



**CITY OF WESTFIELD, IN**  
**BoardofZoningAppeals\_Meeting\_Agenda\_05\_10\_2016**

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*Tuesday, May 10, 2016 at 07:00 PM*

**BOARD OR COMMISSION:** Board of Zoning Appeals (BZA)

**MEETING DATE:** Tuesday, May 10, 2016 at 07:00 PM

**MEETING PLACE:** Westfield City Hall- Assembly Room

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

**OPENING OF REGULAR MEETING**

Note the presence of a quorum

Approval of Minutes - April 12, 2016

Documents: [April 12, 2016, Minutes](#)

Adoption of Amended Rules of Procedure

Documents: [Amended Rules of Procedure \(redline version\)](#) | [Amended Rules of Procedure \(clean version\)](#)

Review BZA Rules & Procedures

**ITEMS OF BUSINESS:**

**1605-VS-08 [PUBLIC HEARING]**

**17001 Oak Ridge Road (Westfield Business Centre)**

**Jackson Development, LLC**

The petitioner is requesting Variances of Standard to modify Architectural Standards for Masonry Material requirements (Article 6.3(G)(2)(a)(i)) and Building Façade offsets (Article 6.3(G)(2)(a)(ii)) in the OI: Open Industrial District.

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

**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, March 8, 2016, at Westfield City Hall. Members present included Ken Kingshill, Martin Raines, Bill Sanders, Dave Schmitz, and Robert Smith. Also present were Jesse Pohlman, Senior Planner; Pam Howard, Associate Planner and Brian Zaiger, City Attorney.

### **APPROVAL OF MINUTES**

Kingshill moved to approve the March 8, 2016, meeting minutes.

Raines seconded, and the motion passed 5-0.

Pohlman reviewed the Public Hearing Rules and Procedures.

### **ITEMS OF BUSINESS**

#### **1604-VS-05**

#### **[PUBLIC HEARING]**

#### **215 East Main Street (Westfield Family Dental)**

Premier Sign Group

The petitioner is requesting a Variance of Development Standard to reduce the Minimum Setback for an existing Monument Sign located in the LB-H: Local Business Historic District (Article 6.17(H)(4)).

Howard presented an overview of the requested variance, as summarized in the Department report.

Zach Akers, Premier Sign Group for the petitioner, gave a brief presentation.

Public Hearing opened at 7:04 p.m.

No public comments.

Public Hearing closed at 7:05 p.m.

Schmitz motioned to approve the Variance of Development Standard from Article 6.17(H)(4) of the Unified Development to reduce the monument sign's minimum setback requirement from the right-of-way from five (5) feet to two (2) feet.

Raines seconded and the Motion passed 5-0.

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

Sanders seconded and the Motion passed 5-0.

**1604-VS-06**

**[PUBLIC HEARING]**

**1821 East 151<sup>st</sup> Street (Circle K)**

**MAC's Convenience Stores LLC by Wellert Corporation**

The petitioner is requesting Variances of Development Standard to a previously granted Special Exception for a Gasoline Service Station related to Minimum Setback Lines (Article 4.23(F)), Screening of Receptacle and Loading Areas (Article 6.1), Architectural Standards (Article 6.3), Landscaping Standards (Article 6.8), and Outdoor Storage and Display (Article 6.12) in the SB-PD: Special Business/Planned Development District.

Howard presented an overview of the requested variances, as summarized in the Department report. Howard distributed a packet of updated materials following the Plan Commission's public hearing on the pending detailed development plan. In addition, the updated materials included the petitioner's request to withdraw the requested variance regarding architecture.

Robert Wellert, Wellert Corporation, gave a brief presentation and explained the need for the requested variances and unique site constraints with three street frontages.

Board discussion and Board inquiry of the Department regarding the compliance with the dumpster enclosure design and clarification of the requested variance for its orientation and location.

Public Hearing opened at 7:26 p.m.

No public comment.

Public Hearing closed at 7:27 p.m.

Kingshill motioned to approve the Variance of Development Standard from Article 4.23(F) of the Unified Development Ordinance to reduce the Minimum Front Yard Setback along US Highway 31 from sixty (60) feet to twenty-eight (28) feet and reduce the Rear Yard Setback from twenty (20) feet to ten (10) feet.

Schmitz seconded and the Motion passed 4-1 (Sanders).

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

Raines seconded and the Motion passed 5-0.

Kingshill motioned to approve the Variance of Development Standard from Article 6.1(H)(2) and (5) of the Unified Development Ordinance to permit the accessory enclosure within an Established Front Yard and permit the enclosure's gates to be oriented towards a right-of-way.

Raines seconded and the Motion passed 5-0.



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

Raines seconded and the Motion passed 5-0.

Kingshill motioned to approve the Variance of Development Standard from Article 6.8 of the Unified Development Ordinance to:

1. Reduce the Minimum Lot Landscaping Requirements (Article 6.8(K)) from fifteen (15) shade trees to seven (7) shade trees.
2. Reduce the External Street Frontage Landscaping Requirements (Article 6.8(M)) as follows: (a) reduce the number of Shade/Evergreen trees from eight (8) to two (2) along the Lot's US Highway 31 frontage; (b) reduce the number of Shade/Evergreen trees from seven (7) to two (2) along the Lot's 151st Street frontage; (c) reduce the number of Shade/Evergreen trees from eight (8) to one (1) along the Lot's Thatcher Lane frontage; and (d) reduce the number of Shrubs from sixty-three (63) to thirty-five (35) along the Lot's Thatcher Lane frontage.
3. Exempt the Lot from the Interior Parking Area Landscaping (Article 6.8(O)(1)) requirements.

Motion conditioned that landscaping shall be installed as shown on the presented landscape plan (attached as Exhibit 5 to the Department report).

Raines seconded and the Motion passed 5-0.

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

Raines seconded and the Motion passed 5-0.

Kingshill motioned to approve the Variance of Development Standard to exempt the Lot from Article 6.12(C)(1)(b)(iii) and Article 6.12(C)(1)(c)(iii) of the Unified Development Ordinance to permit an outside storage area to be permitted in an Established Front Yard and not require a gate access into the outside storage area.

Motion condition that outdoor sales items shall not be visible from outside the enclosed display area.

Raines seconded and the Motion passed 5-0.

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

Raines seconded and the Motion passed 5-0.

**1604-SE-01**

**[PUBLIC HEARING]**

**303 East 161<sup>st</sup> Street**

Noah Herron (Urban Farmer LLC)

The petitioner is requesting approval of a Special Exception to allow an Agritourism Use (vineyard and winery) within the AG-SF1: Agriculture / Single-Family Rural District (Chapter 13). Noah Herron (Urban Farmer LLC)

Pohlman noted the two petitions for the Special Exception and Variances of Development Standard will be presented together and recommended the Board hold one public hearing but motion separately for the Special Exception and each separate Variance of Development Standard.

Smith confirmed the Board will consider the petitions accordingly.

Pohlman presented a request on behalf of the petitioner for the Board to waive the Rules of Procedure regarding mailed public notice by certified mail for the petitions. Pohlman explained the mailed public notice complied with the applicable laws and Board's Rules of Procedure with the exception it was mailed certified mail without a return receipt requested.

Raines motioned to suspend the Board's Rules of Procedures and accept the public notice.

Kingshill seconded and the motion passed 5-0.

Pohlman presented an overview of the requested petitions, as summarized in the Department report. Pohlman distributed a packet of updated materials that included the petitioner's request to withdraw the requested variance regarding dumpster enclosures, a letter of support from the Spring Mill Station Task Group, and updated site plan and narrative from the petitioner.

Noah Herron, petitioner, gave a brief presentation.

Kingshill inquired about the vine heights at maturity and whether they would screen the building from 161<sup>st</sup> Street, and whether the parking surface request was cost or functionality related.

Herron responded the vines will grow to between and three and four feet and will be pruned, so the building would be visible from 161<sup>st</sup> Street. He also explained that the gravel surface was requested due to cost, the desire character of the Agritourism Use and to minimize impervious surface for the vines.

Smith expressed a concern with the dust from the gravel.

Herron explained that current design and materials results in layers of gravel with the top surface being a larger dust proof stone, so dust will not be an issue.

Sanders inquired if grapes would be imported and he expressed a concern with waste from the plants.

Herron explained they would be importing grapes/juice for the first three to four years during the

time it takes for the vines to become established and start producing. The waste from the grapes and vines will be utilized as a natural fertilizer.

Public Hearing opened at 7:50 p.m.

Reverend Dr. Marlene Redigo, 17172 Tilbury; Expressed a concern with the growing number of breweries in the community and its impact on the community.

Public Hearing closed at 7:52 p.m.

Kingshill motioned to approve the Special Exception 1604-SE-01 with the following conditions:

1. The Agritourism Use shall be developed and operated in substantial compliance to the Petitioner's narrative and site plan exhibit, as revised, subject to review and approval for compliance with applicable ordinances and laws of the development plan and appropriate permits. Any expansion or substantial alteration to the scope and operation of the Agritourism Use, as determined by the Director, shall require approval by the Board of Zoning Appeals.
2. The standards of Chapter 6 and Chapter 8 of the Unified Development Ordinance that are applicable to nonresidential uses and buildings in a Business District shall apply to the Agritourism Use, except as otherwise varied by an approved Variance of Development Standard (1604-VS-07) or waiver by the Plan Commission as part of a Detailed Development Plan approval.
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 prior to the approval of a development plan and/or issuance of a building permit for the property.

Raines seconded and the motion passed 5-0.

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

Raines seconded and the Motion passed 5-0.

**1603-VS-07**

**[PUBLIC HEARING]**

**303 East 161<sup>st</sup> Street**

Noah Herron (Urban Farmer LLC)

The petitioner is requesting Variances of Development Standard for the requested Agritourism Use related to Landscaping Standards (Article 6.8), Screening of Receptacle and Loading Areas (Article 6.1), Off-street Parking Surfacing and Curbs (Article 6.14) and Architectural Standards (Article 6.3) in the AG-SF1: Agriculture / Single-Family Rural District.

Kingshill motioned to approve the Variance of Development Standard to exempt the property from the following landscaping standards of the Unified Development Ordinance: Minimum Lot Landscaping Requirements (Article 6.8(K)); External Street Frontage Landscaping Requirements

(Article 6.8(M)); Buffer Yard Requirements (Article 6.8(N)); Interior Parking Area Landscaping (Article 6.8(O)(1)).

Sanders seconded and the Motion passed 5-0.

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

Sanders seconded and the Motion passed 5-0.

Raines motioned to approve the Variance of Development Standard to exempt the property from Article 6.14(G)(7) (Off-street Parking Surfacing and Curbs) of the Unified Development Ordinance, with the condition that approval shall be subject to the approval of a Detailed Development Plan that ensures that adequate surface design, parking space delineation, and maintenance is provided (e.g., for storm water management, traffic circulation and management, and emergency equipment access), as deemed appropriate by the City (e.g., Department of Public Works, Fire Department, Economic and Community Development Department) and County Surveyor's Office.

Sanders seconded and the Motion passed 5-0.

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

Sanders seconded and the Motion passed 5-0.

Board discussion regarding the petitioner's illustrative character exhibits of the presented buildings for the proposed use.

Petitioner explained the desire for an agricultural character with multiple color tones, window shutters and enhanced entryway for the public access.

Kingshill motioned to approve the petitioners request to exempt the property from Article 6.3 (Architectural Standards) of the Unified Development Ordinance with the condition that buildings on the property shall exceed or be substantially similar in quality and character to the Illustrative Character Exhibit (attached as Exhibit 5 to the Department report).

Raines seconded and the Motion passed 5-0.

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

Sanders seconded and the Motion passed 5-0.

**REPORTS/COMMENTS**

Plan Commission Liaison report by Schmitz.

Economic and Community Development Department, no report.

Schmitz motioned to adjourn the meeting.

Kingshill seconded, and the motion passed.

The meeting adjourned at 8:10 p.m.

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Chairperson  
Robert Smith, Esq.

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Secretary  
Matthew S. Skelton, Esq., AICP  
Director

**RULES OF PROCEDURE**  
**WESTFIELD-WASHINGTON TOWNSHIP BOARD OF ZONING APPEALS**

**ARTICLE I: JURISDICTION AND RESPONSIBILITIES**

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1. ~~As set forth in Article 2.3 Authority and Purpose; Jurisdiction and defined in Article 12.1 Definitions of the Unified Development Ordinance, the jurisdiction of the Westfield-Washington Township Board of Zoning Appeals (the "Board") is all land within Washington Township, Hamilton County, Indiana, and all land incorporated into the City of Westfield, Hamilton County, Indiana (the "Jurisdiction of the Board"). The jurisdiction of the Westfield-Washington Township Board of Zoning Appeals ("Board") shall be the whole of Washington Township, Hamilton County, Indiana, including the corporate City of Westfield.~~
2. The Board shall act and operate in accordance with I.C. 36-7-4, 900 Series – Board of Zoning Appeals.
3. Article 3.2 Administration; Board of Zoning Appeals of the Unified Development Ordinance sets forth the duties of the ~~Commission~~Board, as defined by Indiana law (I.C. 36-7-4-900 et seq.)~~—or as may otherwise be required by the Unified Development Ordinance~~, as generally described below:
  - a. Approve or deny all special exceptions from the terms of the ~~zoning ordinance~~Unified Development Ordinance (see Article 10.11) (I.C. 36-7-4-918.2);
  - b. Approve or deny variances of use from the terms of the ~~zoning ordinance~~Unified Development Ordinance (see Article 10.14) (I.C. 36-7-4-918.4);
  - c. Approve or deny variances from the development standards of the ~~zoning ordinance~~Unified Development Ordinance (see Article 10.14) (I.C. 36-7-4-918.5); and
  - d. In accordance with I.C. 36-7-4-918.1, hear and determine appeals (administrative appeals) from and review any order, requirement, decision, or determination made by (see Article 10.3):
    - i. an administrative official ~~or, hearing officer, or staff member charged with the duty of enforcing and interpreting under the zoning ordinance~~Unified Development Ordinance;
    - ii. an administrative board or other body, except the Plan Commission, in relation to the enforcement of the ~~zoning ordinance~~Unified Development Ordinance; or
    - iii. an administrative board or other body, except the Plan Commission, in relation to the enforcement of an ordinance requiring the procurement of an improvement location or occupancy permit. (I.C. 36-7-4-918.1)

## ARTICLE II: MEMBERSHIP

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1. The Board shall consist of five (5) members (per I.C. 36-7-4-902). All Board members must meet appointee criteria to maintain their seat. The membership criterion are as follows:
  - a. Three (3) citizen members to be appointed by the City of Westfield Mayor, of whom one (1) must be a citizen member of the Plan Commission and two (2) must not be members of the Plan Commission;
  - b. One (1) citizen member to be appointed by the Westfield City Council, who must not be a member of the Plan Commission; and
  - c. One (1) member appointed by the Plan Commission. This member shall:
    - i. Be from the Plan Commission's citizen membership, other than the citizen member appointed by the Mayor; and
    - ii. Not reside within the incorporated area of the City of Westfield (per I.C. 36-7-4-903).
  - d. In the event that a regular Board member is unable to participate in any hearing or decision or has a disqualifying circumstance (as defined in I.C. 36-7-4-909), the appointing authority may appoint an alternate member to participate with the Board for the impacted hearings or decisions. An alternate member shall have all of the powers and duties of a regular member while participating in the hearing or decision (I.C. 36-7-4-907).
2. When an initial term of office expires, each new appointment is for a four (4) year term with the terms being staggered such that at least one appointment expires each year. Members who are citizen members are eligible for reappointment. Members who are also Plan Commission citizen members are eligible for reappointment as long as they retain their membership on the Plan Commission. A member serves until a successor is appointed and qualified.
3. Each term, according to its length, begins and ends on the first Monday in January. For example, a four-year term beginning in 2017 starts on the first Monday in January 2017 and ends on the first Monday in January 2021 (I.C. 36-7-4-906(c),-e).
4. If a vacancy occurs among the membership, then the appointing authority shall appoint a member for the unexpired term of the vacating member.
5. None of the members of the Board may hold other elective or appointive office, except for those appointed from the Plan Commission citizen membership. All members must reside within ~~the the bounds of Jurisdiction of the Board~~ Washington Township, including Westfield. (I.C. 36-7-4-905)
6. The appointing authority may remove a member from the Board ~~of Zoning Appeals~~ for cause, pursuant to I.C. 36-7-4-906.

- a. In addition, if a member of the Board has three (3) unexcused absences (i.e. regular or special meeting) of the Board in any calendar year, then that member becomes disenfranchised and shall no longer be considered a viable member of the Board. Such circumstances shall result in the appointing authority appointing a different person in the vacated seat. An excused absence(s) shall be considered as a call in to the Director of the Economic and Community Development Department (the "Director") and will be further reviewed by the Director and Chairperson of the Board ~~of Zoning Appeals~~.
  - b. In the event of removal, the Board member shall receive a mailed notice in accordance with the terms of I.C. 36-7-4-906(f). The appointing authority shall mail notice of the removal, along with written reasons for the removal, to the members at their address. A member who is removed may, within thirty (30) days after receiving notice of the removal, appeal the removal to the circuit or superior court of the county.
  - c. Any member of the Board that knowingly violates any rule, procedure, City Code, State Statute or law shall be subject to removal under the terms of Section (7)(b) above.
7. Training, Seminars, and Continuing Education

a. Training

- i. The Economic and Community Development Department (~~CDD~~the "Department") ~~will~~should conduct introductory training for all newly appointed members during the initial ninety (90) days of a new member(s) term.
- ii. Each new member(s) ~~will~~should be required to complete and receive a certificate stating the completion of the introductory course in order for that member to continue as a member of the Board ~~of Zoning Appeals~~.
- iii. Should a member fail to complete the initial training requirements, then that member shall be removed as prescribed under this Article II, Item 6. Such circumstances shall result in the appointing authority appointing a different person in the vacated seat.

b. Seminars / Conferences / Workshops

- i. Each member of the BZA-Board shall be required to attend at least one (1) planning seminar / conference / workshop offered by the ~~CDD~~Department, other Governmental ~~Offices~~offices, ~~Local-local Builders~~builders' Association~~associations~~, American Planning Association or local universities regarding planning and zoning principals and how they affect local planning, during each term of service.
- ii. These events shall be fully reimbursable (if a cost is involved) upon proof of completion by the member in attendance through the ~~CDD~~Department.



c. Continuing Education

- i. Each new member shall become a member of the American Planning Association (APA) and Indiana Chapter of the American Planning Association (APA-IN) through the ~~CDD~~Department.
- ii. With your membership you are encouraged to participate in Programs and Services for Appointed Officials with the American Planning Association online in the following areas:
  1. Live Audio Conference Series
  2. Training Resource Center
  3. Chapter Workshops
  4. Planning and Land Use Law
  5. Ethics Training

**ARTICLE III: OFFICERS**

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1. The Board shall, at its first regular meeting in each year, elect from its members a Chairperson, a Vice-chairperson, and a Pro-tempore. The Chairperson shall preside at all meetings. The Vice-chairperson shall have the authority to act as Chairperson of the Board during the absence or disability of the Chairperson. The Pro-tempore shall have the authority to act as Chairperson of the Board during the absence or disability of both, the Chairperson and Vice-chairperson.
2. The Director shall be permanently appointed as Secretary of the Board.
3. The Director shall be responsible for providing a recording secretary to take and transcribe meeting minutes.

**ARTICLE IV: FILING**

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The Director shall administratively establish ~~application~~petition filing deadlines for all regular meetings of the Board ~~of Zoning Appeals~~. Those deadlines shall be published by the Board at or prior to their December meeting each year.

**ARTICLE V: DOCKETING**

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1. Prior to filing, each applicant (a "petitioner") shall meet with the ~~CDD-Planning Staff~~Department in order to determine whether ~~an application~~petition is for a variance of use, a variance of development standard, a special exception, or an appeal of an administrative ~~appeal~~decision (a "petition").
2. Each ~~case-petition~~petition to be publicly heard before the Board shall be filed with the ~~CDD~~Department in proper form with the required data, numbered serially and placed on the docket of the Board. The docket numbers shall include the year and begin anew on January 1 of each year.
3. As soon as the ~~case-petition~~petition receives a docket number it shall be placed on the docket of the Board and a date set for hearing. ~~Cases-Petitions~~Petitions shall come before the Board in

the regular order of their consecutive numbers unless otherwise ordered by the Director or changed by the Board at the beginning of the meeting.

4. ~~Cases-Petitions~~ may be required to be reviewed by the Technical Advisory Committee (TAC), at the Director's discretion. Such ~~cases-petition~~ shall not come before the Board until reviewed by TAC.

## ARTICLE VI: MEETINGS

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1. The regular meetings of the Board shall be the Tuesday following the second Monday of each month at 7:00 p.m. in the meeting room of Westfield City Hall, 130 Penn Street, Westfield, Indiana, unless a different time and place are established and given proper notice. When the Tuesday following the second Monday of each month is a legal holiday, then the meetings shall be held on the Wednesday following the second Monday of each month. All meetings of the Board are open to the public. ~~Petition~~ Petition filing deadlines for regular meetings are as established administratively by the Director.
2. Special meetings may be called by the Secretary, as determined at a regular meeting, or by two (2) members of the Board upon written request to the Secretary. The Secretary shall send to all members a written notice of the time, date and place at least three (3) days before the meeting. This written notice is not required if all members are present at a regular meeting when the time, date and place for the special meeting are fixed.
3. A majority (three (3)) of the members of the Board shall constitute a quorum. No action at a regular or properly called special meeting is official, however, unless authorized by a majority of the entire Board.
4. Decisions of the Board shall be by roll call vote of the members. The first roll of each meeting shall be called in alphabetical order of the members' last names. Each successive roll shall be called in the same order as the immediately preceding roll except that the member who voted first in the immediately preceding roll shall vote last. For example:

| <u>Roll Call</u>                           | <u>Member</u> |
|--------------------------------------------|---------------|
| 1st                                        | 1,2,3,4,5;    |
| 2nd                                        | 2,3,4,5,1;    |
| 3rd                                        | 3,4,5,1,2;    |
| and so on, until the meeting is adjourned. |               |

5. No member of the Board shall participate in the hearing or decision upon any matter in which the member is directly or indirectly interested in a financial sense (i.e., conflict). In the event of a conflict, the member shall describe the conflict immediately after the matter is introduced by the presiding officer, leave the room, and take no part in the discussion or decision. The existence and description of the conflict shall be entered in the record. All members present shall vote on every question unless prevented by conflict or excused by the presiding officer. (See I.C. 36-7-4-907 if this section causes the need for an alternate member so that the Board may take action on a ~~case~~petition).

6. Abstentions shall be justified in writing, for the record.
7. The Director (or designee) shall take and transcribe a record of all proceedings (minutes) of the Board showing the vote of each member on each question presented, or indicating that the member is absent or not voting, which shall be presented to the Board at the next regular succeeding meeting for approval. When approved, the record shall be signed by the Chairperson and attested by the Secretary. All minutes and ~~case~~petition records shall be maintained in ~~CDD~~the Department and shall be a public record.
8. It shall be the policy of the Board to conclude all Board meetings at or before 11:00 ~~o'clock~~ p.m. In the event that docket items or other Board matters have not been acted on by 11:00 ~~o'clock~~ p.m. on any meeting day, then the meeting shall be recessed and reconvened on the same day of the following week, in the same location, at 7:00 p.m. unless otherwise announced. All items or matters not acted on during the recessed meeting may be acted on during the reconvened meeting without further advertisement. The above notwithstanding, the Board may extend any meeting beyond the hour of 11:00 ~~o'clock~~ p.m. on a vote of a majority of all members present provided a quorum of the Board exists.
9. No person may communicate with any member of the Board before a hearing with intent to influence the member's action on a matter pending before the Board (I.C. 36-7-4-920, g).

#### **ARTICLE VII: ORDER OF BUSINESS**

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The order of business at regular meetings shall be:

1. Call to Order
2. Roll Call
3. Approval of Minutes of Previous Meetings
4. Other Business
5. Old Business
6. New Business
7. Reports: Director; other
8. Adjournment

#### **ARTICLE VIII: HEARINGS**

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Subject to the provisions of I.C. 36-7-4-920, public hearings shall be held on all matters as noted above in Article I, and as further required by the ~~zoning ordinance~~Unified Development Ordinance. The Board shall fix a reasonable time for such hearings.

1. Public notice shall be given in accordance with Article X and with I.C. 5-3-1-2 and I.C. 5-3-1-4.

2. In order for a petition ~~petition or appeal~~ to be heard, the petitioner or their appellant, ~~or an agent or representative for the petitioner or appellant,~~ shall be in attendance to present the petition ~~or appeal~~ and answer questions about it. If no one is present to represent the petition ~~or appeal~~, then the Board shall dispose of the petition in accordance with Article XI.
3. Administrative rules are established by the Director for procedures such as filing petitions ~~or appeals~~ and are available in the Department.
4. Special Exceptions: In accordance with Article 10.11(D) of the Unified Development Ordinance, A-a special exception use may be approved only upon the determination in writing that:
  - a. The establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, morals, or general welfare.
  - b. 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.
  - c. The establishment of the special exception will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district.
  - d. 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.
  - e. 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.
  - f. The special exception will be harmonious with and in accordance with the objectives of the Westfield-Washington Township Comprehensive Plan, as amended.
  - g. 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.
5. ~~Variance of Use: In accordance with Article 10.14(G)(1) of the Unified Development Ordinance, The establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health safety morals or general welfare.~~

- ~~a. The special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property value within the neighborhood.~~
- ~~b. The establishment of the special exception will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.~~
- ~~c. Adequate utilities, streets drainage and other necessary facilities have been or are being improved.~~
- ~~d. Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion.~~
- ~~e. The special exception will be located in a district where such use is permitted and that all other requirements set forth, applicable to such special exception, will be met.~~

~~6.5.~~ A-a variance of use may be approved only upon a determination in writing that:

- a. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
- b. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
- c. The need for the variance arises from some condition peculiar to the property involved;
- d. The strict application of the terms of the ~~zoning ordinance~~Unified Development Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
- e. The approval does not interfere substantially with the comprehensive plan.

~~7.6.~~ Variance of Development Standard: In accordance with Article 10.14(G)(2) of the Unified Development Ordinance, A-a variance of development standards may be approved only upon a determination in writing that:

- a. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
- b. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
- c. The strict application of the terms of the ~~zoning ordinance~~Unified Development Ordinance will result in practical difficulties in the use of the property.

~~8.7.~~ Appeals of Administrative Decisions: Regarding administrative appeals (Article I, 3, d), the following shall applyAn appeal of an administrative decision shall be filed and reviewed in accordance with Article 10.3 of the Unified Development Ordinance.÷

- ~~d. An appeal filed with the Board must specify the grounds of the appeal and must be filed within 30 days of the date of issuance of the administrative order, requirement, decision or determination.~~
- ~~e. For this purpose, the Board has all the powers of the administrative party from which the appeal is taken.~~
- ~~f. The Board shall review the whole record, or certified copies, of the action from which the appeal is taken and then render its decision after its deliberation of the issue.~~
- ~~g. The Board may reverse, affirm or modify the order, requirement, decision or determination from which the appeal is taken.~~

#### ARTICLE IX: CONDUCT OF HEARINGS

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1. Public hearings shall be conducted according to the following procedure. Please note the time limitations for each hearing segment.
  - a. For any ~~petition or appeal for~~petition which a public hearing is required, after the ~~petition or appeal~~petition is introduced by the Chairperson, then a ~~staff~~ report by the Department will be given.
  - b. After being recognized by the Chairperson, each speaker will step up to the podium and ~~sign in and~~ state his/her name and address. The Chairperson or the Board's legal counsel will then issue the following oath to each speaker: "Do you swear or affirm that the testimony that you are about to give is the truth, the whole truth and nothing but the truth so help you God?"
  - c. ~~A The petitioner or appellant or their~~ representative on behalf of the petition shall first present the facts and arguments in support of the ~~case~~petition. (10 minutes)
  - d. Comments and questions from the Board and ~~staff~~ Department shall be held until the end of the initial presentation.
  - e. The official public hearing shall then be opened. Supporting comments from organized groups, committees, and individuals, other than the petitioner or ~~their representative~~appellant, shall then follow. Speakers should present new points and not repeat previous speakers. (3 minutes per individual speaking, 5 minutes per group)
  - f. A representative on behalf of the petition ~~The petitioner or appellant~~ shall then receive reasonable time for rebuttal. There shall be no time allotted for a rebuttal to the rebuttal. (5 minutes)
  - g. To maintain orderly procedure, each ~~side~~ party should proceed without interruption by ~~the other side~~another party.
  - h. After the discussion of the ~~case~~petition has concluded, then the Board shall consider a motion on the ~~case~~petition.

