



CITY OF WESTFIELD, IN
BoardofZoningAppeals_Meeting_Agenda_06_12_2018

Tuesday, June 12, 2018 at 07:00 PM

BOARD OR COMMISSION: Board of Zoning Appeals (BZA)

MEETING DATE: Tuesday, June 12, 2018 at 07:00 PM

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

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

OPENING OF REGULAR MEETING

Note the presence of a quorum

Approval of Minutes - May 9, 2018

Documents: [BZA Minutes - May 9, 2018](#)

Review Rules & Procedures

ITEMS OF BUSINESS:

1806-SE-02 [PUBLIC HEARING]

1105 E. 181st Street

CH Group, LLC

The petitioner is requesting a Special Exception to allow heavy equipment sales/rental (Retail, Very High Intensity) on 7.07 acres +/- in the 181st Street Planned Unit Development (PUD) District (Section 2.2 of Ord. 14-03 and Article 13.2 of the UDO).

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

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

1806-VS-09 [PUBLIC HEARING]

3989 Birkdale Drive

Tiffany Bedsworth by True North Surveying, LLC

The petitioner is requesting a Variance of Development Standard to reduce the Minimum Rear Yard Setback from thirty (30) feet to seventeen (17) feet to accommodate the installation of a swimming pool on 0.34 acres +/- in the Bridgewater PUD District (Section 10 and Exhibit 12 of Ord. 06-49).

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

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

1806-VS-10 [PUBLIC HEARING]

2760 E. 146th Street

Cool Creek Village, LLC

The petitioner is requesting a Variance of Development Standard to eliminate the requirement for Foundation Plantings to accommodate the construction of a drive-through on 3.25 acres +/- in the SB-PD: Special Business / Planned Development District (Article 6.8(L)).

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

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Site Plan](#) | [Exhibit 4: Elevations](#) | [Exhibit 5: Existing VS Proposed](#) | [Exhibit 6: Petitioner's Application](#)

ITEMS CONTINUED TO A FUTURE MEETING

1609-AA-01 [CONTINUED]

14939 Ditch Road

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

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

1803-AA-01 [CONTINUED]

16708 Dean Road (Bob's Garage)

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

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

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

REPORTS/COMMENTS:

Plan Commission Liaison

Economic and Community Development Department

ADJOURNMENT

The Westfield-Washington Township Board of Zoning Appeals met at 7:00 p.m. on Tuesday, April 10, 2018, at Westfield City Hall.

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

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

ROLE CALL

Noted presence of a quorum.

APPROVAL OF MINUTES

Motion: move to approve the April 10, 2018 meeting minutes as presented.

Motion: Schmitz; Second: Raines. Motion passed. Vote 5-0.

REVIEW OF RULES AND PROCEDURES

Todd reviewed BZA rules and procedures.

ITEMS OF BUSINESS**1804-VS-07****[PUBLIC HEARING]****348 Old Ashbury Road**

Jason Richarz by Pools of Fun

The petitioner is requesting a Variance of Standard to reduce the Minimum Rear Yard Setback in the Chatham Hills PUD District (Section 9.1 of Ord. 13-24).

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

Crabtree presented a summary of this request for a Variance of Standard.

Public Hearing for 1804-VS-07 opened at 7:04 p.m.

No public comment.

Public Hearing for 1804-VS-07 closed at 7:05 p.m.

Motion:

Schmitz motioned to approve 1804-VS-07 with the following condition:

- The Petitioner shall record an acknowledgement of this approval with the Hamilton County Recorder's Office and return a copy of the recorded instrument to the Economic and Community Development Department.

Fortier seconded. Motion passed. Vote 5-0.

Motion:

Schmitz motioned to adopt the findings of fact for 1804-VS-07.

Kingshill seconded. Motion passed. Vote 5-0.

**1805-SE-01
[PUBLIC HEARING]****17115 Joliet Road***Linda Sullivan*

The petitioner is requesting a Special Exception to allow an Equestrian Facility in the AG-SF1: Agriculture/Single-Family Rural District (Article 13.2).

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

Crabtree presented an overview of this request for a Special Exception for an Equestrian Facility.

Linda Sullivan, petitioner, stated that she bought the property that has operated as an Equestrian Facility for the past 25 years, and she wants to obtain a Special Exception in order to continue that use.

Schmitz asked what triggered this request.

Todd responded that a building permit review caused staff to review the use, and determine that the proposed use required Special Exception approval.

Public Hearing for 1805-SE-01 opened at 7:09 p.m.

Ginny Kelleher, 3920 West 166th Street; stated that she fine with the use requested by this facility as long as it complies with the conditions outlined in the letter submitted to the Board by Jen Smith.

Kim Shields, 17021 Joliet Road; stated she supports this request if the following points are agreed upon: manure removal; limited number of horses on the property; and fly management.

Public Hearing for 1805-SE-01 closed at 7:16 p.m.

Schmitz asked if the City has a standard that applies to the maximum number of horses allowed on a property.

Todd responded that the City does not have a rule regulating the number of horses on a property.

Motion:

Raines motioned to approve 1804-VS-06 with following conditions:

1. That manure shall be kept in an enclosed receptacle and removed from the Property;
2. That the Petitioner may keep up to 36 Saddlebred horses on the Property. Should ownership of the Property change, the number of horses allowed on the Property shall be limited to 20;
3. That downspouts of the arena and stable addition shall be tiled and drained to the creek in accordance with the Hamilton County Drainage Board rules;
4. That parking shall not be permitted west or south of the stable and arena;
5. That equine contests and events shall not be held on the Property; and,
6. The Petitioner shall record an acknowledgement of this approval with the Hamilton County Recorder's Office and return a copy of the recorded instrument to the Economic and Community Development Department.

Kingshill seconded. Motion passed. Vote 5-0.

Motion:

Schmitz motioned to adopt the findings of fact for 1805-SE-01.

Kingshill seconded. Motion passed. Vote 5-0.

1805-VU-03

[PUBLIC HEARING]

4105 W. SR 32

Gregg and Mary Roberts by the Law Office of Edward Anania

The petitioner is requesting to modify of the conditions of approval of a previously approved Variance of Use that permitted a Self-Storage Facility use within the LB: Local and Neighborhood Business District (Article 13.2).
(Planner: Matt Pleasant - MPleasant@westfield.in.gov)

Crabtree summarized this request to modify of the conditions of approval of a previously approved Variance of Use. He explained that the petitioner is requesting modifications of the 1995 conditions to allow the Variance to be transferred to a new owner.

Edward Anania, 4630 Lisborn Drive on behalf of Lukenlola Properties, LLC (potential buyer); explained the need of the variance was prompted through the financing. He stated that he would like the wording of the first Finding of Fact to be clarified by removing the word “not”.

Public Hearing for 1805-VU-03 opened at 7:23 p.m.

No public comment.

Public Hearing for 1805-VU-03 closed at 7:24 p.m.

Schmitz asked if this variance would be attached to the owner or the property.

Crabtree responded it would go with the land.

Kingshill questioned that this action may cause conflict in the future with concepts in the Comprehensive Plan for this area. He asked about approving this with a time limit.

Anania indicated that an imposed time limit on the variance would prohibit the financing.

Discussion took place regarding the future character of the Eagletown Village, including how the widening of State Road 32 would change the area.

Todd indicated that if State Road 32 was widened, that these structures would likely be impacted.

Motion:

Schmitz motioned to approve 1805-VU-03 with the following conditions:

1. The Landscape Plan approved in July of 1995 be properly maintained,
2. Maintain the previously approved 1995 condition for the fence located at the west and south property lines.

Raines seconded. Motion passed. Vote 5-0.

Motion:

Schmitz motioned to adopt the findings of fact for 1805-VU-03 with the modification of Finding #1 to remove the word “not”.

Raines seconded. Motion passed. Vote 5-0.

**1805-VS-08
[PUBLIC HEARING]****Greyhound Pass Trailhead at the Monon Trail**

City of Westfield

The petitioner is requesting a Variance of Standard to permit an Electronic Sign in the Right-of-Way of the Monon Trail at the Greyhound Pass Trailhead (Article 6.17).

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

Todd presented a summary of this request for a Variance of Standard.

Christopher Larsen with the City of Westfield Informatics Department explained the project, and that the goal of the kiosk is to convey information to, and provide safety features for, the community.

Kingshill asked Larsen if he considered this a sign.

Larsen said no.

Kingshill asked Larsen if AED will have instructions.

Larsen replied yes.

Kingshill asked why this variance is even needed.

Zaiger responded that the Economic and Community Development Director determined that the kiosk is a sign, and that it does not meet the UDO's standards for signage.

Public Hearing for 1805-VS-08 opened at 8:01 p.m.

No public comment.

Public Hearing for 1805-VS-08 closed at 8:02 p.m.

Motion:

Kingshill motioned to approve 1805-VS-08.

Schmitz seconded. Motion passed. Vote 5-0.

Motion:

Schmitz motioned to adopt the findings of fact for 1805-VS-08.

Kingshill seconded. Motion passed. Vote 5-0.

ITEMS CONTINUED TO A FUTURE MEETING:

1609-AA-01
[CONTINUED]

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

1803-AA-01
[CONTINUED]

16708 Dean Road (Bob's Garage)
Esler Properties, LLC by Morse & Bickel, P.C.
The petitioner is appealing an Administrative Determination (1712-AD-04) regarding the revocation of a variance (1603-VU-03)

REPORTS/COMMENTS

Plan Commission Liaison Report.

Economic and Community Development Department.

ADJOURNMENT

Motion:

Raines motioned to adjourn the meeting.

Fortier seconded. Motion passed. Vote 5-0.

The meeting adjourned at 8:06 p.m.

Chairperson
Robert Smith, Esq.

Secretary
Matthew S. Skelton, Esq., AICP
Director



Petition Number: 1806-VS-10

Subject Site Address: 2730 E. 146th Street

Petitioner: Thompson Thrift on behalf of Cool Creek Village LLC

Request: The Petitioner is requesting a Variance of Development Standard to eliminate the requirement for Foundation Plantings to accommodate the construction of a drive-through on 3.25 acres +/- in the SB-PD: Special Business / Planned Development District (Article 6.8(L) of the UDO).

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

Current Land Use: Commercial

Approximate Acreage: 3.25 acres+/-

Exhibits:

1. Staff Report
2. Location Map
3. Site Plan
4. Elevations
5. Existing VS Proposed
6. Petitioner's Application

Staff Reviewer: Matt Pleasant, Associate Planner

OVERVIEW

Location: The subject Property is 3.25 acres +/- in size and is located at 2730 E. 146th Street (see **Exhibit 2**) zoned SB-PD: Special Business / Planned Development. The Property is currently vacant previously known as the Orange Leaf frozen yogurt. The surrounding properties are zoned SB-PD.

Property History: The original site was approved and constructed in 2007.

VARIANCE REQUEST

Variance Request: The Petitioner wishes to add a drive-through window on the west façade of the building. New construction would require compliance with the Westfield-Washington Township Unified Development Ordinance (the "UDO") landscaping standards. The design of the drive-through window would not allow enough room for the Foundation Plantings required of the UDO (Article 6.8(L))¹.

¹ Article 6.8(L) of the UDO states: 1. Plant materials shall be required intermittently (approximately every forty (40) feet) against long expanses (over eighty (80) feet) of Building Façades, fences, and other barriers to create a

COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan shows the project designated in the Regional Commercial².

The Regional Commercial designation encourages commercial development that intend to benefit the economic health of the community. These uses should be located only on arterial streets designed to carry large traffic volumes and within a planned commercial center. Uses include big-box retail, offices, and attached residential dwellings. Large masses of asphalt are discouraged by requiring parking areas to be broken up with landscaping or by being located on more than one side of the buildings³.

Some general guidelines for development in this Regional Commercial Area includes: buildings must be unique to Westfield, develop alternative transportation facilities, landscaped parking, and appropriately scaled transitional uses from retail to office to residential.

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 June 12, 2018, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

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

Acknowledgement of Variance: If the Board of Zoning Appeals approves this petition, then the UDO⁵ requires that the approval of the variance shall be memorialized in an acknowledgement of variance instrument prepared by the Department. The acknowledgement shall: (i) specify the granted variance and any commitments made or conditions imposed in granting of the variance;

softening effect ... 4. Plantings shall be located within fifteen (15) feet of the Building Façade, fence, or other barrier being softened, and shall occur within planting beds of at least eight (8) feet in width.

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

³ Pages 50-52; Chapter 2: Land Use Plan: Commercial; Westfield-Washington Township Comprehensive Plan.

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

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

(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.

DEPARTMENT COMMENTS:

Approval: If the Board is inclined to approve the Variance of Development Standards (1806-VS-10), then the Department recommends the Variance of Development Standards (1806-VS-10) approval with the following written findings of fact related to the Variance of Development Standards:

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

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

Finding: It is unlikely that approving the requested variance would be injurious to the public health, safety, morals, and general welfare of the community because the existing use and proposed improvements will otherwise comply with the applicable standards of the SB-PD 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 the use of the property will not change and other drive-through windows have been implemented within the development.



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

June 12, 2018

1806-VS-10

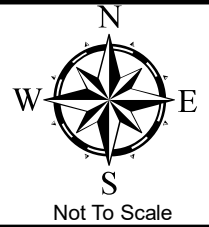
- 3) *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:*

Finding: With respect to redevelopment purposes, the UDO does not take into account repurposing the current infrastructure and site design. Enforcing the Foundation Plantings requirement would not allow the proposed drive-through to be constructed.

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



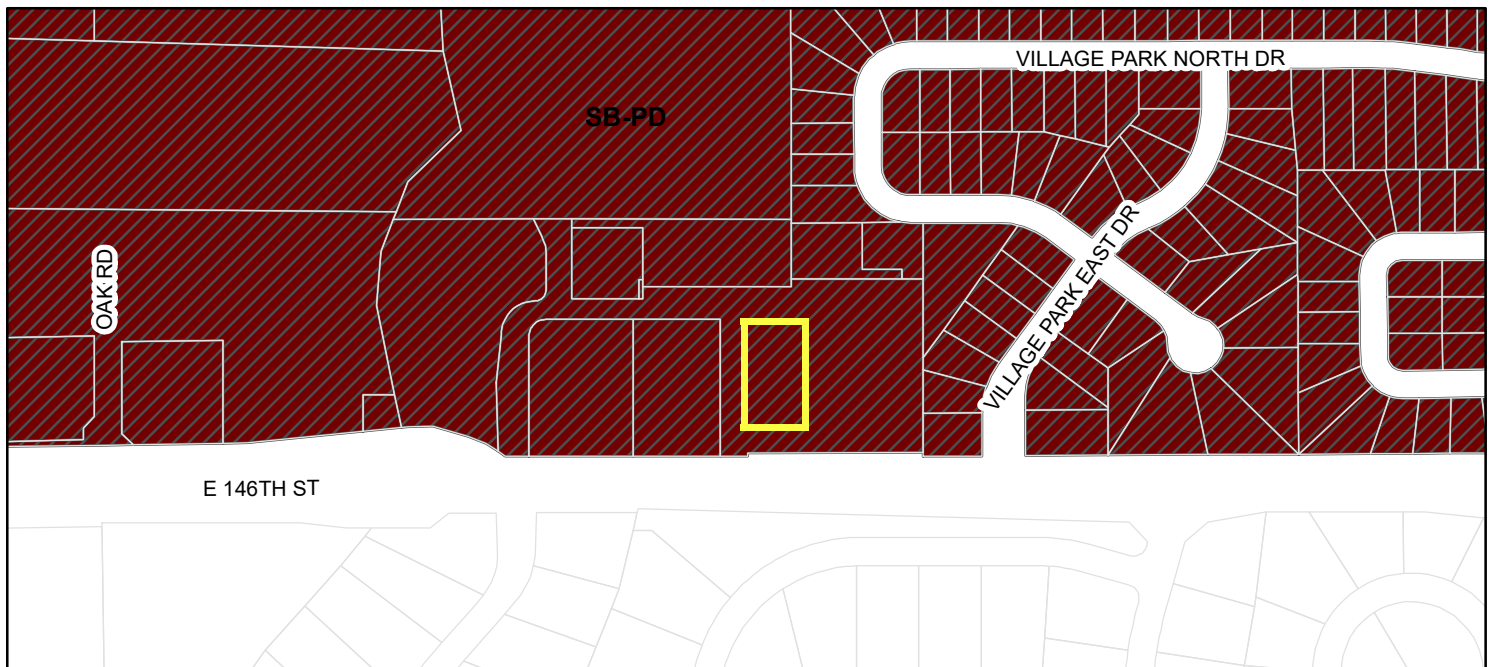
Property Location Map
1806-VS-10
Smoothie King Landscape Variance



Aerial Location Map



Zoning Map



Legend

-  Parcel
-  SB-PD (Special Business - Planned Development)

SCOPE DOCUMENT
THE DRAWINGS INDICATE THE GENERAL SCOPE OF THE PROJECT IN TERMS OF ARCHITECTURAL DESIGN CONCEPT, THE DIMENSIONS OF THE BUILDING, THE MAJOR ARCHITECTURAL ELEMENTS AND THE TYPE OF STRUCTURAL, MECHANICAL AND ELECTRICAL SYSTEMS. AS SCOPE DOCUMENTS, THE DRAWINGS DO NOT NECESSARILY INDICATE OR DESCRIBE ALL WORK THAT IS REQUIRED FOR FULL PERFORMANCE AND COMPLETION OF THE REQUIREMENTS OF THE CONTRACT DOCUMENTS. ON THE BASIS OF THE GENERAL SCOPE INDICATED OR DESCRIBED, THE TRADE CONTRACTORS SHALL FURNISH ALL ITEMS REQUIRED FOR THE PROPER EXECUTION AND COMPLETION OF THE WORK.

