiful location with lots of business potential. We feel though, it would be a detriment to those residents and homeowners of Centennial in having this business established in the heart of our community. My family and I do not want the value of our home and property be

diminished in any capacity due to a commercial business being established adjacent to our home and within the Centennial community. The economic impact could be reprehensible.

Thank you for taking the time to entertain our concerns regarding this particular issue. We look forward in hearing from you regarding the BZA's decision. Please feel free in contacting us regarding this issue. Thank you.

Sincerely,

Michael and Marilyn Hannon
1335 Annapolis Drive
Westfield, Indiana 46074
Cell: 520.203.1206
E-mail: mhannon10@cox.net

Kevin M. Todd, AICP

From: Curtis Scheller <schellers@gotown.net>
Sent: Wednesday, July 8, 2015 2:27 PM
To: Kevin M. Todd, AICP; jplankis@gotown.net
Subject: Concerns

I read the email about the variance request for Carmel turf care on the property next to centennial.

I am concerned about the amount of dust a gravel drive will create during April through November. Another concern is the creation of a debris/trash pile that I know a landscaping company can create. Another concern is the noise and operation of tractors and skid steer loaders throughout the day and especially during the early morning hours.

I would also be concerned about the amount of truck traffic in and out onto ditch road and the mud and rocks that accompany it.

I will not be able to attend tonights meeting but I thought these are valid concerns.

Curt Scheller
615 Montgomery Dr

Kevin M. Todd, AICP

From: Steve Benedict <Steve@SteveBenedict.com>
Sent: Tuesday, July 14, 2015 7:51 PM
To: Kevin M. Todd, AICP
Subject: Variance regarding 14939 Ditch Road.

Hello Mr. Todd,

Please put this communication in the public testimony regarding the variance requested at 14939 Ditch Road. I live in Centennial, at 1354 Pawtucket Drive in Westfield.

I am in favor of the variance for a number of reasons, including private property rights. First and foremost is that the Centennial Homeowners Association doesn't speak for me. I was on their Board for several years and they often took positions without consulting the membership. I don't think that should be their role, as they are using their positions for political purposes, without doing their homework. Another reason is that the area of the proposed variance is not pristine. It is being used now for light commercial. Also, the surrounding area has already been approved for light business and retail.

It is my considered opinion, that property values will not drop. I have been in real estate as a broker and broker/owner for over 15 years and have seen much of the hype and hysteria surrounding anything that changes the makeup of a neighborhood.

Please try to set your planning sights on protecting certain areas that aren't already surrounded by subdivisions, proposed strip malls and nursing homes. If you can find some areas that haven't been developed, encourage the landowners to work with National, State and local Conservation Trusts to keep some areas in their natural state. I served on the Bitterroot Land Trust in Hamilton, MT and we found that large landowners were often very willing to work with us to preserve nature areas for future generations.

Thank you,

Steve Benedict
Westfield Real Estate
"Hometown Broker...Worldwide Reach"
(317) 903-5141

Kevin M. Todd, AICP

From: Jim Pierce <pjlee1@hotmail.com>
Sent: Tuesday, July 14, 2015 1:36 PM
To: Kevin M. Todd, AICP
Subject: Deny!!!!

BZA Petition 1506-VU-06. Terrible fit, objectionable zoning.

Jim Pierce
Real Estate Broker, KW Indy North
President, Vision Property Group
(317)294-8285
pjlee1@hotmail.com
www.jimpierce.kwrealty.com
www.visionpropertygroupinc.com

Kevin M. Todd, AICP

From: txyerians@juno.com
Sent: Tuesday, July 14, 2015 2:56 PM
To: Kevin M. Todd, AICP
Cc: president@centennialhoa.org
Subject: Fw: Variance Meeting Regarding 14939 Ditch Road Has Been Continued Until August 11

Dear Mr. Todd, I have forwarded Mr. Plankis's latest email regarding the BZA Petition 1506-VU-06. It is misleading on some key points. Please understand that any vote of the Centennial HOA Board merely indicates the wishes of the 9 Board Members. The Centennial community as a whole has not been invited to vote or otherwise demonstrate the collective desires of the majority of the property owners on this matter. For Mr. Plankis to suggest the "Board's" position represents the majority of the near 1100 Centennial property owners, is rubbish. The number of responses, both negative & positive, Mr. Plankis has received is a very small percentage of the total Centennial community, limited mostly to his circle of friends and political support network. Mr. Plankis's representation that Mr. Kelich wants to open a "lawn & landscape" business is also a misrepresentation. We hope you will not be swayed by such silliness and will give full & fair consideration to the petition along the same Agriculture related lines the Urban Farmer Produce Market & Nursery project, approved on 161st Street, received. Best Wishes. Neal & Lesley Yerian 1324 Pawtucket Dr, in Centennial Westfield, IN ----- Forwarded Message -----