2. In the presentation of an casepetition:
  - a. The burden shall be upon the ~~petitioner or appellant~~petitioner to supply all information, including charts, diagrams and other exhibits necessary for a clear understanding of the casepetition.
  - b. Statements to the Board made by the petitioner or ~~appellant~~the petitioner's representative at the meeting regarding anticipated methods of operation, siting or other details relevant to the decision shall be binding agreements between the petitioner ~~or appellant~~ and Board and shall be reflected in the minutes of that meeting.
  - c. Drawings, displays, or documents presented at the meeting by the petitioner or ~~appellant~~the petitioner's representative illustrating such details shall also be binding agreements, shall become part of the public record and shall be entered into the case-petition's file. Large format drawings, displays or documents shall be submitted to the ~~CDD~~Department, within twenty-four (24) hours after of the hearing, in a format of no larger than 11x17 inches, or an electronically format (.pdf).
3. Every person appearing before the Board shall abide by the orders and directions of the Chairperson. Discourteous, disorderly or contemptuous conduct shall be regarded as a breach of the privileges of the Board and the Chairperson may remove individuals from the meeting for inappropriate behavior.
4. The Board, at its discretion and on an affirmative vote of a majority of the Board, may continue or postpone the hearings of any case-petition when, in its judgment, the petitioner or ~~appellant~~the petitioner's representative has not provided sufficient evidence on which to make a determination.
5. The Director, at his/her discretion, may continue or postpone the hearings of any case petition when, in his/her judgment, the petitioner ~~or appellant~~ has not provided sufficient evidence on which to make a determination.
6. Applicants shall be entitled to one (1) postponement/continuance to the first regular Board meeting following the meeting advertised by public notice. Such postponement/continuance must be requested in writing or shall be requested in person by the ~~applicant~~petitioner or their representative, at the scheduled meeting prior to the introduction of the petition within the Other Business section of the agenda. Written requests for postponement/continuance shall be delivered to the Department at least one (1) week prior to the advertised hearing date.
7. Subsequent postponement/continuance requests or requests for a postponement/continuance to a meeting beyond the meeting referred to in ~~paragraph~~Article IX, Item "5\_" above shall be made to the Board in person by the ~~applicant~~petitioner or their representative.
8. Failure of the ~~applicant~~petitioner, or their representative, to appear in order to make the request referred to in ~~paragraph~~Article IX, Item "6\_" above shall result in the

~~applicant's public~~ notice being deemed ineffective. If the ~~applicant~~ petitioner chooses to proceed with the subject request, then it will become necessary for public notice to be served again as originally required for Board hearings.

9. Postponement/continuation of Board requests to a date more than six (6) months beyond the original noticed meeting shall not be granted. The Board shall dismiss such pending requests. The right of ~~applicants—a petitioner~~ to re-file such ~~applicationpetition~~s shall be preserved, providing no final disposition of the prior request has been granted. Such ~~applicationpetition~~ shall again be subject to the payment of filing fees.
10. Postponed/continued ~~casepetition~~s involving the same property that was the subject of a ~~casepetition~~ which has been dismissed by the Board shall not be placed on the docket for consideration within a period of six (6) months after the date of dismissal.

#### ARTICLE X: NOTICE

The following requirements for public notice of a public hearing to be held by the Board must be met:

1. Interested Parties: Public notice in accordance with this article and with I.C. 5-3-1-2 and I.C. 5-3-1-4 and due notice to interested parties. Interested parties shall be: (a) the owners of real property adjacent to the property subject of the petition to a depth of two (2) ownerships of no direct or indirect financial or other interested to the petitioner or property owner, or six hundred and sixty (660) feet, whichever is less; and (b) a—as defined in the zoning ordinance) and additional parties—if deemed advisable by the Director. A list of the interested parties' last known address shall be obtained from the Hamilton County Auditor, Office of Transfers and Mapping. A good faith effort shall be made to investigate and resolve any discrepancies or omissions in or among such records in order to determine the name and address of the current owner of record, shall be given at least 10 days before the date set for the hearing.
2. Certified Mailing: A petitioner shall mail a copy of legal notice to interested parties in accordance with the following:
  - ~~a. All petitioners or appellants shall inform interested parties of the petition or appeal by sending a copy of legal notice to the residence of the last known address of the interested parties, with such notice being postmarked at least 10 days before the date of the public hearing.~~
  - b.a. Notice Content: Such notice shall be in a form approved by the Department and shall state include:
    - i. The general location by address or other identifiable geographic description of the subject property or area;
    - ii. A summary of the subject matter contained in the petition ~~or appeal~~;
    - iii. CasePetition's docket number ~~of the petition or appeal~~;



- iv. The name of the petitioner ~~or appellant~~ and petitioner's representative(s);
  - v. The time and place for which the hearing has been set;
  - vi. That the ~~application~~petition and file may be examined in the office of the ~~THE DEPARTMENT~~Department;
  - vii. That the addressee may voice an opinion at the hearing and/or file written comments with the ~~THE DEPARTMENT~~Department; and
  - viii. That the hearing may be continued from time to time as may be found necessary.
- ~~c. Interested parties shall be defined per the Zoning Ordinance as described under WC 16.04.210, Definitions.~~
- ~~d. In order to determine the names and addresses of property owners to whom notice must be sent, the applicant or the applicant's agent shall consult with the County Mapping and Transfers Office, Hamilton County, Indiana, for a list of parties requiring notification per the zoning ordinance. A good faith effort shall be made to investigate and resolve any discrepancies or omissions in or among such records in order to determine the name and address of the current owner of record. Each notice shall be mailed and postmarked no later than the 10 days before the public hearing date.~~
- ~~e. The manner in which notice must be sent to interested parties shall be as follows:~~
- f.b. Certified Mail and Timing: Required notices to interested parties shall be sent by certified mail with proof of mailing return receipt requested ~~(or an acceptable alternative accepted by the Director and approved by the Board)~~ and postmarked at least ten (10) days before ~~prior to~~ the public hearing. ~~City staff~~The Department will advise the Board at the Public ~~public~~ Hearing ~~hearing~~ of any omissions or deficiencies in such public notice.
- ~~ii. Proof that notice has been mailed shall consist of the postmarked certified mail receipts and shall be sufficient proof of notice under these rules regardless of actual receipt by the intended recipient. Said receipts and a copy of the mailing list from the County Mapping and Transfers Office must be filed in the office of THE DEPARTMENT four (4) calendar days prior to the public hearing.~~
- f.c. Appearance at any public hearing, in person or by their representative, shall waive any defect in notice unless the alleged defect is raised at the beginning of the hearing.
- d. The party requesting the public hearing shall bear the cost of and responsibility for mailed notice to interested parties.

~~2-3.~~ Newspaper Legal Notice: The Department shall cause a legal notice to be published in a newspaper qualified to publish legal notices as established by Council (newspaper) at least ten (10) days prior to the public hearing. The Department shall bear the cost of and responsibility for newspaper notice and posting the notice at the meeting location.

~~a. The City staff shall cause a legal notice to be published in a newspaper qualified to publish legal notices as established by Council (newspaper) at least 10 days before the public hearing.~~

~~b. The THE DEPARTMENT shall bear the cost of and responsibility for newspaper notice and posting the notice at the meeting location.~~

~~3-4.~~ Posting on Property: For all petitions that require a public hearing, the petitioner shall post a sign or signs on the subject property in a location clearly visible to passing traffic.

~~a. For all petitions that require a public hearing, the applicant shall post a sign or signs on the subject property in a location clearly visible to passing traffic.~~

~~i.e.~~ The City staff~~Department~~ shall determine sign locations with not less than one (1) sign placed on the property per street frontage per block.

~~ii.f.~~ Signs shall be posted on the subject property at least ten (10) days before the public hearing.

~~iii.g.~~ Signs shall be provided and made available in the ~~THE DEPARTMENT~~ office~~Department.~~

5. Affidavit of Notice of Public Hearing: The petitioner shall deliver a copy of the mailed notice and a signed affidavit, verifying that the notices were mailed and the public notice sign(s) was posted on the subject property, to the Department at least four (4) calendar days prior to the public hearing. The affidavit shall include proof that notice has been mailed consisting of the postmarked certified mail receipts and a copy of the list of interested parties from the Hamilton County Auditor, Office of Transfers and Mapping. Said affidavit and attachments shall be filed in the office of the Department at least four (4) calendar days prior to the public hearing.

~~1-6.~~ City Website: The ~~THE DEPARTMENT~~Department shall cause notice and the public hearing agenda to be posted on the official City of Westfield web site.

~~2-7.~~ Meeting Posting: For all meetings, other than public hearings, of the Board, a forty-eight (48) -hour notice shall be made by posting the meeting time and location at the entrance of the building where the meeting will occur. No other notice shall be required.

#### **ARTICLE XI: FINAL DISPOSITION OF CASEPETITIONS**

1. The final disposition of casepetitions shall set forth the findings and determinations of the Board, together with any modification, specification or limitation it makes. The Board shall make written findings of fact for all casepetitions that are heard.

2. The Board may dismiss a casepetition for lack of representation by the petitioner or lack of jurisdiction. If a petition ~~or appeal~~ is dismissed for lack of representation and a postponement/continuation in accordance with Article IX has not been granted by the Board, then the casepetition may be dismissed and the petitioner ~~or appellant~~ may re-file in accordance with these rules.
3. A petitioner ~~or appellant~~ may request to withdraw a casepetition under "Other Business" on the agenda. A casepetition may not be withdrawn after all items in "Other Business" have been completed.
4. A casepetition that has been withdrawn by the petitioner ~~or appellant~~ or a casepetition that has received an adverse decision shall not be placed on the docket for consideration until six (6) months after the date of the decision.
- ~~5. Regarding special exceptions (Article I, 3, a), variances of use (Article I, 3, b), and variances of development standards (Article I, 3, c), the Board may impose reasonable conditions to the property of the petition or appeal as a part of its approval. Regarding administrative appeals (Article I, 3, d), the Board may reverse, affirm or modify the order, requirement, decision or determination from which the appeal is taken.~~
- 6.5. In all casepetitions, the Board may permit or require the owner of a parcel of property to make a written commitment concerning the use or development of that parcel. Such commitment shall be made and memorialized in accordance with Article 10.6 of the Unified Development Ordinance.:
  - ~~a. The Board may permit or require the owner of a parcel of property to make a written commitment concerning the use or development of that parcel.~~
  - ~~b. Commitments shall be recorded in the office of the Hamilton County Recorder and take effect upon the approval of the petition or appeal. Unless modified or terminated by the Board, a commitment is binding on:
    - ~~i. The owner of the parcel;~~
    - ~~ii. A subsequent owner of the parcel; and~~
    - ~~iii. A person who acquires an interest in the parcel.~~~~
  - ~~— A commitment is binding on the owner of the parcel even if it is unrecorded; however, an unrecorded commitment is binding on a subsequent owner or other person acquiring an interest in the parcel only if that subsequent owner or other person has actual notice of the commitment. A commitment may be modified or terminated only by a decision of the Board made at a public hearing after notice as provided by these rules.~~
- ~~6.a.~~ By permitting or requiring commitments, the Board does not obligate itself to approve or deny any request.
- ~~6.b.~~ Conditions imposed on the granting of a petition are not subject to the rules applicable to commitments.

~~e.c.~~ Commitments do not affect the validity of any covenant, easement, equitable servitude or other land use restriction created in accordance with the law.

~~f.d.~~ Appeals to a decision made by the Board of Zoning Appeals shall follow the process prescribed in I.C. 36-7-4, 1000 Series – Remedies and Enforcement.

## **ARTICLE XII: AMENDMENTS**

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Amendments to these Rules of Procedure may be made by the Board upon submission and after review by Mayor's Office, City Council, City Attorney and Director ~~of Community Development~~ and further presented to the Board membership at a regular meeting or special meeting upon the affirmative vote of a majority of the members of the Board. Approved amendments shall be effective immediately, unless otherwise noted.

## **ARTICLE XIII: ADOPTION AND SUSPENSION OF RULES OF PROCEDURE**

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1. The Board shall adopt Rules of Procedure for the conduct of meetings of the Board.
2. Adoption of the Rules shall be by majority vote of the Board members present and voting at a regular scheduled meeting where at least four (4) members are present.
3. The Board may suspend the Rules of Procedure by unanimous vote of the members present at the meeting.
4. The Board shall not suspend the Rules of Procedure beyond the duration of the appeal being heard for which the suspension of Rules occurs.

These Rules of Procedure of the Board of Zoning Appeals of Westfield Washington Township, Hamilton County, Indiana, approved by the affirmative vote of five (5) members of said Board at the regular meeting of the Board held on the \_\_\_\_ day of \_\_\_\_\_, 2016. This approval repeals any prior rules of procedure.

\_\_\_\_\_  
Robert Smith, Esq., Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
Dave Schmitz, Vice-Chairman

\_\_\_\_\_  
Date

### Members:

\_\_\_\_\_  
Ken Kingshill, Member

\_\_\_\_\_  
Date

\_\_\_\_\_  
Martin Raines, Member

\_\_\_\_\_  
Date

\_\_\_\_\_  
Bill Sanders, Member

\_\_\_\_\_  
Date

Attested by:

\_\_\_\_\_  
Matthew S. Skelton, Director  
Economic and Community  
Development Department

\_\_\_\_\_  
Date

**RULES OF PROCEDURE**  
**WESTFIELD-WASHINGTON TOWNSHIP BOARD OF ZONING APPEALS**

**ARTICLE I: JURISDICTION AND RESPONSIBILITIES**

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1. As set forth in Article 2.3 Authority and Purpose; Jurisdiction and defined in Article 12.1 Definitions of the Unified Development Ordinance, the jurisdiction of the Westfield-Washington Township Board of Zoning Appeals (the “Board”) is all land within Washington Township, Hamilton County, Indiana, and all land incorporated into the City of Westfield, Hamilton County, Indiana (the “Jurisdiction of the Board”).
2. The Board shall act and operate in accordance with I.C. 36-7-4, 900 Series – Board of Zoning Appeals.
3. Article 3.2 Administration; Board of Zoning Appeals of the Unified Development Ordinance sets forth the duties of the Board, as defined by Indiana law (I.C. 36-7-4-900 et seq.), as generally described below:
  - a. Approve or deny all special exceptions from the terms of the Unified Development Ordinance (see Article 10.11) (I.C. 36-7-4-918.2);
  - b. Approve or deny variances of use from the terms of the Unified Development Ordinance (see Article 10.14) (I.C. 36-7-4-918.4);
  - c. Approve or deny variances from the development standards of the Unified Development Ordinance (see Article 10.14) (I.C. 36-7-4-918.5); and
  - d. In accordance with I.C. 36-7-4-918.1, hear and determine appeals (administrative appeals) from and review any order, requirement, decision, or determination made by (see Article 10.3):
    - i. an administrative official or hearing officer charged with the duty of enforcing and interpreting the Unified Development Ordinance;
    - ii. an administrative board or other body, except the Plan Commission, in relation to the enforcement of the Unified Development Ordinance; or
    - iii. an administrative board or other body, except the Plan Commission, in relation to the enforcement of an ordinance requiring the procurement of an improvement location or occupancy permit. (I.C. 36-7-4-918.1)

**ARTICLE II: MEMBERSHIP**

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1. The Board shall consist of five (5) members (per I.C. 36-7-4-902). All Board members must meet appointee criteria to maintain their seat. The membership criterion are as follows:
  - a. Three (3) citizen members to be appointed by the City of Westfield Mayor, of whom one (1) must be a citizen member of the Plan Commission and two (2) must not be members of the Plan Commission;

- b. One (1) citizen member to be appointed by the Westfield City Council, who must not be a member of the Plan Commission; and
  - c. One (1) member appointed by the Plan Commission. This member shall:
    - i. Be from the Plan Commission's citizen membership, other than the citizen member appointed by the Mayor; and
    - ii. Not reside within the incorporated area of the City of Westfield (per I.C. 36-7-4-903).
  - d. In the event that a regular Board member is unable to participate in any hearing or decision or has a disqualifying circumstance (as defined in I.C. 36-7-4-909), the appointing authority may appoint an alternate member to participate with the Board for the impacted hearings or decisions. An alternate member shall have all of the powers and duties of a regular member while participating in the hearing or decision (I.C. 36-7-4-907).
- 2. When an initial term of office expires, each new appointment is for a four (4) year term with the terms being staggered such that at least one appointment expires each year. Members who are citizen members are eligible for reappointment. Members who are also Plan Commission citizen members are eligible for reappointment as long as they retain their membership on the Plan Commission. A member serves until a successor is appointed and qualified.
  - 3. Each term, according to its length, begins and ends on the first Monday in January. For example, a four-year term beginning in 2017 starts on the first Monday in January 2017 and ends on the first Monday in January 2021 (I.C. 36-7-4-906(c)).
  - 4. If a vacancy occurs among the membership, then the appointing authority shall appoint a member for the unexpired term of the vacating member.
  - 5. None of the members of the Board may hold other elective or appointive office, except for those appointed from the Plan Commission citizen membership. All members must reside within the Jurisdiction of the Board. (I.C. 36-7-4-905)
  - 6. The appointing authority may remove a member from the Board for cause, pursuant to I.C. 36-7-4-906.
    - a. In addition, if a member of the Board has three (3) unexcused absences (i.e. regular or special meeting) of the Board in any calendar year, then that member becomes disenfranchised and shall no longer be considered a viable member of the Board. Such circumstances shall result in the appointing authority appointing a different person in the vacated seat. An excused absence(s) shall be considered as a call in to the Director of the Economic and Community Development Department (the "Director") and will be further reviewed by the Director and Chairperson of the Board.
    - b. In the event of removal, the Board member shall receive a mailed notice in accordance with the terms of I.C. 36-7-4-906(f). The appointing authority shall

mail notice of the removal, along with written reasons for the removal, to the members at their address. A member who is removed may, within thirty (30) days after receiving notice of the removal, appeal the removal to the circuit or superior court of the county.

- c. Any member of the Board that knowingly violates any rule, procedure, City Code, State Statute or law shall be subject to removal under the terms of Section (7)(b) above.

## 7. Training, Seminars, and Continuing Education

### a. Training

- i. The Economic and Community Development Department (the "Department") should conduct introductory training for all newly appointed members during the initial ninety (90) days of a new member(s) term.
- ii. Each new member(s) should be required to complete and receive a certificate stating the completion of the introductory course in order for that member to continue as a member of the Board.
- iii. Should a member fail to complete the initial training requirements, then that member shall be removed as prescribed under this Article II, Item 6. Such circumstances shall result in the appointing authority appointing a different person in the vacated seat.

### b. Seminars / Conferences / Workshops

- i. Each member of the Board shall be required to attend at least one (1) planning seminar / conference / workshop offered by the Department, other Governmental offices, local builders' associations, American Planning Association or local universities regarding planning and zoning principals and how they affect local planning, during each term of service.
- ii. These events shall be fully reimbursable (if a cost is involved) upon proof of completion by the member in attendance through the Department.

### c. Continuing Education

- i. Each new member shall become a member of the American Planning Association (APA) and Indiana Chapter of the American Planning Association (APA-IN) through the Department.
- ii. With your membership you are encouraged to participate in Programs and Services for Appointed Officials with the American Planning Association online in the following areas:
  - 1. Live Audio Conference Series
  - 2. Training Resource Center



3. Chapter Workshops
4. Planning and Land Use Law
5. Ethics Training

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### **ARTICLE III: OFFICERS**

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1. The Board shall, at its first regular meeting in each year, elect from its members a Chairperson, a Vice-chairperson, and a Pro-tempore. The Chairperson shall preside at all meetings. The Vice-chairperson shall have the authority to act as Chairperson of the Board during the absence or disability of the Chairperson. The Pro-tempore shall have the authority to act as Chairperson of the Board during the absence or disability of both, the Chairperson and Vice-chairperson.
2. The Director shall be permanently appointed as Secretary of the Board.
3. The Director shall be responsible for providing a recording secretary to take and transcribe meeting minutes.

### **ARTICLE IV: FILING**

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The Director shall administratively establish petition filing deadlines for all regular meetings of the Board. Those deadlines shall be published by the Board at or prior to their December meeting each year.

### **ARTICLE V: DOCKETING**

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1. Prior to filing, each applicant (a “petitioner”) shall meet with the Department in order to determine whether a petition is for a variance of use, a variance of development standard, a special exception, or an appeal of an administrative decision (a “petition”).
2. Each petition to be publicly heard before the Board shall be filed with the Department in proper form with the required data, numbered serially and placed on the docket of the Board. The docket numbers shall include the year and begin anew on January 1 of each year.
3. As soon as the petition receives a docket number it shall be placed on the docket of the Board and a date set for hearing. Petitions shall come before the Board in the regular order of their consecutive numbers unless otherwise ordered by the Director or changed by the Board at the beginning of the meeting.
4. Petitions may be required to be reviewed by the Technical Advisory Committee (TAC), at the Director’s discretion. Such petition shall not come before the Board until reviewed by TAC.

### **ARTICLE VI: MEETINGS**

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1. The regular meetings of the Board shall be the Tuesday following the second Monday of each month at 7:00 p.m. in the meeting room of Westfield City Hall, 130 Penn Street, Westfield, Indiana, unless a different time and place are established and given proper notice. When the Tuesday following the second Monday of each month is a legal holiday, then the meetings shall be held on the Wednesday following the second Monday of each month. All meetings of the Board are open to the public. Petition filing deadlines for regular meetings are as established administratively by the Director.

2. Special meetings may be called by the Secretary, as determined at a regular meeting, or by two (2) members of the Board upon written request to the Secretary. The Secretary shall send to all members a written notice of the time, date and place at least three (3) days before the meeting. This written notice is not required if all members are present at a regular meeting when the time, date and place for the special meeting are fixed.
3. A majority (three (3)) of the members of the Board shall constitute a quorum. No action at a regular or properly called special meeting is official, however, unless authorized by a majority of the entire Board.
4. Decisions of the Board shall be by roll call vote of the members. The first roll of each meeting shall be called in alphabetical order of the members' last names. Each successive roll shall be called in the same order as the immediately preceding roll except that the member who voted first in the immediately preceding roll shall vote last. For example:

| <u>Roll Call</u>                           | <u>Member</u> |
|--------------------------------------------|---------------|
| 1st                                        | 1,2,3,4,5;    |
| 2nd                                        | 2,3,4,5,1;    |
| 3rd                                        | 3,4,5,1,2;    |
| and so on, until the meeting is adjourned. |               |

5. No member of the Board shall participate in the hearing or decision upon any matter in which the member is directly or indirectly interested in a financial sense (i.e., conflict). In the event of a conflict, the member shall describe the conflict immediately after the matter is introduced by the presiding officer, leave the room, and take no part in the discussion or decision. The existence and description of the conflict shall be entered in the record. All members present shall vote on every question unless prevented by conflict or excused by the presiding officer. (See I.C. 36-7-4-907 if this section causes the need for an alternate member so that the Board may take action on a petition).
6. Abstentions shall be justified in writing, for the record.
7. The Director (or designee) shall take and transcribe a record of all proceedings (minutes) of the Board showing the vote of each member on each question presented, or indicating that the member is absent or not voting, which shall be presented to the Board at the next regular succeeding meeting for approval. When approved, the record shall be signed by the Chairperson and attested by the Secretary. All minutes and petition records shall be maintained in the Department and shall be a public record.
8. It shall be the policy of the Board to conclude all Board meetings at or before 11:00 p.m. In the event that docket items or other Board matters have not been acted on by 11:00 p.m. on any meeting day, then the meeting shall be recessed and reconvened on the same day of the following week, in the same location, at 7:00 p.m. unless otherwise announced. All items or matters not acted on during the recessed meeting may be acted on during the reconvened meeting without further advertisement. The above notwithstanding, the Board may extend any meeting beyond the hour of 11:00 p.m. on a vote of a majority of all members present provided a quorum of the Board exists.

9. No person may communicate with any member of the Board before a hearing with intent to influence the member's action on a matter pending before the Board (I.C. 36-7-4-920, g).

#### **ARTICLE VII: ORDER OF BUSINESS**

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The order of business at regular meetings shall be:

1. Call to Order
2. Roll Call
3. Approval of Minutes of Previous Meetings
4. Other Business
5. Old Business
6. New Business
7. Reports: Director; other
8. Adjournment

#### **ARTICLE VIII: HEARINGS**

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Subject to the provisions of I.C. 36-7-4-920, public hearings shall be held on all matters as noted above in Article I, and as further required by the Unified Development Ordinance. The Board shall fix a reasonable time for such hearings.

1. Public notice shall be given in accordance with Article X and with I.C. 5-3-1-2 and I.C. 5-3-1-4.
2. In order for a petition to be heard, the petitioner or their representative shall be in attendance to present the petition and answer questions about it. If no one is present to represent the petition, then the Board shall dispose of the petition in accordance with Article XI.
3. Administrative rules are established by the Director for procedures such as filing petitions and are available in the Department.
4. Special Exceptions: In accordance with Article 10.11(D) of the Unified Development Ordinance, a special exception use may be approved only upon the determination in writing that:
  - a. The establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, morals, or general welfare.
  - b. 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.

- c. The establishment of the special exception will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district.
  - d. 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.
  - e. 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.
  - f. The special exception will be harmonious with and in accordance with the objectives of the Westfield-Washington Township Comprehensive Plan, as amended.
  - g. 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.
5. Variance of Use: In accordance with Article 10.14(G)(1) of the Unified Development Ordinance, a variance of use may be approved only upon a determination in writing that:
- a. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
  - b. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
  - c. The need for the variance arises from some condition peculiar to the property involved;
  - d. The strict application of the terms of the Unified Development Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
  - e. The approval does not interfere substantially with the comprehensive plan.
6. Variance of Development Standard: In accordance with Article 10.14(G)(2) of the Unified Development Ordinance, a variance of development standards may be approved only upon a determination in writing that:
- a. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;

- b. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
  - c. The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property.
7. Appeals of Administrative Decisions: An appeal of an administrative decision shall be filed and reviewed in accordance with Article 10.3 of the Unified Development Ordinance.

#### **ARTICLE IX: CONDUCT OF HEARINGS**

---

1. Public hearings shall be conducted according to the following procedure. Please note the time limitations for each hearing segment.
  - a. For any petition which a public hearing is required, after the petition is introduced by the Chairperson, then a report by the Department will be given.
  - b. After being recognized by the Chairperson, each speaker will step up to the podium and state his/her name and address. The Chairperson or the Board's legal counsel will then issue the following oath to each speaker: "Do you swear or affirm that the testimony that you are about to give is the truth, the whole truth and nothing but the truth so help you God?"
  - c. A representative on behalf of the petition shall first present the facts and arguments in support of the petition. (10 minutes)
  - d. Comments and questions from the Board and Department shall be held until the end of the initial presentation.
  - e. The official public hearing shall then be opened. Supporting comments from organized groups, committees, and individuals, other than the petitioner or their representative, shall then follow. Speakers should present new points and not repeat previous speakers. (3 minutes per individual speaking)
  - f. A representative on behalf of the petition shall then receive reasonable time for rebuttal. There shall be no time allotted for a rebuttal to the rebuttal. (5 minutes)
  - g. To maintain orderly procedure, each party should proceed without interruption by another party.
  - h. After the discussion of the petition has concluded, then the Board shall consider a motion on the petition.
2. In the presentation of an petition:
  - a. The burden shall be upon the petitioner to supply all information, including charts, diagrams and other exhibits necessary for a clear understanding of the petition.
  - b. Statements to the Board made by the petitioner or the petitioner's representative at the meeting regarding anticipated methods of operation,

siting or other details relevant to the decision shall be binding agreements between the petitioner and Board and shall be reflected in the minutes of that meeting.

- c. Drawings, displays, or documents presented at the meeting by the petitioner or the petitioner's representative illustrating such details shall also be binding agreements, shall become part of the public record and shall be entered into the petition's file. Large format drawings, displays or documents shall be submitted to the Department within twenty-four (24) hours after the hearing in an electronic format (.pdf).
3. Every person appearing before the Board shall abide by the orders and directions of the Chairperson. Discourteous, disorderly or contemptuous conduct shall be regarded as a breach of the privileges of the Board and the Chairperson may remove individuals from the meeting for inappropriate behavior.
4. The Board, at its discretion and on an affirmative vote of a majority of the Board, may continue or postpone the hearing of any petition when, in its judgment, the petitioner or the petitioner's representative has not provided sufficient evidence on which to make a determination.
5. The Director, at his/her discretion, may continue or postpone the hearing of any petition when, in his/her judgment, the petitioner has not provided sufficient evidence on which to make a determination.
6. Applicants shall be entitled to one (1) postponement/continuance to the first regular Board meeting following the meeting advertised by public notice. Such postponement/continuance must be requested in writing or shall be requested in person by the petitioner or their representative at the scheduled meeting prior to the introduction of the petition within the Other Business section of the agenda. Written requests for postponement/continuance shall be delivered to the Department at least one (1) week prior to the advertised hearing date.
7. Subsequent postponement/continuance requests or requests for a postponement/continuance to a meeting beyond the meeting referred to in Article IX, Item 5 above shall be made to the Board in person by the petitioner or their representative.
8. Failure of the petitioner, or their representative, to appear in order to make the request referred to in Article IX, Item 6 above shall result in the public notice being deemed ineffective. If the petitioner chooses to proceed with the subject request, then it will become necessary for public notice to be served again as originally required for Board hearings.
9. Postponement/continuation of Board requests to a date more than six (6) months beyond the original noticed meeting shall not be granted. The Board shall dismiss such pending requests. The right of a petitioner to re-file such petitions shall be preserved, providing no final disposition of the prior request has been granted. Such petition shall again be subject to the payment of filing fees.

10. Postponed/continued petitions involving the same property that was the subject of a petition which has been dismissed by the Board shall not be placed on the docket for consideration within a period of six (6) months after the date of dismissal.

DRAFT



## **ARTICLE X: NOTICE**

---

The following requirements for public notice of a public hearing to be held by the Board must be met:

1. Interested Parties: Public notice in accordance with this article and with I.C. 5-3-1-2 and I.C. 5-3-1-4 and due notice to interested parties. Interested parties shall be: (a) the owners of real property adjacent to the property subject of the petition to a depth of two (2) ownerships of no direct or indirect financial or other interested to the petitioner or property owner, or six hundred and sixty (660) feet, whichever is less; and (b) additional parties deemed advisable by the Director. A list of the interested parties' last known address shall be obtained from the Hamilton County Auditor, Office of Transfers and Mapping. A good faith effort shall be made to investigate and resolve any discrepancies or omissions in or among such records in order to determine the name and address of the current owner of record.
2. Certified Mailing: A petitioner shall mail a copy of legal notice to interested parties in accordance with the following:
  - a. Notice Content: Such notice shall be in a form approved by the Department and shall include:
    - i. The general location by address or other identifiable geographic description of the subject property or area;
    - ii. A summary of the subject matter contained in the petition;
    - iii. Petition's docket number;
    - iv. The name of the petitioner and petitioner's representative(s);
    - v. The time and place for which the hearing has been set;
    - vi. That the petition and file may be examined in the office of the Department;
    - vii. That the addressee may voice an opinion at the hearing and/or file written comments with the Department; and
    - viii. That the hearing may be continued from time to time as may be found necessary.
  - b. Certified Mail and Timing: Required notices to interested parties shall be sent by certified mail with proof of mailing and postmarked at least ten (10) days prior to the public hearing. The Department will advise the Board at the public hearing of any omissions or deficiencies in such public notice.
  - c. Appearance: Appearance at any public hearing, in person or by their representative, shall waive any defect in notice unless the alleged defect is raised at the beginning of the hearing.
  - d. Responsible Party: The party requesting the public hearing shall bear the cost of and responsibility for mailed notice to interested parties.