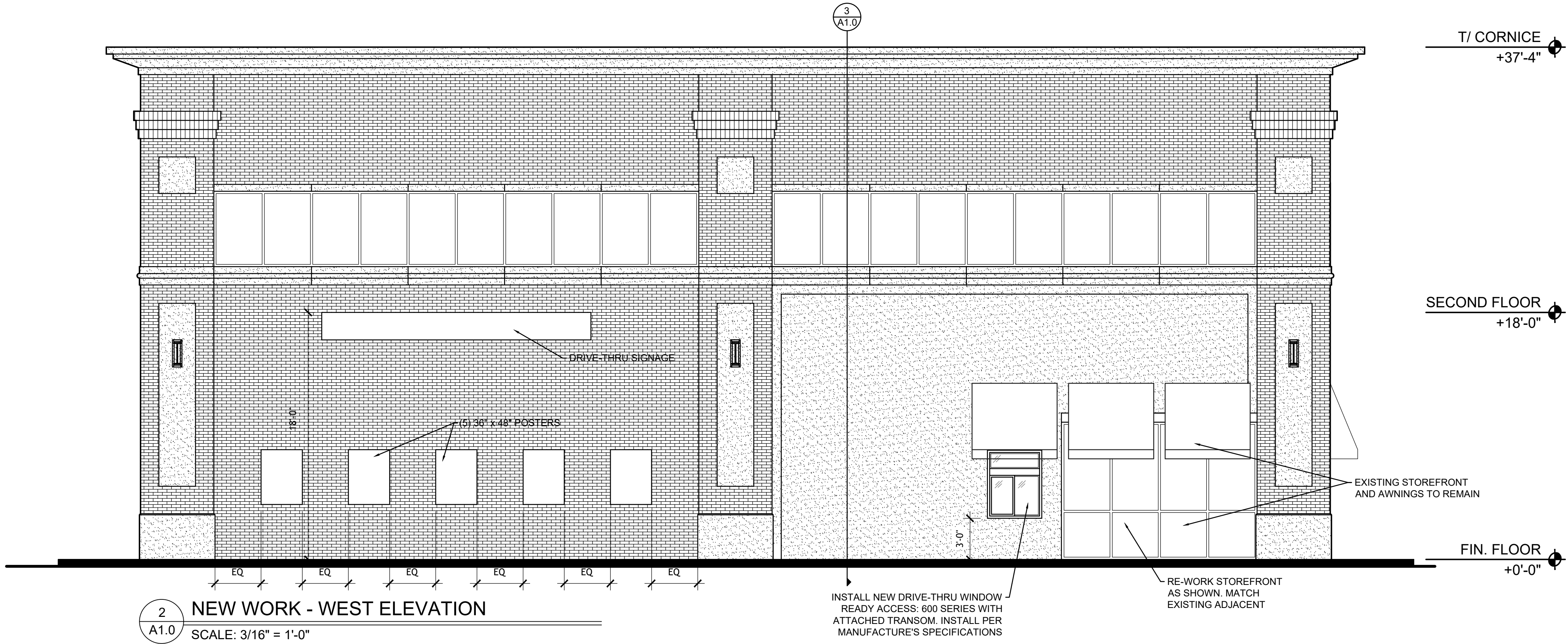
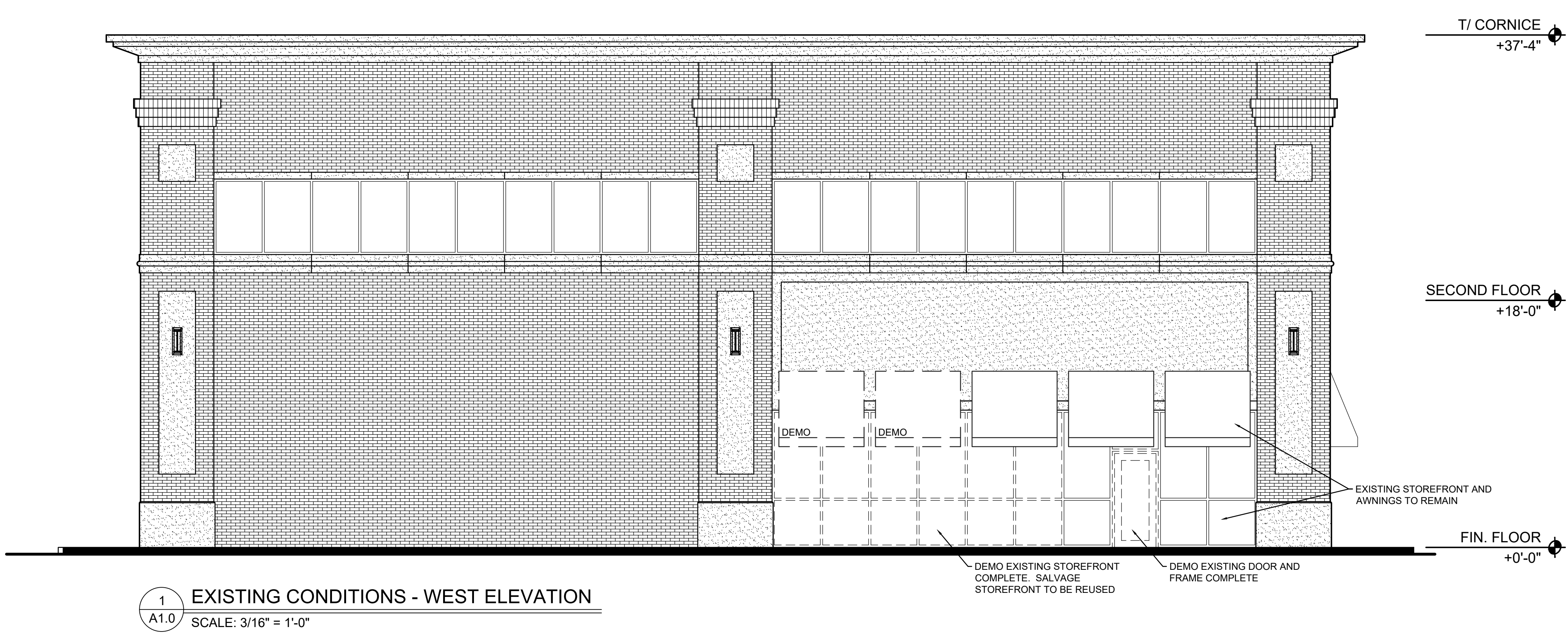
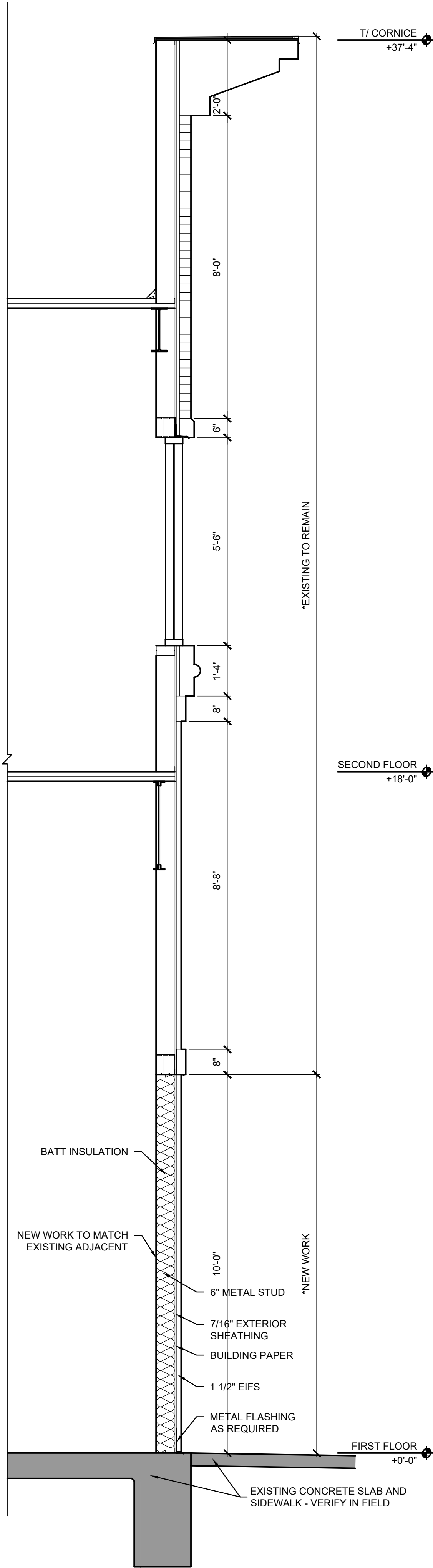
PRELIMINARY DESIGN ONLY
NOT FOR CONSTRUCTION

THE SEAL(S) AND SIGNATURE(S) APPLY ONLY TO THE DOCUMENT TO WHICH THEY ARE AFFIXED AND WE EXPRESSLY DISCLAIM ANY RESPONSIBILITY FOR ALL OTHER PLANS, SPECIFICATIONS, ESTIMATES, REPORTS, OR OTHER DOCUMENTS OR INSTRUMENTS RELATING TO OR INTENDED TO BE USED FOR ANY PART OR PARTS OF THE PROJECT.
COPYRIGHT 2018 HOLDER DESIGN, INC.

DRAWN BY:	MLH/AM	CHECKED BY:	MLH	PLOT SCALE:	AS NOTED	DATE:	04.16.2018
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INSTRUCTIONS FOR:
COOL CREEK DRIVE-THRU
CARMEL, INDIANA
SHEET DESCRIPTION: EXTERIOR ELEVATIONS & DETAILS

REVISIONS	
SHEET NO.	A1.0
JOB NO.	A18-011



GENERAL NOTES:

FIELD VERIFY ALL DIMENSIONS. FIELD VERIFY AND COORDINATE WITH ALL EXISTING CONDITIONS.

G.C. TO COORDINATE ALL LOCATIONS AND SPECIFICATIONS WITH OWNER PRIOR TO INSTALLATION AND FABRICATION

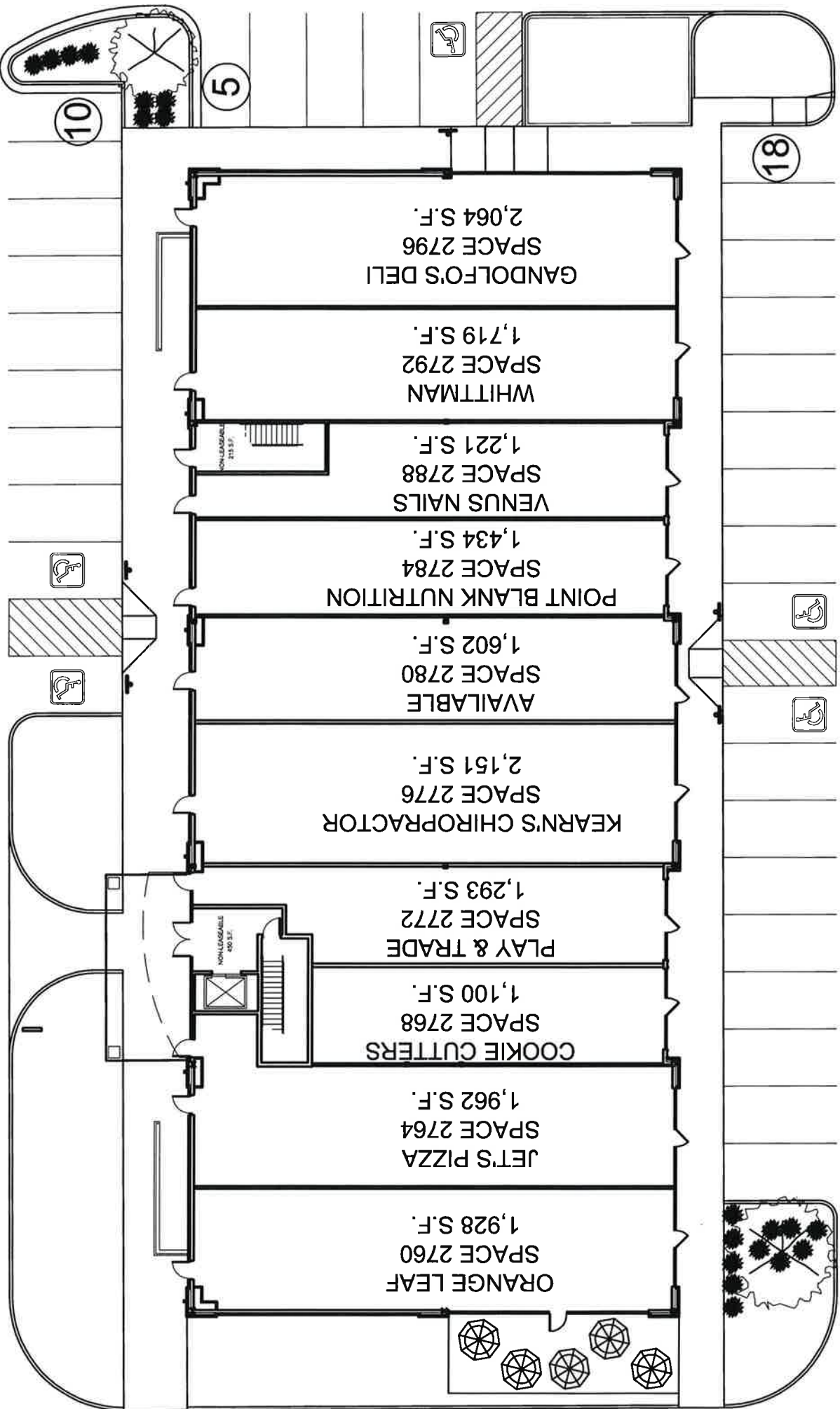
DRIVE-THRU SIGNAGE AND POSTERS BY OTHERS UNDER SEPARATE SUBMITTAL

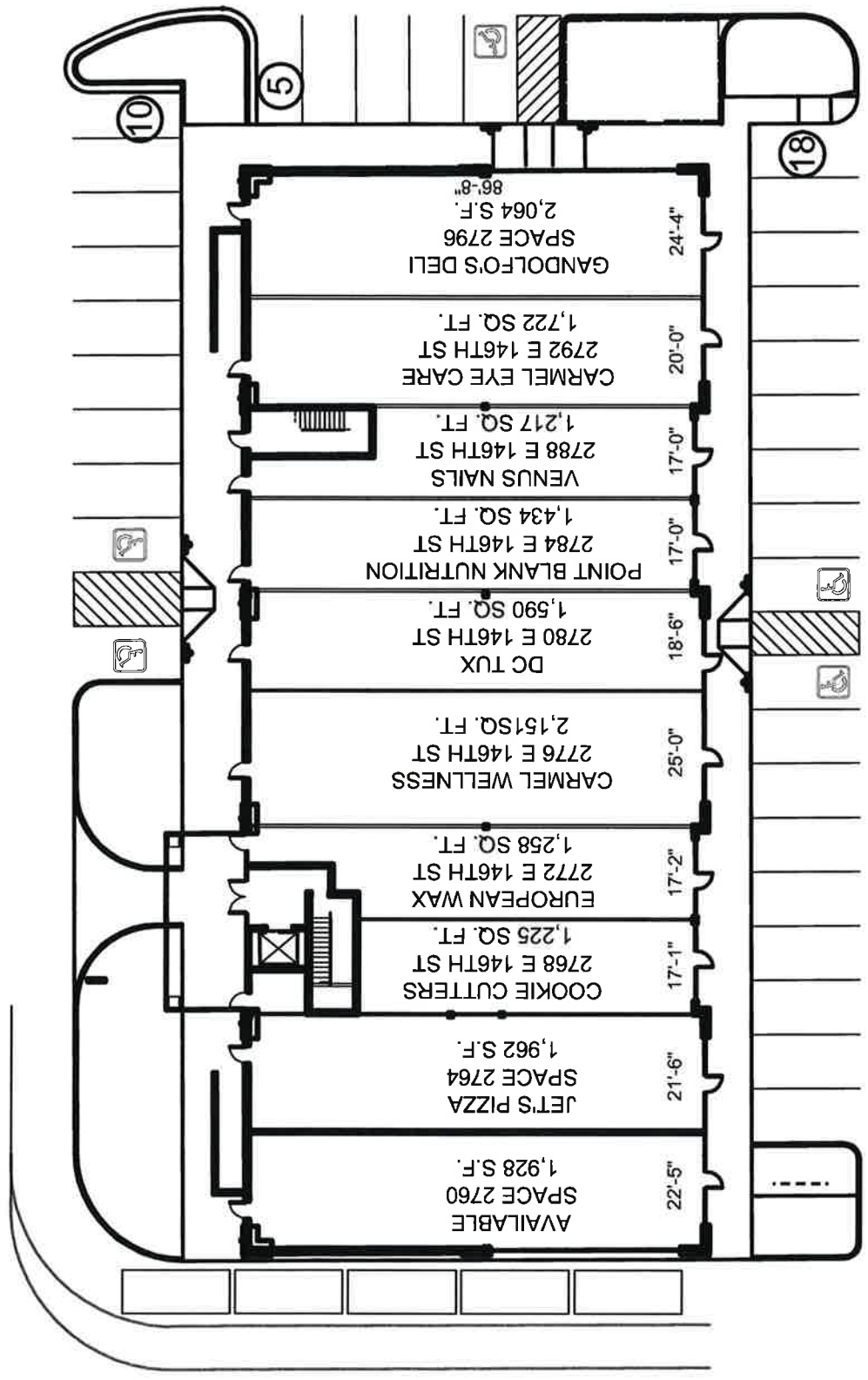
VERIFY DRIVE-THRU LOCATION WITH OWNER AND FLOOR PLAN

SALVAGE STOREFRONT TO BE REUSED IN EXISTING DOOR LOCATION (DOOR TO BE DEMOLISHED)