From: Centennial HOA <hoa@centennialhoa.org>
To: txyerians@juno.com
Subject: Variance Meeting Regarding 14939 Ditch Road Has Been Continued Until August 11
Date: Tue, 14 Jul 2015 13:21:53 -0400

To all Centennial homeowners:

This is an update for homeowners regarding the BZA Petition 1506-VU-06, which is a request by the Petitioner, Jeff Kelich, requesting approval of a Variance of Use to allow a lawn and landscape business in the SF-2: Single-Family low Density District (Chapter 13: Use Table) on the former Pettyjohn property at 14939 Ditch Road has been continued until the August 11, 2015 Regular monthly meeting of the Board of Zoning Appeals. It will be a Public Hearing and any citizen is free to speak at that hearing.

Mr. Kelich has hired an attorney and his attorney has requested a continuance so he has time to work with Mr. Kelich on the petition request.

At our regular Centennial HOA Board meeting held on July 9th, your board voted to support the homeowners, who are asking the BZA to reject the petitioner's request to allow a landscaping business at that location. We have already made the board's position of support to the homeowners known to the BZA and the petitioner.

If you would like to comment for the record to the BZA, you can email Kevin Todd, the Senior Planner who is handling this petition for the City at ktodd@westfield.in.gov If you do send an email to Kevin Todd, please copy me at president@centennialhoa.org If you have any questions, please contact me at the same email address.

Of all the emails that have been sent to the BZA from the homeowners so far, they have been overwhelmingly opposed to granting the variance, due to a negative effect on their property values and for numerous other

reasons.

Respectfully submitted,

Joe Plankis
President,
Centennial HOA

You have received this message because you are a registered member of the Centennial Homeowner Association's website and you have subscribed to receive special messages from the webmaster. To stop receiving special messages like this one from the Centennial Homeowner's Association website, please log in at www.centennialhoa.org and modify the appropriate notification options in your profile.

Kevin M. Todd, AICP

From: Joseph Plankis <jplankis@gotown.net>
Sent: Monday, July 27, 2015 7:39 AM
To: Calderon, Joseph; Kevin M. Todd, AICP
Cc: Kathy Sawyer; Don Sawyer; Bruce Watson; Ancich Tom; Dwayne Streeter; Joe Plankis; Joseph Ruppert; Lyons Mike; Robert P Smith II; Robin Barbera; Ron Rothrock; Susan Stephens
Subject: Re: Jeff Kelich-14939 Ditch Road

Good morning Joseph,

I have checked with some of the neighbors bordering your client's property as well as polling the board again. We have already had a neighborhood meeting, that we set up for you, and as far as everyone is concerned, there is no reason to schedule another meeting. It would still be a retail site situated on property that is currently zoned for SF-2 Single Family Housing. There is no way a retail business of the type proposed can be "compatible" with single family housing as close as 22 feet from the lot line. We are still opposed to that site being used for a retail lawn and landscaping business and will state that again at the next BZA meeting.

By copying Kevin Todd on this email, I am asking him to pass this along to the members of his staff as well as the members of the BZA as further input from the neighbors and property owners in Centennial.

Joe Plankis

On Fri, Jul 24, 2015 at 11:42 AM, Calderon, Joseph <jcalderon@boselaw.com> wrote:

Good Morning, Joe: Jeff and Renee Kelich have asked me to reach out to you in order to try and set up an additional meeting with your group, ahead of the upcoming BZA meeting on August 1th. They heard the neighbors' concerns, and while they respect that the Board voted to oppose, they are firm in their belief that they can operate their business responsibly and in a manner that is compatible with the surrounding environment. I am working on a plan of operation and commitments, and the Kelich's are updating their site plan as we speak. Can you see what days might work the week of August 3rd? Next week is possible on Thursday evening as well.

I appreciate your time and consideration of this request, and look forward to hearing back from you.