3. Newspaper Legal Notice: The Department shall cause a legal notice to be published in a newspaper qualified to publish legal notices as established by Council (newspaper) at least ten (10) days prior to the public hearing. The Department shall bear the cost of and responsibility for newspaper notice and posting the notice at the meeting location.
4. Posting on Property: For all petitions that require a public hearing, the petitioner shall post a sign or signs on the subject property in a location clearly visible to passing traffic.
  - a. The Department shall determine sign locations with not less than one (1) sign placed on the property per street frontage per block.
  - b. Signs shall be posted on the subject property at least ten (10) days before the public hearing.
  - c. Signs shall be provided and made available in the Department.
5. Affidavit of Notice of Public Hearing: The petitioner shall deliver a copy of the mailed notice and a signed affidavit, verifying that the notices were mailed and the public notice sign(s) was posted on the subject property, to the Department at least four (4) calendar days prior to the public hearing. The affidavit shall include proof that notice has been mailed consisting of the postmarked certified mail receipts and a copy of the list of interested parties from the Hamilton County Auditor, Office of Transfers and Mapping. Said affidavit and attachments shall be filed in the office of the Department at least four (4) calendar days prior to the public hearing.
6. City Website: The Department shall cause notice and the public hearing agenda to be posted on the official City of Westfield web site.
7. Meeting Posting: For all meetings, other than public hearings, of the Board, a forty-eight (48) hour notice shall be made by posting the meeting time and location at the entrance of the building where the meeting will occur. No other notice shall be required.

#### **ARTICLE XI: FINAL DISPOSITION OF PETITIONS**

---

1. The final disposition of petitions shall set forth the findings and determinations of the Board, together with any modification, specification or limitation it makes. The Board shall make written findings of fact for all petitions that are heard.
2. The Board may dismiss a petition for lack of representation by the petitioner or lack of jurisdiction. If a petition is dismissed for lack of representation and a postponement/continuation in accordance with Article IX has not been granted by the Board, then the petition may be dismissed and the petitioner may re-file in accordance with these rules.
3. A petitioner may request to withdraw a petition under "Other Business" on the agenda. A petition may not be withdrawn after all items in "Other Business" have been completed.

4. A petition that has been withdrawn by the petitioner or a petition that has received an adverse decision shall not be placed on the docket for consideration until six (6) months after the date of the decision.
5. In all petitions, the Board may permit or require the owner of a parcel of property to make a written commitment concerning the use or development of that parcel. Such commitment shall be made and memorialized in accordance with Article 10.6 of the Unified Development Ordinance.
  - a. By permitting or requiring commitments, the Board does not obligate itself to approve or deny any request.
  - b. Conditions imposed on the granting of a petition are not subject to the rules applicable to commitments.
  - c. Commitments do not affect the validity of any covenant, easement, equitable servitude or other land use restriction created in accordance with the law.
  - d. Appeals to a decision made by the Board of Zoning Appeals shall follow the process prescribed in I.C. 36-7-4, 1000 Series – Remedies and Enforcement.

#### **ARTICLE XII: AMENDMENTS**

---

Amendments to these Rules of Procedure may be made by the Board upon submission and after review by Mayor's Office, City Council, City Attorney and Director and further presented to the Board membership at a regular meeting or special meeting upon the affirmative vote of a majority of the members of the Board. Approved amendments shall be effective immediately, unless otherwise noted.

#### **ARTICLE XIII: ADOPTION AND SUSPENSION OF RULES OF PROCEDURE**

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1. The Board shall adopt Rules of Procedure for the conduct of meetings of the Board.
2. Adoption of the Rules shall be by majority vote of the Board members present and voting at a regular scheduled meeting where at least four (4) members are present.
3. The Board may suspend the Rules of Procedure by unanimous vote of the members present at the meeting.
4. The Board shall not suspend the Rules of Procedure beyond the duration of the appeal being heard for which the suspension of Rules occurs.

[Remainder of page intentionally left blank.]

These Rules of Procedure of the Board of Zoning Appeals of Westfield Washington Township, Hamilton County, Indiana, approved by the affirmative vote of five (5) members of said Board at the regular meeting of the Board held on the 10<sup>th</sup> day of May, 2016. This approval repeals any prior rules of procedure.

\_\_\_\_\_  
Robert Smith, Esq., Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
Dave Schmitz, Vice-Chairman

\_\_\_\_\_  
Date

Members:

\_\_\_\_\_  
Ken Kingshill, Member

\_\_\_\_\_  
Date

\_\_\_\_\_  
Martin Raines, Member

\_\_\_\_\_  
Date

\_\_\_\_\_  
Bill Sanders, Member

\_\_\_\_\_  
Date

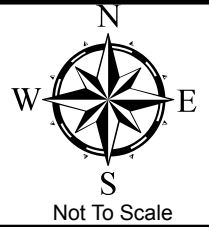
Attested by:

\_\_\_\_\_  
Matthew S. Skelton, Director  
Economic and Community  
Development Department

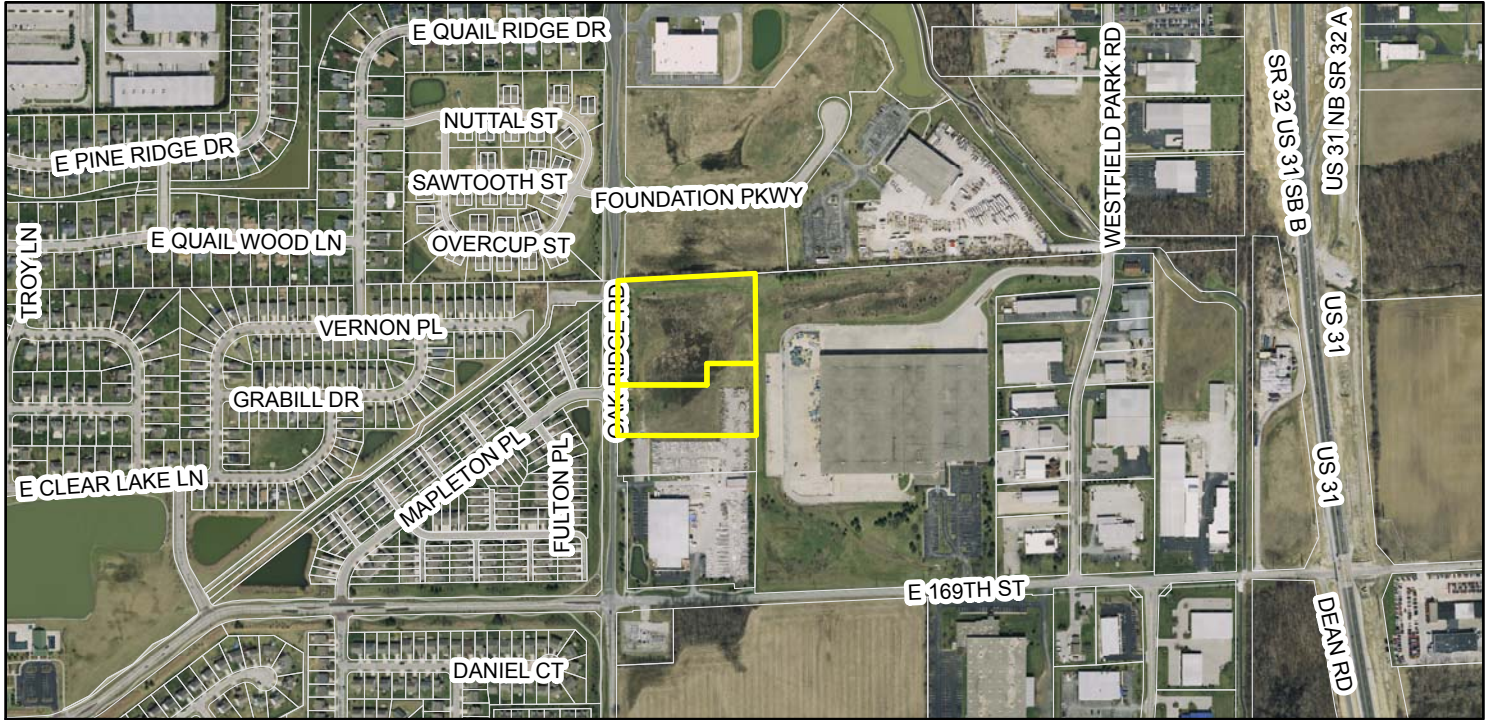
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Date



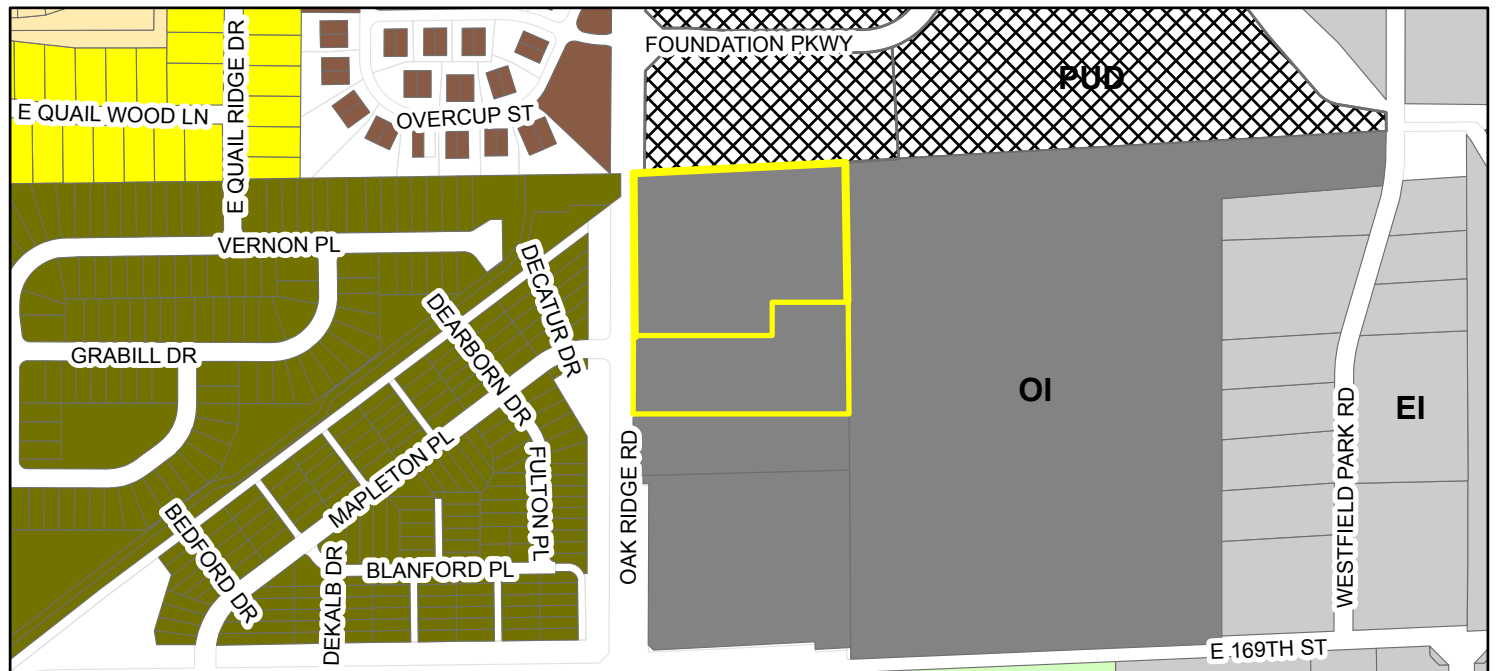
Property Location Map  
1605-VS-08  
Westfield Business Centre  
Variance of Development Standard



Aerial Location Map



Zoning Map

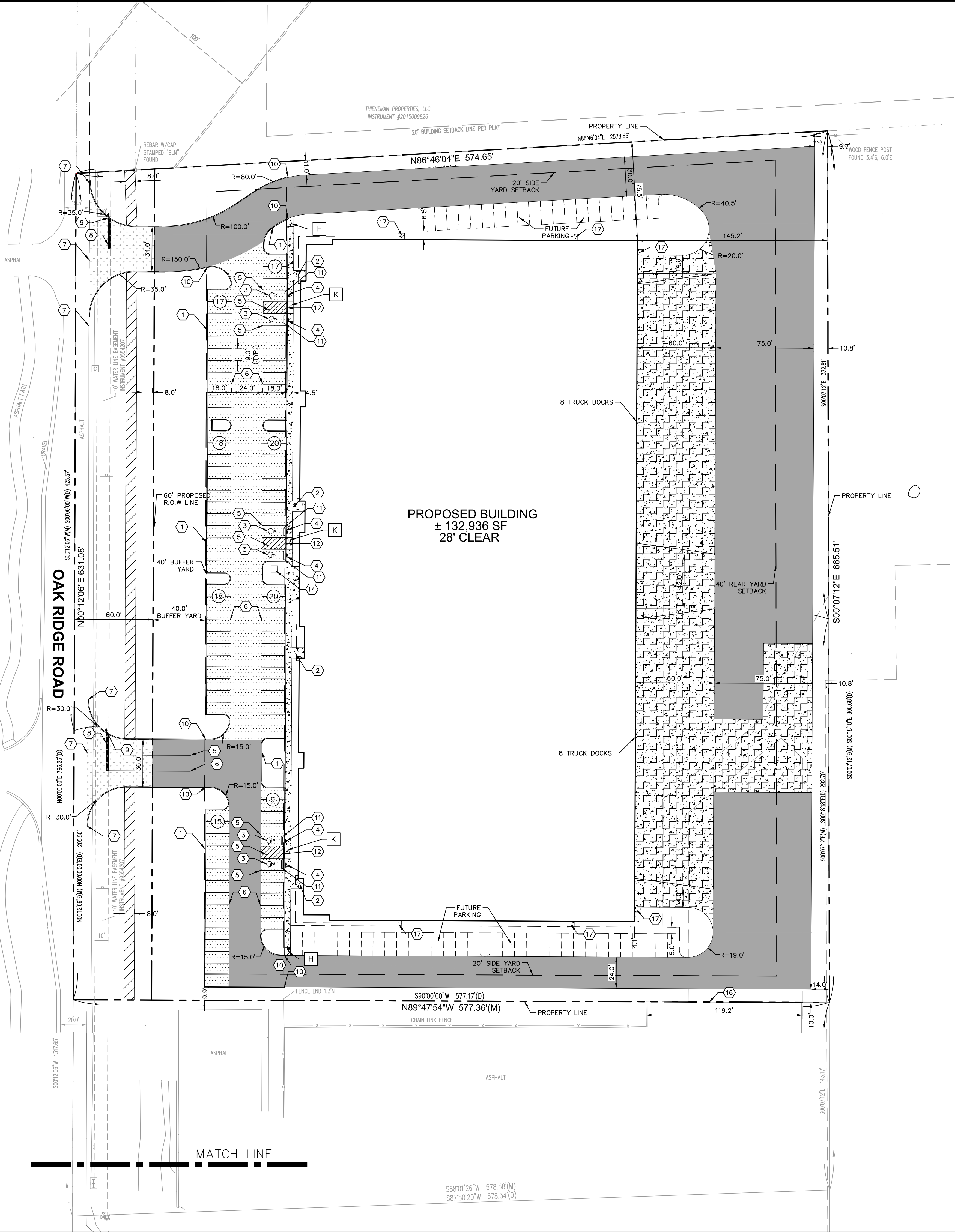


Zoning

|                                          |                                |
|------------------------------------------|--------------------------------|
| AG-SF1 (Agriculture - Single Family - 1) | SF-3 (Single Family - 3)       |
| EI (Enclosed Industrial)                 | SF-3 Cluster                   |
| MF-2 (Multiple Family - 2)               | SF-4 (Single Family - 4)       |
| OI (Open Industrial)                     | Parcel                         |
|                                          | PUD (Planned Unit Development) |



Drawing name: K:\IND\_LDEV\16837200\_Carter Jackson\_B acres\_Westfield\_IN\2 Design\CAD\PlanSheets\C3.0\_SITE PLAN.dwg C3.0\_SITE PLAN Mar 02, 2016 2:57pm by: bilbutz  
This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



**PAVING AND CURB LEGEND**

- STANDARD DUTY ASPHALT PAVEMENT  
SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION
- HEAVY DUTY ASPHALT PAVEMENT  
SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION
- CONCRETE SIDEWALK  
SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION  
\*SEE ARCHITECTURAL PLANS FOR SCOURING PATTERN
- HEAVY DUTY CONCRETE PAVEMENT  
SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION  
\*SEE ARCHITECTURAL PLANS FOR SCOURING PATTERN
- ASPHALT PATH  
SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION
- CITY PAVEMENT SECTION P-X (WITHIN RIGHT OF WAY)  
SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION
- 6-INCH CURB

Indiana Utilities Protection Service  
**Call 811**  
before you dig

GRAPHIC SCALE IN FEET  
0 20 40 80

NORTH

**GENERAL NOTES**

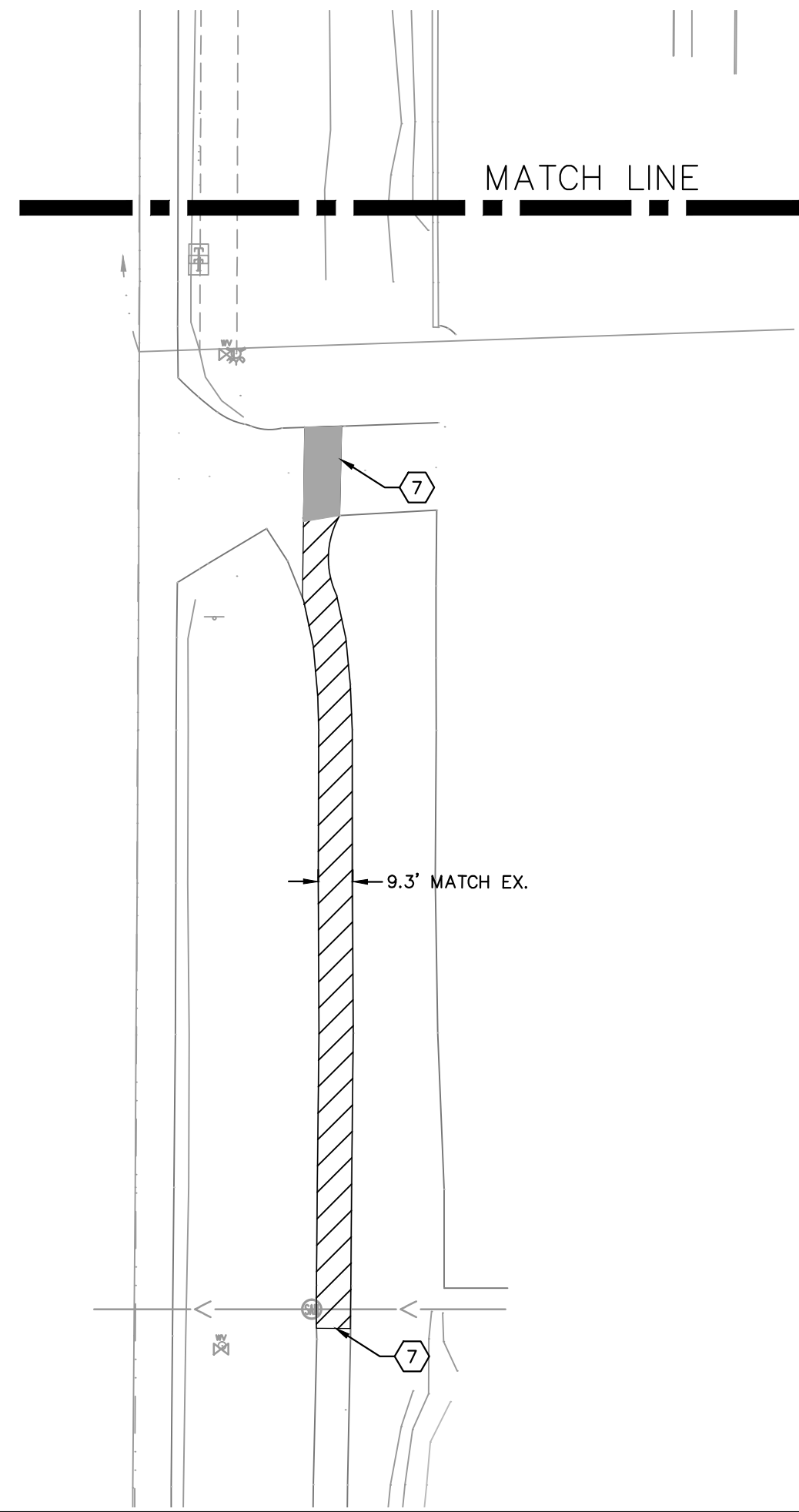
- ALL DIMENSIONS REFER TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
- BUILDING DIMENSIONS ARE TO THE OUTSIDE FACE OF BUILDING UNLESS OTHERWISE NOTED.
- REFER TO ARCHITECTURAL AND STRUCTURAL PLANS TO VERIFY ALL BUILDING DIMENSIONS.
- RADII ADJACENT TO PARKING STALL AND NOT DIMENSIONED ON THIS PLAN SHALL BE 4.5- FEET, TYPICAL.
- REFER TO ARCHITECTURAL PLANS FOR MONUMENT SIGN DETAILS. SEE MEP PLANS FOR SITE ELECTRICAL DRAWINGS.
- ALL PROPOSED ON-SITE STRIPING SHALL BE PAINTED UNLESS OTHERWISE NOTED.

**KEY NOTES**

- 6" CONCRETE BARRIER CURB (SEE DETAILS)
- CONCRETE SIDEWALK, TYP. (SEE DETAILS)
- ACCESSIBLE PAVEMENT MARKINGS, TYP. (SEE DETAILS)
- ACCESSIBLE PARKING SIGN, TYP. (MUTCD R7-8, SEE DETAILS)
- 4" WIDE PAINTED WHITE SOLID LINE, TYP.
- 4" WIDE PAINTED YELLOW SOLID LINE, TYP.
- CONNECT TO EXISTING PAVEMENT, SIDEWALK, CURB, TYP.
- 24" WIDE STOP BAR, TYP.
- STOP SIGN, TYP. (MUTCD R1-1, SEE DETAILS)
- CURB TRANSITION FROM 6" TO 0" OVER 3 FEET
- CONCRETE WHEEL STOP, TYP. (SEE DETAILS)
- DEPRESSED CURB
- TRASH COMPACTOR AND ENCLOSURE (SEE ARCHITECTURAL PLANS FOR DETAILS)
- TRANSFORMER PAD (SEE ARCHITECTURAL PLANS FOR DETAILS)
- MONUMENT SIGN (SEE ARCHITECTURAL PLANS FOR DETAILS)
- PATCH FENCE (MATCH EXISTING FENCE TYPE, COLOR, AND HEIGHT)
- 5' X 5' CONCRETE SIDEWALK AT EXIT DOOR
- ACCESSIBLE RAMP (INDOT TYPE BY LETTER)

**PARKING SUMMARY**

PARKING SPACES REQUIRED (CITY STANDARD) = N/A  
PARKING SPACES PROVIDED (FUTURE SPACES) = 93 SPACES (52 SPACES)  
ACCESSIBLE PARKING SPACES PROVIDED = 4 SPACES  
TOTAL PARKING SPACES = 97 SPACES



**WESTFIELD BUSINESS CENTRE**  
17100 OAK RIDGE ROAD  
WESTFIELD, INDIANA

**JACKSON DEVELOPMENT**  
11805 NORTH PENNSYLVANIA STREET  
CARMEL, INDIANA 46032  
PHONE: 317-797-1115

**Kimley»Horn**  
© 2016 KIMLEY-HORN AND ASSOCIATES, INC.  
600 EAST 98TH STREET, SUITE 460,  
INDIANAPOLIS, IN 46240  
WWW.KIMLEY-HORN.COM

SCALE: AS NOTED  
DESIGNED BY: KMH  
DRAWN BY: LDS  
CHECKED BY: WAB

REGISTERED PROFESSIONAL ENGINEER  
WILLIAM A. BUTZ, JR.  
No. PE10606045  
STATE OF INDIANA

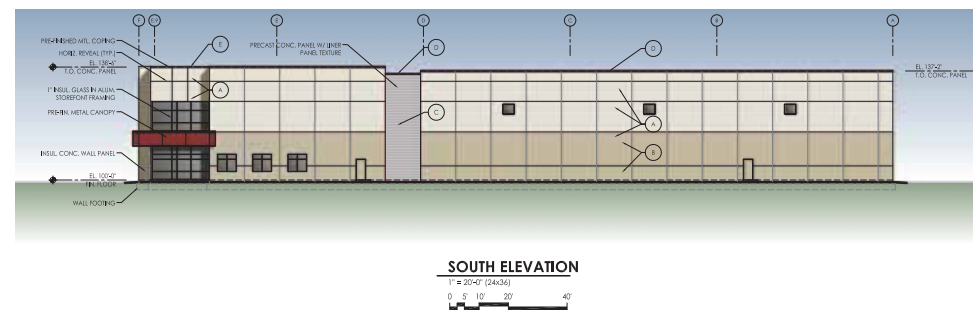
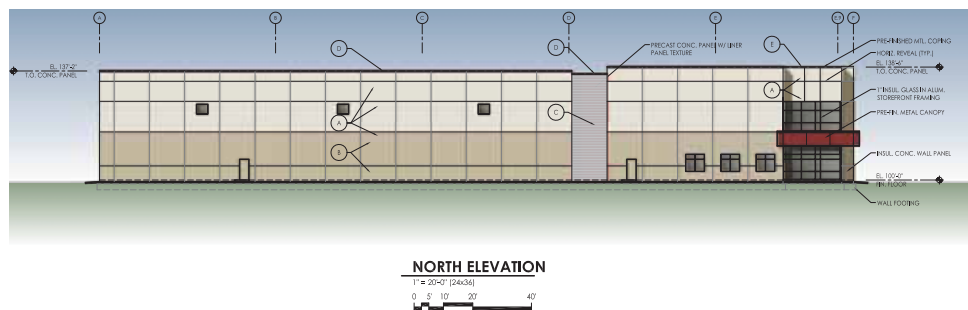
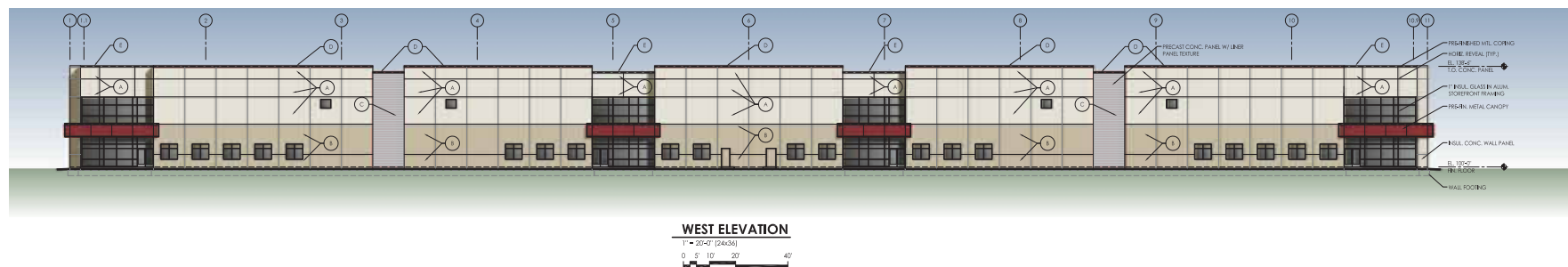
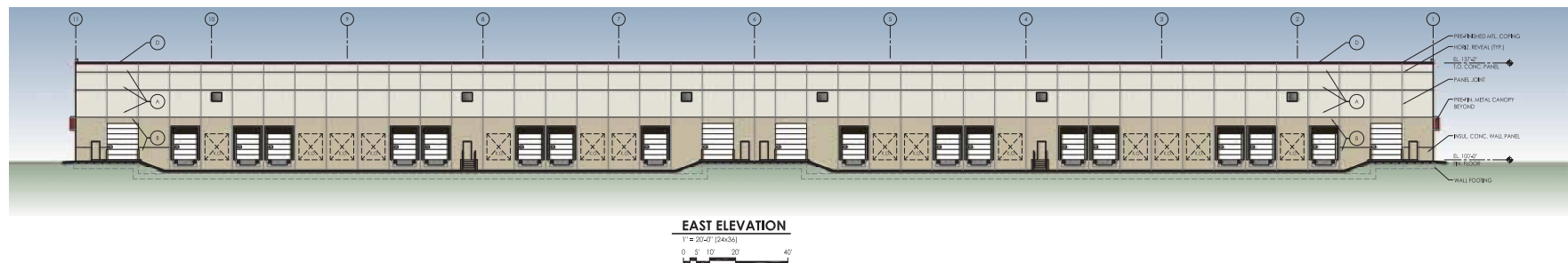
REVISIONS

DATE

BY

ORIGINAL ISSUE:  
03/03/2016  
KHA PROJECT NO.  
16837200  
SHEET NUMBER  
**C3.0**

| EXTERIOR COLOR SCHEDULE |                            |                         |
|-------------------------|----------------------------|-------------------------|
| ITEM                    | MFG.                       | COLOR                   |
| CONDOR WALL PANELS      |                            |                         |
| CONDOR A                | SWANSON                    | 20% TAN/BLACK           |
| CONDOR B                | SWANSON                    | 20% TAN/WHITE           |
| CONDOR C                | SWANSON                    | 20% TAN/RED             |
| REDUCED CONDOR COLOR    | SWANSON                    | COLOR RED               |
| CONDOR C/WHITE COLOR    | SWANSON                    | COLOR RED               |
| ALUM. TRUCKS & COOPER   | MARLBURG LARS<br>STANDARDS | CLEAN ANODIZED          |
| GLASS                   | PIPG                       | 20% TAN/20% CLEAR GLASS |
| CANOPY FRAMES/PANELS    | CORUS                      | COLOR RED               |
| CANOPY SIDE PANELS      | CORUS                      | 20% TAN                 |
| CANOPY TOP              | SWANSON                    | COLOR RED               |
| POLYURETHAN COAT        | " "                        | WHITE/BLACK/WHITE COLOR |
| ALUMINUM TRAILERS       | MARLBURG LARS<br>STANDARDS | 20% TAN                 |
| SHEDS/DOCS              | MARLBURG LARS<br>STANDARDS | WHITE                   |
| STEEL REINFORC.         | MARLBURG LARS<br>STANDARDS | WHITE REINFORC.         |
| STEEL WALLS & DOORS     | MARLBURG LARS<br>STANDARDS | BROWN                   |
| WALL COATINGS           | MARLBURG LARS<br>STANDARDS | CLEAN ANODIZED          |







**JACKSON**  
DEVELOPMENT

**Westfield Business Centre**

05 FEBRUARY 2014

171ST STREET & OAK RIDGE ROAD - WESTFIELD, INDIANA

ARCHITECTURE®  
7222 North Shadeland Avenue, #200  
Indianapolis, Indiana 46255  
317.814.1040  
FAX: 317.814.1041  
© 2014 JAC ARCHITECTURE #15326-Y



WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM

VARIANCE APPLICATION

RECEIVED



OFFICE  
USE ONLY

DOCKET #: 1605-VS-08

FILING DATE: APR 01 2016

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

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: Andrew Murray (STAFF NAME) DATE: 2-8-2016

PRIOR OR RELATED DOCKET NUMBERS

CHANGE OF ZONING: \_\_\_\_\_ AMENDMENTS: \_\_\_\_\_ DEVELOPMENT PLAN: 1604-DDP-11

PRIMARY PLAT: \_\_\_\_\_ SECONDARY PLAT: 1604-SFP-08 VARIANCE(S): \_\_\_\_\_

APPLICANT INFORMATION

APPLICANT'S NAME: Jackson Development, LLC - Carter Jackson TELEPHONE: 317-797-1115

ADDRESS: 11805 Pennsylvania St., Ste. 108, Carmel, IN 46032 EMAIL: carter@jacksondevelopmentllc.c

PROPERTY OWNER'S NAME: Oak Ridge Road LLC - Carter Jackson TELEPHONE: 317-797-1115

ADDRESS: 11805 Pennsylvania St., Ste. 108, Carmel, IN 46032 EMAIL: carter@jacksondevelopmentllc.c

REPRESENTATIVE'S NAME: Bill Butz TELEPHONE: 317-218-9561

COMPANY: Kimley-Horn & Associates, Inc. EMAIL: bill.butz@kimley-horn.com

ADDRESS: 600 E. 96th Street, Suite 460 Indianapolis, IN 46240

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: East of Oak Ridge Road, north of 169th Street

COUNTY PARCEL ID #(S): 09-09-01-00-00-024.102, 09-09-01-00-00-024.202

EXISTING ZONING DISTRICT(S): I-2 EXISTING LAND USE(S): Vacant

VARIANCE REQUEST

☐ VARIANCE OF LAND USE CODE CITATION: Article 6.3(G)(2)(a)(i) - bldg materials

☒ VARIANCE OF DEVELOPMENT STANDARD(S) CODE CITATION: Article 6.3(G)(2)(a)(ii) 60' offsets

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

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

See Separate Sheet



## 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.

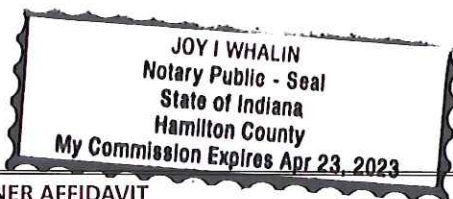
Charles C Jackson  
Applicant/Representative (signature)

Charles C Jackson  
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<sup>st</sup> day of April, 2016.