KEY:

DEMO - - - - -







VARIANCE APPLICATION

OFFICE
USE ONLYDOCKET #: _____ FILING DATE: _____
FILING FEE: \$ _____ FEE PLUS \$ _____ PER ADDITIONAL VARIANCE (@ _____) = \$ _____

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: Matt Pleasant (STAFF NAME) DATE: 5/31/2018

PRIOR OR RELATED DOCKET NUMBERS

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

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

APPLICANT INFORMATION

APPLICANT'S NAME: Adam Fischer TELEPHONE: 317-853-5480
 ADDRESS: 111 Monument Circle #1600, Indianapolis IN EMAIL: afischer@thompsonthrift.com
 PROPERTY OWNER'S NAME: Cool Creek Village, LLC TELEPHONE: 812-235-5959
 ADDRESS: 901 Wabash Ave #300, Terre Haute IN EMAIL: _____
 REPRESENTATIVE'S NAME: Adam Fischer TELEPHONE: _____
 COMPANY: Thompson Thrift EMAIL: _____
 ADDRESS: 111 Monument Circle #1600, Indianapolis IN

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 2760 E 146th St, Carmel
 COUNTY PARCEL ID #(S): 08-10-18-00-00-014 .105, .123, .303
 EXISTING ZONING DISTRICT(S): SB-PD EXISTING LAND USE(S): Commercial Center

VARIANCE REQUEST

☐ VARIANCE OF LAND USE CODE CITATION: _____
☒ VARIANCE OF DEVELOPMENT STANDARD(S) CODE CITATION: Article 6.8(L) of the UDO

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

STATEMENT OF INTENT (EXPLANATION OF REQUEST - ATTACH SEPARATE SHEET IF NECESSARY): Applicant wishes to remove an existing patio and lawn on the west side of the building to pave a drive-thru lane for a new tenant at Cool Creek Village. When the project was first developed, adequate space was made available for a drive-thru lane to be installed at some point if it was needed, and this will not impact or affect the current drive lanes or parking. Since the time the property was developed, the UDO has changed to require foundation plantings at walls at a certain length. The ordinance would require 7 shrubs be planted along the west wall with these lane improvements. There is simply not the physical space for these plants to be installed while also maintaining adequate widths for the drive lane and the bail out area separating the drive-thru from regular traffic.

**FINDINGS OF FACT (VARIANCE OF DEVELOPMENT STANDARD)**APPLICANT: Cool Creek Village/Adam Fischer - Thompson Thrift DOCKET #: 1806-VS-10

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:

Adequate space is available for the necessary improvements to the shopping center. The Applicant has consistently maintained, and will continue to maintain, a sufficient landscape plan throughout the shopping center without the need for foundation plantings as required by the ordinance.

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

The adjacent area will continue to be commercial in nature and there will be no reduction in light, space or air surrounding the shopping center that would affect use or values. The proposed drive thru lane will allow for proper traffic flow in and around the shopping center.

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

The shopping center already has a sufficient landscape plan in place and the strict application of the ordinance would eliminate certain tenants that require a drive thru lane for their business since the locations of plantings required by the ordinance would prevent construction of a drive thru lane. ~~the fact~~ The lack of adequate space for a planting area along the drive thru lane would prevent the safe and efficient flow of traffic around the shopping center.

**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.

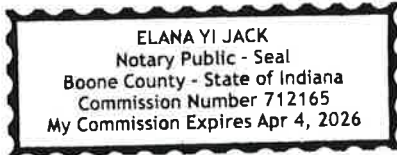
[Signature]
Applicant/Representative (signature)

Adam FISCHER
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 1 day of June, 2018.

State of Indiana County of Marion SS:



[Signature]
Notary Public Signature
Elana Jack
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.

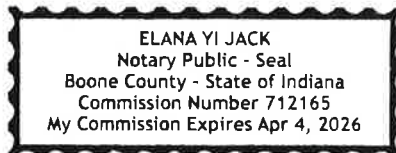
[Signature]
Property Owner (signature)*

Cynthia G Gordon
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 1 day of June, 2018.

State of Indiana County of Marion SS:



[Signature]
Notary Public Signature
Elana Jack
Notary Public (printed)

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

WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS PUBLIC NOTICE

NOTICE IS HEREBY GIVEN THAT the Westfield-Washington Township Advisory Board of Zoning Appeals will hold a public hearing on Tuesday, June 12, 2018, at 7:00 p.m. at Westfield City Hall, 130 Penn Street, Westfield, Indiana, to consider petition 1806-VS-10, filed by Adam Fischer on behalf of Cool Creek Village, LLC. The request pertains to real estate comprising approximately 3.25 acres and generally located at 2760 E. 146th Street, Washington Township, Westfield, Indiana.

The request is to eliminate the requirement for Foundation Plantings to accommodate the construction of a drive-through in the SB-PD: Special Business / Planned Development District (Article 6.8(L) of the UDO).

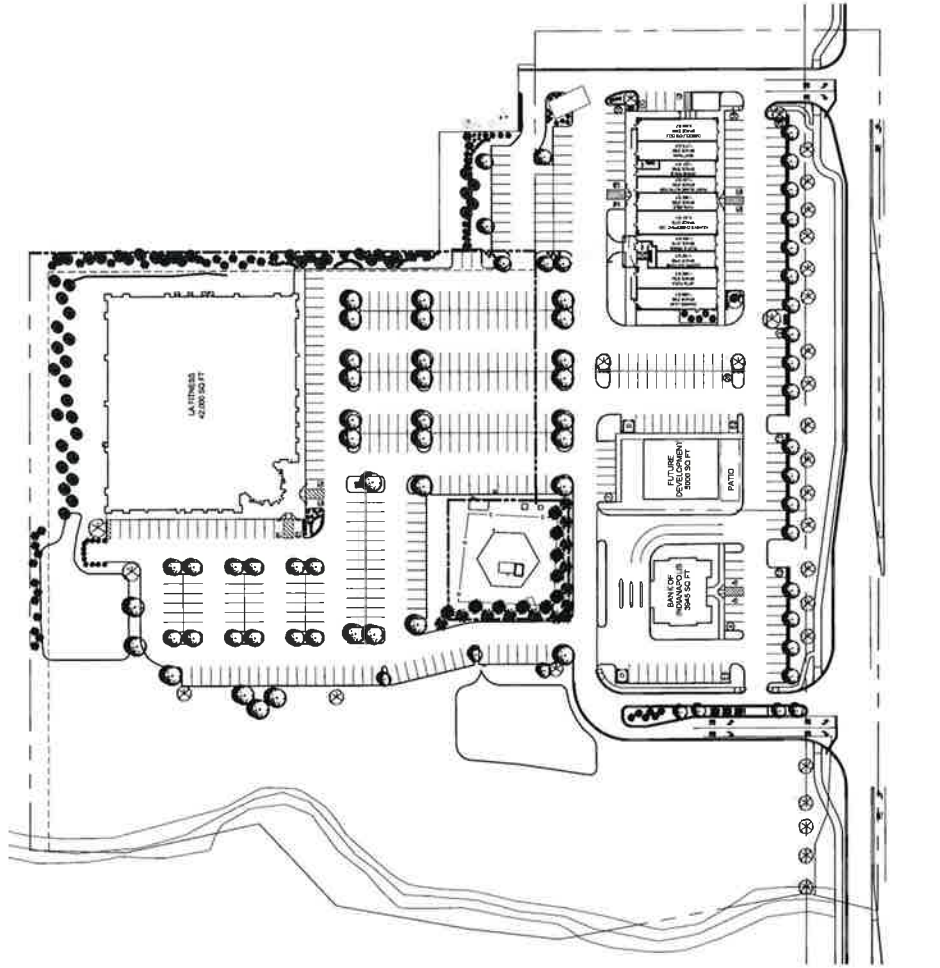
Specific details regarding this request, including the application, file, and property legal description, may be obtained from the Westfield Economic and Community Development Department, of by calling (317) 804-3170.

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.

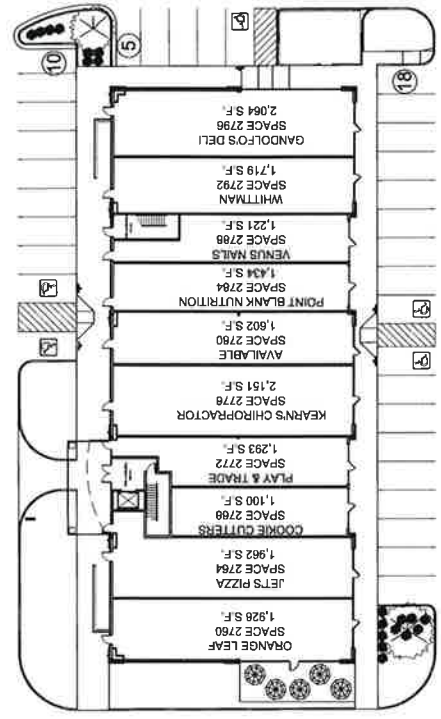
APPLICANT:
Cool Creek Village, LLC
901 Wabash Avenue, Suite 300
Terre Haute, IN 47807

REPRESENTATIVE:
Adam Fischer, Thompson Thrift
111 Monument Circle, Suite 1600
Indianapolis, IN 46204

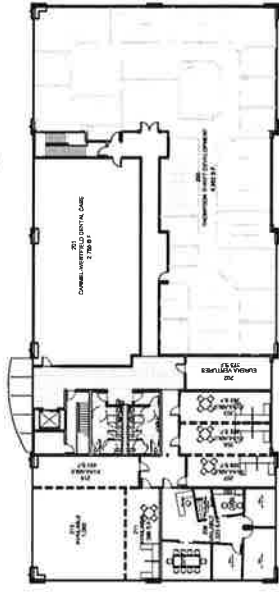
CITY OF WESTFIELD:
Economic and Community Development Department
2728 East 171st Street
Westfield, Indiana 46074
Telephone: (317) 804-3170
www.westfield.in.us