Joseph D. Calderon

Bose McKinney & Evans LLP | www.boselaw.com

111 Monument Circle | Suite 2700 | Indianapolis, Indiana 46204

JCalderon@boselaw.com | P [317-684-5331](tel:317-684-5331) | F [317-223-0331](tel:317-223-0331) | C [317-294-0857](tel:317-294-0857)

Assistant Contact | Stacey R. Cleveland | SCleveland@boselaw.com | P [317-684-5197](tel:317-684-5197) | F [317-223-0197](tel:317-223-0197)

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--

Joe Plankis

Cell: 317-625-4387

Email: jplankis@gotown.net

Kevin M. Todd, AICP

From: Chuck Lehman <clehman@anylabtestnow.com>
Sent: Monday, July 27, 2015 8:57 AM
To: Joseph Plankis
Cc: Calderon, Joseph; Kevin M. Todd, AICP; Kathy Sawyer; Don Sawyer; Bruce Watson; Ancich Tom; Dwayne Streeter; Joseph Ruppert; Lyons Mike; Robert P Smith II; Robin Barbera; Ron Rothrock; Susan Stephens
Subject: Re: Jeff Kelich-14939 Ditch Road

Good morning Joe,

Thanks for your efforts in representing the local area regarding the proposed retail business on Ditch near 146th Street. I was not able to attend the recent meeting(s) but I am very familiar with these matters. Obviously, this property has been operating as a small business for many years & in general businesses can exist within a close proximity to residential housing. In this case the community has grown up around it on every side & the natural progression would be to utilize this as housing fill-in & simply build more homes. While I have no facts it would seem reasonable that efforts were made at some point to include this area as part of the Centennial development. That would now be logical. To allow this change would have a totally negative impact on the surrounding area. While a nursery type business can operate within a residential area in some cases the exact type of products & the types of services does impact the daily activities & the neighborhood. Hours & seasonal conditions are also critical. Considering the outlined business plan that is being requested this does not fit with the general uses desired for this parcel. Please know that I am opposed to this zoning change & request that it be denied by the BZA.

My best,
Chuck Lehman,
Centennial resident
413.6890

Chuck Lehman
Any Lab Test Now
Carmel, Indiana
317.413.6890

On Mon, Jul 27, 2015 at 7:38 AM, Joseph Plankis <jplankis@gotown.net> wrote:

Good morning Joseph,

I have checked with some of the neighbors bordering your client's property as well as polling the board again. We have already had a neighborhood meeting, that we set up for you, and as far as everyone is concerned, there is no reason to schedule another meeting. It would still be a retail site situated on property that is currently zoned for SF-2 Single Family Housing. There is no way a retail business of the type proposed can be "compatible" with single family housing as close as 22 feet from the lot line. We are still opposed to that site being used for a retail lawn and landscaping business and will state that again at the next BZA meeting.

By copying Kevin Todd on this email, I am asking him to pass this along to the members of his staff as well as the members of the BZA as further input from the neighbors and property owners in Centennial.

Joe Plankis

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Good Morning, Joe: Jeff and Renee Kelich have asked me to reach out to you in order to try and set up an additional meeting with your group, ahead of the upcoming BZA meeting on August 1th. They heard the neighbors' concerns, and while they respect that the Board voted to oppose, they are firm in their belief that they can operate their business responsibly and in a manner that is compatible with the surrounding environment. I am working on a plan of operation and commitments, and the Kelich's are updating their site plan as we speak. Can you see what days might work the week of August 3rd? Next week is possible on Thursday evening as well.

I appreciate your time and consideration of this request, and look forward to hearing back from you.

Joseph D. Calderon

Bose McKinney & Evans LLP | www.boselaw.com

111 Monument Circle | Suite 2700 | Indianapolis, Indiana 46204

JCalderon@boselaw.com | P [317-684-5331](tel:317-684-5331) | F [317-223-0331](tel:317-223-0331) | C [317-294-0857](tel:317-294-0857)

Assistant Contact | [Stacey R. Cleveland](mailto:Stacey.R.Cleveland@boselaw.com) | [P 317-684-5197](tel:317-684-5197) | [F 317-223-0197](tel:317-223-0197)

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--

Joe Plankis

Cell: [317-625-4387](tel:317-625-4387)

Email: jplankis@gotown.net

Kevin M. Todd, AICP

From: Bob and Sue Burneson <bobandsueburneson@gmail.com>
Sent: Saturday, August 8, 2015 1:52 PM
To: Kevin M. Todd, AICP
Subject: Zoning variance for former Pettyjohn property

Categories: Holiday - CLOSED

We would like to go on record as strongly opposed to the variance request submitted by Jeff Kelich for the property at 14939 Ditch Rd. (the former Pettyjohn property). The original plan for his landscaping and retail business was detrimental to the property values of adjacent homeowners and his revised plan is even worse.