State of In, County of Hamilton, SS:



Joy Whalin  
Notary Public Signature  
Joy Whalin  
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.

Charles C Jackson  
Property Owner (signature)\*

Charles C Jackson  
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<sup>st</sup> day of April, 2016.

State of In, County of Hamilton, SS:



Joy Whalin  
Notary Public Signature  
Joy Whalin  
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.

## 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.

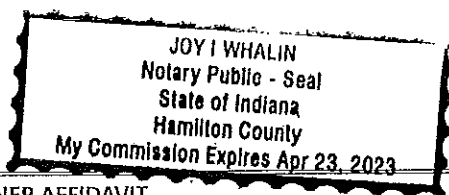
Charles C Jackson  
Applicant/Representative (signature)

Charles C Jackson  
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<sup>st</sup> day of April, 2016.

State of In, County of Hamilton, SS:



Joy Whalin  
Notary Public Signature  
Joy Whalin  
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.

Charles C Jackson  
Property Owner (signature)\*

Charles C Jackson  
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<sup>st</sup> day of April, 2016.

State of In, County of Hamilton, SS:

Joy Whalin  
Notary Public Signature  
Joy Whalin  
Notary Public (printed)

## RECEIPT OF PAYMENT

Westfield Business Center

NAME OAK Ridge Road LLC

ADDRESS 11805 N PENNSYLVANIA CITY \_\_\_\_\_ ZIP \_\_\_\_\_

DATE RECEIVED 4/1/16

☒ CHECK # 1005 ☐ CASH ☐ OTHER \_\_\_\_\_

Variance Request

PAYMENT RECEIVED BY TIM

ACCOUNT # \_\_\_\_\_

AMOUNT PAID \$ 700.00





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



APPLICANT: Jackson Development, LLC - Carter Jackson

DOCKET #: \_\_\_\_\_

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

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

The building is located in an industrial area and will resemble and in some cases be of higher quality than the other existing industrial buildings in the area. The large mound and landscaping will also screen a portion of the building from view of the general public.

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 building is located in an industrial area and will resemble and in some cases be of higher quality than the other existing industrial buildings in the area. The large mound and landscaping will also screen a portion of the building from view of the general public.

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

A brick and mortar building at this location would not be consistent with the adjacent industrial buildings in the area. The cost and scale to construct a large warehouse building out of brick and mortar is significant and may make constructing the building on the property difficult or infeasible.



## VARIANCE APPLICATIONS

**GENERAL INSTRUCTIONS**

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



# Vicinity Map



March 3, 2016

## Road Closures

- Closed
- Open
- Restricted
- Upcoming Closure

## Facilities

- Upcoming Restriction
- P Parking
- ⚡ Playground
- ♿ Restrooms

## Addresses

- ⚡ Irrigation Pump House
- ⚡ Maintenance Buildings
- ♿ Retention Ponds
- ♿ Grand Park Labels

1:4,800

0 0.04 0.08 0.16 mi

0 0.05 0.1 0.2 km

Basemap information here

# Statement of Intent

## Westfield Business Centre Variance Request

Oak Ridge Road, LLC is requesting a variance for two of the building façade requirements noted in the Westfield Zoning Ordinance. The first request is related to the 60% Masonry Material requirement. The building is planned to be constructed with architectural pre-cast concrete walls which is a standard material for a warehouse style building. Through the use of multiple colors and textures, the building will resemble the 60% requirement. This variance request will bring this development in line with the adjacent PUD zoning districts and the buildings that both exist and will be constructed in the future.

The second variance request is to increase the allowable building façade length from 60-feet to 85-feet. The proposed building has four separate decorative curtain wall entries, windows, and vertical accents to break up the long face of the building. Through the use of color, glass, and multiple 4-foot offsets the building façade will be broken up and will have less façade length than other adjacent industrial buildings. This variance request will bring this development in line with the adjacent PUD zoning districts and the buildings that both exist and will be constructed in the future.

**ADJOINER**  
(NOTIFICATION LIST)

FILED

MAR 7 2016

NOTE: DUE TO VOLUME AND TURNAROUND, ORDERS TAKE 3-5 BUSINESS DAYS FOR PROCESSING. TRANSFER AND MAPPING WILL APPROPRIATELY NOTIFY THE CONTACT WHEN THEIR ORDER IS READY TO BE PICKED UP BY THE CONTACT. *Donna Cordak*  
HAMILTON COUNTY

DATE TAKEN:

3/7/16

TIME TAKEN:

8:18 AM

NAME OF PROPERTY OWNER:

Oak Ridge (Road) LLC

NAME OF PETITIONER:

Oak Ridge (Road) LLC

LEGAL DESCRIPTION OR PARCEL NUMBER OF PROPERTY:

09-09-01-00-00-024.202, 09-09-01-00-00-024.102

ZONING AUTHORITY APPLYING TO

- ☐ ARCADIA
- ☐ ATLANTA
- ☐ CARMEL BZA
- ☐ CARMEL PLANNING
- ☐ CICERO
- ☐ FISHERS & FALL BZA

- ☐ FISHERS PLAN COMMISSION
- ☐ HAMILTON COUNTY PLANNING
- ☐ NOBLESVILLE HOME OCCUPATION
- ☐ NOBLESVILLE PUBLIC HEARING
- ☐ SHERIDAN
- ☒ WESTFIELD

SIGNATURE OF APPLICANT:

*[Signature]*

DATE:

3/7/16

PERSON TO CONTACT:

Bill Butz

PHONE NUMBER:

317-730-1027

FOR OFFICE USE ONLY

EMPLOYEE INITIALS:

*[Initials]*

PAYMENT RECEIVED: CASH \$25.00 RECEIPT NUMBER: 11349

E-MAIL WHEN COMPLETED:

bill.butz@kimley-horn.com

HAMILTON COUNTY TRANSFER AND MAPPING

33 N. NINTH ST. • NOBLESVILLE, IN 46060

plats@hamiltoncounty.in.gov

P: 317.776.9624

F: 317.776.9682



## HAMILTON COUNTY AUDITOR

I, DAWN COVERDALE, AUDITOR OF HAMILTON COUNTY, INDIANA, CERTIFY MY OFFICE HAS SEARCHED OUR RECORDS AND BASED ON THAT SEARCH, IT APPEARS THAT THE PROPERTY OWNERS MARKED AS NEIGHBORS ARE THE PROPERTY OWNERS THAT ARE TWO PROPERTIES OR 660' FEET FROM THE REAL ESTATE MARKED AS SUBJECT PROPERTY.

THIS DOCUMENT DOES NOT CERTIFY THAT THE ATTACHED LIST OF PROPERTY OWNERS IS ACCURATE OR INCLUDES ALL PROPERTY OWNERS ENTITLED TO NOTICE PURSUANT TO LOCAL ORDINANCE. ANY PERSON SEEKING A MORE ACCURATE SEARCH OF THE REAL ESTATE RECORDS OF THE COUNTY SHOULD SEEK THE OPINION OF A TITLE INSURANCE COMPANY.

DAWN COVERDALE, HAMILTON COUNTY AUDITOR

DATED: *Bart Guesenauer* 3-7-2016

### SUBJECT PROPERTY:

|                         |         |
|-------------------------|---------|
| 09-09-01-00-00-024.102  | Subject |
| Oak Ridge Road LLC      |         |
| 11805 N Pennsylvania St |         |
| Carmel IN               | 46032   |
| 09-09-01-00-00-024.202  | Subject |
| Oak Ridge Road LLC      |         |
| 11805 N Pennsylvania St |         |
| Carmel IN               | 46032   |

Pursuant to the provisions of Indiana Code 5-14-3-3-(e), no person other than those authorized by the County may reproduce, grant access, deliver, or sell any information obtained from any department or office of the County to any other person, partnership, or corporation. In addition any person who receives information from the County shall not be permitted to use any mailing list, addresses, or databases for the purpose of selling, advertising, or soliciting the purchase of merchandise, goods, services, or to sell, loan, give away, or otherwise deliver the information obtained by the request to any other person.

## **HAMILTON COUNTY NOTIFICATION LIST**

PLEASE NOTIFY THE FOLLOWING PERSONS

---

|                        |          |
|------------------------|----------|
| 09-09-01-00-00-024.000 | Neighbor |
|------------------------|----------|

B & K Real Estate Investment LLC

734 169th St E

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

---

|                        |          |
|------------------------|----------|
| 09-09-01-00-00-024.002 | Neighbor |
|------------------------|----------|

B & K Real Estate Investment LLC

734 169th St E

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

---

|                        |          |
|------------------------|----------|
| 09-09-01-00-00-024.003 | Neighbor |
|------------------------|----------|

Hollingsworth Capital Partners Indiana LLC

Two Centre Plaza

|         |    |       |
|---------|----|-------|
| Clinton | TN | 37716 |
|---------|----|-------|

---

|                        |          |
|------------------------|----------|
| 09-09-01-00-02-001.000 | Neighbor |
|------------------------|----------|

Thieneman Properties LLC

521 W 84th Dr Ste A

|              |    |       |
|--------------|----|-------|
| Merrillville | IN | 46410 |
|--------------|----|-------|

---

|                        |          |
|------------------------|----------|
| 09-09-01-00-02-002.000 | Neighbor |
|------------------------|----------|

Oak Ridge Real Estate Development LLC

17241 Foundation Pky

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

---

|                        |          |
|------------------------|----------|
| 09-09-01-00-02-004.001 | Neighbor |
|------------------------|----------|

Oak Ridge Real Estate Development LLC

17241 Foundation Pky

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

---

|                        |          |
|------------------------|----------|
| 09-09-02-00-00-005.003 | Neighbor |
|------------------------|----------|

Portrait Homes LLC

535 Plainfield Rd Ste B

|             |    |       |
|-------------|----|-------|
| Willowbrook | IL | 60527 |
|-------------|----|-------|

---

|                        |          |
|------------------------|----------|
| 09-09-02-00-00-015.000 | Neighbor |
|------------------------|----------|

Town Of Westfield

|                                        |        |            |
|----------------------------------------|--------|------------|
| 130 Penn St                            |        |            |
| Westfield                              | IN     | 46074      |
| <hr/>                                  |        |            |
| 09-09-02-00-23-001.000                 |        | Neighbor   |
| Absolut Investment Group LLC           |        |            |
| 1111 E 54TH ST STE 209                 |        |            |
| Indianapolis                           | IN     | 46220      |
| <hr/>                                  |        |            |
| 09-09-02-00-23-004.000                 |        | Neighbor   |
| Pyatt Builders LLC                     |        |            |
| 6572 Braemar Ave S                     |        |            |
| Noblesville                            | IN     | 46060      |
| <hr/>                                  |        |            |
| 09-09-02-00-27-001.000                 |        | Neighbor   |
| Miller, John & Suzanne                 |        |            |
| 675 Overcup St Unit 301                |        |            |
| Westfield                              | IN     | 46074      |
| <hr/>                                  |        |            |
| 09-09-02-00-27-002.000                 |        | Neighbor   |
| Burnett, William & Shirley             |        |            |
| 671 Overcup St Unit 302                |        |            |
| Westfield                              | IN     | 46074      |
| <hr/>                                  |        |            |
| 09-09-02-00-27-999.999                 |        | Neighbor   |
| <null>                                 |        |            |
| <null>                                 |        |            |
| <null>                                 | <null> | <null>     |
| <hr/>                                  |        |            |
| 09-09-02-00-33-002.000                 |        | Neighbor   |
| Countryside Homeowners Association Inc |        |            |
| PO Box 30797                           |        |            |
| Indianapolis                           | IN     | 46230 0797 |
| <hr/>                                  |        |            |
| 09-09-02-00-33-003.000                 |        | Neighbor   |
| Countryside Homeowners Association Inc |        |            |
| PO Box 30797                           |        |            |
| Indianapolis                           | IN     | 46230 0797 |
| <hr/>                                  |        |            |
| 09-09-02-00-44-001.000                 |        | Neighbor   |
| Robertson, Roberta W                   |        |            |
| 660 Overcup St                         |        |            |

|                              |        |          |
|------------------------------|--------|----------|
| Westfield                    | IN     | 46074    |
| <hr/>                        |        |          |
| 09-09-02-00-44-002.000       |        | Neighbor |
| Dunlavey, Julia Ann          |        |          |
| 670 Overcup St               |        |          |
| Westfield                    | IN     | 46074    |
| <hr/>                        |        |          |
| 09-09-02-00-44-999.999       |        | Neighbor |
| <null>                       |        |          |
| <null>                       |        |          |
| <null>                       | <null> | <null>   |
| <hr/>                        |        |          |
| 09-09-02-00-45-001.000       |        | Neighbor |
| Bandawal, Juma Gul & Waliham |        |          |
| 692 Overcup St               |        |          |
| Westfield                    | IN     | 46074    |
| <hr/>                        |        |          |
| 09-09-02-00-45-002.000       |        | Neighbor |
| Blastick, Thomas A           |        |          |
| 687 Sawtooth St              |        |          |
| Westfield                    | IN     | 46074    |
| <hr/>                        |        |          |
| 09-09-02-00-45-999.999       |        | Neighbor |
| <null>                       |        |          |
| <null>                       |        |          |
| <null>                       | <null> | <null>   |
| <hr/>                        |        |          |
| 09-09-02-00-48-001.000       |        | Neighbor |
| Padgett, C Robert            |        |          |
| 680 Sawtooth St              |        |          |
| Westfield                    | IN     | 46074    |
| <hr/>                        |        |          |
| 09-09-02-00-48-002.000       |        | Neighbor |
| Kropog, Robert & Shirley     |        |          |
| 689 Nuttal St                |        |          |
| Westfield                    | IN     | 46074    |
| <hr/>                        |        |          |
| 09-09-02-00-48-999.999       |        | Neighbor |
| <null>                       |        |          |
| <null>                       |        |          |

|                                                       |        |          |
|-------------------------------------------------------|--------|----------|
| <null>                                                | <null> | <null>   |
| 09-09-02-04-00-999.999                                |        | Neighbor |
| <null>                                                |        |          |
| <null>                                                |        |          |
| <null>                                                | <null> | <null>   |
| 09-09-02-04-00-999.999                                |        | Neighbor |
| <null>                                                |        |          |
| <null>                                                |        |          |
| <null>                                                | <null> | <null>   |
| 09-09-02-04-00-999.999                                |        | Neighbor |
| <null>                                                |        |          |
| <null>                                                |        |          |
| <null>                                                | <null> | <null>   |
| 09-09-02-04-00-999.999                                |        | Neighbor |
| <null>                                                |        |          |
| <null>                                                |        |          |
| <null>                                                | <null> | <null>   |
| 09-09-02-04-10-001.000                                |        | Neighbor |
| Houghton, Glenda L                                    |        |          |
| 16950 Fulton Pl                                       |        |          |
| Westfield                                             | IN     | 46074    |
| 09-09-02-04-10-002.000                                |        | Neighbor |
| Selear, Daniel J & Sheryl L                           |        |          |
| 16952 FULTON PL                                       |        |          |
| Westfield                                             | IN     | 46074    |
| 09-09-02-04-10-003.000                                |        | Neighbor |
| Sunkara, Venkateswara & Sujanasree h&w                |        |          |
| 16954 Fulton Pl                                       |        |          |
| Westfield                                             | IN     | 46074    |
| 09-09-02-04-10-004.000                                |        | Neighbor |
| Catton, Mary B & David W Brandt & Nancy J Brandt jtrs |        |          |
| 16956 Fulton Pl                                       |        |          |
| Westfield                                             | IN     | 46074    |

|                                                                                         |    |                 |
|-----------------------------------------------------------------------------------------|----|-----------------|
| <b>09-09-02-04-10-005.000</b>                                                           |    | <b>Neighbor</b> |
| Dickerson, Eva B & Billy D Shepard jtrs                                                 |    |                 |
| 16958 Fulton Pl                                                                         |    |                 |
| Westfield                                                                               | IN | 46074           |
| <b>09-09-02-04-14-001.000</b>                                                           |    | <b>Neighbor</b> |
| Overmyer, Kimberly A                                                                    |    |                 |
| 16963 Fulton Pl                                                                         |    |                 |
| Westfield                                                                               | IN | 46074           |
| <b>09-09-02-04-14-002.000</b>                                                           |    | <b>Neighbor</b> |
| Mayer, Raymond E                                                                        |    |                 |
| 16961 Fulton Pl # 2302                                                                  |    |                 |
| Westfield                                                                               | IN | 46074           |
| <b>09-09-02-04-14-003.000</b>                                                           |    | <b>Neighbor</b> |
| Montrie, William L                                                                      |    |                 |
| 11973 Pebblepoint Pass                                                                  |    |                 |
| Carmel                                                                                  | IN | 46033           |
| <b>09-09-02-04-14-004.000</b>                                                           |    | <b>Neighbor</b> |
| Rockhill, Nancy                                                                         |    |                 |
| 16957 Fulton Pl                                                                         |    |                 |
| Westfield                                                                               | IN | 46074           |
| <b>09-09-02-04-14-005.000</b>                                                           |    | <b>Neighbor</b> |
| Skeoch, Graydon D & Cynthia Trustees of Graydon D & Cynthia Skeoch Trust                |    |                 |
| 16955 Fulton Pl                                                                         |    |                 |
| Westfield                                                                               | IN | 46074           |
| <b>09-09-02-04-14-006.000</b>                                                           |    | <b>Neighbor</b> |
| Scollick, Amber                                                                         |    |                 |
| 15841 Symphony Blvd                                                                     |    |                 |
| Noblesville                                                                             | IN | 46060           |
| <b>09-09-02-04-16-001.000</b>                                                           |    | <b>Neighbor</b> |
| Neiman, Dorothy Trustee of Dorothy Neiman Revocable Living Trust w/LE to Dorothy Neiman |    |                 |
| 651 Decatur Dr                                                                          |    |                 |
| Westfield                                                                               | IN | 46074           |



|                           |    |          |
|---------------------------|----|----------|
| 09-09-02-04-16-002.000    |    | Neighbor |
| Godby, Dwight A & Nancy A |    |          |
| 652 Decatur Dr            |    |          |
| Westfield                 | IN | 46074    |
| 09-09-02-04-16-003.000    |    | Neighbor |
| Pearce, Leann             |    |          |
| 653 Decatur Dr            |    |          |
| Westfield                 | IN | 46074    |
| 09-09-02-04-16-004.000    |    | Neighbor |
| Tidwell, Julie D          |    |          |
| 654 Decatur Dr Unit 1204  |    |          |
| Westfield                 | IN | 46074    |
| 09-09-02-04-16-005.000    |    | Neighbor |
| Gralak, Betty L           |    |          |
| 5098 Huntington Dr        |    |          |
| Carmel                    | IN | 46033    |
| 09-09-02-04-19-001.000    |    | Neighbor |
| Fletcher, Dolcina C       |    |          |
| 17004 FULTON PL           |    |          |
| Westfield                 | IN | 46074    |
| 09-09-02-04-19-002.000    |    | Neighbor |
| Smith, Michael Christian  |    |          |
| 17006 FULTON PL           |    |          |
| Westfield                 | IN | 46074    |
| 09-09-02-04-19-003.000    |    | Neighbor |
| Proctor, Christopher M W  |    |          |
| 17008 Fulton Pl           |    |          |
| Westfield                 | IN | 46074    |
| 09-09-02-04-19-004.000    |    | Neighbor |
| Forester, Sondra L        |    |          |
| P O Box 976               |    |          |
| Westfield                 | IN | 46074    |

|                                   |          |
|-----------------------------------|----------|
| 09-09-02-04-21-001.000            | Neighbor |
| Cummings, Beatrice                |          |
| 17009 Fulton Pl                   |          |
| Westfield                         | IN 46074 |
| <hr/>                             |          |
| 09-09-02-04-21-002.000            | Neighbor |
| Palmer, Nicole                    |          |
| 17007 FULTON PL                   |          |
| Westfield                         | IN 46074 |
| <hr/>                             |          |
| 09-09-02-04-21-003.000            | Neighbor |
| Huzvar, Jennifer F                |          |
| 17202 BUFFALO CIR                 |          |
| Westfield                         | IN 46074 |
| <hr/>                             |          |
| 09-09-02-04-21-004.000            | Neighbor |
| Morris, Mary Shannon              |          |
| 1686 JAMES BLVD                   |          |
| Greenfield                        | IN 46140 |
| <hr/>                             |          |
| 09-09-02-04-21-005.000            | Neighbor |
| Helmuth, Benjamin T               |          |
| 17001 Fulton Pl                   |          |
| Westfield                         | IN 46074 |
| <hr/>                             |          |
| 09-09-02-04-25-001.000            | Neighbor |
| Mills, Kacia N & Andrew           |          |
| 657 Decatur Dr                    |          |
| Westfield                         | IN 46074 |
| <hr/>                             |          |
| 09-09-02-04-25-002.000            | Neighbor |
| Polley, Stuart & Kimberly D Dwyer |          |
| 658 Decatur Dr                    |          |
| Westfield                         | IN 46074 |
| <hr/>                             |          |
| 09-09-02-04-25-003.000            | Neighbor |
| Wood, Kelly H                     |          |
| 659 Decatur Dr                    |          |
| Westfield                         | IN 46074 |
| <hr/>                             |          |
| 09-09-02-04-25-004.000            | Neighbor |

Loveall, Kerri

660 Decatur Dr

Westfield

IN

46074

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09-09-02-04-25-005.000

Neighbor

Esen, Mehmet Kudret & Mehmet Kerem Esen

661 Decatur Dr

Westfield

IN

46074

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09-09-02-04-25-006.000

Neighbor

Freeman, Kim

662 Decatur Dr

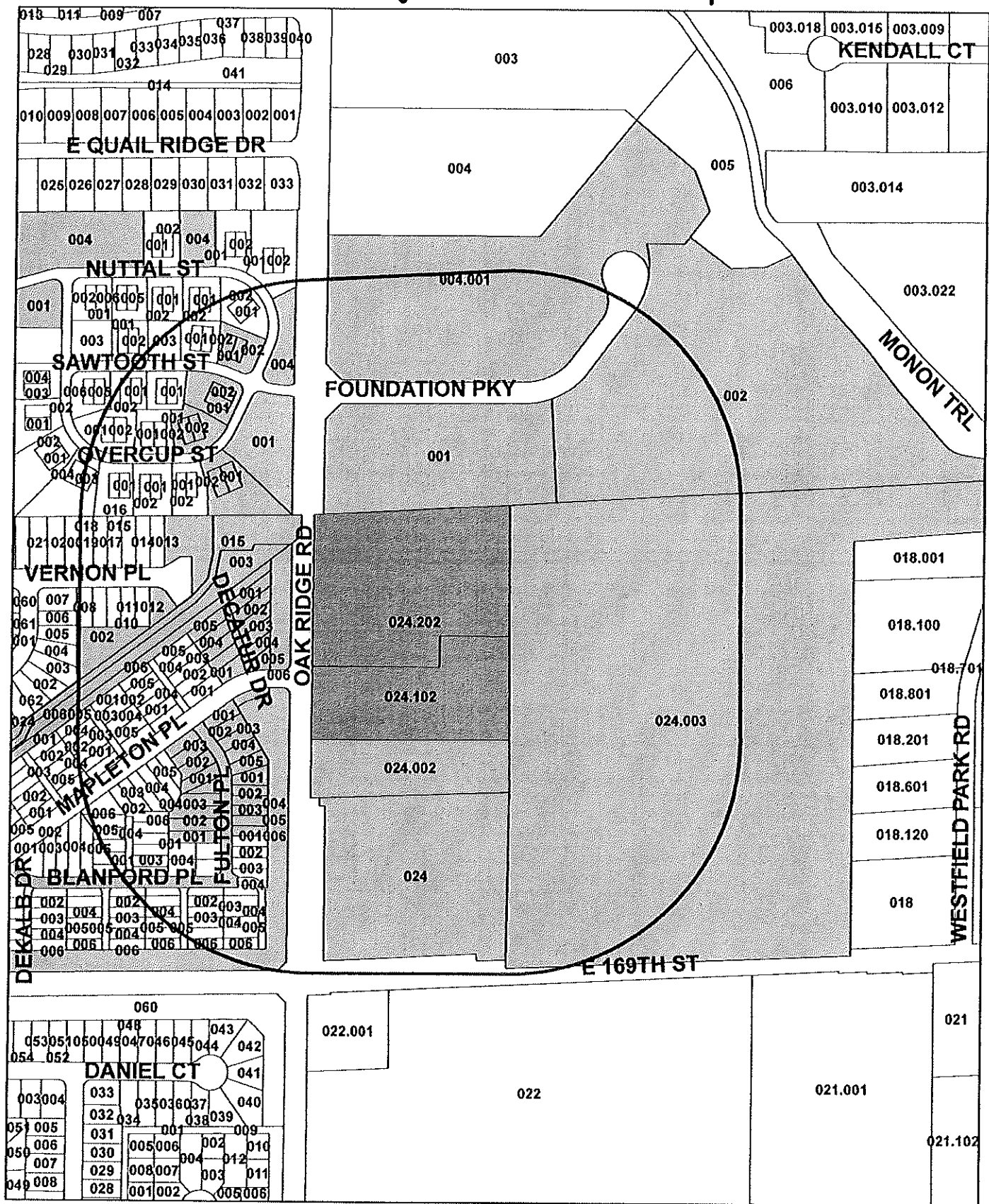
Westfield

IN

46074

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# Adjoiner Notification Map



**Legend**

- Buffer
- Notification Parcels
- Subject



DULY ENTERED FOR TAXATION JT  
Subject to final acceptance for transfer  
13 day of October, 2015

(3)

Chicago Title - Downtown

File # 477653 kb

MC Dawn Coverdale Auditor of Hamilton County  
Parcel # 09-09-01-00-00-024

**LIMITED WARRANTY DEED**

THIS INDENTURE WITNESSETH, that B & K Real Estate Investment, LLC, an Indiana limited liability company (the "Grantor"), conveys and warrants, as set forth below, to OAK RIDGE ROAD, LLC, an Indiana limited liability company (the "Grantee"), for the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, its interest in the following described real estate located in Hamilton County, Indiana and legally described in what is attached hereto and incorporated herein by reference as Exhibit "A" (the "Real Estate") to have and to hold the Real Estate, together with all rights and appurtenances.