3 OVERALL SITE PLAN
SCALE: 1"=60'-0"



1 FIRST FLOOR RETAIL
SCALE: 1"=60'-0"



2 SECOND FLOOR OFFICES
SCALE: 1"=60'-0"



VICINITY MAP:
NOT TO SCALE

KEY

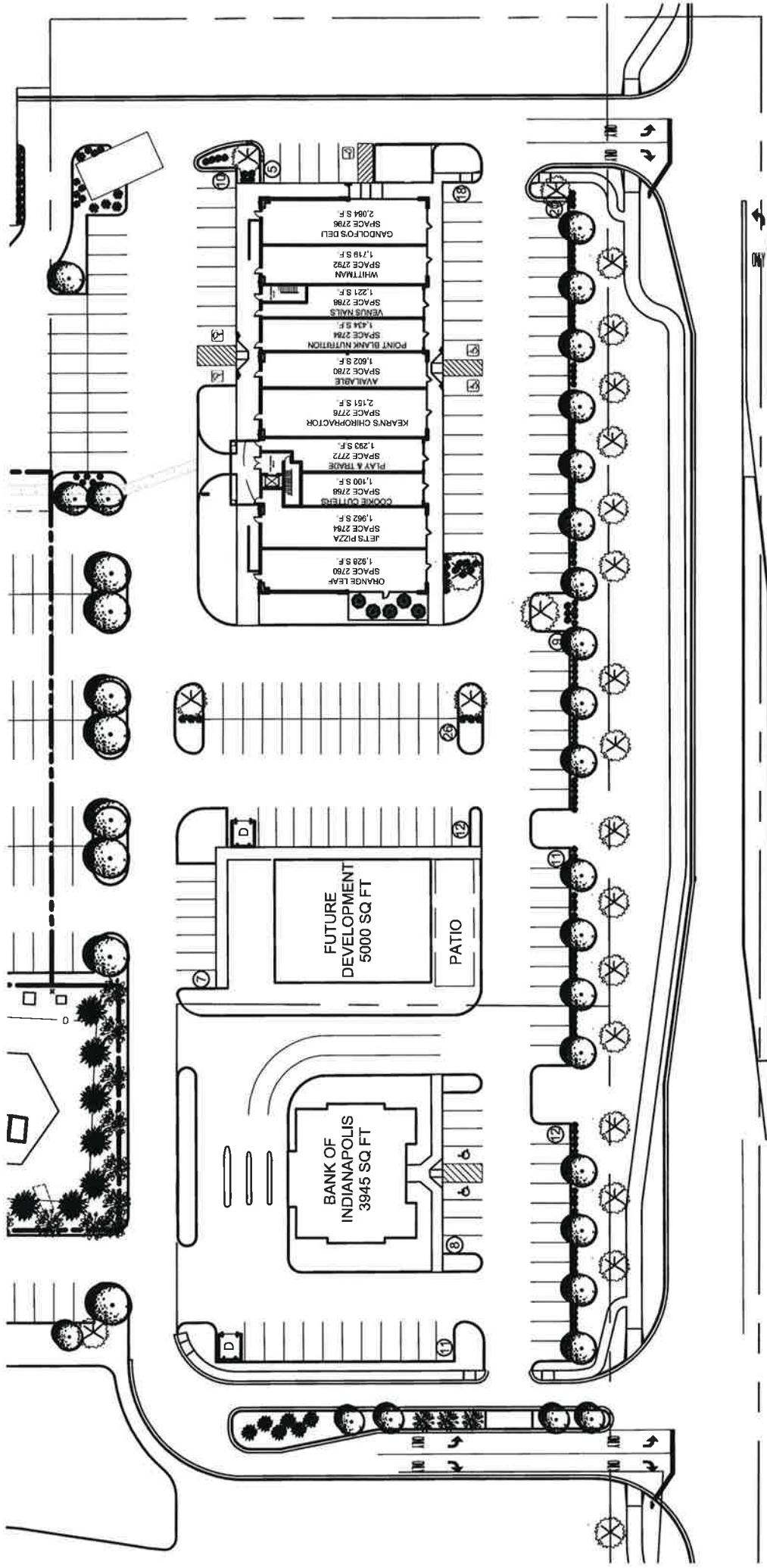
- AVAILABLE
- L.O.I
- AT LEASE
- SIGNED

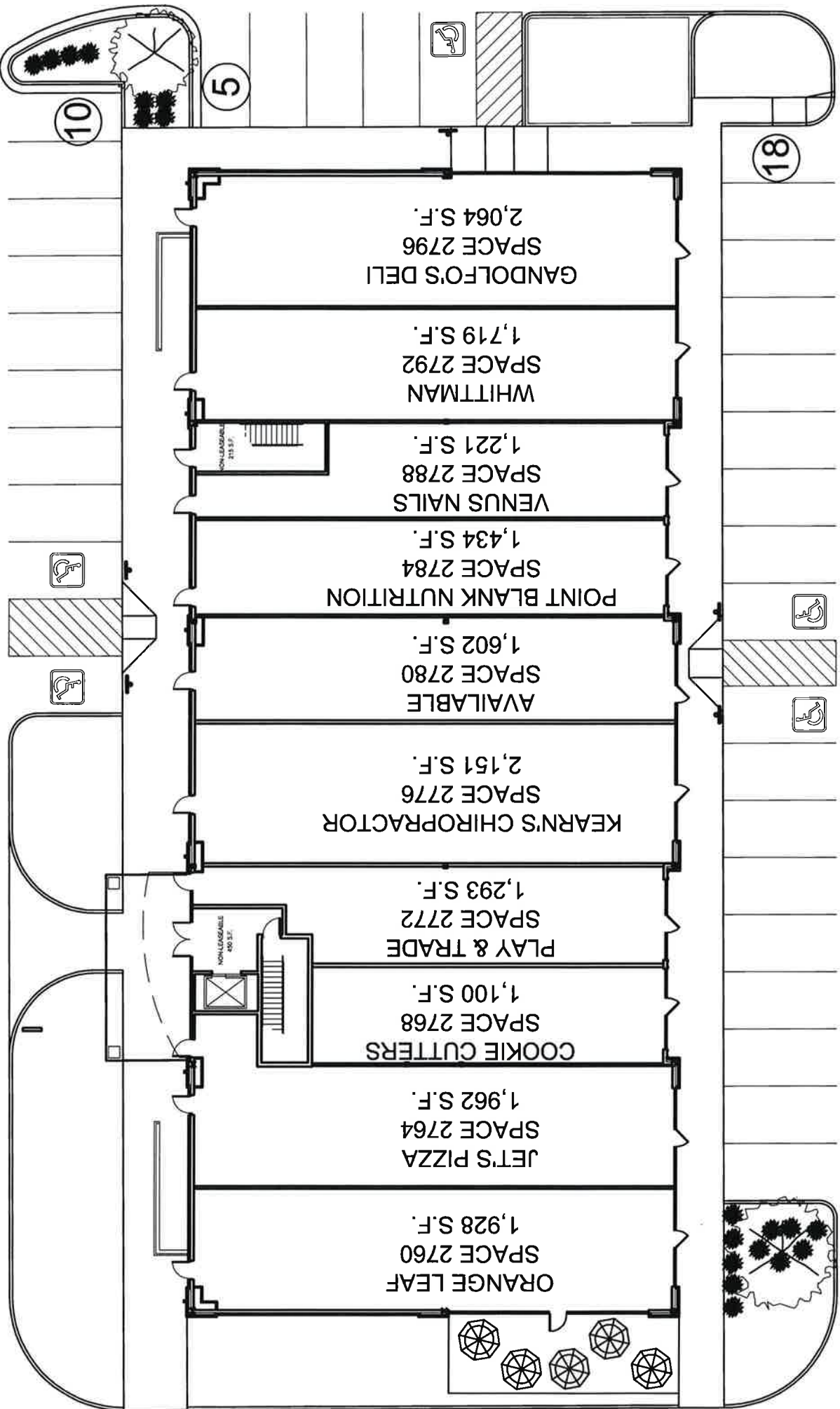
TENANT ROSTER

SPACE #	TENANT	SQ. FT
FIRST FLOOR:		
2760	AVAILABLE	1,934 SQ. FT.
2764	JET'S PIZZA	1,962 SQ. FT.
2768	COOKIE CUTTERS	1,223 SQ. FT.
2772	PLAY N' TRADE	1,258 SQ. FT.
2776	KEARN'S CHIROPRACTOR	2,151 SQ. FT.
2780	AVAILABLE	1,994 SQ. FT.
2784	AVAILABLE	1,394 SQ. FT.
2788	VENUS NAILS	1,117 SQ. FT.
2792	TEAM SPORTS	1,722 SQ. FT.
2796	MARTINIZING DRY CLEAN	2,064 SQ. FT.
SECOND FLOOR:		
200	TT DEVELOPMENT	6,882 SQ. FT.
201	CARNEL-WESTFIELD	2,758 SQ. FT.
202	DENTAL CARE	375 SQ. FT.
203	EUREKA VENTURES	362 SQ. FT.
205	AVAILABLE	362 SQ. FT.
207	AVAILABLE	399 SQ. FT.
209	AVAILABLE	1,323 SQ. FT.
211	AVAILABLE	398 SQ. FT.
213	AVAILABLE	1,083 SQ. FT.
215	AVAILABLE	431 SQ. FT.

SHOWN BY:	VERSION:
FILE:	3.3 9-14-09

NOTE: THIS CONCEPTUAL SITE PLAN IS BASED ON PRELIMINARY SITE INFORMATION FROM THE DEVELOPER, AND IS APPROXIMATE IN NATURE. FINAL SITE LAYOUT SHALL BE BASED ON ANY ADJUSTMENTS REQUIRED BY THE CITY AND INVESTIGATION OF LOCAL MUNICIPALITY REQUIREMENTS.







VICINITY MAP:
NOT TO SCALE

KEY

- AVAILABLE
- L.O.I.
- AT LEASE
- SIGNED

TENANT ROSTER

SPACE # TENANT SQ FT

FIRST FLOOR:

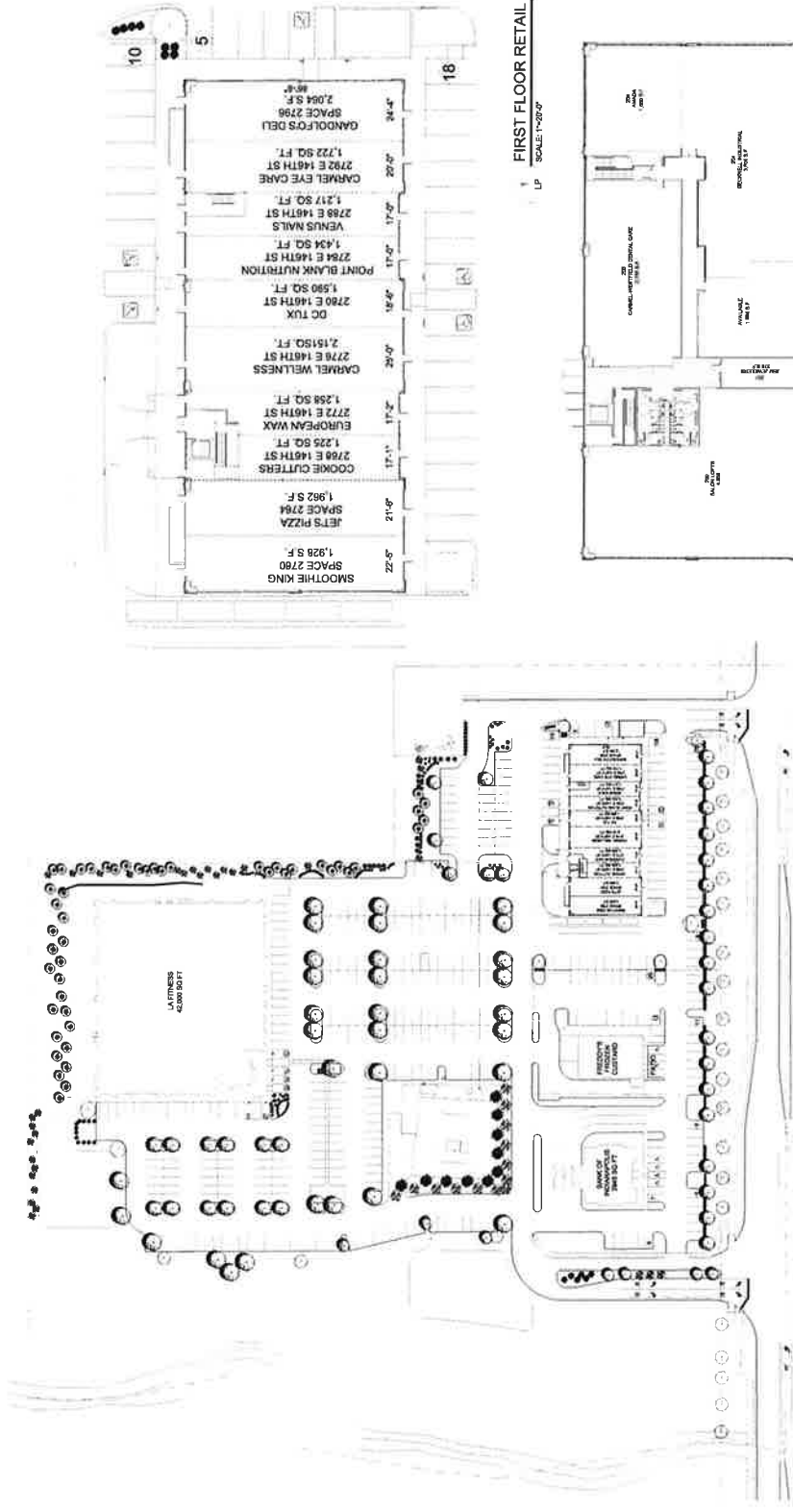
Z760	SMOOTHIE KING	1,928 SQ FT
Z764	JET'S PIZZA	1,962 SQ FT
Z766	COOKIE CUTTERS	1,225 SQ FT
Z768	VENUS NAILS	1,217 SQ FT
Z770	POINT BLANK NUTRITION	2,151 SQ FT
Z772	DC TUX	1,990 SQ FT
Z774	CARAMEL WELLNESS	1,434 SQ FT
Z776	POINT BLANK NUTRITION	1,434 SQ FT
Z778	VENUS NAILS	1,217 SQ FT
Z780	CARAMEL EYE CARE	1,722 SQ FT
Z782	GANDOLFO'S DELI	2,064 SQ FT

SECOND FLOOR:

Z200	SALON LOFTS	4,658 SQ FT
Z201	JEN JEWELERS	375 SQ FT
Z202	AVAILABLE	1,384 SQ FT
Z203	CARAMEL-WESTFIELD	2,755 SQ FT
Z204	DENTAL CARE	3,806 SQ FT
Z205	BECKHILL INDUSTRIAL	1,660 SQ FT

PLANARY WT.	100%
SOB	3.31 x 4.09
ACR	3.4 x 4.18

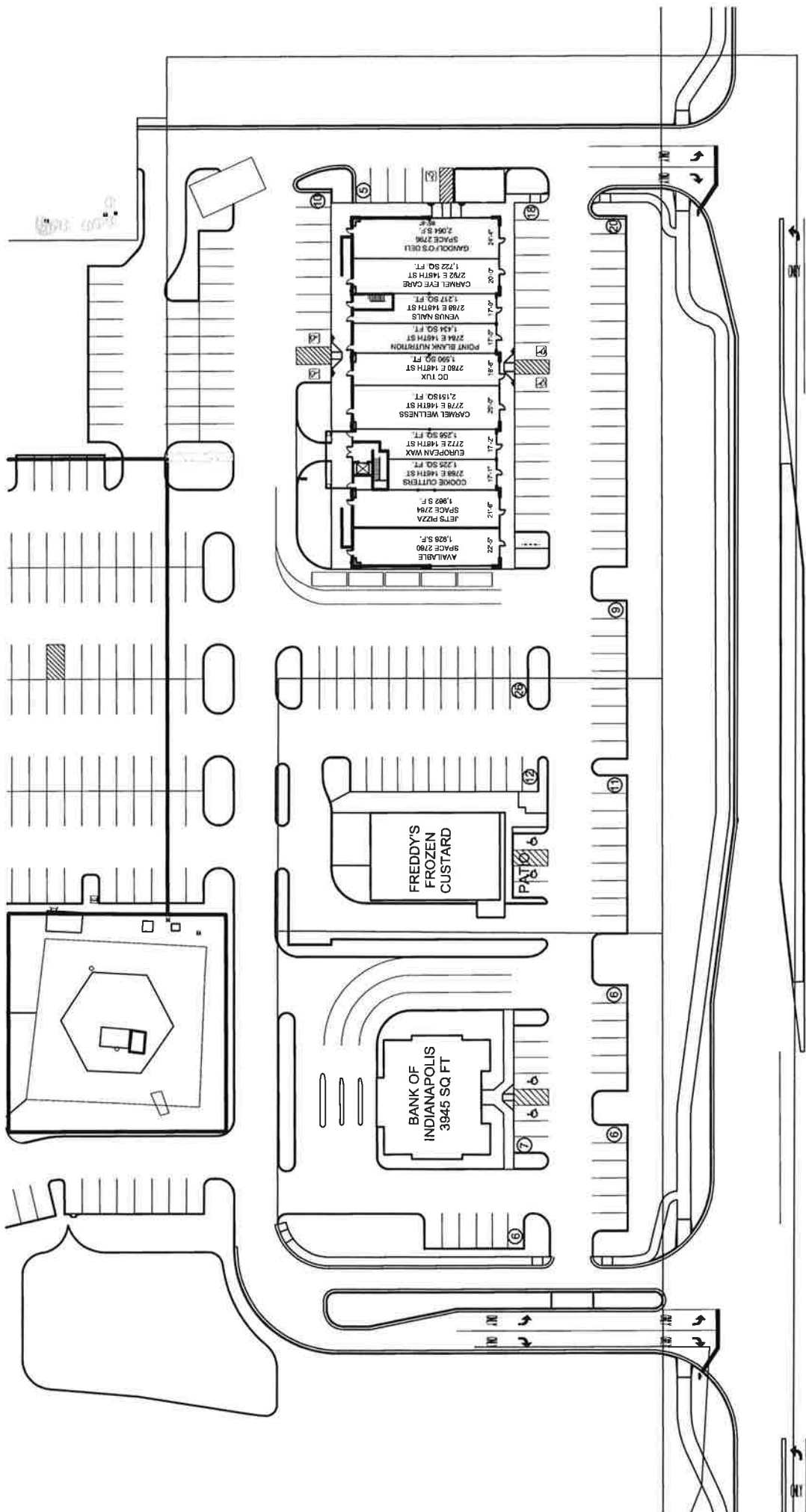
NOTE:
THIS CONCEPTUAL SITE PLAN IS BASED ON PRELIMINARY
SITE INFORMATION FROM THE DEVELOPER, AND IS
NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION.
THE DEVELOPER AND THE MUNICIPALITY SHALL BE
BASED ON A CERTIFIED SURVEY MAP AND AN
INVESTIGATION OF LOCAL MUNICIPALITY REQUIREMENTS



1 FIRST FLOOR RETAIL
LP SCALE 1"=20'-0"

2 SECOND FLOOR OFFICES
LP SCALE 1"=20'-0"

3 OVERALL SITE PLAN
LP SCALE 1"=60'-0"



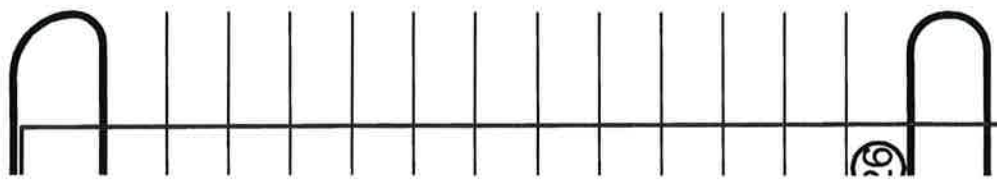
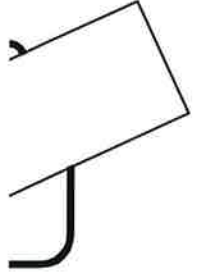
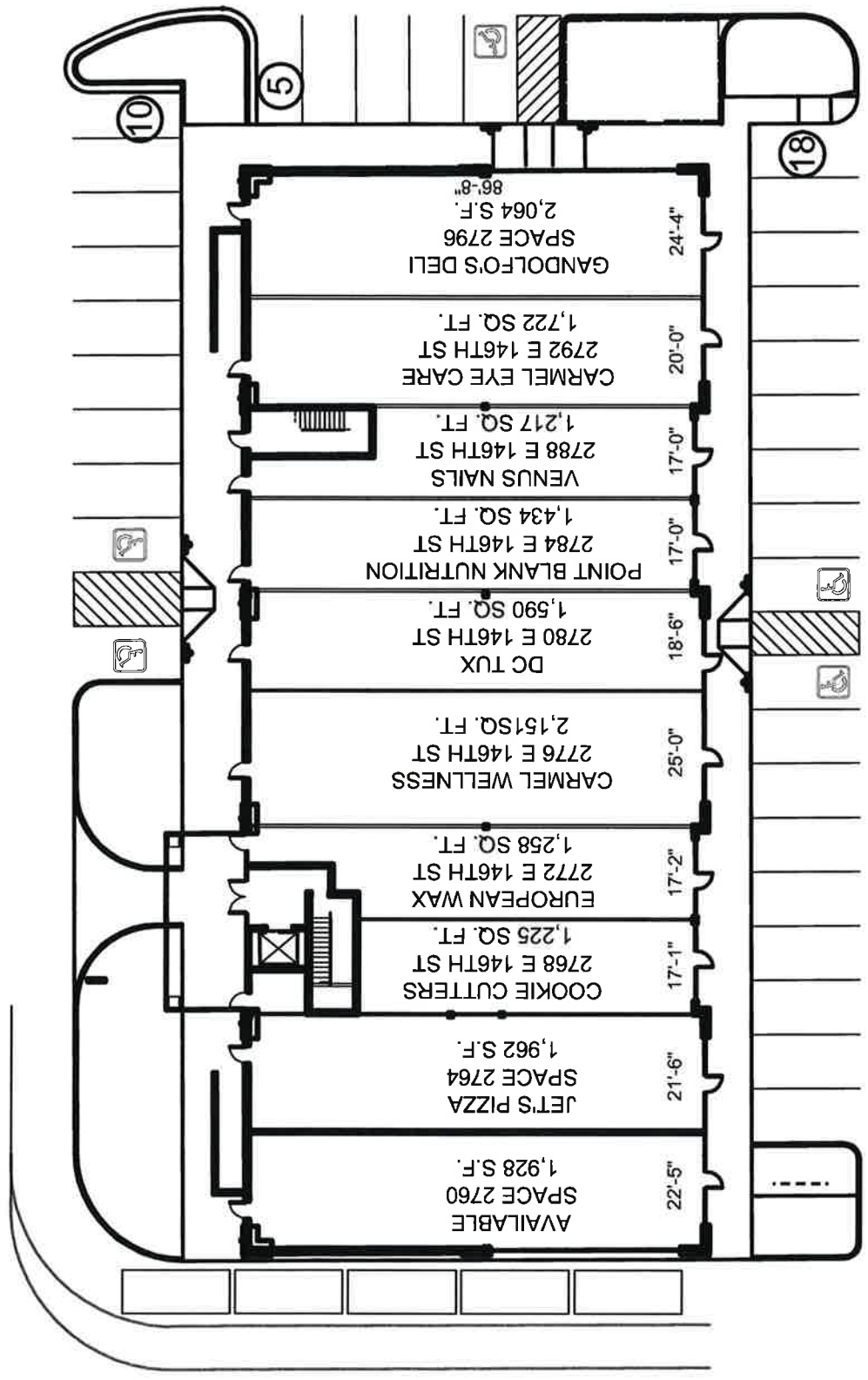