This business would bring additional noise, odor, traffic congestion, light (as in brightness), and the potential of polluting Centennial's ponds with storm water run off from the property. His request to allow other landscaping businesses to succeed him on the property creates an even longer term negative effect on adjacent property owners and should not be considered.

The existing business on the property is not a concrete company per se, but a concrete forms business. They load up their materials in the morning and do not return until evening. Their operation is very quiet and creates little, if any, concern to the neighbors.

We strongly encourage the BZA to deny Mr. Kelich's variance request and strive to limit this property to single family homes as designated in the comprehensive plan.

Respectfully,

Robert and Suzanne Burneson
14922 Mayfield Dr.
Westfield, IN. 46074

Kevin M. Todd, AICP

From: Pat. Fisher <pfisher4163@gmail.com>
Sent: Saturday, August 8, 2015 2:19 PM
To: Kevin M. Todd, AICP

We are Centennial property owners who back up to the proposed landscaping business on Ditch Road. We feel that approval of the variance will have an obvious negative effect on our property values as well as on our quality of life.

We, therefore, object to the proposal and hope that it is rejected.

Sincerely,
Jim and Pat. Fisher
1386 Mayfield Court
Centennial
Westfield, IN 46074

Kevin M. Todd, AICP

From: Pamela Gilbert <pbgilb@aol.com>
Sent: Saturday, August 8, 2015 5:40 PM
To: Kevin M. Todd, AICP
Subject: BZA Opposition to Petition

As a resident of Centennial I am in total opposition to the granting of the above petition. This parcel of land is surrounded by residential property and allowing a landscaping business to open in this area will adversely impact property values and the neighborhood. Please consider the residents of Westfield who will be negatively affected by the traffic, noise, and all activities involved with a business which would be operating 6 days per week. I urge you to support the residents who are opposed to this venture.

Pamela B. Gilbert

Sent from my iPad

Kevin M. Todd, AICP

From: Don Sawyer <dtsawyer2011@gmail.com>
Sent: Sunday, August 9, 2015 8:17 AM
To: Kevin M. Todd, AICP; jplankis@gotown.net
Cc: Kathy
Subject: BZA 8.11.2015 Mtg - 1506-VU-06
Attachments: BZA 8.11.2015 Public Hearing 1506-VU-06.docx; Exhibit A.pdf

Gentlemen,

I forgot to attach Exhibit A in the previous email. It should be included now. Sorry for the confusion.

Don Sawyer

Kevin / Joe,

Please see attached comments on upcoming BZA 8.11.2015 meeting concerning petition of a Variance of Use 1506-VU-06 on behalf of Jeff Kelich.

Thanks,
Don Sawyer

1310 Mayfield Court
Westfield, IN 46074
Dtsawyer2011@ [gmail.com](mailto:dtsawyer2011@gmail.com)

317-694-0872

Westfield-Washington Township Advisory Board of Zoning Appeals
Westfield Economic and Community Development Department
Public Hearing – Tuesday, August 11th, 2015
Petition 1506-VU-06 - Jeff Kelich on behalf of Pettijohn & Banks, INC

August 8, 2015

Suggestions or objections filed by:

Kathy & Don Sawyer

1310 Mayfield Court

Westfield, IN 46074

Lot #163 Centennial South Phase 2 – See attached Exhibit A

Parcel 08-09-15-00-21-014.000

State Parcel 2909-15-021-014.000-015

Property History

On June 18, 1979 the Westfield-Washington Board of Zoning Appeals approved and granted a Variance of Use to Pettijohn & Banks Inc. to permit construction of an additional storage building and continued operation of a non-conforming concrete business and removal of an existing building on the subject property. This land use probably pre-dates zoning and is currently not consistent with permitted uses in a SF-2 District without the variance. Pettijohn & Banks Inc. is a concrete service business specializing in basement walls, slabs, footings, and excavation. It is important to note that significant real estate development has transpired since the Variance of Use was approved and granted. Also noteworthy is Pettijohn & Banks Inc. does not follow the typical commercial business model in operational processes and customer traffic. Points to consider:

1. At the time the Variance of Use petition was approved and granted all adjacent property had no residential development. The granting of this lawful prior non-conforming use or “grandfathered use” usually follows the legal doctrine, which assumes the use will gradually come to an end. Very little if any business has transpired from the subject property for years so the use established before zoning should revert to the current SF-2 residential.
2. Now all adjacent property is single-family residential in use.
3. Adjacent property to the north, south, and east is Centennial Subdivision or Centennial South Subdivision.
4. Adjacent to the property to the west is Ditch Road with the new Harmony Subdivision currently being developed.
5. Pettijohn & Banks Inc. does not manufacture or sell products on the property. Customers do not come to the property.
6. Their services are usually performed at the customers’ location, which is off-site.
7. Operating hours appear to be Monday through Friday from 7 am to 3 pm.

8. There is no vehicular traffic noise from customers.
9. Currently Pettijohn & Banks, Inc. does not use commercial landscaping equipment on-site such as Bobcats, Front End Loaders, and Forklift Trucks typically used for bulk mulch, dirt, gravel, and palletized material.
10. There are no street or building lights that operate in a dusk to dawn mode.
11. There are no retail sales from the property.

Suggestions & Objections

1. The property should be used in a manner that is consistent with permitted uses in the SF-2 District. When we were building our home in 2010 Paul Estridge told me he wanted to purchase the property for an extension of Centennial but he could not come to suitable terms with Pettijohn & Banks Inc. over price. When we saw the For Sale Sign we contacted Denny Yovanovich, a builder who has built homes on our street after Paul Estridge went out of business. He contacted the real estate company but the property was already sold. He is still interested in the property for residential development.
2. The approval will be injurious to the public health, safety, morals, and general welfare of the community. This Variance of Use, if granted and approved, will significantly alter the essential character of the neighborhood. While most people unfamiliar with Pettijohn & Sons think a concrete company has operated of the subject property for 36 years, the facts demonstrate otherwise. Pettijohn & Sons have performed little if any business from the subject property for years and they are a service business conducting all their services off-site.
3. The property is zoned Single-Family Low Density District (SF-2) and should remain so. Pettijohn & Banks, Inc. was granted the petition and variance in 1979 when all adjacent property was not single –family residential in use. This land use probably pre-dates zoning and this “grandfathered” use is coming to an end. The proposed landscaping business is very different than the existing Pettijohn business in terms of nuisance from unpleasant odors, noise, vehicular traffic, and hours of operation.
4. The approval of the requested Variance of Use will have a detrimental and adverse affect on the surrounding area. Pettijohn currently utilizes less than 50% of the 4-acre property. This, in effect, creates a very large buffer area between their operations and the surrounding homeowners on all 4 sides. The proposed plan from the petitioner appears to use the entire 4-acre property resulting in a drastic reduction to these buffer areas. Utilizing the entire perimeter would leave a 22 foot buffer area between property lines (Exhibit A).
5. The value of the adjacent property will be affected in a substantially adverse manner. The proposed landscaping business is dramatically different than the existing Pettijohn business. Noise levels will substantially increase from landscaping equipment and vehicular traffic. Pettijohn does not work in the winter and the petitioner has snow removal services during the winter months. Pettijohn also does not have retail sales and expanded operating hours.

6. The strict application of the zoning ordinance would not permit the requested use. Landscaping businesses are not permitted in SF-2 Districts.
7. The proposed Variance of Land Use is not consistent with the recommendations for the Suburban Residential area of the Comprehensive Plan, which calls for residential, institutional, and recreational uses.
8. There appears to be no plan or proposal for the control and drainage of additional surface water runoff from subject property. The environmental impact to the surrounding residential communities must be addressed with the proposed addition of a parking lot addition, additional fuel tanks, salt for snow removal, bulk storage of mulch, dumpsters, and fertilizer. Currently it appears the surface water runoff will flow into the Centennial drainage system.
9. There is no noise or unpleasant odors currently emitted from Pettijohn & Sons. Future nuisance from noise or unpleasant odors is unavoidable with the proposed Variance of Use and it will significantly alter the essential character of the neighborhood and negatively affect property values.