The conveyance is subject to all easements, agreements, restrictions and encumbrances of record.

Grantor warrants to Grantee, and the successors and assigns of Grantee, that it will forever defend title to its interest in the Real Estate (subject to the matters set forth above to which this conveyance is made subject) against those persons or entities, and only those persons or entities, who shall claim title to, or assert claims affecting the title to, the Real Estate, or any part thereof, under, by, or through, or based upon the acts of, Grantor, but not otherwise.

IN WITNESS WHEREOF, Grantor has executed this Limited Warranty Deed this 13<sup>th</sup> day of October, 2015.

Effective date: 10.8.2015

B&K Real Estate Investment, LLC

By: James Kent Grubaugh Managing Member  
James Kent Grubaugh, Managing Member

STATE OF INDIANA )  
 )SS:  
COUNTY OF Hamilton )

Before me a Notary Public in and for said County and State, personally appeared James Kent Grubaugh, Managing Member of B&K Real Estate Investment, LLC, and acknowledged the execution of the foregoing Limited Warranty Deed for and on behalf of said entity.

WITNESS my hand and Notarial Seal this 13<sup>th</sup> day of October, 2015.

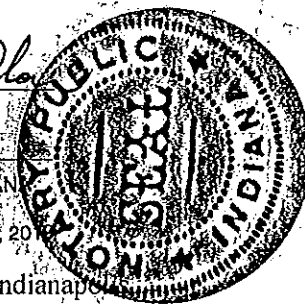
My Commission Expires: \_\_\_\_\_

Residing in \_\_\_\_\_ County

Angela J. Burklow  
Notary Public

Printed Name: ANGELA J. BURKLOW  
NOTARY PUBLIC STATE OF INDIANA  
HAMILTON COUNTY

MY COMMISSION EXPIRES JUNE 6, 2016



This instrument prepared by Lawrence J. Kemper, Nelson & Frankenberger, Indianapolis, Indiana.

{00325695.1}

2015053672 WARR DEED \$22.00  
10/13/2015 02:14:23P 3 PGS  
Jennifer Hayden  
HAMILTON County Recorder IN  
Recorded as Presented

Return deed to: Faegre Baker Daniels LLP, 600 E. 96th Street | Suite 600 | Indianapolis, IN 46240

Send tax statements to: OAK RIDGE ROAD, LLC, 11805 N. PENNSYLVANIA STREET, CARMEL, IN 46032

I affirm under the penalties of perjury that I have taken reasonable care to redact each social security number in this document, unless required by law. Lawrence J. Kemper.

EXHIBIT "A"

A part of the Northwest Quarter of the Southwest Quarter of Section 1, Township 18 North, Range 3 East, of the Second Principal Meridian, in Washington Township, Hamilton County, Indiana, more particularly described as follows:

BEGINNING at the Northwest corner of the Southwest Quarter of Section 1, Township 18 North, Range 3 East, the West line of the Southwest Quarter bears South 00 degrees 00 minutes 00 seconds West (assumed bearing); thence North 86 degrees 34 minutes 58 seconds East, along the North line of the of the Southwest Quarter, 574.65 feet; thence South 00 degrees 18 minutes 18 seconds East, 372.70 feet; thence South 90 degrees 00 minutes 00 seconds West, perpendicular to the West line of the Southwest Quarter, 199.61 feet; thence South 00 degrees 00 minutes 00 seconds West, parallel to the West line of the Southwest Quarter, 87.19 feet; thence South 90 degrees 00 minutes 00 seconds West, perpendicular to the West line of the Southwest Quarter, 376.00 feet, to a point on the West line of the Southwest Quarter; thence North 00 degrees 00 minutes 00 seconds East, along the West line of the Southwest Quarter, 425.57 feet, to the POINT OF BEGINNING, containing 5.443 Acres more or less.



Chicago Title - Downtown

File # 477635 KB

DULY ENTERED FOR TAXATION ST  
Subject to final acceptance for transfer  
13 day of October, 2015

Dawn Cowdell Auditor of Hamilton County  
MC Parcel # 09.09.01.00.00.034.102

LIMITED WARRANTY DEED

THIS INDENTURE WITNESSETH, that IBC Real Estate Investments, LLC an Indiana limited liability company (the "Grantor"), conveys and warrants, as set forth below, to OAK RIDGE ROAD, LLC, an Indiana limited liability company (the "Grantee"), for the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, its interest in the following described real estate located in Hamilton County, Indiana and legally described in what is attached hereto and incorporated herein by reference as Exhibit "A" (the "Real Estate") to have and to hold the Real Estate, together with all rights and appurtenances.

The conveyance is subject to all easements, agreements, restrictions and encumbrances of record.

Grantor warrants to Grantee, and the successors and assigns of Grantee, that it will forever defend title to the Real Estate (subject to the matters set forth above to which this conveyance is made subject) against those persons or entities, and only those persons or entities, who shall claim title to, or assert claims affecting the title to, the Real Estate, or any part thereof, under, by, or through, or based upon the acts of, Grantor, but not otherwise.

IN WITNESS WHEREOF, Grantor has executed this Limited Warranty Deed this 7<sup>th</sup> day of October, 2015.

Effective date: 10-8-2015

IBC Real Estate Investments, LLC  
an Indiana limited liability company

By: William Cochran, Managing Member  
William Cochran, Managing Member

STATE OF INDIANA )  
 )SS:  
COUNTY OF Hamilton )

Before me a Notary Public in and for said County and State, personally appeared William Cochran, Managing Member of IBC Real Estate Investments, LLC, and acknowledged the execution of the foregoing Limited Warranty Deed for and on behalf of said entity.

WITNESS my hand and Notarial Seal this 7<sup>th</sup> day of October, 2015.

My Commission Expires: \_\_\_\_\_

Residing in \_\_\_\_\_ County

Nancy J. Burdick  
Notary Public

Printed NAME: NANCY J. BURKLOW  
NOTARY PUBLIC STATE OF INDIANA  
HAMILTON COUNTY  
MY COMMISSION EXPIRES JUNE 6, 2016



This instrument prepared by Lawrence J. Kemper, Nelson & Frankenberger, Indianapolis, Indiana.

{00325695.1}

2015053673 WARR DEED \$22.00  
10/13/2015 02:14:23P 3 PGS  
Jennifer Hayden  
HAMILTON County Recorder IN  
Recorded as Presented

Return deed to: Faegre Baker Daniels LLP, 600 E. 96th Street | Suite 600 | Indianapolis, IN 46240

Send tax statements to: OAK RIDGE ROAD, LLC, 11805 N. PENNSYLVANIA STREET, CARMEL, IN 46032

I affirm under the penalties of perjury that I have taken reasonable care to redact each social security number in this document, unless required by law. Lawrence J. Kemper.

EXHIBIT "A"

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Commencing at the Northwest corner of the Southwest Quarter of Section 1, Township 18 North, Range 3 East, thence South 00 degrees 00 minutes 00 seconds West (assumed bearing) along the West line of the Southwest Quarter, 425.57 feet to the POINT OF BEGINNING; thence North 90 degrees 00 minutes 00 seconds East, perpendicular to the West line of the Southwest Quarter, 376.00 feet; thence North 00 degrees 00 minutes 00 seconds East, parallel to the West line of the Southwest Quarter, 87.19 feet; thence North 90 degrees 00 minutes 00 seconds East, perpendicular to the West line of the Southwest Quarter, 199.61 feet; thence South 00 degrees 18 minutes 18 seconds East, 292.70 feet; thence South 90 degrees 00 minutes 00 seconds West, perpendicular to the West line of the Southwest Quarter, 577.17 feet, to a point on the West line of the Southwest Quarter; thence North 00 degrees 00 minutes 00 seconds East, along the West line of the Southwest Quarter, 205.50 feet, to the POINT OF BEGINNING, containing 3.120 Acres more or less.

## Transmittal

Date: April 1, 2016 Job Number: 168372000

Project Name: **Westfield Business Centre**

To: Amanda Rubadue

2728 East 171<sup>st</sup> Street

Westfield, IN 46074

### We are sending these by

☐ U.S. Mail

☐ FedEx

☒ Hand Deliver

☐ Other: \_\_\_\_\_

### We are sending you

☐ Attached

☐ Under separate cover via \_\_\_\_\_ the following items:

☐ Shop Drawings

☒ Prints/Plans

☐ Samples

☐ Specifications

☐ Change Orders

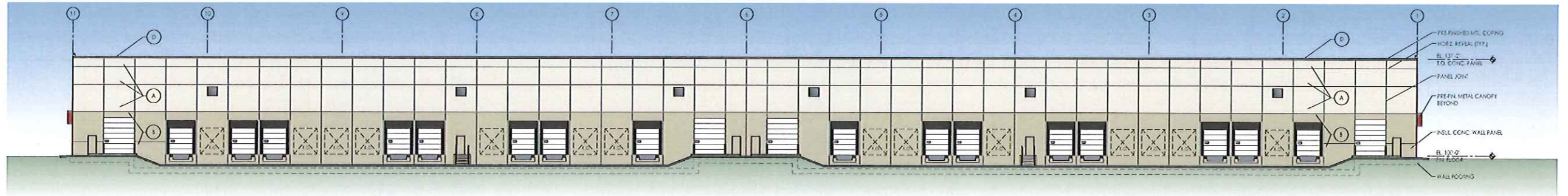
☐ Other: \_\_\_\_\_

| Copies | Date | No. | Description                         |
|--------|------|-----|-------------------------------------|
| 1      |      |     | Variance Application                |
| 5      |      |     | 11x17 Building Plans and Site Plan  |
| 1      |      |     | Property Adjoiner List              |
| 1      |      |     | Copy of Deed with Legal Description |

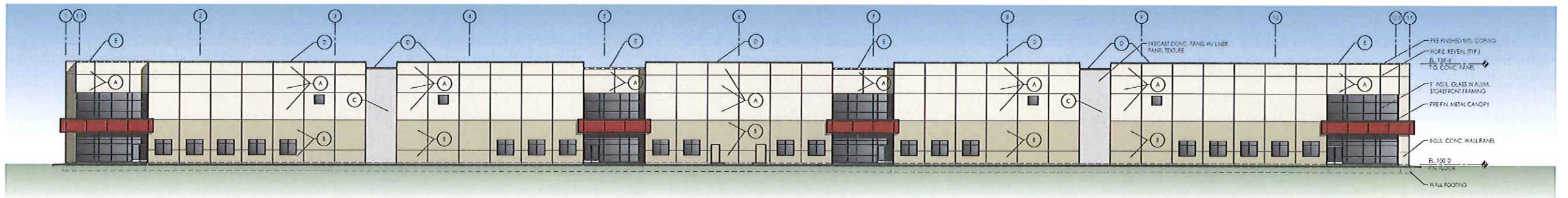
Copy to: \_\_\_\_\_ Signed Bill Butz

# EXTERIOR COLOR SCHEDULE

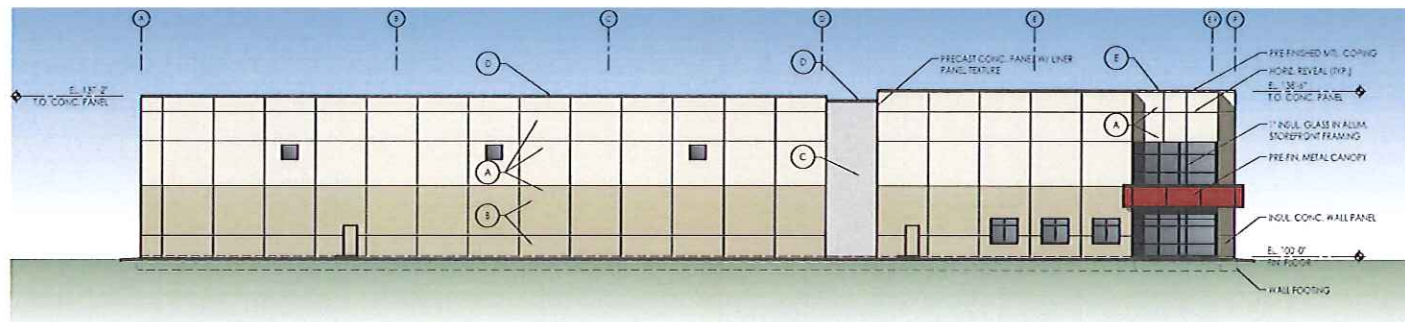
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| CO-002 | SPAN-PLATE | 24" X 36" X 1/2" |
| CO-003 | SPAN-PLATE | 24" X 36" X 1/2" |
| CO-004 | SPAN-PLATE | 24" X 36" X 1/2" |
| CO-005 | SPAN-PLATE | 24" X 36" X 1/2" |
| CO-006 | SPAN-PLATE | 24" X 36" X 1/2" |
| CO-007 | SPAN-PLATE | 24" X 36" X 1/2" |
| CO-008 | SPAN-PLATE | 24" X 36" X 1/2" |
| CO-009 | SPAN-PLATE | 24" X 36" X 1/2" |
| CO-010 | SPAN-PLATE | 24" X 36" X 1/2" |
| CO-011 | SPAN-PLATE | 24" X 36" X 1/2" |
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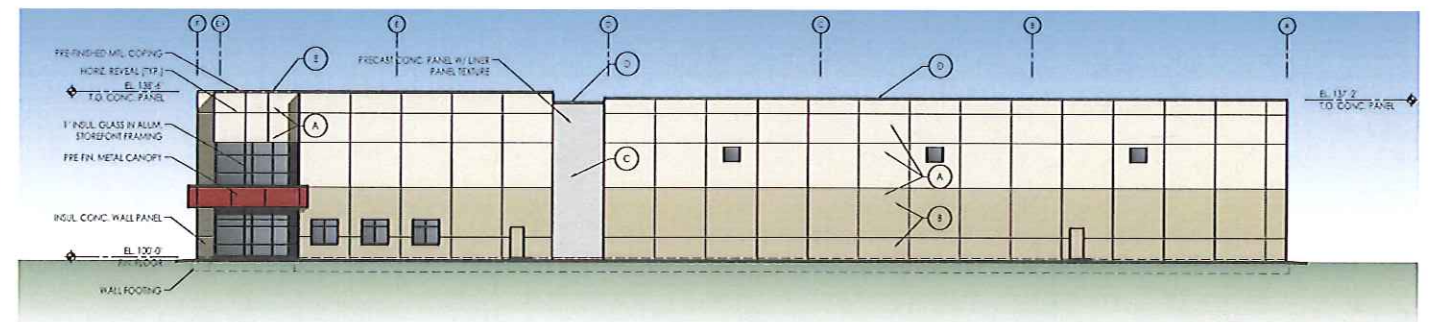
**EAST ELEVATION**  
1" = 20'-0" (24x36)  
0 5 10 20 40



**WEST ELEVATION**  
1" = 20'-0" (24x36)  
0 5 10 20 40



**NORTH ELEVATION**  
1" = 20'-0" (24x36)  
0 5 10 20 40



**SOUTH ELEVATION**  
1" = 20'-0" (24x36)  
0 5 10 20 40

**JACKSON**  
DEVELOPMENT

**Westfield Business Centre**

05 FEBRUARY 2016

171ST STREET & OAK RIDGE ROAD - WESTFIELD, INDIANA

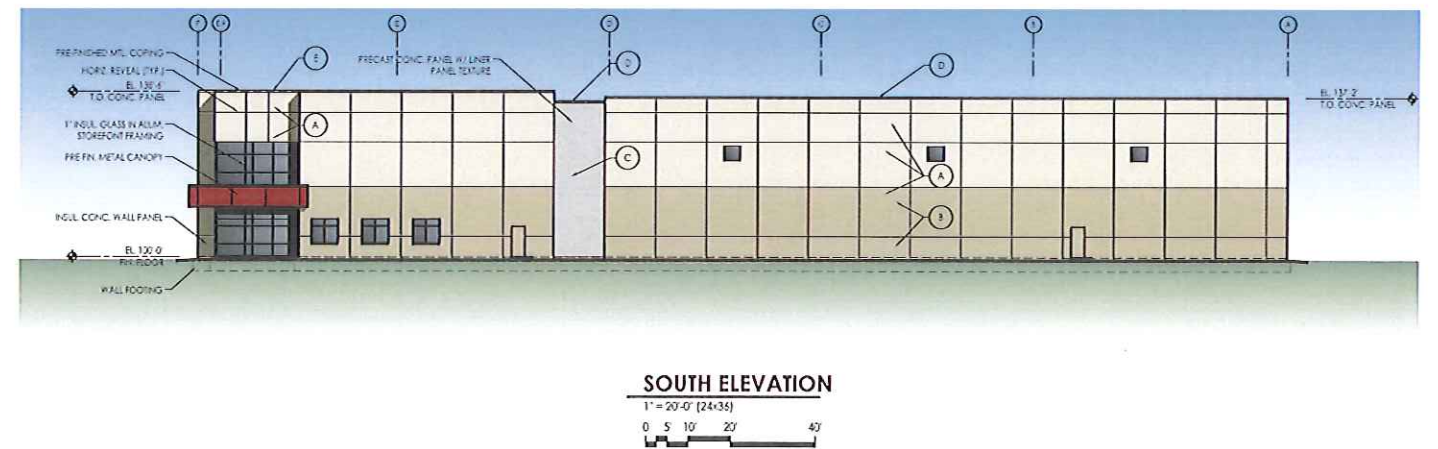
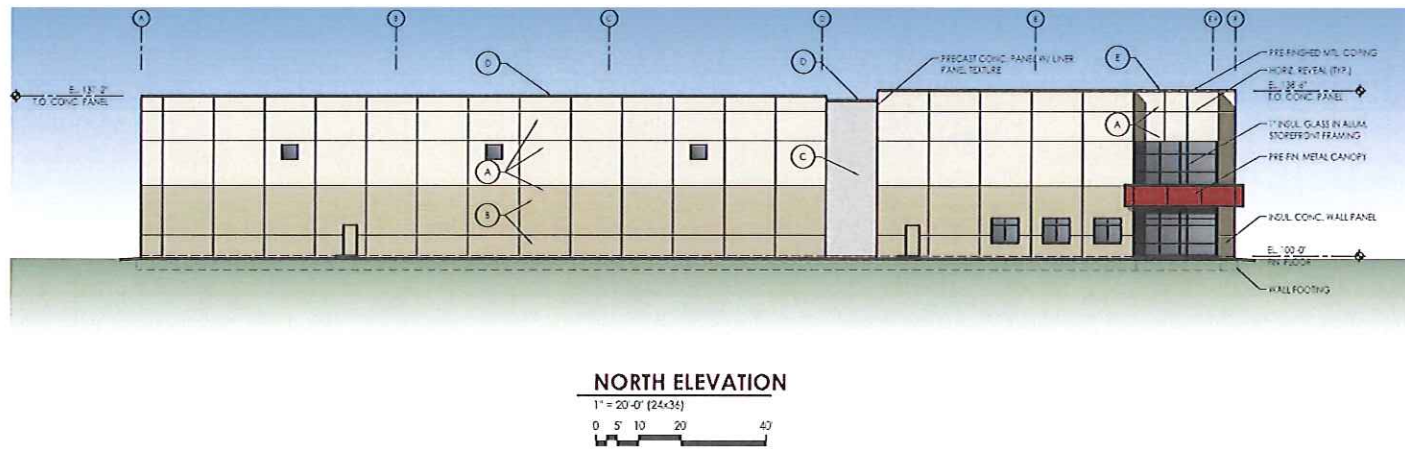
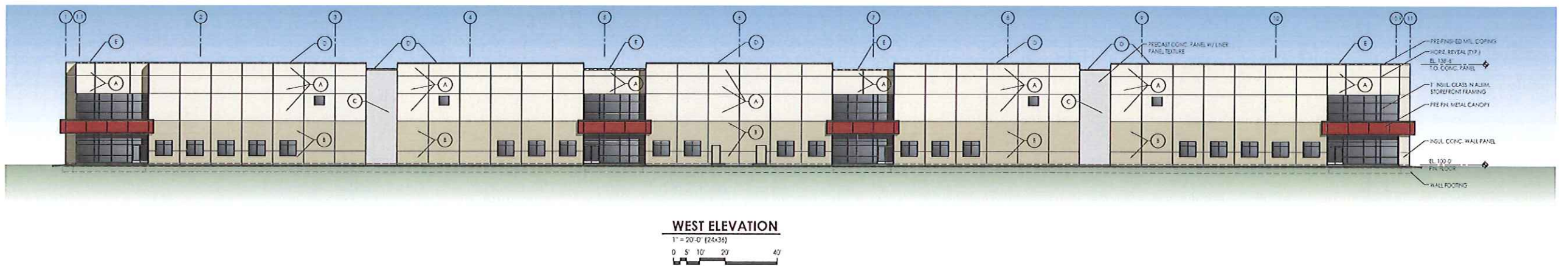
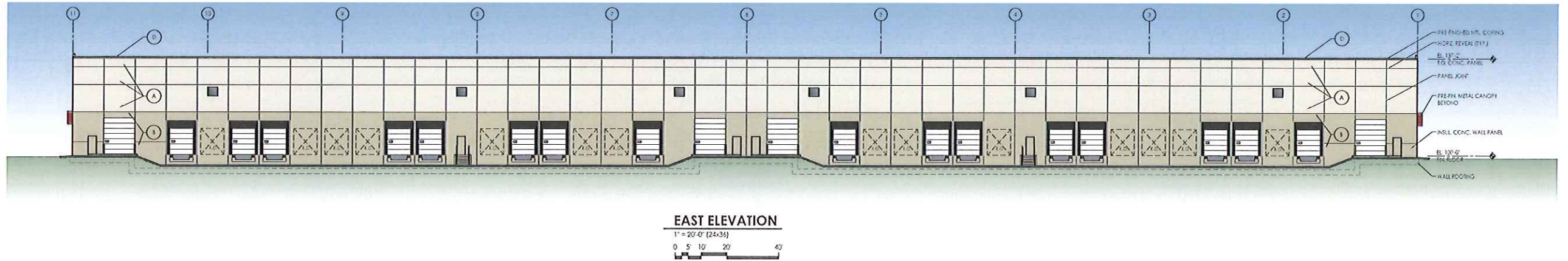
**ARCHITECTURE**  
7222 North Shadeland Avenue, #200  
Indianapolis, Indiana 46250  
317.806.1060  
FAX 317.806.1061  
© 2016 JRA ARCHITECTURE #15326-Y



### EXTERIOR COLOR SCHEDULE

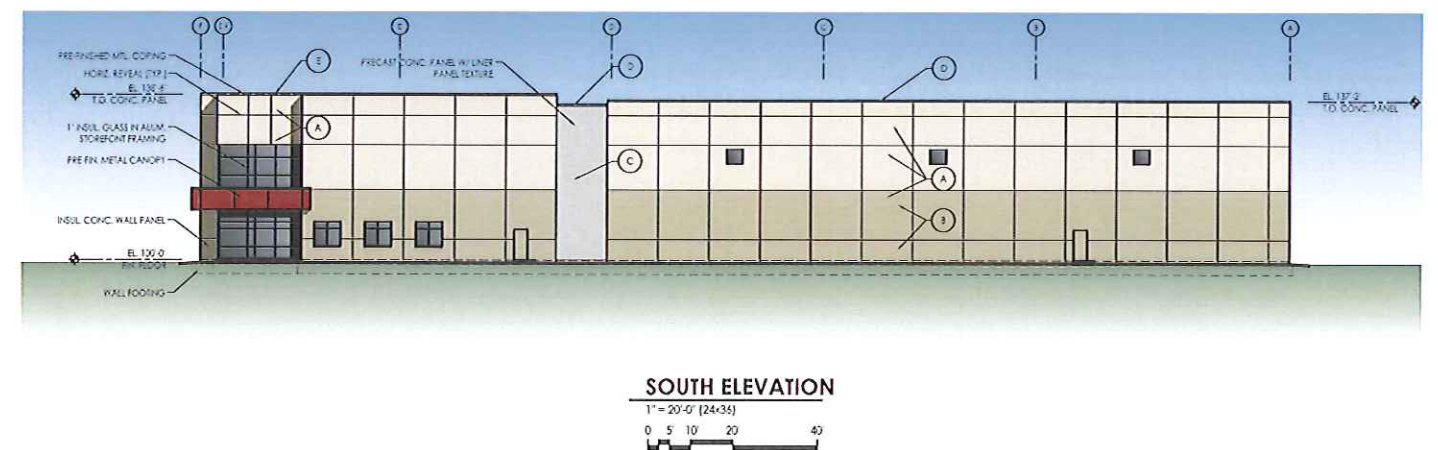
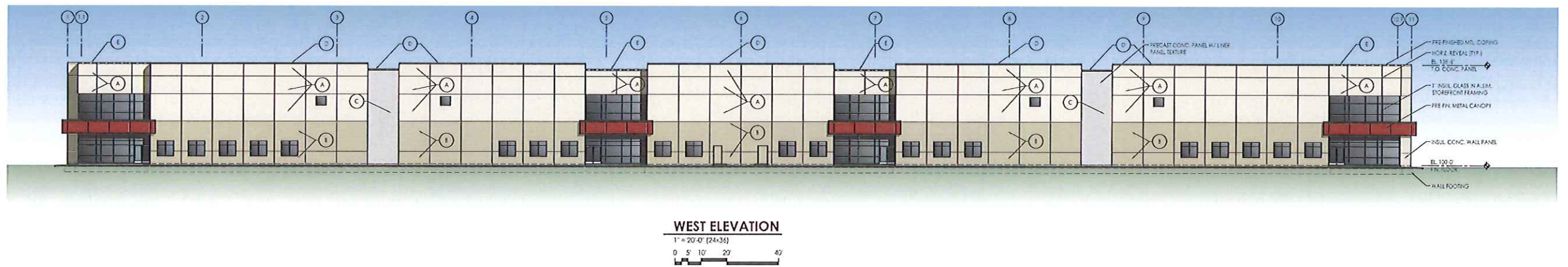




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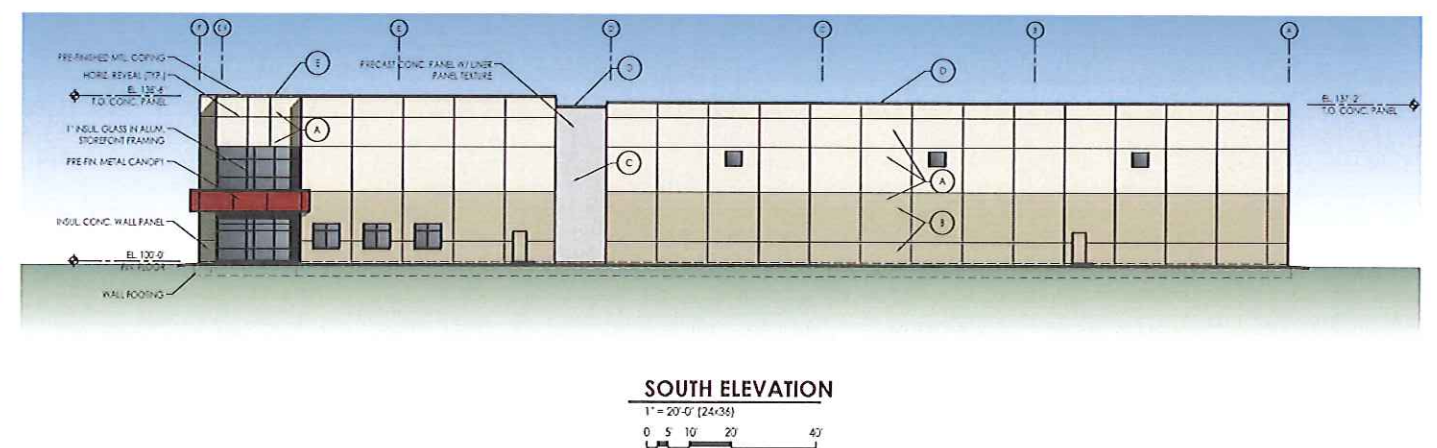
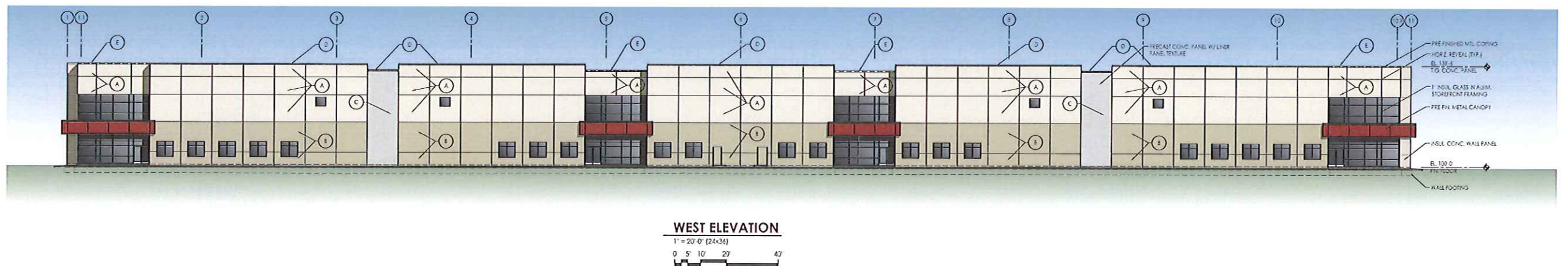