Exhibit A

Legal Description of Shopping Center

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

Commencing at the Southeast corner of the Southeast Quarter of said Section 18; thence South 89 degrees 45 minutes 45 seconds West (an assumed bearing) along the South line of the Southeast Quarter of said Section 18, a distance of 1209.84 feet to the Southwest corner of Village Park Estates, Section Three, recorded within Plat Book 16, Page 48 within the Hamilton County Recorder's Office; thence North 00 degrees 14 minutes 15 seconds West, along the West line thereof, 49.86 feet to the North right of way line of East 146th Street, being the POINT OF BEGINNING of the real estate described herein; thence South 89 degrees 45 minutes 45 seconds West, along said North right of way line, 356.09 feet; thence North 00 degrees 14 minutes 15 seconds West 243.89 feet to the Easterly extension of the North line of the real estate described within Inst. No. 2008-13940, the following three (3) calls being along the Northern and Western perimeter thereof; 1) thence South 89 degrees 45 minutes 45 seconds West, along said extension and North line thereof, 306.05 feet to the point of curvature of a curve to the left having a radius of 31.50 feet, the radius point of which bears South 00 degrees 14 minutes 15 seconds East; 2) thence Southwesterly along said curve, an arc length of 49.48 feet to a point which bears South 89 degrees 45 minutes 45 seconds West from said radius point; 3) thence South 00 degrees 14 minutes 15 seconds East 215.22 feet to a point on the aforesaid North right of way line of East 146th Street; the following four (4) calls being along said North right of way line; 1) thence North 89 degrees 13 minutes 25 seconds West 46.02 feet; 2) North 86 degrees 55 minutes 40 seconds West 80.15 feet; 3) thence North 68 degrees 29 minutes 42 seconds West 35.43 feet; 4) thence South 89 degrees 45 minutes 45 seconds West 53.09 feet to the Western boundary of a tract of land granted to Cool Creek Village, LLC recorded in Inst. No. 2006-73890, the following four (4) courses are along the Western, Northern and Eastern boundary lines of Cool Creek Village, LLC Tract; 1) thence North 14 degrees 02 minutes 48 seconds East 9.42 feet; 2) thence North 10 degrees 36 minutes 15 seconds West 266.63 feet; 3) thence North 06 degrees 42 minutes 12 seconds East 93.66 feet; 4) thence North 09 degrees 53 minutes 15 seconds East 30.48 feet to the Southwest corner of the real estate described within Inst. No. 2009-43191; thence North 89 degrees 45 minutes 45 seconds East, along the South line thereof, 704.64 feet to the Southwest corner of Lot #57 in the aforementioned Village Park Estates, Section Three; thence North 89 degrees 45 minutes 45 seconds East, along the South line thereof, 125.00 feet to a Northwest corner of the real estate described within Inst. No. 88-10543, the next four (4) calls being along the Western and Southern perimeter thereof; 1) thence South 00 degrees 14 minutes 15 seconds East 83.00 feet; thence North 89 degrees 45 minutes 45 seconds East 70.00 feet; thence South 00 degrees 14 minutes 15 seconds East 17.00 feet; thence North 89 degrees 45 minutes 45 seconds East 35.00 feet to a point on the aforesaid West line of Village Park Estates, Section Three; thence South 00 degrees 14 minutes 15 seconds East, along the West line thereof, 310.12 feet to the POINT OF BEGINNING, containing 5.64± acres, more or less.

Excepting all of that real estate granted to The Town of Westfield, Indiana, as per Inst. No. 2002-16833 and Inst. No. 2002-16834.

EXECUTION COPY

MAIL TO: Hamilton County Treasurer
33 N. 9th St., Noblesville, IN 46060
317-776-9620

To Pay By Credit Card or e-Check, visit
visit www.hamiltoncounty.in.gov/paytaxes

Service provided by CHASE



08-10-18-00-00-014.105

****AUTO**ALL FOR AADC 460
Cool Creek Village LLC
901 Wabash Ave Ste 300
Terre Haute IN 47807-3233

063159



CL-000-2205
mr

- Please have ready:
Property ID number - 6059573
Parcel Number - 08-10-18-00-00-014.105
Amount - (see "Total Due" boxes in bold on the coupons below)
- Convenience fee: You will be charged a convenience fee of 2.5% for credit card payments. If you pay by e-check, the fee is \$1.00. All fees are charged by bank payment processor and are non-refundable.

E-BILL SIGNUP

If you are interested in email delivery of your tax bills next year, please visit the county web site and click on Property Tax E-Billing. You will find instructions and a short video providing additional information about this service. You will also need this number, 8682267676, for the registration process.

DETACH AND RETURN ONLY THIS PORTION WITH YOUR FALL PAYMENT

B FALL INSTALLMENT		HAMILTON COUNTY TAX STATEMENT		
PARCEL-ID	08-10-18-00-00-014.105	DUE DATE		
STATE NUMBER	29-10-18-000-014.105-015	11/13/2018	FALL TAX INSTALLMENT:	\$1,560.11
LEGAL DESCR: Acreage .31, Section 18, Township 18, Range 4			FALL SPECIAL ASSESSMENT INSTALL:	\$37.50
			PAID TO DATE FALL:	\$0.00
			TOTAL DUE FALL:	\$1,597.61

Add 5% penalty after Nov 13th if there is no delinquent amount; add 10% penalty after Dec 13th

* see back for more information about special assessments



08101800000141052
Cool Creek Village LLC
901 Wabash Ave Ste 300
Terre Haute IN 47807

2017 PAY 2018

TO PAY BY CREDIT CARD OR e-CHECK, SEE ABOVE

08101800000141050000001597616

DETACH AND RETURN ONLY THIS PORTION WITH YOUR SPRING PAYMENT

A SPRING INSTALLMENT		HAMILTON COUNTY TAX STATEMENT		
PARCEL-ID	08-10-18-00-00-014.105	DUE DATE		
STATE NUMBER	29-10-18-000-014.105-015	5/10/2018	DELINQUENT TAX & PENALTIES:	\$0.00
LEGAL DESCR: Acreage .31, Section 18, Township 18, Range 4			SPRING TAX INSTALLMENT:	\$1,560.11
			SPRING SPECIAL ASSESSMENT TOTAL:*	\$37.50
			PAID TO DATE SPRING:	\$0.00
			TOTAL DUE SPRING:	\$1,597.61

Add 5% penalty after May 10th if there is no delinquent amount; add 10% penalty after June 10th

* see back for more information about special assessments



08101800000141051
Cool Creek Village LLC
901 Wabash Ave Ste 300
Terre Haute IN 47807

2017 PAY 2018

TO PAY BY CREDIT CARD OR e-CHECK, SEE ABOVE

08101800000141050000001597616

2017 HAMILTON COUNTY TAX AND ASSESSMENT STATEMENT

PLEASE SEE REVERSE SIDE FOR IMPORTANT INSTRUCTIONS

MAIL TO: Hamilton County Treasurer
33 N. 9th St., Noblesville, IN 46060
317-776-9620

To Pay By Credit Card or e-Check, visit
visit www.hamiltoncounty.in.gov/paytaxes

Service provided by CHASEO



08-10-18-00-00-014.123

****AUTO**ALL FOR AADC 460
Cool Creek Village LLC
901 Wabash Ave Ste 300
Terre Haute IN 47807-3233

063160



CC-000-2205
um

- Please have ready:
Property ID number - 6118856
Parcel Number - 08-10-18-00-00-014.123
Amount - (see "Total Due" boxes in bold on the coupons below)
- Convenience fee: You will be charged a convenience fee of 2.5% for credit card payments. If you pay by e-check, the fee is \$1.00. All fees are charged by bank payment processor and are non-refundable.

E-BILL SIGNUP

If you are interested in email delivery of your tax bills next year, please visit the county web site and click on Property Tax E-Billing. You will find instructions and a short video providing additional information about this service. You will also need this number, 5830011938, for the registration process.

DETACH AND RETURN ONLY THIS PORTION WITH YOUR FALL PAYMENT

B FALL INSTALLMENT		HAMILTON COUNTY TAX STATEMENT		
PARCEL-ID	08-10-18-00-00-014.123	DUE DATE		
STATE NUMBER	29-10-18-000-014.123-015	11/13/2018	FALL TAX INSTALLMENT:	\$68,542.22
LEGAL DESCR: Acreage 3.25, Section 18, Township 18, Range 4			FALL SPECIAL ASSESSMENT INSTALL:	\$56.88
			PAID TO DATE FALL:	\$0.00
			TOTAL DUE FALL:	\$68,599.10

Add 5% penalty after Nov 13th if there is no delinquent amount: add
10% penalty after Dec 13th

* see back for more information about special assessments



08101800000141232
Cool Creek Village LLC
901 Wabash Ave Ste 300
Terre Haute IN 47807

2017 PAY 2018

TO PAY BY CREDIT CARD OR e-CHECK, SEE ABOVE

08101800000141230000068599102

DETACH AND RETURN ONLY THIS PORTION WITH YOUR SPRING PAYMENT

A SPRING INSTALLMENT		HAMILTON COUNTY TAX STATEMENT		
PARCEL-ID	08-10-18-00-00-014.123	DUE DATE		
STATE NUMBER	29-10-18-000-014.123-015	5/10/2018	DELINQUENT TAX & PENALTIES:	\$0.00
LEGAL DESCR: Acreage 3.25, Section 18, Township 18, Range 4			SPRING TAX INSTALLMENT:	\$68,542.22
			SPRING SPECIAL ASSESSMENT TOTAL:*	\$56.88
			PAID TO DATE SPRING:	\$0.00
			TOTAL DUE SPRING:	\$68,599.10

Add 5% penalty after May 10th if there is no delinquent amount: add
10% penalty after June 10th

* see back for more information about special assessments



08101800000141231
Cool Creek Village LLC
901 Wabash Ave Ste 300
Terre Haute IN 47807

2017 PAY 2018

TO PAY BY CREDIT CARD OR e-CHECK, SEE ABOVE

08101800000141230000068599102

MAIL TO: Hamilton County Treasurer
33 N. 9th St., Noblesville, IN 46060
317-776-9620

To Pay By Credit Card or e-Check, visit
visit www.hamiltoncounty.in.gov/paytaxes

Service provided by CHASE



08-10-18-00-00-014.303

****AUTO**ALL FOR AADC 460
Cool Creek Village LLC
901 Wabash Ave Ste 300
Terre Haute IN 47807-3233

063161



CL-000-2205
um

1. Please have ready:

Property ID number - 5994562

Parcel Number - 08-10-18-00-00-014.303

Amount - (see "Total Due" boxes in bold on the coupons below)

2. Convenience fee: You will be charged a convenience fee of 2.5% for credit card payments. If you pay by e-check, the fee is \$1.00. All fees are charged by bank payment processor and are non-refundable.

E-BILL SIGNUP

If you are interested in email delivery of your tax bills next year, please visit the county web site and click on Property Tax E-Billing.

You will find instructions and a short video providing additional information about this service.

You will also need this number, 6948261698, for the registration process.

DETACH AND RETURN ONLY THIS PORTION WITH YOUR FALL PAYMENT

B FALL INSTALLMENT		HAMILTON COUNTY TAX STATEMENT		
PARCEL-ID	08-10-18-00-00-014.303	DUE DATE		
STATE NUMBER	29-10-18-000-014.303-015	11/13/2018	FALL TAX INSTALLMENT:	\$5,088.41
LEGAL DESCR: Acreage 2.71, Section 18, Township 18, Range 4			FALL SPECIAL ASSESSMENT INSTALL:	\$47.43
			PAID TO DATE FALL:	\$0.00
			TOTAL DUE FALL:	\$5,135.84

Add 5% penalty after Nov 13th if there is no delinquent amount: add
10% penalty after Dec 13th

* see back for more information about special assessments



08101800000143032
Cool Creek Village LLC
901 Wabash Ave Ste 300
Terre Haute IN 47807

2017 PAY 2018

TO PAY BY CREDIT CARD OR e-CHECK, SEE ABOVE

08101800000143030000005135842

DETACH AND RETURN ONLY THIS PORTION WITH YOUR SPRING PAYMENT

A SPRING INSTALLMENT		HAMILTON COUNTY TAX STATEMENT		
PARCEL-ID	08-10-18-00-00-014.303	DUE DATE		
STATE NUMBER	29-10-18-000-014.303-015	5/10/2018	DELINQUENT TAX & PENALTIES:	\$0.00
LEGAL DESCR: Acreage 2.71, Section 18, Township 18, Range 4			SPRING TAX INSTALLMENT:	\$5,088.41
			SPRING SPECIAL ASSESSMENT TOTAL:	\$47.43
			PAID TO DATE SPRING:	\$0.00
			TOTAL DUE SPRING:	\$5,135.84

Add 5% penalty after May 10th if there is no delinquent amount: add
10% penalty after June 10th

* see back for more information about special assessments



08101800000143031
Cool Creek Village LLC
901 Wabash Ave Ste 300
Terre Haute IN 47807

2017 PAY 2018

TO PAY BY CREDIT CARD OR e-CHECK, SEE ABOVE

08101800000143030000005135842

PROPERTY ADDRESS:

- 2801 Bridlewood Cir
- Carmel, IN 46033

DEEDED OWNER

- Mershimer, Kevin L & Elizabeth L
- 2801 Bridlewood Cir
- Carmel, IN 46033

SUMMARY INFORMATION:

- Parcel Number:08-10-18-04-08-019.000
- State Parcel Number:29-10-18-408-019.000-015

PROPERTY ADDRESS:

- 2809 Bridlewood Cir
- Carmel, IN 46033

DEEDED OWNER

- Clifton, Jeffrey D & Cecily J
- 2809 Bridlewood Cir
- Carmel, IN 46033

SUMMARY INFORMATION:

- Parcel Number:08-10-18-04-08-020.000
- State Parcel Number:29-10-18-408-020.000-015

PROPERTY ADDRESS:

- 2817 Bridlewood Cir
- Carmel, IN 46033

DEEDED OWNER

- Fischer, John R & Sheila M
- 2817 Bridlewood Cir
- Carmel, IN 46033

SUMMARY INFORMATION:

- Parcel Number:08-10-18-04-08-021.000
- State Parcel Number:29-10-18-408-021.000-015

PROPERTY ADDRESS:

- 2911 Saddlehorn Dr
- Carmel, IN 46033

DEEDED OWNER

- Hoppenrath, Wesley N & Judith L Trustees of Hoppenrath Rev Lvg Trust
- 2911 Saddlehorn Dr
- Carmel, IN 46033

SUMMARY INFORMATION:

- Parcel Number:08-10-18-04-08-023.000
- State Parcel Number:29-10-18-408-023.000-015

PROPERTY ADDRESS:

- 14744 Village Park West Dr
- Carmel, IN 46033

DEEDED OWNER

- Moore, Andrea L
- 14744 Village Park West Dr
- Carmel, IN 46033

SUMMARY INFORMATION:

- Parcel Number:08-10-18-04-04-003.000
- State Parcel Number:29-10-18-404-003.000-015

PROPERTY ADDRESS:

- 14736 Village Park West Dr
- Carmel, IN 46033

DEEDED OWNER

- Sears, Dale E & Christine A
- 14736 Village Park W Dr
- Carmel, IN 46033

SUMMARY INFORMATION:

- Parcel Number:08-10-18-04-04-002.000
- State Parcel Number:29-10-18-404-002.000-015

PROPERTY ADDRESS:

- 14728 Village Park West Dr
- Carmel, IN 46033

DEEDED OWNER

- Cintas, Eric & Pamela jtrs
- 14728 Village Park West Dr
- Carmel, IN 46033

SUMMARY INFORMATION:

- Parcel Number:08-10-18-04-04-001.000
- State Parcel Number:29-10-18-404-001.000-015

PROPERTY ADDRESS:

- 14722 Village Park West Dr
- Carmel, IN 46033

DEEDED OWNER

- Wachtel, Roger Paul & M Jeannette
- 14722 Village Park W Dr
- Carmel, IN 46033

SUMMARY INFORMATION:

- Parcel Number:08-10-18-04-02-001.000
- State Parcel Number:29-10-18-402-001.000-015

PROPERTY ADDRESS:

- 14714 Village Park West Dr
- Carmel, IN 46033

DEEDED OWNER

- Rabin, Denise
- 14714 Village Park W Dr
- Carmel, IN 46033

SUMMARY INFORMATION:

- Parcel Number:08-10-18-04-02-002.000
- State Parcel Number:29-10-18-402-002.000-015

PROPERTY ADDRESS:

- 14706 Village Park West Dr
- Carmel, IN 46033

DEEDED OWNER

- Schoettmer, Jason K
- 14706 Village Park West Dr
- Carmel, IN 46033

SUMMARY INFORMATION:

- Parcel Number:08-10-18-04-02-003.000
- State Parcel Number:29-10-18-402-003.000-015

PROPERTY ADDRESS:

- 2903 Village Park North Dr
- Carmel, IN 46033

DEEDED OWNER

- Freeman, Edward Lynn & Erika C
- 2903 Village Park North Dr
- Carmel, IN 46033

SUMMARY INFORMATION:

- Parcel Number:08-10-18-04-04-021.000
- State Parcel Number:29-10-18-404-021.000-015

PROPERTY ADDRESS:

- 2908 Village Park South Dr
- Carmel, IN 46033

DEEDED OWNER

- Polster, Pamela J
- 2908 Village Park S Dr
- Carmel, IN 46033

SUMMARY INFORMATION:

- Parcel Number:08-10-18-04-02-004.000
- State Parcel Number:29-10-18-402-004.000-015

PROPERTY ADDRESS:

- 2916 Village Park South Dr
- Carmel, IN 46033

DEEDED OWNER

- Mosby, Mary M
- 2916 Village Park S DR
- Carmel, IN 46033

SUMMARY INFORMATION:

- Parcel Number:08-10-18-04-02-005.000
- State Parcel Number:29-10-18-402-005.000-015

PROPERTY ADDRESS:

- 2940 Village Park South Dr
- Carmel, IN 46033

DEEDED OWNER

- Ansari, Irshad & Neelam
- 13672 Brookstone Dr
- Carmel, IN 46032

SUMMARY INFORMATION:

- Parcel Number:08-10-18-04-02-008.000
- State Parcel Number:29-10-18-402-008.000-015

PROPERTY ADDRESS:

- 2956 Village Park South Dr
- Carmel, IN 46033

DEEDED OWNER

- Schrage, Lisa A
- 2956 VILLAGE PARK SOUTH DR
- Carmel, IN 46033

SUMMARY INFORMATION:

- Parcel Number:08-10-18-04-02-010.000
- State Parcel Number:29-10-18-402-010.000-015

PROPERTY ADDRESS:

- 2932 Village Park South Dr
- Carmel, IN 46033

DEEDED OWNER

- Rowland, Joshua M
- 2932 VILLAGE PARK SOUTH DR
- Carmel, IN 46033

SUMMARY INFORMATION:

- Parcel Number:08-10-18-04-02-007.000
- State Parcel Number:29-10-18-402-007.000-015

PROPERTY ADDRESS:

- 2948 Village Park South Dr
- Carmel, IN 46033

DEEDED OWNER

- Wood, William T & Natalie h&w
- 2948 E Village Park South Dr
- Carmel, IN 46033

SUMMARY INFORMATION:

- Parcel Number:08-10-18-04-02-009.000
- State Parcel Number:29-10-18-402-009.000-015

PROPERTY ADDRESS:

- 2924 Village Park South Dr
- Carmel, IN 46033

DEEDED OWNER

- Erotas, Peter Edward & Sarah Margaret h&w
- 2924 Village Park South Dr
- Carmel, IN 46033

SUMMARY INFORMATION:

- Parcel Number:08-10-18-04-02-006.000
- State Parcel Number:29-10-18-402-006.000-015

PROPERTY ADDRESS:

- 14701 Village Park East Dr
- Carmel, IN 46033

DEEDED OWNER

- Botta, Michelle Llorian
- 14701 Village Park East Dr
- Carmel, IN 46033

SUMMARY INFORMATION:

- Parcel Number:08-10-18-04-02-023.000
- State Parcel Number:29-10-18-402-023.000-015

PROPERTY ADDRESS:

- 3001 Village Park Cir
- Carmel, IN 46033

DEEDED OWNER

- Puhl, Joan
- 3001 Village Park Cir
- Carmel, IN 46033

SUMMARY INFORMATION:

- Parcel Number:08-10-18-04-02-032.000
- State Parcel Number:29-10-18-402-032.000-015

PROPERTY ADDRESS:

- 14633 Village Park East Dr
- Carmel, IN 46033

DEEDED OWNER

- Shinneman, Lawrence & Anne
- 14633 Village Park E Dr
- Carmel, IN 46033

SUMMARY INFORMATION:

- Parcel Number:08-10-18-04-02-033.000
- State Parcel Number:29-10-18-402-033.000-015

PROPERTY ADDRESS:

- 14621 Village Park East Dr
- Carmel, IN 46033

DEEDED OWNER

- Toutant, Jeffrey K & Grace A
- 14621 Village Park E Dr
- Carmel, IN 46033

SUMMARY INFORMATION:

- Parcel Number:08-10-18-04-02-034.000
- State Parcel Number:29-10-18-402-034.000-015

PROPERTY ADDRESS:

- 14601 Village Park East Dr
- Carmel, IN 46033

DEEDED OWNER

- CSMA BLT LLC
- 1850 Parkway Pl Ste 900
- Marietta, GA 30067 8261

SUMMARY INFORMATION:

- Parcel Number:08-10-18-04-02-035.000
- State Parcel Number:29-10-18-402-035.000-015

PROPERTY ADDRESS:

- 14650 Village Park East Dr
- Carmel, IN 46033

DEEDED OWNER

- Campbell, Richard J & Kathleen R Dunn
- 708 Wagner Rd
- Glenview, IL 60025

SUMMARY INFORMATION:

- Parcel Number:08-10-18-04-02-042.000
- State Parcel Number:29-10-18-402-042.000-015

PROPERTY ADDRESS:

- 14642 Village Park East Dr
- Carmel, IN 46033

DEEDED OWNER

- McGarry, Shannon M
- 14642 Village Park E Dr
- Carmel, IN 46033

SUMMARY INFORMATION:

- Parcel Number:08-10-18-04-02-041.000
- State Parcel Number:29-10-18-402-041.000-015

PROPERTY ADDRESS:

- 14618 Village Park East Dr
- Carmel, IN 46033

DEEDED OWNER

- Mizar LLC
- PO Box 3574
- Carmel, IN 46082 3574

SUMMARY INFORMATION:

- Parcel Number:08-10-18-04-02-038.000
- State Parcel Number:29-10-18-402-038.000-015

PROPERTY ADDRESS:

- 14634 Village Park East Dr
- Carmel, IN 46033

DEEDED OWNER

- Burks, Sandra J
- 14634 Village Park East Dr
- Carmel, IN 46033

SUMMARY INFORMATION:

- Parcel Number:08-10-18-04-02-040.000
- State Parcel Number:29-10-18-402-040.000-015

PROPERTY ADDRESS:

- 14610 Village Park East Dr
- Carmel, IN 46033

DEEDED OWNER

- King, Audrey H
- 3291 Hazel Foster Dr
- Carmel, IN 46033

SUMMARY INFORMATION:

- Parcel Number:08-10-18-04-02-037.000
- State Parcel Number:29-10-18-402-037.000-015

PROPERTY ADDRESS:

- 14626 Village Park East Dr
- Carmel, IN 46033

DEEDED OWNER

- Zhang, Peng & Xiaoming Li h&w
- 3783 Earhart Dr
- Carmel, IN 46074

SUMMARY INFORMATION:

- Parcel Number:08-10-18-04-02-039.000
- State Parcel Number:29-10-18-402-039.000-015

PROPERTY ADDRESS:

- 14602 Village Park East Dr
- Carmel, IN 46033

DEEDED OWNER

- Foley, Michael
- 14602 Village Park E Dr
- Carmel, IN 46033

SUMMARY INFORMATION:

- Parcel Number:08-10-18-04-02-036.000
- State Parcel Number:29-10-18-402-036.000-015

PROPERTY ADDRESS:

- 14597 Stephanie St
- Carmel, IN 46033

DEEDED OWNER

- Starns, Jennifer A M & Joshua R Trustees of Starns Family Rev Trust
- 14597 Stephanie St
- Carmel, IN 46033

SUMMARY INFORMATION:

- Parcel Number:16-10-19-02-10-031.000
- State Parcel Number:29-10-19-210-031.000-018

PROPERTY ADDRESS:

- 14595 Jaytee Ln
- Carmel, IN 46033

DEEDED OWNER

- Yamazaki, Benito
- 14595 Jaytee Ln
- Carmel, IN 46033

SUMMARY INFORMATION:

- Parcel Number:16-10-19-02-10-030.000
- State Parcel Number:29-10-19-210-030.000-018

PROPERTY ADDRESS:

- 14593 Jaytee Ln
- Carmel, IN 46033

DEEDED OWNER

- Ray, William L & Constance L
- 14593 Jaytee Ln
- Carmel, IN 46033

SUMMARY INFORMATION:

- Parcel Number:16-10-19-02-10-029.000
- State Parcel Number:29-10-19-210-029.000-018

PROPERTY ADDRESS:

- 14591 Jaytee Ln
- Carmel, IN 46033

DEEDED OWNER

- Cosey, Jerald P & Dianne T
- 14591 Jaytee Ln
- Carmel, IN 46033

SUMMARY INFORMATION:

- Parcel Number:16-10-19-02-10-028.000
- State Parcel Number:29-10-19-210-028.000-018

PROPERTY ADDRESS:

- 14589 Jaytee Ln
- Carmel, IN 46033

DEEDED OWNER

- Lathrop, George R & Amy H
- 14589 Jaytee Ln
- Carmel, IN 46033

SUMMARY INFORMATION:

- Parcel Number:16-10-19-02-10-027.000
- State Parcel Number:29-10-19-210-027.000-018

PROPERTY ADDRESS:

- 14575 Jaytee Ln
- Carmel, IN 46033

DEEDED OWNER

- Punater, Sandeep D & Manisha
- 14575 Jaytee Ln
- Carmel, IN 46033

SUMMARY INFORMATION:

- Parcel Number:16-10-19-02-10-026.000
- State Parcel Number:29-10-19-210-026.000-018

PROPERTY ADDRESS:

- 14580 Jaytee Ln
- Carmel, IN 46033

DEEDED OWNER

- Oscherwitz, John M & Nan B
- 14580 Jaytee Ln
- Carmel, IN 46033

SUMMARY INFORMATION:

- Parcel Number:16-10-19-02-10-038.000
- State Parcel Number:29-10-19-210-038.000-018

PROPERTY ADDRESS:

- 14588 Jaytee Ln
- Carmel, IN 46033

DEEDED OWNER

- Orr, Bryan M & Dawn M
- 14588 Jaytree Ln
- Carmel, IN 46033

SUMMARY INFORMATION:

- Parcel Number:16-10-19-02-10-037.000
- State Parcel Number:29-10-19-210-037.000-018

PROPERTY ADDRESS:

- 0 Stephanie St
- Carmel, IN 46033

DEEDED OWNER

- Foster Estates Homeowners Association Inc
- 11711 College Ave N Ste 100
- Carmel, IN 46032

SUMMARY INFORMATION:

- Parcel Number:16-10-19-02-10-041.000
- State Parcel Number:29-10-19-210-041.000-018

PROPERTY ADDRESS:

- 14567 Jason St
- Carmel, IN 46033

DEEDED OWNER

- Michael, John Mark & Julie A
- 14567 Jason St
- Carmel, IN 46033

SUMMARY INFORMATION:

- Parcel Number:16-10-19-02-01-040.000
- State Parcel Number:29-10-19-201-040.000-018

PROPERTY ADDRESS:

- 14581 Jason St
- Carmel, IN 46033

DEEDED OWNER

- Nayar, Arun K & Shobhna
- 14581 Jason St
- Carmel, IN 46033

SUMMARY INFORMATION:

- Parcel Number:16-10-19-02-01-041.000
- State Parcel Number:29-10-19-201-041.000-018

PROPERTY ADDRESS:

- 14595 Jason St
- Carmel, IN 46033

DEEDED OWNER

- Veros, Michael J & Wendy L
- 14595 Jason St
- Carmel, IN 46033

SUMMARY INFORMATION:

- Parcel Number:16-10-19-02-01-042.000
- State Parcel Number:29-10-19-201-042.000-018

PROPERTY ADDRESS:

- 14596 Jason St
- Carmel, IN 46033

DEEDED OWNER

- Hussey, Pearson N
- 14596 Jason St
- Carmel, IN 46033

SUMMARY INFORMATION:

- Parcel Number:16-10-19-02-01-002.000
- State Parcel Number:29-10-19-201-002.000-018

PROPERTY ADDRESS:

- 14580 Jason St
- Carmel, IN 46033

DEEDED OWNER

- Landreth, Stephen L & Jennifer M
- 14580 Jason St
- Carmel, IN 46033

SUMMARY INFORMATION:

- Parcel Number:16-10-19-02-01-003.000
- State Parcel Number:29-10-19-201-003.000-018

PROPERTY ADDRESS:

- 14562 Jason St
- Carmel, IN 46033

DEEDED OWNER

- Isbell, Jerrold C & Lynne M
- 14562 Jason St
- Carmel, IN 46033

SUMMARY INFORMATION:

- Parcel Number:16-10-19-02-01-004.000
- State Parcel Number:29-10-19-201-004.000-018

PROPERTY ADDRESS:

- 2551 E 146th St
- Carmel, IN 46033

DEEDED OWNER

- City Of Carmel
- 30 W MAIN ST STE 220
- Carmel, IN 46032

SUMMARY INFORMATION:

- Parcel Number:16-10-19-02-01-001.000
- State Parcel Number:29-10-19-201-001.000-018

PROPERTY ADDRESS:

- 2744 E 146th St
- Carmel, IN 46033

DEEDED OWNER

- Cole La Carmel IN LLC
- 3161 Michelson Dr Ste 600
- Irvine, CA 92612

SUMMARY INFORMATION:

- Parcel Number:08-10-18-00-00-014.313
- State Parcel Number:29-10-18-000-014.313-015

PROPERTY ADDRESS:

- 2714 E 146th St
- Carmel, IN 46033

DEEDED OWNER

- National Bank of Indianapolis
- 107 Pennsylvania St N Ste 700
- Indianapolis, IN 46204

SUMMARY INFORMATION:

- Parcel Number:08-10-18-00-00-014.223
- State Parcel Number:29-10-18-000-014.223-015

PROPERTY ADDRESS:

- 2740 E 146th St
- Carmel, IN 46033

DEEDED OWNER

- Errbody Land LLC
- 102 N Fountain
- Wichita, KS 67708

SUMMARY INFORMATION:

- Parcel Number:08-10-18-00-00-014.323
- State Parcel Number:29-10-18-000-014.323-015

PROPERTY ADDRESS:

- 2901 Village Park Dr S
- Carmel, IN 46033

DEEDED OWNER

- Indiana Bell Telephone Company
- 1 Bell Center Rm 36m01
- St Louis, MO 63101

SUMMARY INFORMATION:

- Parcel Number:08-10-18-00-00-014.005
- State Parcel Number:29-10-18-000-014.005-015

PROPERTY ADDRESS:

- 0 Village Park South Dr
- Carmel, IN 46033

DEEDED OWNER

- Village Park Estates Homeowners Associates
- PO Box 1706
- Carmel, IN 46082

SUMMARY INFORMATION:

- Parcel Number:08-10-18-04-02-043.000
- State Parcel Number:29-10-18-402-043.000-015

PROPERTY ADDRESS:

- 0 E 146th St
- Carmel, IN 46033

DEEDED OWNER

- Citizens Water of Westfield LLC
- 2020 N MERIDIAN ST
- Indianapolis, IN 46202

SUMMARY INFORMATION:

- Parcel Number:08-10-18-00-00-014.113
- State Parcel Number:29-10-18-000-014.113-015

PROPERTY ADDRESS:

- 2728 E 146th St
- Carmel, IN 46033

DEEDED OWNER

- Citizens Water of Westfield LLC
- 2020 N MERIDIAN ST
- Indianapolis, IN 46202

SUMMARY INFORMATION:

- Parcel Number:08-10-18-00-00-014.102
- State Parcel Number:29-10-18-000-014.102-015

PROPERTY ADDRESS:

- 0 E 146th St
- Carmel, IN 46033

DEEDED OWNER

- Lowes Home Centers Inc
- 1000 Lowes Blvd
- Mooresville, NC 28117

SUMMARY INFORMATION:

- Parcel Number:09-10-18-00-00-014.107
- State Parcel Number:29-10-18-000-014.107-015

PROPERTY ADDRESS:

- 2310 E 146th St
- Carmel, IN 46033

DEEDED OWNER

- Westfield One LLC
- 30 Meridian St S Ste 1100
- Indianapolis, IN 46204

SUMMARY INFORMATION:

- Parcel Number:09-10-18-00-00-014.007
- State Parcel Number:29-10-18-000-014.007-015

PROPERTY ADDRESS:

- 14747 Oak Rd
- Carmel, IN 46033

DEEDED OWNER

- Cool Creek Offices LLC
- 11837 TECHNOLOGY DR
- Fishers, IN 46038

SUMMARY INFORMATION:

- Parcel Number:09-10-18-00-00-014.000
- State Parcel Number:29-10-18-000-014.000-015

PROPERTY ADDRESS:

- 2560 E 146th St
- Carmel, IN 46033

DEEDED OWNER

- KRG Cool Creek Outlots LLC
- 30 Meridian St S Ste 1100
- Indianapolis, IN 46204

SUMMARY INFORMATION:

- Parcel Number:09-10-18-00-00-014.407
- State Parcel Number:29-10-18-000-014.407-015

PROPERTY ADDRESS:

- 14777 Oak Rd
- Carmel, IN 46033

DEEDED OWNER

- JCJ Real Estate LLC
- 14777 OAK RD
- Carmel, IN 46033

SUMMARY INFORMATION:

- Parcel Number:09-10-18-00-00-014.012
- State Parcel Number:29-10-18-000-014.012-015

PROPERTY ADDRESS:

- 2480 E 146th St
- Carmel, IN 46033

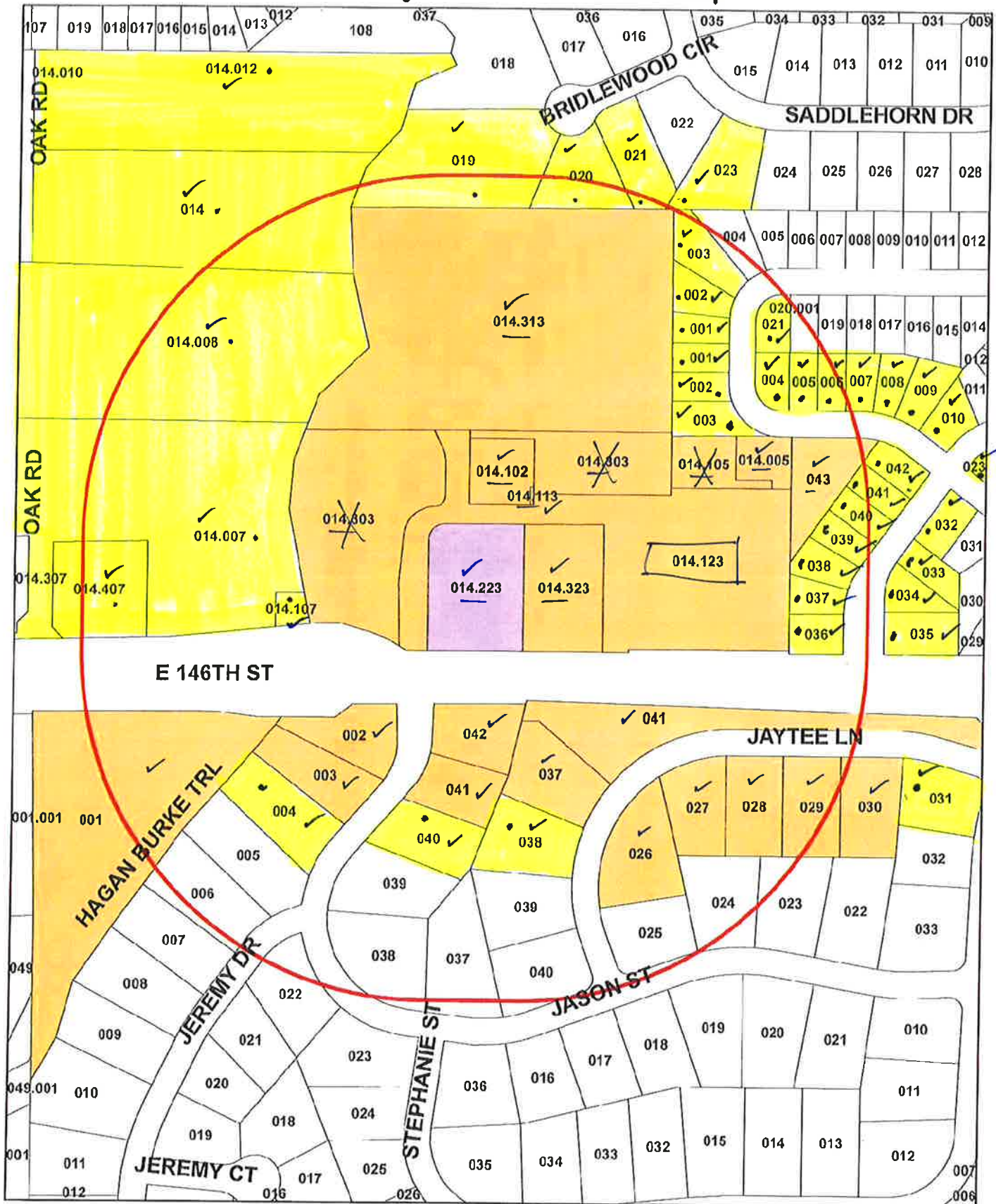
DEEDED OWNER

- Westfield One LLC
- 30 Meridian St S Ste 1100
- Indianapolis, IN 46204

SUMMARY INFORMATION:

- Parcel Number:09-10-18-00-00-014.008
- State Parcel Number:29-10-18-000-014.008-015

Adjoiner Notification Map



Legend

- Buffer
- Notification Parcels
- Subject



WATERFORD
AT THE BRIDGEWATER CLUB
INST.#2013-066637
LOT #32
WESTFIELD, INDIANA
3989 BIRKDALE DRIVE

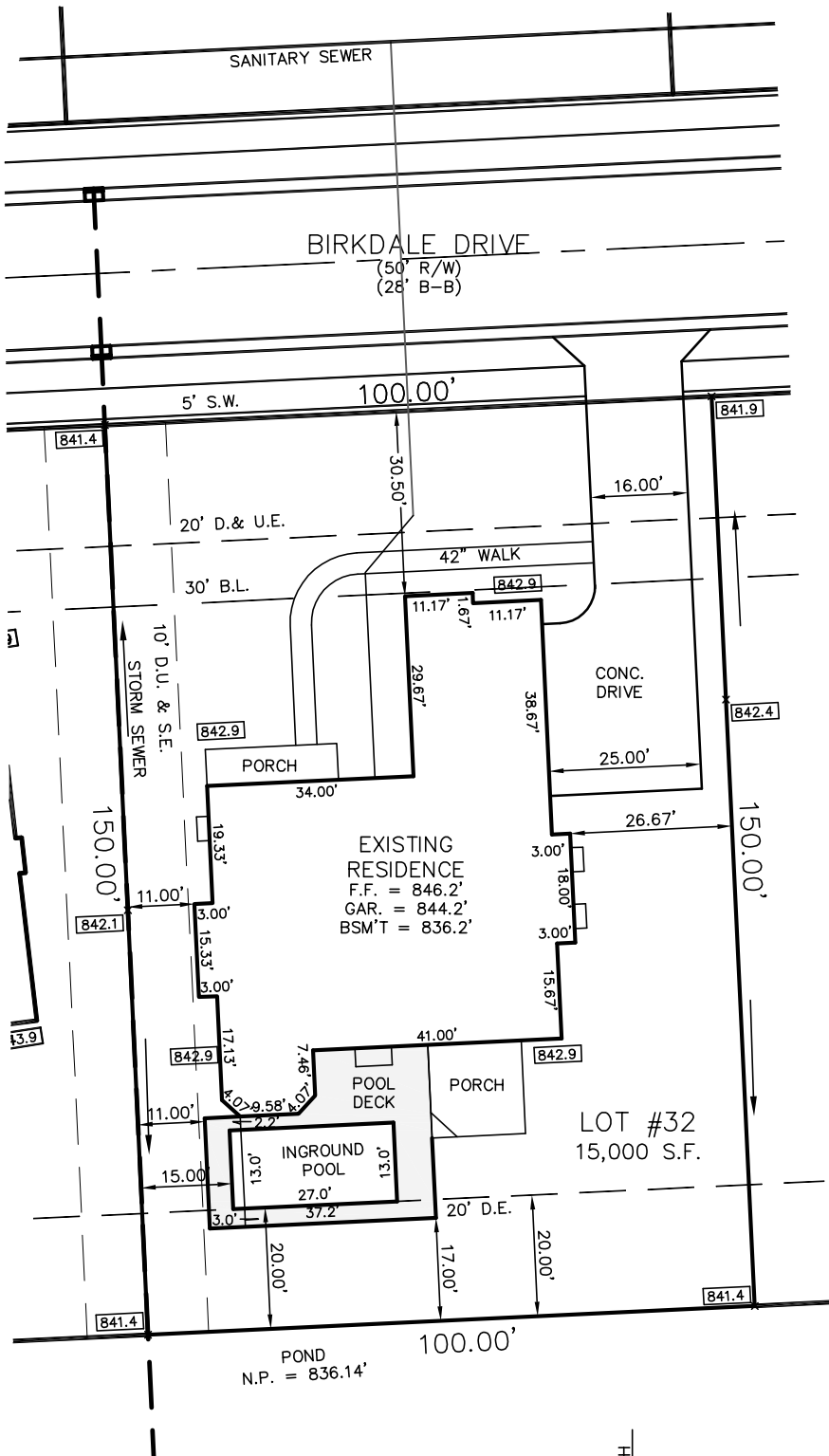


POOL PLAN

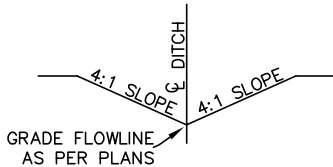
PREPARED FOR
HENDRICK POOL

CITY OF WESTFIELD ENGINEERING
DEPARTMENT NOTES:

- 1) THE ENCROACHMENT IN TO THE REAR DRAINAGE EASEMENT WILL BE LIMITED TO 3- FEET. AN ENCROACHMENT PERMIT WILL BE REQUIRED PRIOR TO POOL PERMIT BEING ISSUED.
- 2) BACKFILL ALONG SOUTH EDGE OF POOL DECK TO BE KEPT AT A MINIMUM, ANY ADDITIONAL LANDSCAPING TO BE INSTALLED WITHIN DRAINAGE EASEMENT MOST BE APPROVED BY CITY OF WESTFIELD ENGINEERING PRIOR TO INSTALLATION.



T. A. T.



NOTE:

- DRIVE ENTRY TO CONFORM WITH TOWN OF WESTFIELD STD.
- SEE SHEET 2 FOR CLEAN WATER PERMIT EROSION CONTROL PLAN
- THE LOCATIONS, DIMENSIONS, AND WIDTH ALONG THE PROPOSED PUBLIC SIDEWALK WERE SCALED OR TAKEN FROM ENGINEERING CONSTRUCTION PLANS PREPARED BY OTHERS OR AS PROVIDED.
- VERIFY SANITARY LATERAL LOCATION PRIOR TO CONSTRUCTION

IT SHALL BE THE RESPONSIBILITY OF THE BUILDER/CONTRACTOR TO VERIFY THE BUILDING DIMENSIONS, BUILDING LOCATIONS, THE LOCATION OF OTHER PERTINENT FEATURES AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION. THE INTENDED USE OF THIS PLOT PLAN IS FOR SECURING BUILDING PERMITS ONLY AND SHALL NOT BE USED FOR ANY OTHER PURPOSE.

TYPICAL SWALE SECTION

NOTE: BUILDER TO ENSURE POSITIVE DRAINAGE AWAY FROM STRUCTURE(S)

LEGEND

- 000.0 — PROPOSED GRADE
000.0 — EXISTING GRADE

SHEET 1 OF 2



TRUE
NORTH

"POINTING YOU IN THE RIGHT DIRECTION"

LAND DEVELOPMENT CONSULTING
& LAND SURVEYING SERVICES
11650 Olio Road, Suite#1000-289
Fishers, Indiana 46037
Phone: (317)-841-8754
Fax: (317)-841-8762
E-mail: Troy@Truenorthindy.com

DRWN: TAT
JOB#: 18-321

DATE: 05/04/18
REV.:

SCALE: 1" = 30'

ZONED: PUD
ZONING: 8' MIN./20' BTW SIDE
30' REAR

F.F.E. HSE:
F.F.E. GAR:
F.F.E. BSM'T:

WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM
VARIANCE APPLICATION



OFFICE
USE ONLY

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

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: Caleb Ernest (STAFF NAME) DATE: 05-03-18

PRIOR OR RELATED DOCKET NUMBERS

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

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

APPLICANT INFORMATION

APPLICANT'S NAME: TIFFANY BEDSWORTH TELEPHONE: 417-379-3565
ADDRESS: 3989 BIRKDALE DRIVE EMAIL: tbedsworth@homeadvisor.com
PROPERTY OWNER'S NAME: TIFFANY BEDSWORTH TELEPHONE: 417-379-3565
ADDRESS: 3989 BIRKDALE DRIVE CARMEL, IN 46033 EMAIL: tbedsworth@homeadvisor.com
REPRESENTATIVE'S NAME: Troy Terew TELEPHONE: 317-841-8754
COMPANY: True North Surveying, LLC EMAIL: Troy@Truenorthindy.com
ADDRESS: 11650 Olio Road, Ste#1000-289, Fishers, IN 46037

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 3989 BIRKDALE DRIVE CARMEL IN 46033
COUNTY PARCEL ID #(S): 08-10-17-00-23-032.000
EXISTING ZONING DISTRICT(S): PUD EXISTING LAND USE(S): Single Family Residential

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):

We are requesting approval for a 13-foot encroachment in to the rear 30-foot setback established by PUD ordinance for Waterford at the Bridgewater Club, for construction of a pool and associated pool deck.

**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.

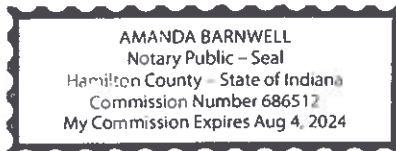
[Signature]
Applicant/Representative (signature)

TIFFANY BEDSWORTH
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 23rd day of April, 2018.

State of Indiana County of Hamilton, SS:



[Signature]
Notary Public Signature
Amanda Barnwell
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.

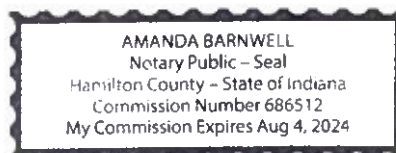
[Signature]
Property Owner (signature)*

TIFFANY BEDSWORTH
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 23rd day of April, 2018.

State of Indiana County of Hamilton, SS:



[Signature]
Notary Public Signature
Amanda Barnwell
Notary Public (printed)

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

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



APPLICANT: Tiffany Bedsworth, 3989 Birkdale Drive 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: _____
pools are not uncommon in backyard of the larger lots (like these in Waterford) within the Bridgewater community. The setback request is
for encroachment in to the rear setback, which would typically affect the rear adjoiner the most. The rear adjoiner is a common area and
lake.

- B. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse
manner because: The affected adjacent property (the rear adjoiner for the rear setback encroachment) is a common area and lake
and the value of that property should remain unchanged.

- C. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property because: _____
There is insufficient room between the rear of the house and the rear setback (established by PUD ordinance for Bridgewater) to allow
for construction of a pool behind the house.



Petition Number: 1806-SE-02

Subject Site Address: 1105 E. 181st Street (the "Property")

Petitioner: CH Group, LLC (the "Petitioner")

Request: The petitioner is requesting a Special Exception to allow heavy equipment sales/rentals and tool and light equipment rental ("Retail, Very High Intensity") in the 181st Street Planned Unit Development (PUD) District.

Current Zoning: 181st Street PUD (Ord. 14-03) (the "Ordinance")

Current Land Use: Retail/Industrial

Approximate Acreage: 7.07 acres +/-

Exhibits:

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

Staff Reviewer: Daine Crabtree, Associate Planner

OVERVIEW

Location: The subject property is 7.07 acres +/- in size and located at 1105 E. 181st Street (see **Exhibit 2**). The Property is zoned the 181st Street PUD ("the PUD"), which has an underlying zoning district of GB: General Business. The Property contains three (3) buildings, but only two (2) will be used for the proposed Special Exception (see **Exhibit 3**). The surrounding properties include Enclosed Industrial uses and the Grand Park Village PUD, where General Business is the underlying zoning district.

The 181st Street PUD will prohibit Enclosed Industrial (EI) uses designated in Section 2.3(C) of the PUD as of January 1, 2024.

Land Use: The Petitioner is requesting this Special Exception to allow heavy equipment rental/sales and/or tool and light equipment rental (both defined as "Retail, Very High Intensity"¹ in the Unified Development Ordinance (UDO)) on the Property. Neither heavy

¹ Chapter 12 of the UDO defines "Retail, Very High Intensity" as "Retail businesses that have a very high impact on neighboring properties, traffic generation, and public safety and that inherently operates in whole or part of outdoors through sale, display, or other general activities. Example businesses include but are not limited to: vehicle and motorcycle sales (new or used), construction vehicle and trailer sales, farm equipment sales, farm implement sales, and service...heavy equipment sales, tool and light equipment rental..."



equipment rental/sales or tool and light equipment rental are listed as a permitted use in the PUD, though "Retail, Very High Intensity" uses are listed as a Special Exception in GB: General Business Districts, which is the underlying zoning district.

A trucking company, school administration building, electrical engineering and consulting office, Brewery Production Facility and Tasting Room, and a church currently exist as part of the 181st Street PUD located immediately east of the Property.

SPECIAL EXCEPTIONS

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

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

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



ANALYSIS

The below analysis coincides with the review criteria for a Special Exception set forth in the Unified Development Ordinance², as summarized herein.

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

Comment: It is unlikely that approving the requested Special Exception would be injurious to the public health, safety, morals, and general welfare of the community because the use as proposed is consistent with the character of the area.

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

Comment: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The property will continue to operate in an industrial/commercial manner, and the proposed Special Exception should not have a negative impact on surrounding properties because: (i) the operation and design of the use should not impact surrounding properties; (ii) the use is otherwise contemplated as appropriate in the GB District; and (iii) the development and use of the site would otherwise comply with applicable regulations.