Therefore we are asking the Board of Zoning Appeals to DENY the petitioner request for approval of a Variance of Use.

Sincerely,

Kathy and Don Sawyer

Ksawyer2011@gmail.com

Dtsawyer2011@gmail.com

317-407-4588

317-694-0872

Kevin M. Todd, AICP

From: Joan Wilson <wilsonjm@aol.com>
Sent: Sunday, August 9, 2015 3:12 PM
To: Kevin M. Todd, AICP

I am definitely against proposed landscaping business being proposed behind my property on Ditch Road. It will be much more intense activity than what is there now(Pettijohn). Thank you.

Joan Wilson

Sent from my iPhone

Kevin M. Todd, AICP

From: Bill Brown <bbrown6606@gmail.com>
Sent: Monday, August 10, 2015 8:54 PM
To: Kevin M. Todd, AICP
Subject: Variance Request - 1506-VU-06
Attachments: Zoning Varriance 8-11-15.docx

Dear Mr. Todd, I have attached a word doc with my concerns about Variance Request – 1506-VU-06. Please forward these comments and concerns to the Zoning Board members.

Thank you.

William Brown
317-478-7827
1318 Mayfield Ct.
Westfield, IN 46074

William Brown
1318 Mayfield Ct.
Westfield, IN

Mr. Kevin Todd
Senior Planner
City Of Westfield

Dear Mr. Todd

I am a property owner directly bordering the current Pettijohn property on the south. I am requesting the board vote "NO" on the proposed zoning appeal requested by Mr. Jeff Kelich for the property located at 14939 Ditch Rd., Westfield, IN. I have listed several of my concerns below.

- The noise level will increase with the different types of equipment and different type of work that will be conducted by the landscaping and nursery business. The greater concern will be the drastic increase of the frequency of the noise affecting the adjacent homeowners. Currently basement forms for concrete walls may be loaded by Pettijohn employees for a short period one day and then there will be no activity for several days until they are returned to the shop. The proposed activity will occur at opening, closing and throughout the day on every day of business.
- The increased noise will negatively affect my property value.
- The drawings submitted by Mr. Kelich do not indicate an area for storm water retention. According to the Public Works Department there are currently no in ground drains adjacent to the Pettijohn property except the regulated Centennial Subdivision drains. It is my understanding that any new business in excess of 1 acre is required to submit a plan for storm water retention. If this is not followed the runoff water, possibly containing herbicide, pesticide or fertilizer residue from cleaning spray equipment and other tools of the trade, will find its way into the regulated drains of Centennial Subdivision. This could affect the retention ponds wildlife or plant life.
- I would also have concerns for a possible spill/leak of the fuel tanks identified on the submitted drawing without any type of containment barrier. The tank sizes were not listed.

Thank you for the opportunity to make my concerns known.

William Brown

Kevin M. Todd, AICP

From: Dwayne Streeter <dwayne@gotown.net>
Sent: Monday, August 10, 2015 2:14 PM
To: Kevin M. Todd, AICP
Subject: BZA proposal

Regarding variance requested by **Jeff Kelich** for 14939 Ditch Road:

I attended the meeting on July 8 with Mr Kelich, his attorney, and several of my Centennial neighbors for purposes of explaining the variance request. I am a property owner in Centennial. Based on all information from that meeting, plus a review of all documents posted on the Westfield.gov website relative to this matter, I am strongly opposed to this variance to allow a landscaping business in this location. I consider it inconsistent with our neighborhood and a negative impact on our property values. I believe this area should be developed in a way consistent with our neighborhood (single family dwellings).

Kevin M. Todd, AICP

From: Claudia Benge <bengecaj@iquest.net>
Sent: Tuesday, August 11, 2015 3:02 PM
To: Kevin M. Todd, AICP
Subject: RE: Property at 14939 Ditch Road; petition 1506-VU-06

Kevin

I went over to the property last night to talk to the owners of Carmel Turf Care. They made quite a few changes in their initial plans which addresses the issue of noise and odor of fresh mulch (which is not an issue for us). The owners are very concerned about our initial complaints and I think they have addressed the issues. There may be some truck noise in the mornings but I expect it will be significantly less than Pettijohn made and is making. Since this property has been zoned commercial, I suggest that Carmel Turf Care would be the very best option.