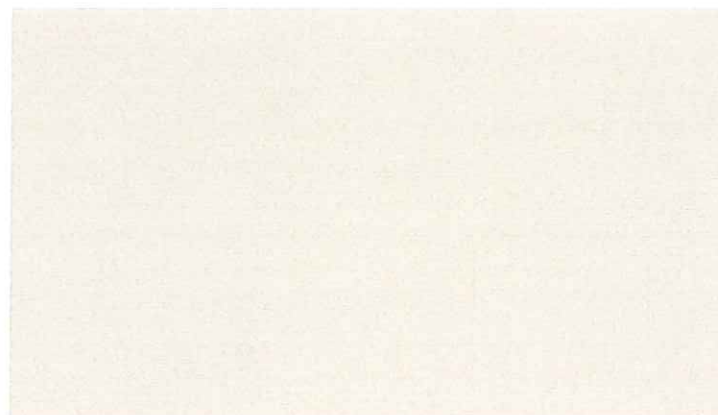
| ITEM                   | MFG                   | COLOR                 |
|------------------------|-----------------------|-----------------------|
| CO-ORTE PAIR PANELS    |                       |                       |
| CO-01A                 | SHIPPAHILLAS          | 2H/20F 4450-200F      |
| CO-01B                 | SHIPPAHILLAS          | 2H/20F 51A-52C 810E   |
| CO-01C                 | SHIPPAHILLAS          | 2H/20F 51B-52C 810E   |
| BUILDING COPIES CO-01D | UMACAS                | COLORADO 875          |
| BUILDING COPIES CO-01E | UMACAS                | 410000                |
| GLASS FRONT & DOOR 1A  | BRACCAVACCO<br>PAVARD | 2H/20F 51A-52C 810E   |
| GLASS FRONT            | IMS                   | 2H/20F 51A-52C 810E   |
| CARPORT FENCE PANELS   | CORON                 | COLORADO 875          |
| CARPORT SUPPORTS       | CORON                 | 2H/20F 51A-52C 810E   |
| CARPORT COPIES         | UMACAS                | COLORADO 875          |
| HOLD-UP PANEL DOORS    |                       | WHITE-PAINTED COLORED |
| HOLD-UP PANEL DOORS    |                       | WHITE-PAINTED COLORED |
| CORNER DOORS           | BRACCAVACCO<br>PAVARD | WHITE                 |
| STEEL JOISTS           | BRACCAVACCO<br>PAVARD | WHITE-PAINTED         |
| STEEL FRAMED JOISTS    | BRACCAVACCO<br>PAVARD | WHITE                 |
| PAUL JOISTS            | BRACCAVACCO<br>PAVARD | WHITE-PAINTED         |





| ITEM          | MFG       | COLOR        |
|---------------|-----------|--------------|
| COFFEE TABLES |           |              |
| CO-24         | SIGNATURE | 24" D, 48" D |
| CO-25         | SIGNATURE | 24" D, 48" D |
| CO-26         | SIGNATURE | 24" D, 48" D |
| CO-27         | SIGNATURE | 24" D, 48" D |
| CO-28         | SIGNATURE | 24" D, 48" D |
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| CO-90         | SIGNATURE | 24" D, 48" D |
| CO-91         | SIGNATURE | 24" D, 48" D |
| CO-92         | SIGNATURE | 24" D, 48" D |
| CO-93         | SIGNATURE | 24" D, 48" D |
| CO-94         | SIGNATURE | 24" D, 48" D |
| CO-95         | SIGNATURE | 24" D, 48" D |
| CO-96         | SIGNATURE | 24" D, 48" D |
| CO-97         | SIGNATURE | 24" D, 48" D |
| CO-98         | SIGNATURE | 24" D, 48" D |
| CO-99         | SIGNATURE | 24" D, 48" D |
| CO-100        | SIGNATURE | 24" D, 48" D |

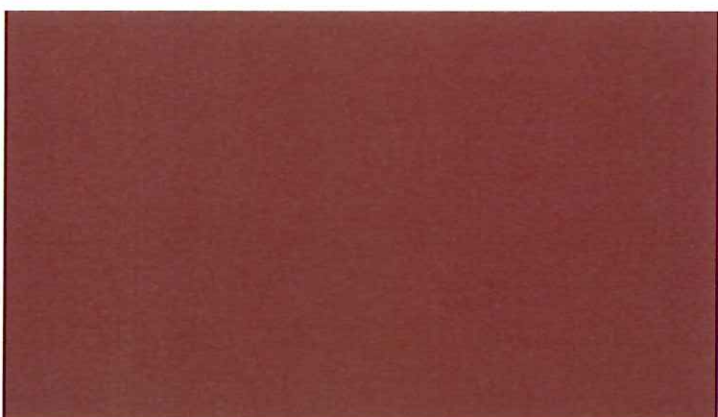




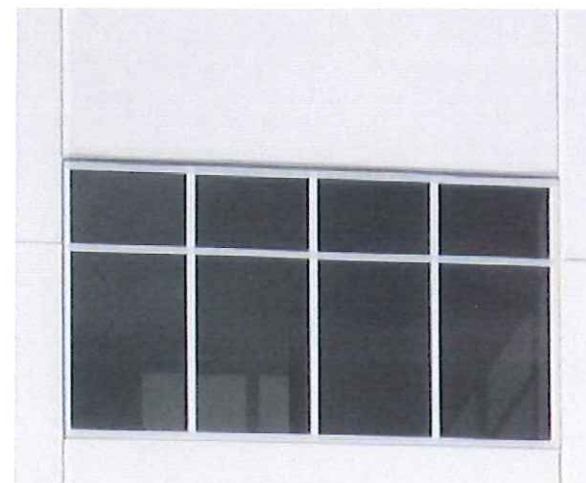
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SW 7010, White Duck



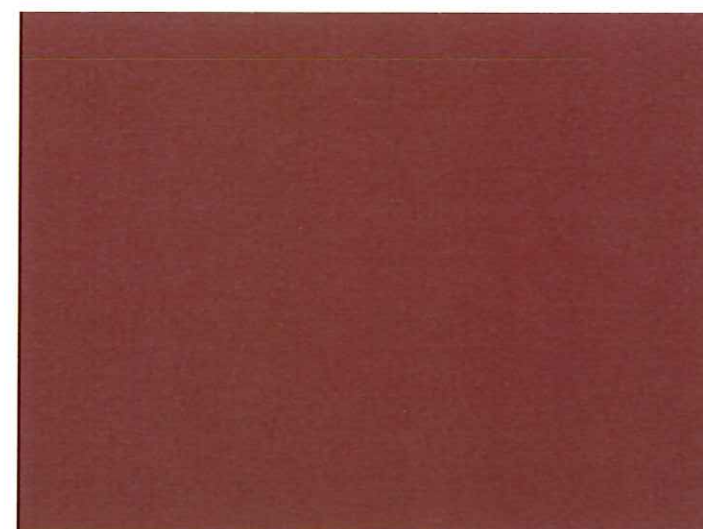
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SW 7037, Balanced Beige



PAINT COLOR C: Sherwin Williams,  
SW 6328, Fireweed

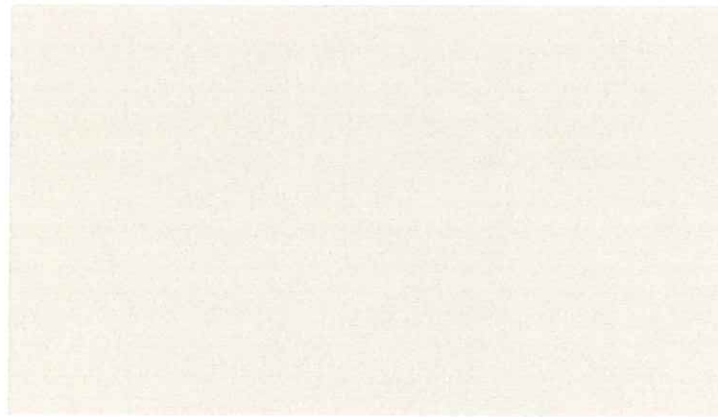


GLAZING: Solar Gray glass in  
clear anodized aluminum  
storefront/curtainwall framing

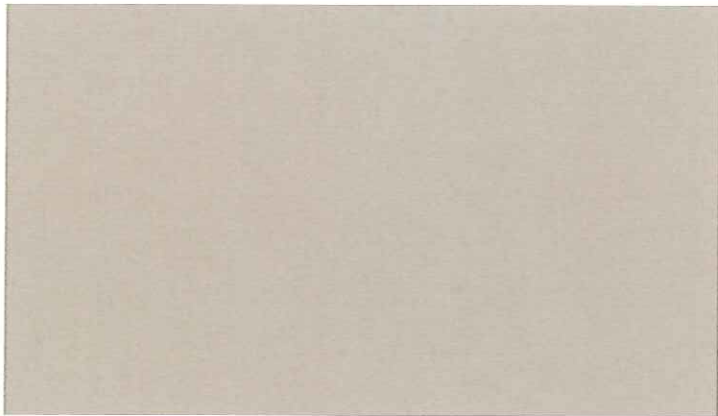


METAL WALL PANEL & TRIM:  
Citadel Panel 20, Colonial Red

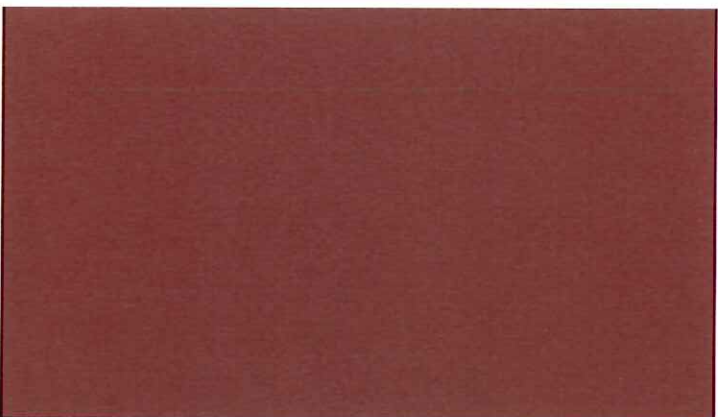




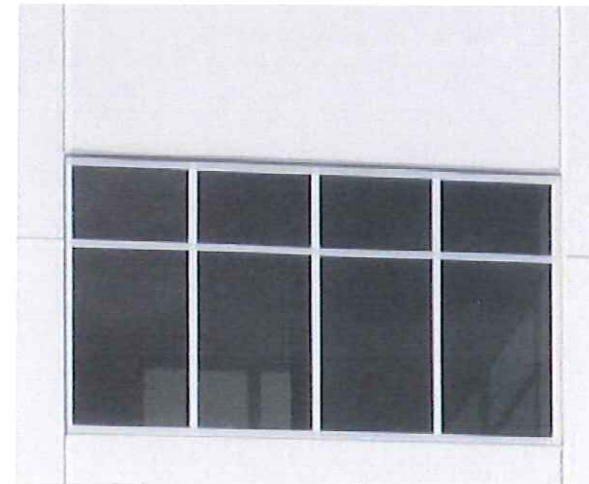
PAINT COLOR A: Sherwin Williams,  
SW 7010, White Duck



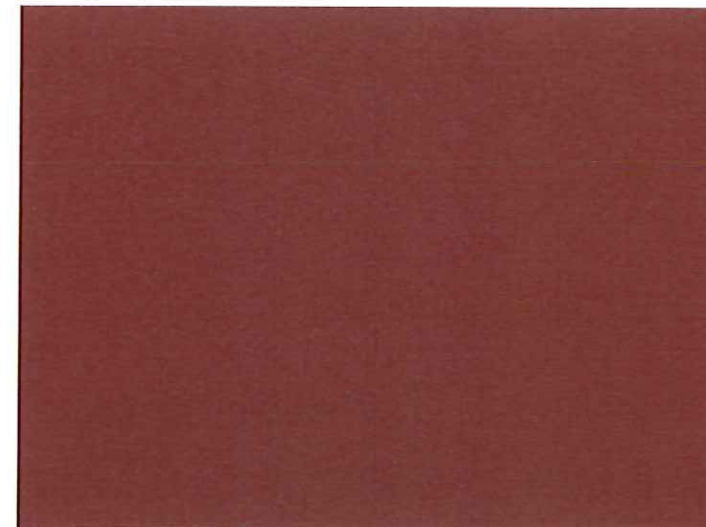
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SW 7037 Balanced Beige



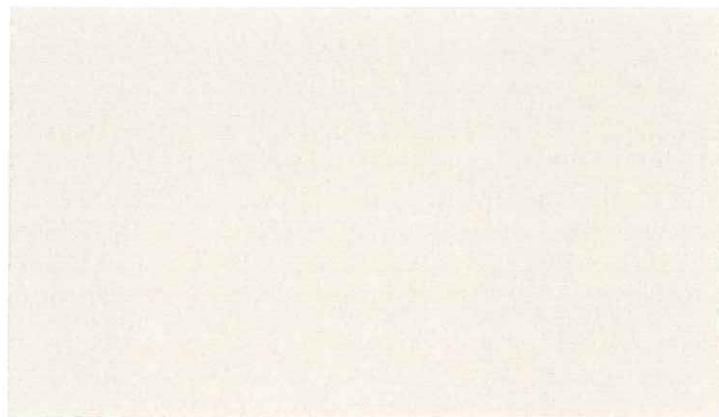
PAINT COLOR C: Sherwin Williams,  
SW 6328, Fireweed



GLAZING: Solar Gray glass in  
clear anodized aluminum  
storefront/curtainwall framing



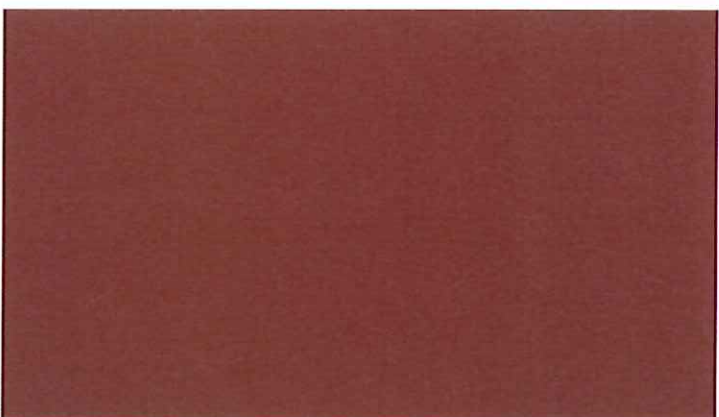
METAL WALL PANEL & TRIM:  
Citadel Panel 20, Colonial Red



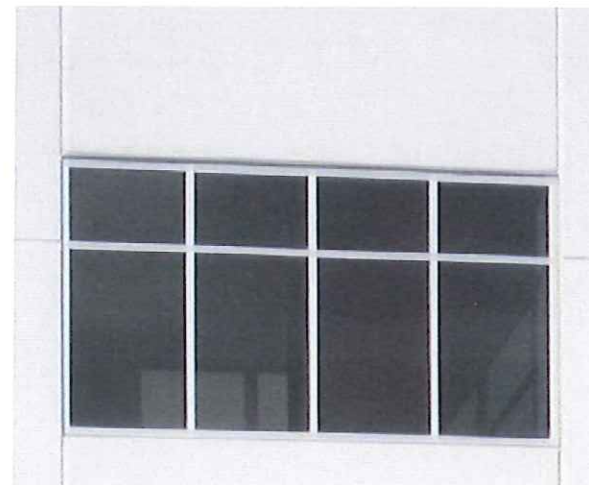
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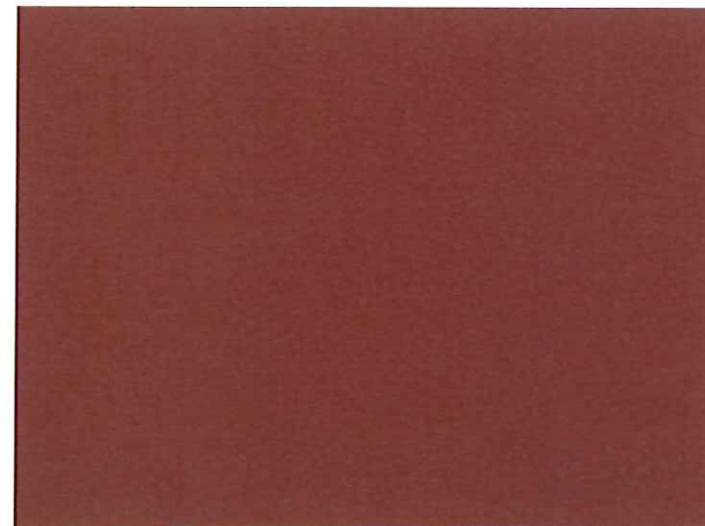
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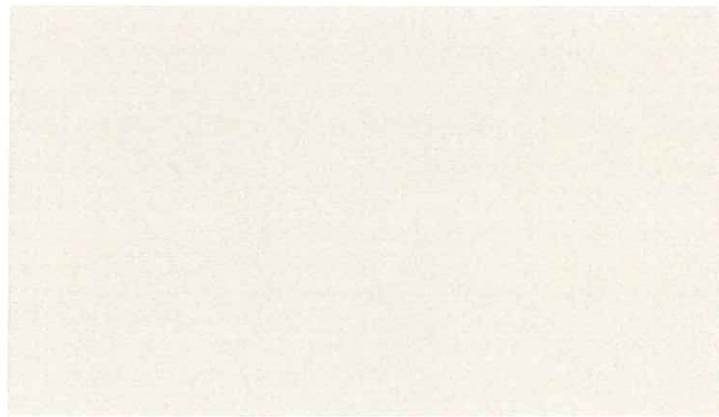
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SW 6328, Fireweed



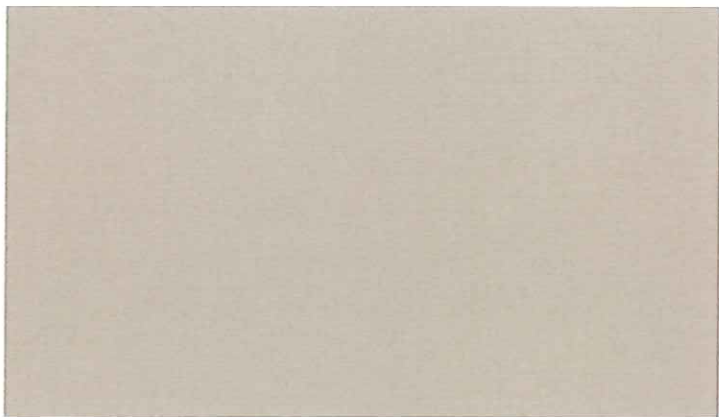
GLAZING: Solar Gray glass in  
clear anodized aluminum  
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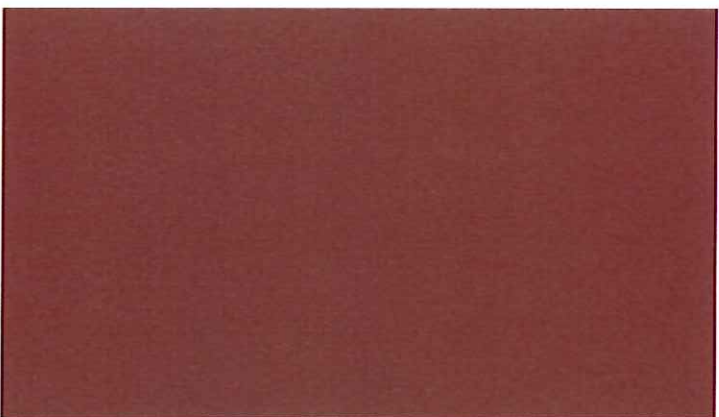
METAL WALL PANEL & TRIM:  
Citadel Panel 20, Colonial Red



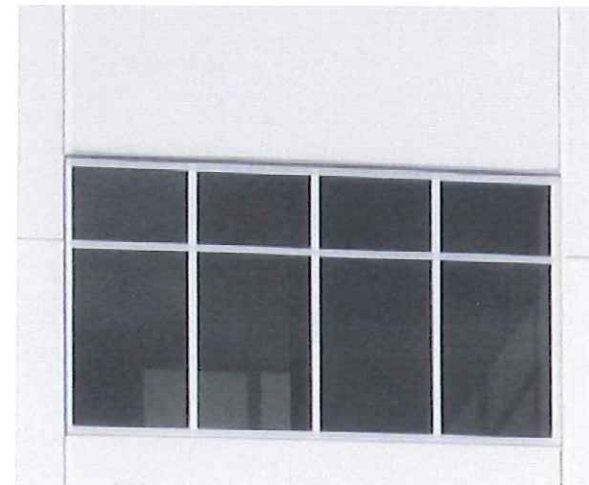
PAINT COLOR A: Sherwin Williams,  
SW 7010, White Duck



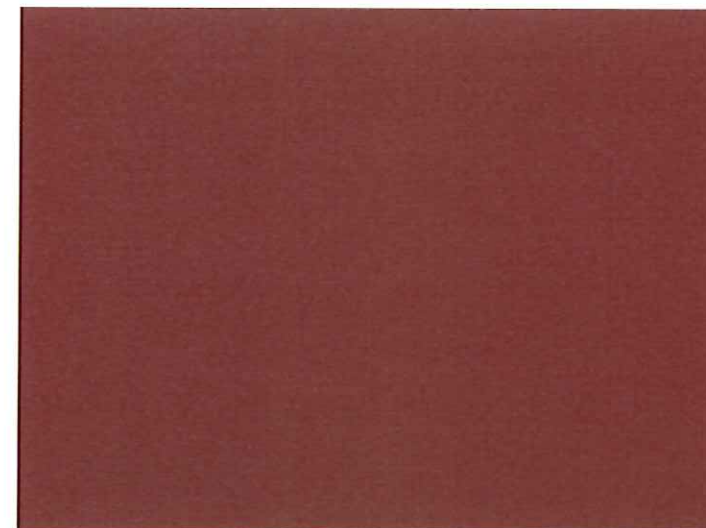
PAINT COLOR B: Sherwin Williams,  
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PAINT COLOR C: Sherwin Williams,  
SW 6328, Fireweed

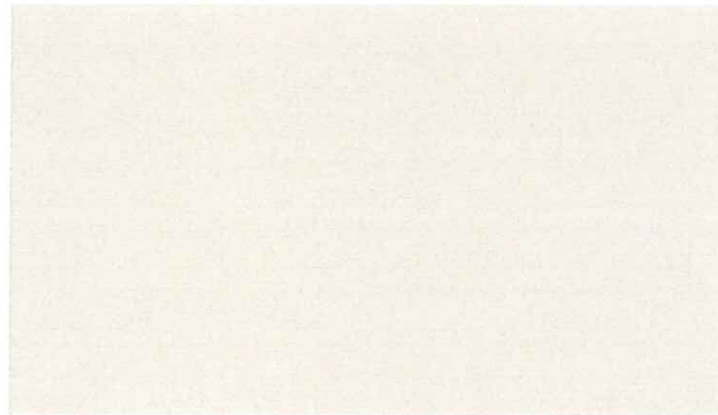


GLAZING: Solar Gray glass in  
clear anodized aluminum  
storefront/curtainwall framing



METAL WALL PANEL & TRIM:  
Citadel Panel 20, Colonial Red

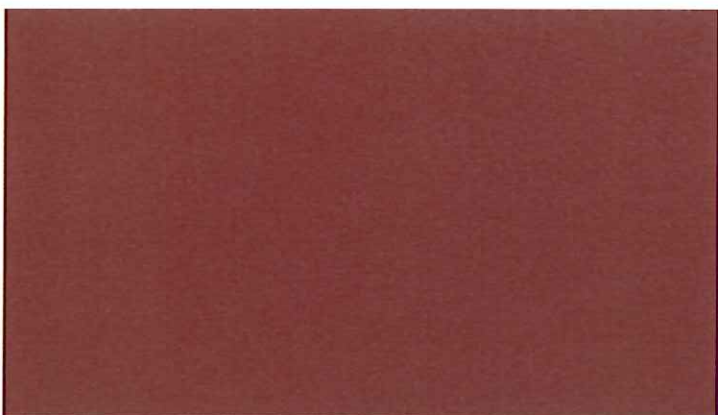




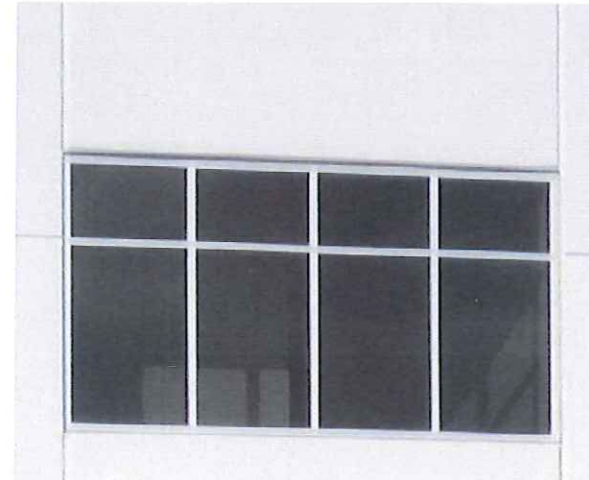
PAINT COLOR A: Sherwin Williams,  
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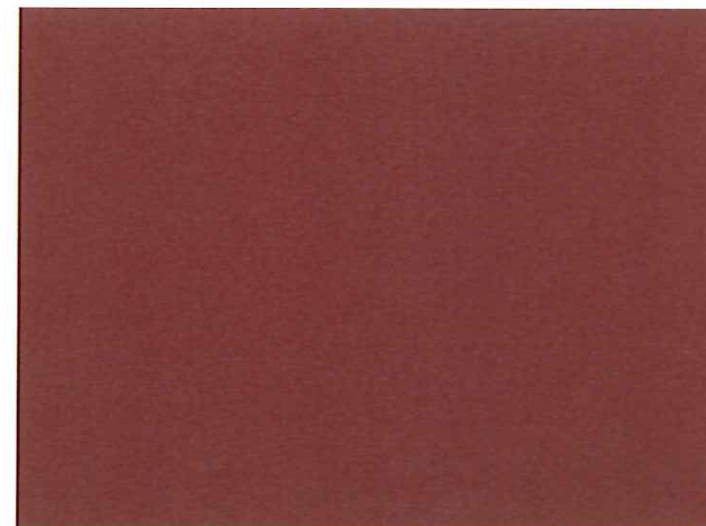
PAINT COLOR B: Sherwin Williams,  
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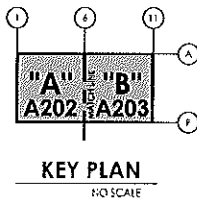
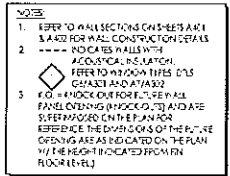
PAINT COLOR C: Sherwin Williams,  
SW 6328, Fireweed



GLAZING: Solar Gray glass in  
clear anodized aluminum  
storefront/curtainwall framing



METAL WALL PANEL & TRIM:  
Citadel Panel 20, Colonial Red



A compass rose with a circle and four lines extending to the cardinal directions. The word "NORTH" is written in bold capital letters below the circle, aligned with the top line.