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

Comment: The Unified Development Ordinance contemplates the proposed use within the GB District. The proposed operation and design of the use should not impact surrounding properties and will not impede the use and development of adjacent properties. The property will continue maintain its industrial/commercial character and the proposed Special Exception would be compatible with other permitted uses of the 181st Street PUD and its underlying GB District and potential conflicts resulting from other future and adjacent uses should be diminutive.

² Article 10.11 Processes and Permits; Special Exceptions; Review Criteria of the UDO.



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

Comment: The above is true; no additional requirements or infrastructure are necessary. If approved, the Special Exception use would require only an interior commercial remodel permit.

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

Comment: The proposed Special Exception is equal to or less intense than the uses already active on-site or allowed by the 181st Street PUD.

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

Comprehensive Plan: The Westfield-Washington Township Comprehensive Plan identifies this Property within the “Business Park” land use classification abutting the “Employment Corridor (aka Highway Corridor)” land use classification. As summarized below, the Special Exception is generally consistent with the goals and objectives of the Comprehensive Plan. The Property also falls within the area identified in the Family Sports Capital Addendum II of the Westfield-Washington Township Comprehensive Plan.

Development policies of the Business Park land use classification include³: (i) Reserve the Business Parks for employment-generating uses and related supporting service uses; (ii) Locate industrial uses in those areas designated for Business Parks on the Land use Concept Map; (iii) Designated Business Parks should be reserved as industrial areas – only uses that are clearly subordinate and supportive of the industrial uses should be permitted in areas set aside for industrial development; (iv) Locate industrial uses in areas that are removed from residential neighborhoods and other uses that would be detrimentally affected.

The Comprehensive Plan identifies appropriate land uses in this land use classification to include: (i) Manufacturing; (ii) Subordinate office, retail, and services; (iii) Research and Development; (iv) Warehousing.

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

³ Westfield-Washington Township Comprehensive Plan, pages 56-58.



Comment: The Unified Development Ordinance contemplates the use within the GB District, which is the underlying zoning of the 181st Street PUD. The use and property will otherwise comply with or exceed the applicable standards of the GB District.

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Special Exception. This petition is scheduled to receive its public hearing at the June 12, 2018, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

Conditions: The UDO⁴ and Indiana law provide that the Board of Zoning Appeals in granting a Special Exception, may prescribe conditions and limitations concerning the use, construction, character, location, landscaping, screening, parking and other matters relating to the purposes and objectives of this Ordinance upon the premises benefited by a Special Exception as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property or upon public facilities and services. Any conditions prescribed by the Board shall be recorded in the Office of the Recorder of Hamilton County, Indiana. Violation of any such condition or limitation shall be a violation of this Ordinance and shall constitute grounds for revocation of the Special Exception or related Improvement Location Permit, pursuant to Chapter 11: Enforcement & Penalties.

Review Criteria: The Board of Zoning Appeals may approve a Special Exception only upon a determination that the Special Exception at the proposed location meets the following⁵:

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

⁴ Article 10.11(I) Processes and Permits; Special Exceptions; Conditions of the UDO.

⁵ Article 10.11 Processes and Permits; Special Exceptions; Review Criteria of the UDO.



been or are being provided and the Special Exception will not result in excessive additional requirements at public expense for such public facilities and services.

5. Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion and have vehicular approaches are designed as not to create an interference with traffic on surrounding rights-of-way.
6. The Special Exception will be harmonious with and in accordance with the objectives of the Comprehensive Plan.
7. The Special Exception will be located in a Zoning District where such use is permitted and that all other requirements of the Zoning District and this Ordinance, and as may be applicable to such use, will be met.

DEPARTMENT COMMENTS

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

Recommended Condition:

1. That the 'Retail, Very High Intensity' Special Exception use shall be restricted to 'heavy equipment rental/sales' and 'tool and light equipment rental' uses only.
2. That the approval of the Special Exception shall expire on December 31, 2028.
3. The Petitioner shall record an acknowledgement of this approval with the Hamilton County Recorder's Office and return a copy of the recorded instrument to the Economic and Community Development Department.

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

Property Location Map

1105 E. 181st Street

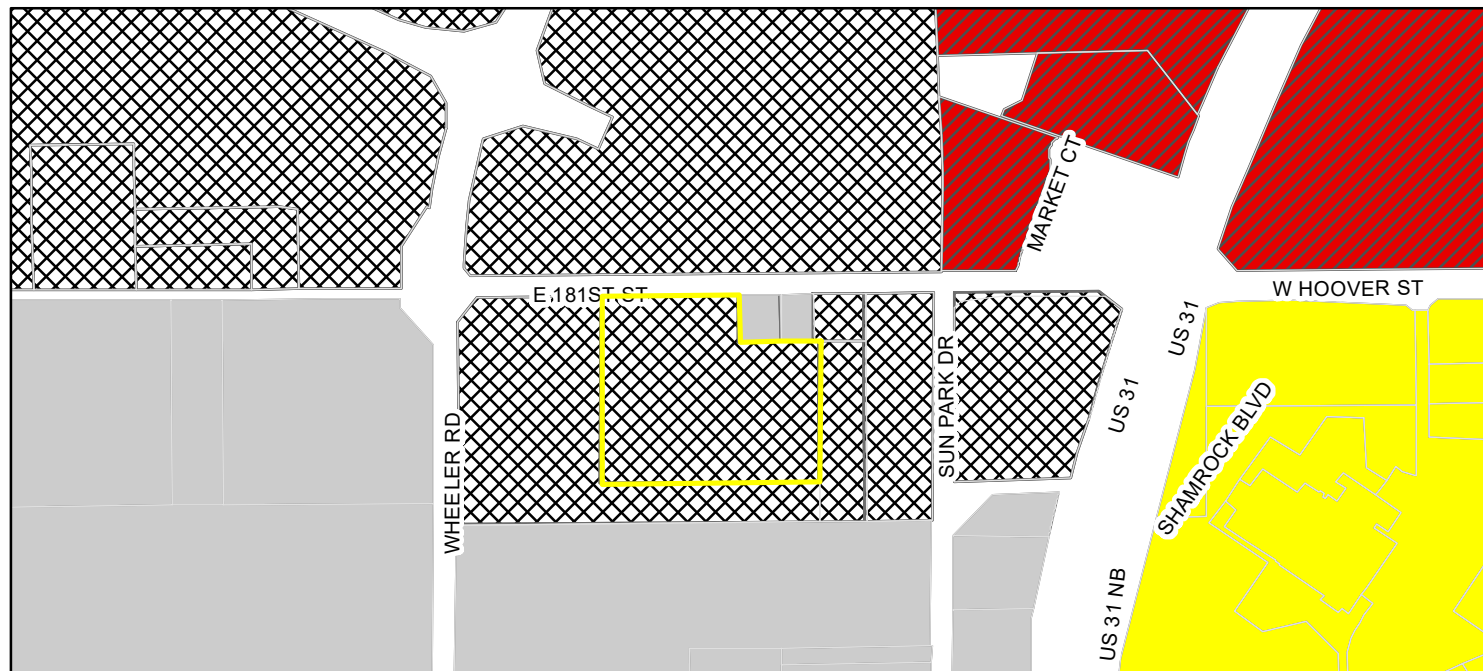
Not To Scale

Aerial Location Map

 Site

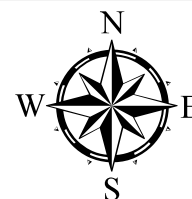


Zoning Map



Legend

-  Parcel
-  EI (Enclosed Industrial)
-  GB-PD (General Business - Planned Development)
-  PUD (Planned Unit Development)
-  SF-3 (Single Family - 3)





SHEET NO.
COV



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

June 12, 2018

1806-VS-09

Exhibit 1

Petition Number: 1806-VS-09

Subject Site Address: 3989 Birkdale Drive (The "Property")

Petitioner: Tiffany Bedsworth (The "Petitioner")

Representative: True North Surveying, LLC

Request: The Petitioner is requesting a Variance of Development Standard to modify the Minimum Rear Yard Setback from thirty (30) feet to seventeen (17) feet to accommodate an in-ground pool.

Current Zoning: Bridgewater PUD District

Current Land Use: Residential

Approximate Acreage: 0.34 acres+/-

Exhibits:

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

Staff Reviewer: Caleb Ernest, Associate Planner

OVERVIEW

Location: The subject Property is 0.34 acres +/- in size and is located at 3989 Birkdale Drive (see **Exhibit 2**). The Property is currently zoned the Bridgewater PUD. The surrounding properties are also zoned the Bridgewater PUD.

Property History: The Secondary Plat for Waterford at the Bridgewater Club, was recorded on October 30, 2013 (Instrument No. 2013066837).

Variance Request: The Petitioner is requesting a Variance of Development Standard to modify the Minimum Rear Yard¹ Setback from thirty (30) feet to seventeen (17) feet, as further described herein.

SUMMARY OF VARIANCE

The Property is currently subject to the Bridgewater PUD (Ord. 06-49) Development Standards (Section 10). The Development Standards as set forth by Ord. 06-49 sets a Minimum Rear Yard Setback of thirty (30) feet. The Petitioner is requesting this variance to modify the Minimum Rear Yard Setback from thirty (30) feet to seventeen (17) feet to accommodate an in-ground pool, as

¹ Chapter 12 of the UDO defines "Rear Yard" as "A Yard extending across the full width of the Lot, the depth of which is at least distance between the Rear Lot Line and the Rear Yard Building Setback Line."

illustrated on the Site Plan (see **Exhibit 3**) and described in the Statement of Intent on Petitioner's Application (see **Exhibit 4** application).

COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan (The "Plan") identifies the property within the "Suburban Residential" land use classification². The vision for the Suburban Residential classification is contemplated for future residential growth of the community, generally to the west and north of the Existing Suburban area.³

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

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

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Development Standard. This petition is scheduled to receive its public hearing at the June 12, 2018, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

Conditions: The UDO⁵ and Indiana law provide that the Board of Zoning Appeals may impose reasonable conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of the UDO upon any Lot benefited by a variance as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject Lot or upon

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

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

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

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



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

June 12, 2018

1806-VS-09

Exhibit 1

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

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

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

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

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



DEPARTMENT COMMENTS

Approval: If the Board is inclined to approve the Variance of Development Standard (1806-VS-09), then the Department recommends the findings as set forth below, for the variance:

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 existing use and proposed improvements will otherwise comply with the Development Standards of Ord. 06-49. The rear setback encroachment typically affects the rear adjoiner, in this case the rear adjoiner is a common area and detention pond.

- 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 adjacent surrounding properties because the use of the Property will not change.

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

Finding: Strict adherence to the zoning ordinance would result in the inability to improve the property as proposed and would result in the construction of a swimming pool and deck that would not otherwise have enough room to properly be installed.

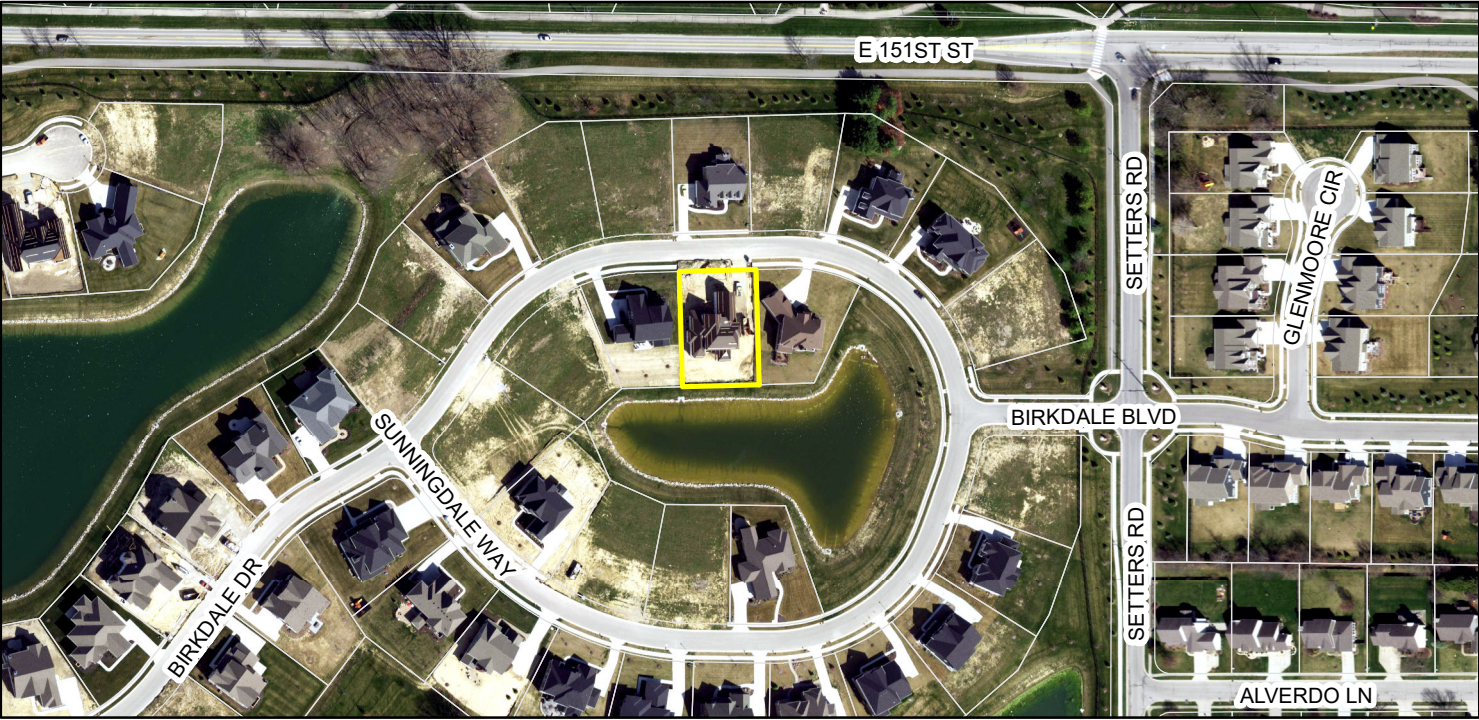
Denial: If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.



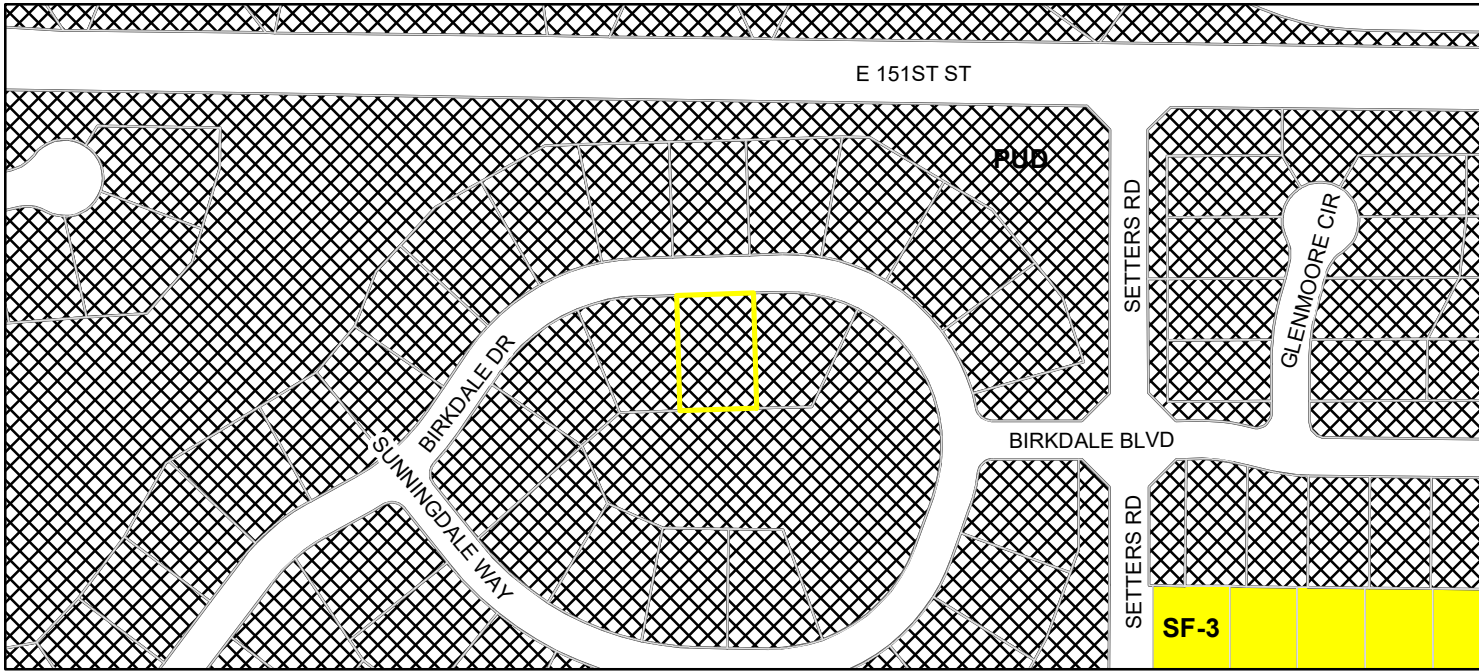
Property Location Map
Tiffany Bedsworth Variance
Variance of Development Standard
1806-VS-09



Aerial Location Map



Zoning Map



Parcel