Claudia Benge

From: Kevin M. Todd, AICP [mailto:ktodd@westfield.in.gov]
Sent: Monday, August 10, 2015 10:02 PM
To: 'Claudia Benge' <bengecaj@iquest.net>
Subject: RE: Property at 14939 Ditch Road; petition 1506-VU-06

Mr. & Mrs. Benge

Thank you for your comments. I will forward them to the Board tomorrow evening for their consideration of this item.
Regards,

Kevin M. Todd, AICP • SENIOR PLANNER

City of Westfield • Economic and Community Development Department

2728 E. 171st Street • Westfield, IN 46074

DIRECT LINE: (317) 379-6467 • **MAIN OFFICE:** (317) 804-3170 • **FAX:** (317) 804-3181

www.westfield.in.gov

From: Claudia Benge [mailto:bengecaj@iquest.net]
Sent: Wednesday, July 8, 2015 5:32 PM
To: Kevin M. Todd, AICP <ktodd@westfield.in.gov>; jplankis@gotown.net
Cc: mhannon10@cox.net
Subject: Property at 14939 Ditch Road; petition 1506-VU-06

Mr. Todd

My husband and I are Centennial property owners on Annapolis Drive. Our home backs up to the above mentioned property in the discussion. We have problems now with the occasional loud noises that come from the current occupants/business.

We respectfully want the property to be returned to it's original zoning designation as SF-2: Single Low Family Density District.

Centennial single family homes surround this particular property. With Harmony going up on the westside of Ditch Road which will include a strip mall, we are going to experience enough of a problem with traffic as it stands right now.

Please do not approve the petition from Carmel Turf Care/Jeff Kelich for that particular 4 acre plot.

Claudia A and James R Bengé
1343 Annapolis Drive
Westfield, Indiana 46074
317 626 1260

August 10, 2015

City of Westfield
Board of Zoning Appeals
Attn: Kevin Todd
Westfield Department of Economic & Community Development

Re: 1506-VU-06, 14939 Ditch Road

Dear Board Members:

I am the principal of 1978 LLC, the owner of property located at the northwest corner of 146th Street and Ditch Road, essentially "catty corner" to the property subject to the above-referenced variance. I have been advised that Jeff Kelich desires to relocate his landscaping business to this site which, although zoned residential, has a long standing variance allowing for use as a concrete company.

I have developed properties for many years, and do not believe that the property subject to the variance can be developed for residential (it would have been part of the Centennial project if feasible), and that the landscaping business, as described and committed to by Mr. Kelich is compatible with the ongoing development and land use pattern for the area. Ditch Road and 146th Street are arterial streets, so there is already significant traffic, and the low level of intensity proposed by Mr. Kelich seems to be much more compatible than the thought of a concrete company ramping up operations in the future.

Therefore, I lend my support to the variance. Thank you for your consideration.

1978, LLC

By: 
Thomas M. Crowley

Kevin M. Todd, AICP

From: John Perkins <jfperk3@aol.com>
Sent: Tuesday, August 11, 2015 3:48 PM
To: Kevin M. Todd, AICP
Subject: Proposed Use Variance for Landscaping Business

Hello:

My name is John Perkins. My wife and I live in the Centennial neighborhood at 1317 Mayfield Court.

I am opposed to granting a use variance to allow a landscaping business to operate on the property located at 14939 Ditch Road. Such a business would not compliment a community comprised of single family homes. The general welfare and common good of our community would be disrupted. Also, the value of our homes would likely be harmed. Some prospective buyers would not purchase our homes due to the close proximity of a landscaping business. We would need to lower the price to encourage such buyers to purchase our homes. Undoubtedly, it would limit the market of potential buyers. It seems a landscaping business would be better located in a more suitable rural area which would allow us to quietly enjoy our homes.

Respectfully submitted, and thank you.

John and Christine Perkins

Kevin M. Todd, AICP

From: Andrew Worysz <andrew.worysz@att.net>
Sent: Tuesday, August 11, 2015 11:21 AM
To: Kevin M. Todd, AICP
Subject: 14939 Ditch Road

As this property was zoned residential, and the variance was specific for one business, I would think the intent was for the property to revert to original use. No construction was in progress then. Now with homes on both sides of the road, it should be residential !! Andrew Worysz 14913 Mayfield Dr.