**OVERALL FLOOR PLAN**

A NEW FACILITY FOR:  
**WESTFIELD BUSINESS CENTRE**  
171ST STREET & OAK RIDGE ROAD  
WESTFIELD, INDIANA 46074  
BY: CARTER JACKSON REAL ESTATE INVESTMENTS, LLC

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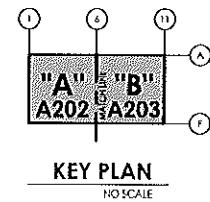
317.800.\_\_\_\_\_  
FAX 317.800.\_\_\_\_\_  
JRA@JRA-ARCH.com

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1' = 20'-0" | A20

SHEET 4 CF 14

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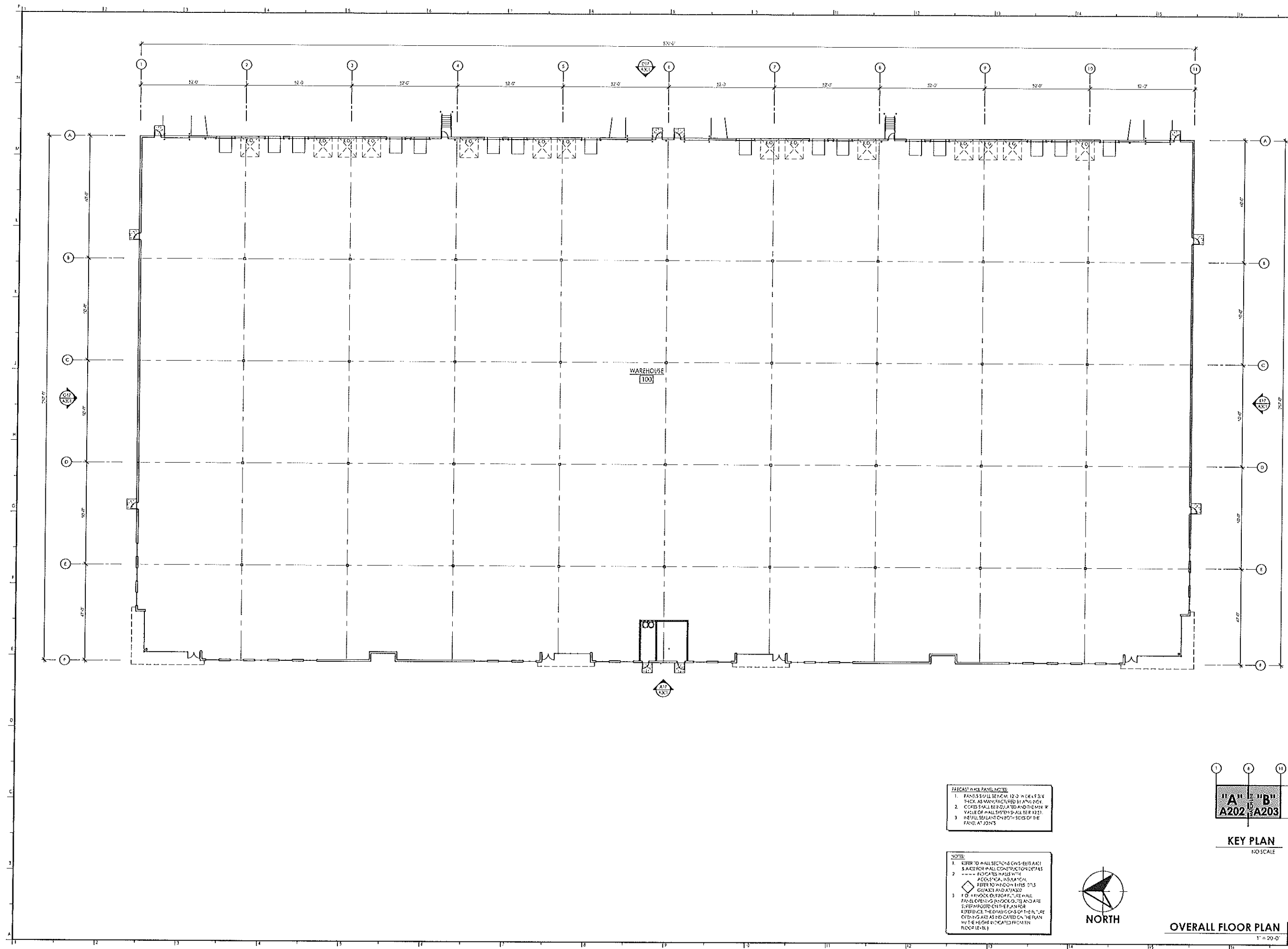
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DRAWINGS ARE SUBJECT TO  
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WESTFIELD, INDIANA 46074  
BY: CARTER JACKSON REAL ESTATE INVESTMENTS, LLC

**A201**

SHEET 4 OF 14

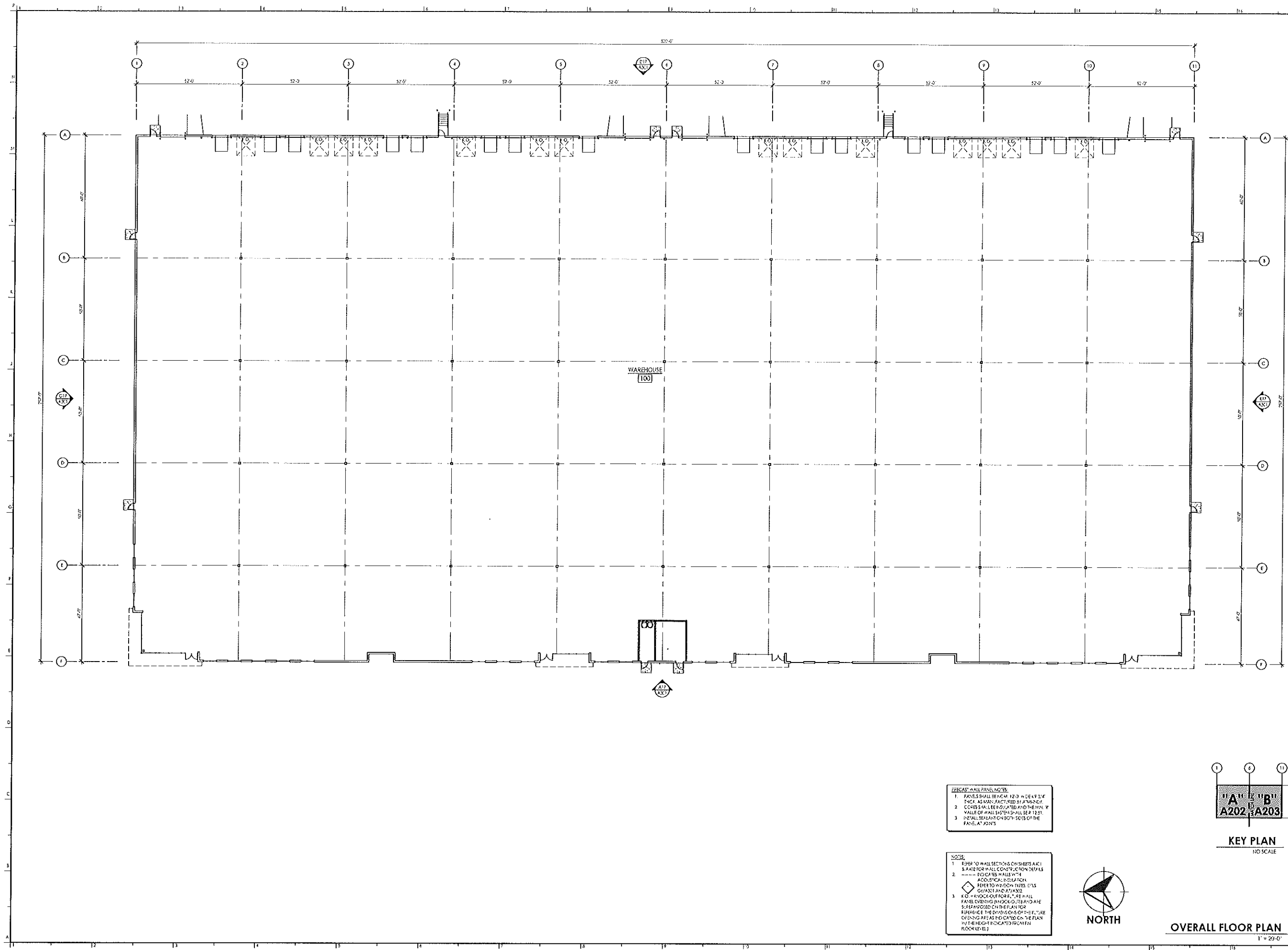
2015-11-11 REVIEW  
2015-11-11 REVIEW  
2014-02-03 REVIEW  
2014-02-10 MEP COORD.

**OVERALL  
FLOOR PLAN**

|                                    |             |        |
|------------------------------------|-------------|--------|
| DATE:                              | P.L.<br>JRA | LOGGED |
| [MY-MW-DD]<br>2015-11-04<br>REVIEW |             |        |

JRA NO. **15326**

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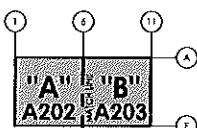


PRECAST WALL PANEL NOTES

1. PANELS SHALL BE NOM. 12-3" HIGH BY 2'-4" THICK, AS MANUFACTURED BY ATWOOD.
2. JOISTS SHALL BE SPACED AT 16" O.C. AND THE WALL PANEL VALUE OF WALL SYSTEM SHALL BE 12.01.
3. INSTALL SEALANT ON BOTH SIDES OF THE PANEL AT JOINTS.

NOTES

1. REFER TO WALL SECTIONS ON SHEETS A17, A18 AND A19 FOR WALL CONSTRUCTION DETAILS.
2. --- INDICATES WALLS WITH ACoustical INSULATION. REFER TO WINDOW PANELS, GLAZING AND A17/A302.
3. R.O. = REMOVE OUT FORK. THE WALL PANELS EXISTING IN BLOCKS 33 AND 34 ARE SHOWN ON THE PLAN FOR REFERENCE. THE DIVISIONS OF THE EXISTING AREAS ARE INDICATED ON THE PLAN. THE REMOVAL IS INDICATED BY A DASHED LINE.



KEY PLAN  
NO SCALE



OVERALL FLOOR PLAN  
1" = 20'-0"

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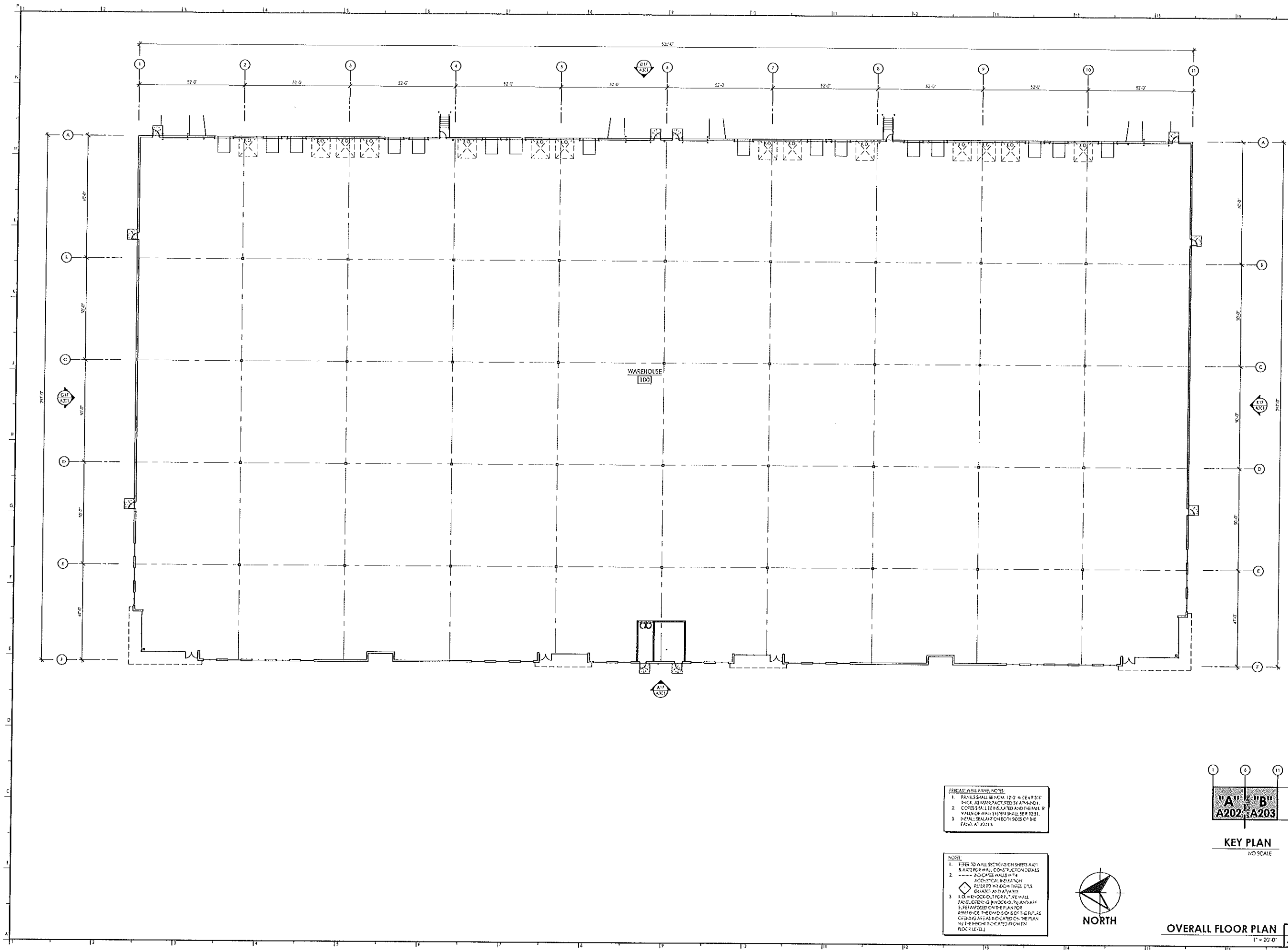
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171ST STREET & OAK RIDGE ROAD  
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BY: CARTER JACKSON REAL ESTATE INVESTMENTS, LLC

| REVISION | DATE       | BY  | APP'D  | REASON |
|----------|------------|-----|--------|--------|
| 1        | 2015-11-04 | JJA | LOGGED | ISSUED |
| 2        | 2015-11-04 | JJA | LOGGED | ISSUED |
| 3        | 2015-11-04 | JJA | LOGGED | ISSUED |
| 4        | 2015-11-04 | JJA | LOGGED | ISSUED |

A201

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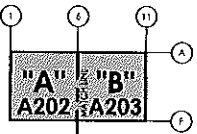


**WALL PANELS NOTE**

1. PANELS SHALL BE 12'-0" X 4'-0" X 1/2" THICK, AS MANUFACTURED BY A-100.
2. CORES SHALL BE INSULATED AND THE MAIN WALLS OF WALLS SHALL BE 12" ST.
3. DETAILS SHALL BE ON EACH SIDE OF THE PANELS AT JOINTS.

**NOTES**

1. REFER TO WALL SECTIONS ON SHEETS A202 & A203 FOR WALL CONSTRUCTION DETAILS.
2. NO CORE WALLS AT THE OUTSIDE CORNERS. REFER TO SECTION 051101 FOR DETAILS OF CORNERS AND AT WALLS.
3. K.O. = REMOVE OR TIGHTEN. REFER TO SECTION 051101 FOR DETAILS OF CORNERS AND AT WALLS.



**KEY PLAN**  
NO SCALE

**OVERALL FLOOR PLAN**

A17  
A201

REVISIONS (BY: JVA-MAN-001)  
2015-11-11 REVIEW  
2016-03-08 REVIEW  
2016-03-08 REVIEW  
2016-03-08 REVIEW

| DATE  | BY  | LOGGED | REVIEW |
|-------|-----|--------|--------|
| 15326 | JVA |        |        |

A NEW FACILITY FOR:  
**WESTFIELD BUSINESS CENTRE**  
171ST STREET & OAK RIDGE ROAD  
WESTFIELD, INDIANA 46074  
BY: CARTER JACKSON REAL ESTATE INVESTMENTS, LLC

**JACKSON**  
DEVELOPMENT

**ARCURE**  
ARCHITECTURE  
7222 North Shadeland Avenue, #200  
Indianapolis, Indiana 46220  
317.800.1000  
FAX 317.800.1001  
JVA@ARCURE.COM

DRAWINGS ARE SUBJECT TO  
REVISIONS. VERIFY CURRENT DRAWING DATE  
WITH THE ARCHITECT PRIOR TO  
CONSTRUCTION.  
**NOT FOR  
CONSTRUCTION**

NOT RELEASED FOR CONSTRUCTION





**JACKSON**  
DEVELOPMENT

**Westfield Business Centre**

05 FEBRUARY 2016

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## Westfield Business Centre

05 FEBRUARY 2016

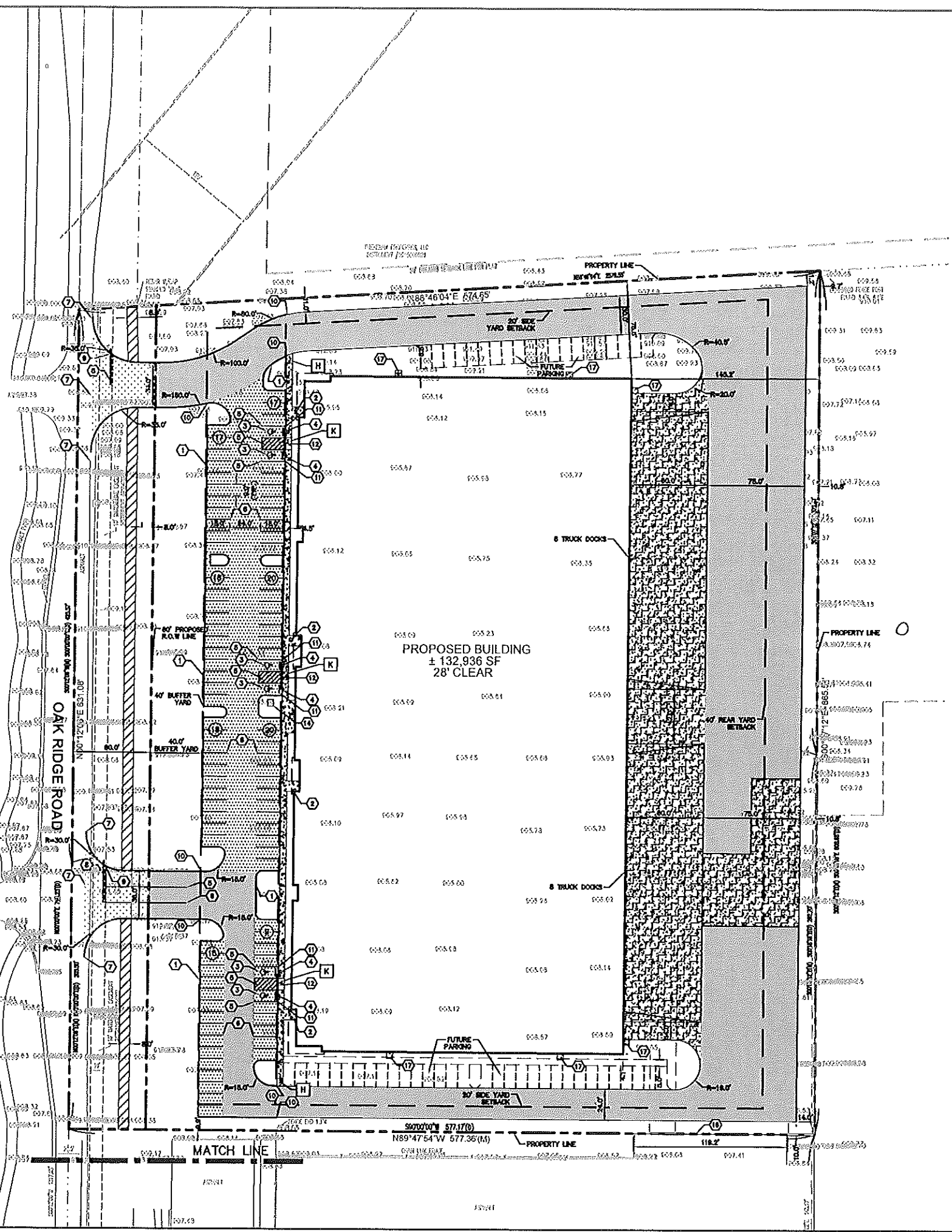
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Drawing Name: 168372002\_Civil\_SitePlan\_17100\_OakRidgeRoad\_WestfieldIndiana.dwg  
This document, together with the conceptual and design provided herein, is an offer of service, is intended only for the specific purpose and shall not be used for any other purpose without the written consent of the engineer and architect.



### PAVING AND CURB LEGEND

|  |                                                                                                                              |
|--|------------------------------------------------------------------------------------------------------------------------------|
|  | STANDARD CITY ASPHALT PAVEMENT<br>SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION                                              |
|  | HEAVY DUTY ASPHALT PAVEMENT<br>SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION                                                 |
|  | CONCRETE SIDEWALK<br>SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION<br>SEE ARCHITECTURAL PLANS FOR SLOPING PATTERN            |
|  | HEAVY DUTY CONCRETE PAVEMENT<br>SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION<br>SEE ARCHITECTURAL PLANS FOR SLOPING PATTERN |
|  | ASPHALT PATH<br>SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION                                                                |
|  | CITY PAVEMENT SECTION P-X (TYPICAL RIGHT OF WAY)<br>SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION                            |
|  | 6-INCH CURB                                                                                                                  |

Indiana Utilities Protection Service  
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GRAPHIC SCALE IN FEET  
0 20 40 60

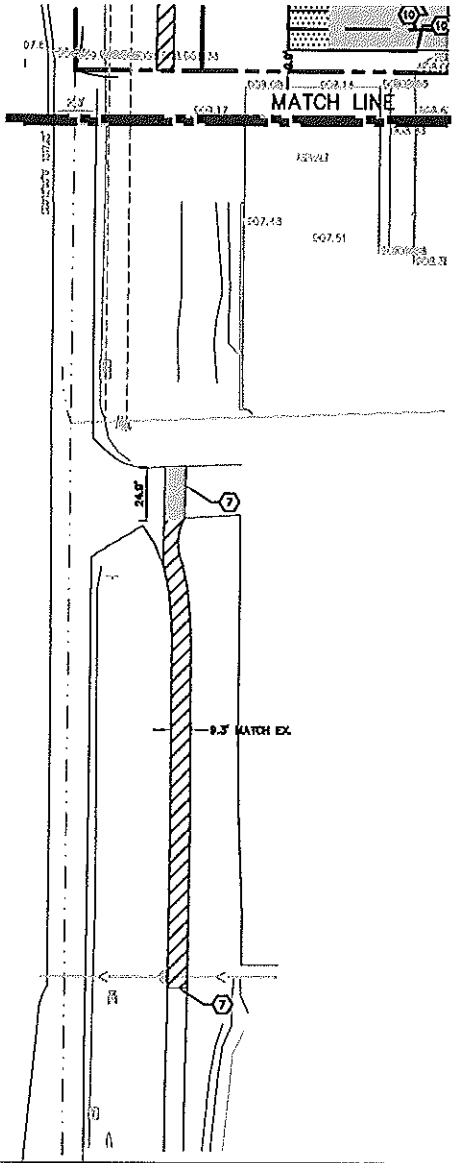
NORTH

- ### GENERAL NOTES
1. ALL DIMENSIONS REFER TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
  2. BUILDING DIMENSIONS ARE TO THE OUTSIDE FACE OF BUILDING UNLESS OTHERWISE NOTED.
  3. REFER TO ARCHITECTURAL AND STRUCTURAL PLANS TO VERIFY ALL BUILDING DIMENSIONS.
  4. PLANS ADJACENT TO PARKING STALL AND NOT DIMENSIONED ON THIS PLAN SHALL BE 4.5-Feet, TYPICAL.
  5. REFER TO ARCHITECTURAL PLANS FOR MONUMENT SIGN DETAILS. SEE MEP PLANS FOR SITE ELECTRICAL DRAWINGS.
  6. ALL PROPOSED ON-SITE STRIPING SHALL BE PAINTED UNLESS OTHERWISE NOTED.

- ### KEY NOTES
1. 8" CONCRETE BARRIER CURB (SEE DETAILS)
  2. CONCRETE SIDEWALK, TYP. (SEE DETAILS)
  3. ACCESSIBLE PAVEMENT MARKINGS, TYP. (SEE DETAILS)
  4. ACCESSIBLE PARKING SIGN, TYP. (AUTOD R7-8, SEE DETAILS)
  5. 4" WIDE PAINTED WHITE SOLID LINE, TYP.
  6. 4" WIDE PAINTED YELLOW SOLID LINE, TYP.
  7. CONNECT TO EXISTING PAVEMENT, SIDEWALK, CURB, TYP.
  8. 24" WIDE STOP BAR, TYP.
  9. STOP SIGN, TYP. (AUTOD R1-1, SEE DETAILS)
  10. CURB TRANSITION FROM 6" TO 0" OVER 3 FEET
  11. CONCRETE WHEEL STOP, TYP. (SEE DETAILS)
  12. DEPRESSIONED CURB
  13. TRASH COMPACTOR AND ENCLOSURE (SEE ARCHITECTURAL PLANS FOR DETAILS)
  14. TRANSFORMER PAD (SEE ARCHITECTURAL PLANS FOR DETAILS)
  15. MONUMENT SIGN (SEE ARCHITECTURAL PLANS FOR DETAILS)
  16. PATCH FENCE (MATCH EXISTING FENCE TYPE, COLOR, AND HEIGHT)
  17. 8" X 8" CONCRETE SIDEWALK AT ENTRY DOOR
  18. ACCESSIBLE RAMP (NOT TYPE BY LETTER)

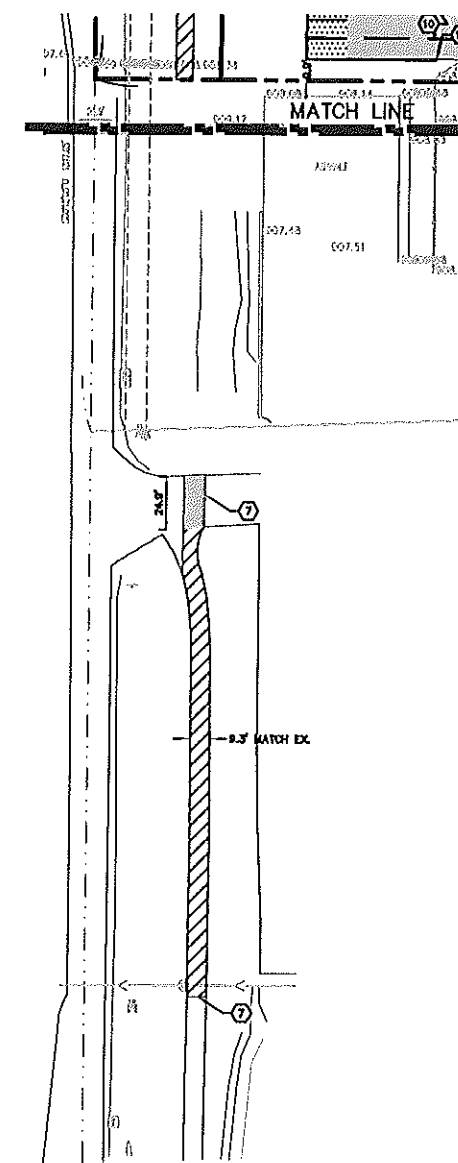
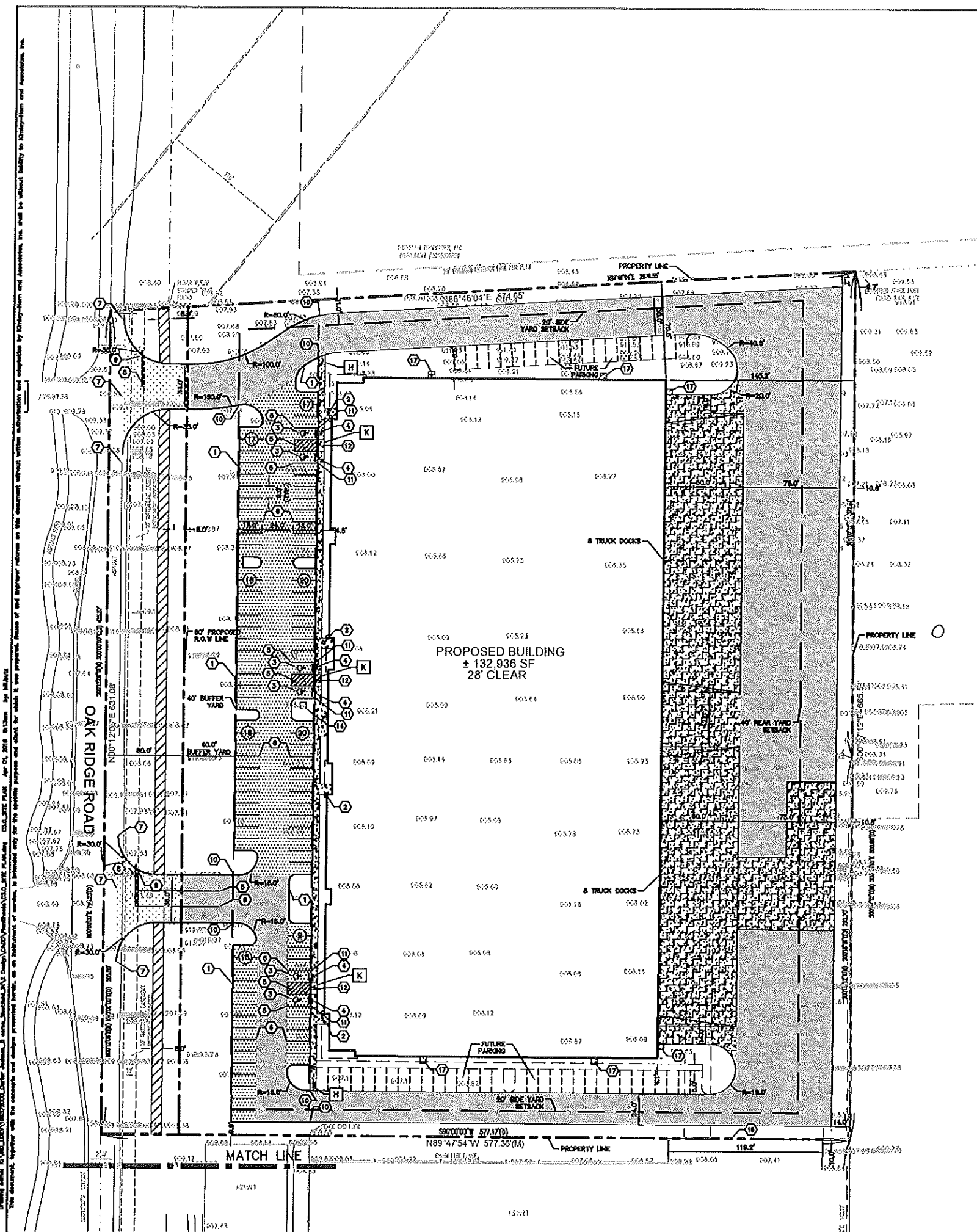
### PARKING SUMMARY

|                                           |                       |
|-------------------------------------------|-----------------------|
| PARKING SPACES REQUIRED (CITY STANDARD) = | N/A                   |
| PARKING SPACES PROVIDED (FUTURE SPACES) = | 25 SPACES (52 SPACES) |
| ACCESSIBLE PARKING SPACES PROVIDED =      | 4 SPACES              |
| TOTAL PARKING SPACES =                    | 29 SPACES             |



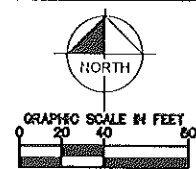
|                                                                                                     |                                                                             |                  |               |                 |                  |          |
|-----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|------------------|---------------|-----------------|------------------|----------|
| <b>Kimley-Horn</b><br>1000 NORTH PENNSYLVANIA STREET<br>CARMEL, INDIANA 46032<br>PHONE 317-787-1115 | SCALE: AS NOTED                                                             | DESIGNED BY: NHH | DRAWN BY: LGS | CHECKED BY: WAS | PER TAC COMMENTS | DATE     |
|                                                                                                     |                                                                             |                  |               |                 |                  | 04/07/16 |
| <b>JACKSON DEVELOPMENT</b><br>17100 OAK RIDGE ROAD<br>WESTFIELD, INDIANA                            | SITE PLAN                                                                   |                  |               |                 |                  |          |
|                                                                                                     | ORIGINAL ISSUE: 03/03/2016<br>KHA PROJECT NO. 16837200<br>SHEET NUMBER C3.0 |                  |               |                 |                  |          |

Drawn by: J. V. L. (JVL) 03/03/2016. Checked by: J. V. L. (JVL) 03/03/2016. Date: 03/03/2016. Project: 15837200. Sheet: C3.0. This drawing is for the proposed building and parking area. It is not to be used for any other purpose without the written consent of the engineer. The engineer is not responsible for any errors or omissions in this drawing.



### PAVING AND CURB LEGEND

|  |                                                                                                                               |
|--|-------------------------------------------------------------------------------------------------------------------------------|
|  | STANDARD CITY ASPHALT PAVEMENT<br>SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION                                               |
|  | HEAVY DUTY ASPHALT PAVEMENT<br>SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION                                                  |
|  | CONCRETE SIDEWALK<br>SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION<br>SEE ARCHITECTURAL PLANS FOR SCOURING PATTERN            |
|  | HEAVY DUTY CONCRETE PAVEMENT<br>SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION<br>SEE ARCHITECTURAL PLANS FOR SCOURING PATTERN |
|  | ASPHALT PATH<br>SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION                                                                 |
|  | CITY PAVEMENT SECTION P-X (WITHIN RIGHT OF WAY)<br>SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION                              |
|  | 6-INCH CURB                                                                                                                   |



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- ### GENERAL NOTES
- ALL DIMENSIONS REFER TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
  - BUILDING DIMENSIONS ARE TO THE OUTSIDE FACE OF BUILDING UNLESS OTHERWISE NOTED.
  - REFER TO ARCHITECTURAL AND STRUCTURAL PLANS TO VERIFY ALL BUILDING DIMENSIONS.
  - RAIL ADJACENT TO PARKING STALL AND NOT DIMENSIONED ON THIS PLAN SHALL BE 4.5-FEET, TYPICAL.
  - REFER TO ARCHITECTURAL PLANS FOR MONUMENT SIGN DETAILS. SEE MEP PLANS FOR SITE ELECTRICAL DRAWINGS.
  - ALL PROPOSED ON-SITE STRIPING SHALL BE PAINTED UNLESS OTHERWISE NOTED.

- ### KEY NOTES
- 8" CONCRETE BARRIER CURB (SEE DETAILS)
  - CONCRETE SIDEWALK, TYP. (SEE DETAILS)
  - ACCESSIBLE PAVEMENT MARKINGS, TYP. (SEE DETAILS)
  - ACCESSIBLE PARKING SIGN, TYP. (AUTOD R7-8, SEE DETAILS)
  - 4" WIDE PAINTED WHITE SOLID LINE, TYP.
  - 4" WIDE PAINTED YELLOW SOLID LINE, TYP.
  - CONNECT TO EXISTING PAVEMENT, SIDEWALK, CURB, TYP.
  - 24" WIDE STOP BAR, TYP.
  - STOP SIGN, TYP. (AUTOD R1-1, SEE DETAILS)
  - CURB TRANSITION FROM 8" TO 0" OVER 3 FEET
  - CONCRETE WHEEL STOP, TYP. (SEE DETAILS)
  - DEPRESSED CURB
  - TRASH COMPACTOR AND ENCLOSURE (SEE ARCHITECTURAL PLANS FOR DETAILS)
  - TRANSFORMER PAD (SEE ARCHITECTURAL PLANS FOR DETAILS)
  - MONUMENT SIGN (SEE ARCHITECTURAL PLANS FOR DETAILS)
  - PATCH FENCE (MATCH EXISTING FENCE TYPE, COLOR, AND HEIGHT)
  - 8' X 8' CONCRETE SIDEWALK AT EXIT DOOR
  - ACCESSIBLE RAMP (INDOT TYPE BY LETTER)

### PARKING SUMMARY

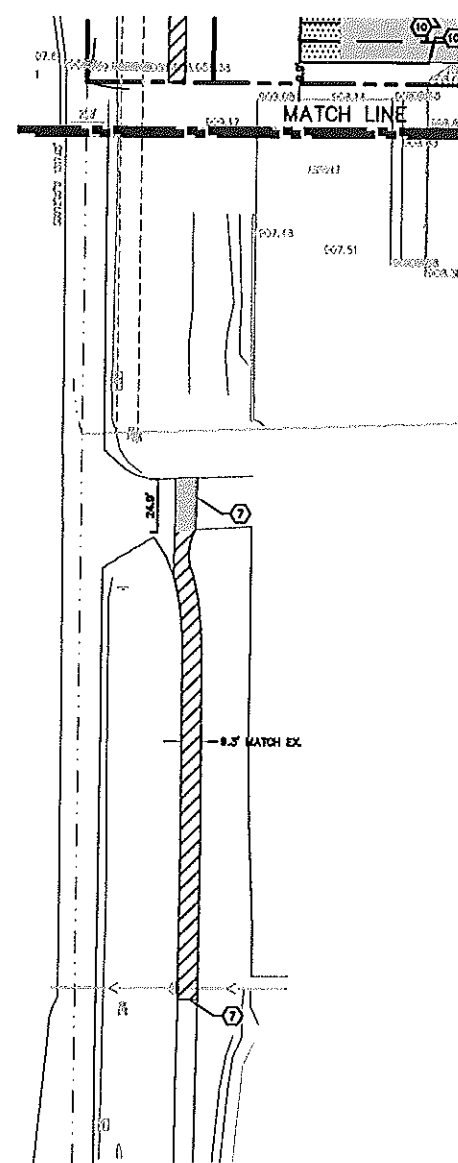
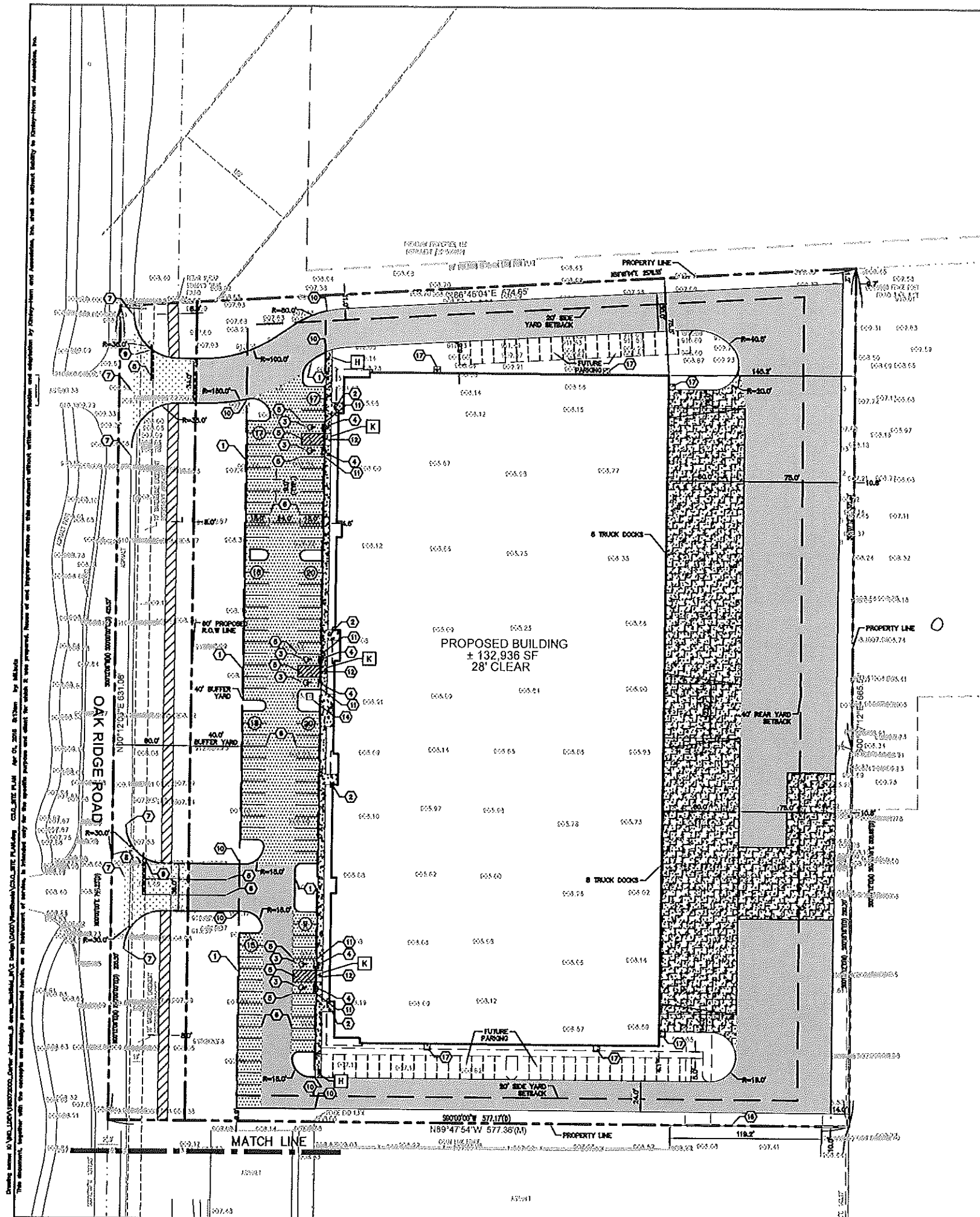
|                                         |                         |
|-----------------------------------------|-------------------------|
| PARKING SPACES REQUIRED (CITY STANDARD) | = N/A                   |
| PARKING SPACES PROVIDED (FUTURE SPACES) | = 63 SPACES (62 SPACES) |
| ACCESSIBLE PARKING SPACES PROVIDED      | = 4 SPACES              |
| TOTAL PARKING SPACES                    | = 67 SPACES             |

|                                                                                                                     |                                                                                   |                   |           |
|---------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|-------------------|-----------|
| <b>JACKSON</b><br>DEVELOPMENT<br>11805 NORTH PONTIAC AVENUE STREET<br>CARLEIL, INDIANA 46032<br>PHONE: 317-787-1115 | <b>WESTFIELD</b><br>BUSINESS CENTRE<br>17100 OAK RIDGE ROAD<br>WESTFIELD, INDIANA | DATE: 03/03/2016  | BY: JVL   |
|                                                                                                                     |                                                                                   | PER: JAC COMMENTS | REVISIONS |

**Kimley»Horn**  
CITY ENGINEER AND ARCHITECT INC.  
1100 N. W. 10TH AVE., SUITE 200  
MIAMI, FL 33136  
PHONE: 305-371-7000

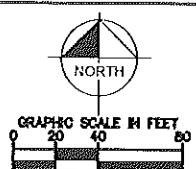






### PAVING AND CURB LEGEND

|  |                                                                                                                               |
|--|-------------------------------------------------------------------------------------------------------------------------------|
|  | STANDARD DUTY ASPHALT PAVEMENT<br>SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION                                               |
|  | HEAVY DUTY ASPHALT PAVEMENT<br>SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION                                                  |
|  | CONCRETE SIDEWALK<br>SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION<br>SEE ARCHITECTURAL PLANS FOR SLOUREND PATTERN            |
|  | HEAVY DUTY CONCRETE PAVEMENT<br>SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION<br>SEE ARCHITECTURAL PLANS FOR SLOUREND PATTERN |
|  | ASPHALT PATH<br>SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION                                                                 |
|  | CITY PAVEMENT SECTION P-X (WITHIN RIGHT OF WAY)<br>SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION                              |
|  | 6-INCH CURB                                                                                                                   |



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- ### GENERAL NOTES
1. ALL DIMENSIONS REFER TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
  2. BUILDING DIMENSIONS ARE TO THE OUTSIDE FACE OF BUILDING UNLESS OTHERWISE NOTED.
  3. REFER TO ARCHITECTURAL AND STRUCTURAL PLANS TO VERIFY ALL BUILDING DIMENSIONS.
  4. RAMP ADJACENT TO PARKING STALL AND NOT DIMENSIONED ON THIS PLAN SHALL BE 4.5-FEET, TYPICAL.
  5. REFER TO ARCHITECTURAL PLANS FOR MONUMENT SIGN DETAILS. SEE MEP PLANS FOR SITE ELECTRICAL DRAWINGS.
  6. ALL PROPOSED ON-SITE STRIPING SHALL BE PAINTED UNLESS OTHERWISE NOTED.

- ### KEY NOTES
1. 6" CONCRETE BARRIER CURB (SEE DETAILS)
  2. CONCRETE SIDEWALK, TYP. (SEE DETAILS)
  3. ACCESSIBLE PAVEMENT MARKINGS, TYP. (SEE DETAILS)
  4. ACCESSIBLE PARKING SIGN, TYP. (AUTOD R7-B, SEE DETAILS)
  5. 4" WIDE PAINTED WHITE SOLID LINE, TYP.
  6. 4" WIDE PAINTED YELLOW SOLID LINE, TYP.
  7. CONNECT TO EXISTING PAVEMENT, SIDEWALK, CURB, TYP.
  8. 24" WIDE STOP BAR, TYP.
  9. STOP SIGN, TYP. (AUTOD R1-1, SEE DETAILS)
  10. CURB TRANSITION FROM 6" TO 0" OVER 3 FEET
  11. CONCRETE WHEEL STOP, TYP. (SEE DETAILS)
  12. DEPRESSION CURB
  13. TRASH COMPACTOR AND ENCLOSURE (SEE ARCHITECTURAL PLANS FOR DETAILS)
  14. TRANSFORMER PAD (SEE ARCHITECTURAL PLANS FOR DETAILS)
  15. MONUMENT SIGN (SEE ARCHITECTURAL PLANS FOR DETAILS)
  16. PATCH FENCE (MATCH EXISTING FENCE TYPE, COLOR, AND HEIGHT)
  17. 6' X 8' CONCRETE SIDEWALK AT EXIT DOOR
  18. ACCESSIBLE RAMP (NOOT TYPE BY LETTER)

### PARKING SUMMARY

|                                         |                       |
|-----------------------------------------|-----------------------|
| PARKING SPACES REQUIRED (CITY STANDARD) | N/A                   |
| PARKING SPACES PROVIDED (FUTURE SPACES) | 63 SPACES (62 SPACES) |
| ACCESSIBLE PARKING SPACES PROVIDED      | 6 SPACES              |
| TOTAL PARKING SPACES                    | 69 SPACES             |

|                                                                                                               |                               |
|---------------------------------------------------------------------------------------------------------------|-------------------------------|
| <b>JACKSON DEVELOPMENT</b><br>11805 NORTH PENNSYLVANIA STREET<br>CARMEL, INDIANA 46032<br>PHONE: 317-797-1115 |                               |
| <b>SITE PLAN</b>                                                                                              |                               |
| WESTFIELD BUSINESS CENTRE<br>17100 OAK RIDGE ROAD<br>WESTFIELD, INDIANA                                       |                               |
| ORIGINAL ISSUE:<br>03/03/2018                                                                                 | BY: [Signature]               |
| KHA PROJECT NO.<br>16837200                                                                                   | DATE: 04/01/18                |
| SHEET NUMBER<br>C3.0                                                                                          | PER TAC COMMENTS<br>REVISIONS |

## AFFIDAVIT OF NOTICE OF PUBLIC HEARING

DOCKET #: 1605-VS-08PUBLIC HEARING DATE: May 10, 2016APPLICANT'S NAME: Jackson Development, LLCREPRESENTATIVE'S NAME: William A. Butz, Jr.COMPANY: Kimley-HornPROJECT TO BE KNOWN AS: Westfield Business Centre

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

## PUBLIC NOTICE AFFIDAVIT

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath does hereby certify that notice of public hearing to consider above petition was sent by certified, registered or first class mail to the last known address of each of the following persons, as attached hereto as Exhibit A, they being all persons to whom notice was required to be sent by the Plan Commission's Rules of Procedure, and that said notices were postmarked on the 19th day of April, 2016, being at least ten (10) days prior the scheduled public hearing.

I (We) further certify that the notice required to be posted on the subject property described in the above petition was posted on the subject property in accordance with the Plan Commission's Rules of Procedures on the 20th day of April, 2016, being at least ten (10) days prior the scheduled public hearing.

Applicant/Representative (signature)\*

Applicant/Representative (printed)

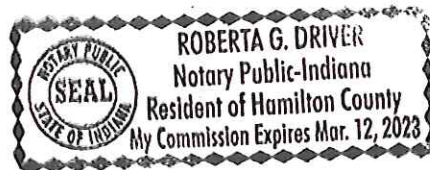
Before me the undersigned, a Notary Public in and for said County and State, personally appeared the above party, who having been duly sworn acknowledged the execution of the foregoing instrument.

Witness my hand and Notarial Seal this 20 day of April, 2016.

State of Indiana, County of Hamilton, SS:

Notary Public Signature

Notary Public (printed)





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City, State, ZIP+4® Willowbrook, IL 60527

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Postage \$0.47

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Sent To 6572 Builders LLC

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City, State, ZIP+4® Noblesville, IN 46062

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Extra Services & Fees (check box, add fee as appropriate)

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☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.47

Total Postage and Fees \$6.47

Sent To Absolut Investment Group LLC

Street and Apt. No. 1111 E 54TH ST STE 209

City, State, ZIP+4® Indianapolis, IN 46220

PS Form 3800, A



7015 3430 0001 1218 4946

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**WESTFIELD, IN 46074**

|                                                              |               |
|--------------------------------------------------------------|---------------|
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| Extra Services & Fees (check box, add fee as appropriate)    |               |
| <input type="checkbox"/> Return Receipt (hardcopy)           | \$2.70        |
| <input type="checkbox"/> Return Receipt (electronic)         | \$0.00        |
| <input type="checkbox"/> Certified Mail Restricted Delivery  | \$0.00        |
| <input type="checkbox"/> Adult Signature Required            | \$0.00        |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$0.00        |
| Postage                                                      | \$0.47        |
| <b>Total Postage and Fees</b>                                | <b>\$6.47</b> |

Sent To: Godby, Dwight A & Nancy A  
Street and Apt. No.: 652 Decatur Dr  
City, State, ZIP+4®: Westfield, IN 46074

PS Form 3800, Apr 2016

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**WESTFIELD, IN 46074**

|                                                              |               |
|--------------------------------------------------------------|---------------|
| Certified Mail Fee                                           | \$3.30        |
| Extra Services & Fees (check box, add fee as appropriate)    |               |
| <input type="checkbox"/> Return Receipt (hardcopy)           | \$2.70        |
| <input type="checkbox"/> Return Receipt (electronic)         | \$0.00        |
| <input type="checkbox"/> Certified Mail Restricted Delivery  | \$0.00        |
| <input type="checkbox"/> Adult Signature Required            | \$0.00        |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$0.00        |
| Postage                                                      | \$0.47        |
| <b>Total Postage and Fees</b>                                | <b>\$6.47</b> |

Sent To: B & K Real Estate Investment LLC  
Street and Apt. No.: 734 169th St E  
City, State, ZIP+4®: Westfield, IN 46074

PS Form 3800, Apr 2016

7015 3430 0001 1218 4086

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**CARMEL, IN 46033**

|                                                              |               |
|--------------------------------------------------------------|---------------|
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| Extra Services & Fees (check box, add fee as appropriate)    |               |
| <input type="checkbox"/> Return Receipt (hardcopy)           | \$2.70        |
| <input type="checkbox"/> Return Receipt (electronic)         | \$0.00        |
| <input type="checkbox"/> Certified Mail Restricted Delivery  | \$0.00        |
| <input type="checkbox"/> Adult Signature Required            | \$0.00        |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$0.00        |
| Postage                                                      | \$0.47        |
| <b>Total Postage and Fees</b>                                | <b>\$6.47</b> |

Sent To: Gralak, Betty L  
Street and Apt. No.: 5098 Huntington Dr  
City, State, ZIP+4®: Carmel, IN 46033

PS Form 3800, Apr 2016

7015 3430 0001 1218 4901

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**WESTFIELD, IN 46074**

|                                                              |               |
|--------------------------------------------------------------|---------------|
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| Extra Services & Fees (check box, add fee as appropriate)    |               |
| <input type="checkbox"/> Return Receipt (hardcopy)           | \$2.70        |
| <input type="checkbox"/> Return Receipt (electronic)         | \$0.00        |
| <input type="checkbox"/> Certified Mail Restricted Delivery  | \$0.00        |
| <input type="checkbox"/> Adult Signature Required            | \$0.00        |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$0.00        |
| Postage                                                      | \$0.47        |
| <b>Total Postage and Fees</b>                                | <b>\$6.47</b> |

Sent To: Pearce, Leann  
Street and Apt. No.: 653 Decatur Dr  
City, State, ZIP+4®: Westfield, IN 46074

PS Form 3800, Apr 2016

7015 3430 0001 1218 4093

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**WESTFIELD, IN 46074**

|                                                              |               |
|--------------------------------------------------------------|---------------|
| Certified Mail Fee                                           | \$3.30        |
| Extra Services & Fees (check box, add fee as appropriate)    |               |
| <input type="checkbox"/> Return Receipt (hardcopy)           | \$2.70        |
| <input type="checkbox"/> Return Receipt (electronic)         | \$0.00        |
| <input type="checkbox"/> Certified Mail Restricted Delivery  | \$0.00        |
| <input type="checkbox"/> Adult Signature Required            | \$0.00        |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$0.00        |
| Postage                                                      | \$0.47        |
| <b>Total Postage and Fees</b>                                | <b>\$6.47</b> |

Sent To: Proctor, Christopher M W  
Street and Apt. No.: 17008 Fulton Pl  
City, State, ZIP+4®: Westfield, IN 46074

PS Form 3800, Apr 2016

7015 3430 0001 1218 4078

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**WESTFIELD, IN 46074**

|                                                              |               |
|--------------------------------------------------------------|---------------|
| Certified Mail Fee                                           | \$3.30        |
| Extra Services & Fees (check box, add fee as appropriate)    |               |
| <input type="checkbox"/> Return Receipt (hardcopy)           | \$2.70        |
| <input type="checkbox"/> Return Receipt (electronic)         | \$0.00        |
| <input type="checkbox"/> Certified Mail Restricted Delivery  | \$0.00        |
| <input type="checkbox"/> Adult Signature Required            | \$0.00        |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$0.00        |
| Postage                                                      | \$0.47        |
| <b>Total Postage and Fees</b>                                | <b>\$6.47</b> |

Sent To: Fletcher, Dolcina C  
Street and Apt. No.: 17004 FULTON PL  
City, State, ZIP+4®: Westfield, IN 46074

PS Form 3800, Apr 2016



7015 3430 0001 1218 4116

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☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.47

Total Postage and Fees \$6.47

Sent by  
Huzvar, Jennifer F  
17202 BUFFALO CIR  
Westfield, IN 46074

Instructions

7015 3430 0001 1218 4109

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☐ Return Receipt (hardcopy) \$2.70

☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.47

Total Postage and Fees \$6.47

Sent by  
Forester, Sondra L  
P O Box 976  
Westfield, IN 46074

Instructions

7015 3430 0001 1218 4161

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GREENFIELD, IN 46140

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☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.47

Total Postage and Fees \$6.47

Sent by  
Morris, Mary Shannon  
1686 JAMES BLVD  
Greenfield, IN 46140

Instructions

7015 3430 0001 1218 4123

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Extra Services & Fees (check box, add fee as appropriate)

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☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.47

Total Postage and Fees \$6.47

Sent by  
Palmer, Nicole  
17007 FULTON PL  
Westfield, IN 46074

Instructions

7015 3430 0001 1218 4178

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☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.47

Total Postage and Fees \$6.47

Sent by  
Loveall, Kerri  
660 Decatur Dr  
Westfield, IN 46074

Instructions

7015 3430 0001 1218 4154

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☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.47

Total Postage and Fees \$6.47

Sent by  
Helmuth, Benjamin T  
17001 Fulton Pl  
Westfield, IN 46074

Instructions



7015 3430 0001 1218 4192

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Certified Mail Fee \$3.30  
 Extra Services & Fees (check box, add fee as appropriate)  
☐ Return Receipt (hardcopy) \$0.00  
☐ Return Receipt (electronic) \$0.00  
☐ Certified Mail Restricted Delivery \$0.00  
☐ Adult Signature Required \$0.00  
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.47

Total Postage and Fees \$6.47

Freeman, Kim  
 662 Decatur Dr  
 Westfield, IN 46074

Instructions

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 Extra Services & Fees (check box, add fee as appropriate)  
☐ Return Receipt (hardcopy) \$0.00  
☐ Return Receipt (electronic) \$0.00  
☐ Certified Mail Restricted Delivery \$0.00  
☐ Adult Signature Required \$0.00  
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.47

Total Postage and Fees \$6.47

Wood, Kelly H  
 659 Decatur Dr  
 Westfield, IN 46074

Instructions

7015 3430 0001 1218 4130

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 Extra Services & Fees (check box, add fee as appropriate)  
☐ Return Receipt (hardcopy) \$0.00  
☐ Return Receipt (electronic) \$0.00  
☐ Certified Mail Restricted Delivery \$0.00  
☐ Adult Signature Required \$0.00  
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.47

Total Postage and Fees \$6.47

Cummings, Beatrice  
 17009 Fulton Pl  
 Westfield, IN 46074

Instructions

7015 3430 0001 1218 4147

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Certified Mail Fee \$3.30  
 Extra Services & Fees (check box, add fee as appropriate)  
☐ Return Receipt (hardcopy) \$0.00  
☐ Return Receipt (electronic) \$0.00  
☐ Certified Mail Restricted Delivery \$0.00  
☐ Adult Signature Required \$0.00  
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.47

Total Postage and Fees \$6.47

Mills, Kacia N & Andrew  
 657 Decatur Dr  
 Westfield, IN 46074

Instructions

7015 0640 0002 4588 6950

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CLINTON, TN 37716

Certified Mail Fee \$3.30  
 Extra Services & Fees (check box, add fee as appropriate)  
☐ Return Receipt (hardcopy) \$0.00  
☐ Return Receipt (electronic) \$0.00  
☐ Certified Mail Restricted Delivery \$0.00  
☐ Adult Signature Required \$0.00  
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.47

Total Postage and Fees \$6.47

Sent To Hollingsworth Capital Partners Indiana  
 LLC  
 Two Centre Plaza  
 Clinton, TN 37716

7015 3430 0001 1218 4215

# U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

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Certified Mail Fee \$3.30  
 Extra Services & Fees (check box, add fee as appropriate)  
☐ Return Receipt (hardcopy) \$0.00  
☐ Return Receipt (electronic) \$0.00  
☐ Certified Mail Restricted Delivery \$0.00  
☐ Adult Signature Required \$0.00  
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.47

Total Postage and Fees \$6.47

Esen, Mehmet Kudret & Mehmet Kerem  
 Esen  
 661 Decatur Dr  
 Westfield, IN 46074

Instructions



7015 3430 0001 1218 4802

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WESTFIELD, IN 46074

Certified Mail Fee

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- ☐ Return Receipt (hardcopy) \$2.70  
☐ Return Receipt (electronic) \$0.00  
☐ Certified Mail Restricted Delivery \$0.00  
☐ Adult Signature Required \$0.00  
☐ Adult Signature Restricted Delivery \$0.00

Postage

\$0.47

Total Postage and Fees

\$6.47

Sent To

Street and Apt. No., Padgett, C Robert  
 City, State, ZIP+4® 680 Sawtooth St  
 Westfield, IN 46074

PS Form 3800, Apr



7015 3430 0001 1218 4796

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WESTFIELD, IN 46074

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Extra Services &amp; Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$2.70  
☐ Return Receipt (electronic) \$0.00  
☐ Certified Mail Restricted Delivery \$0.00  
☐ Adult Signature Required \$0.00  
☐ Adult Signature Restricted Delivery \$0.00

Postage

\$0.47

Total Postage and Fees

\$6.47

Sent To

Dunlavy, Julia Ann  
 670 Overcup St  
 Westfield, IN 46074

PS Form 3800, Apr



7015 3430 0001 1218 4833

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CARMEL, IN 46033

Certified Mail Fee

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Extra Services &amp; Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$2.70  
☐ Return Receipt (electronic) \$0.00  
☐ Certified Mail Restricted Delivery \$0.00  
☐ Adult Signature Required \$0.00  
☐ Adult Signature Restricted Delivery \$0.00

Postage

\$0.47

Total Postage and Fees

\$6.47

Sent To

Street and Apt. No. Montrie, William L  
 City, State, ZIP+4® 11973 Pebblepoint Pass  
 Carmel, IN 46033

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7015 3430 0001 1218 4826

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- ☐ Return Receipt (hardcopy) \$2.70  
☐ Return Receipt (electronic) \$0.00  
☐ Certified Mail Restricted Delivery \$0.00  
☐ Adult Signature Required \$0.00  
☐ Adult Signature Restricted Delivery \$0.00

Postage

\$0.47

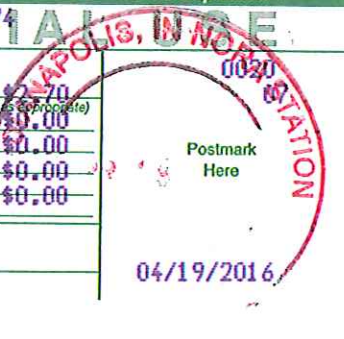
Total Postage and Fees

\$6.47

Sent To

Dickerson, Eva B & Billy D Shepard jtrs  
 16958 Fulton Pl  
 Westfield, IN 46074

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☐ Return Receipt (electronic) \$0.00  
☐ Certified Mail Restricted Delivery \$0.00  
☐ Adult Signature Required \$0.00  
☐ Adult Signature Restricted Delivery \$0.00

Postage

\$0.47

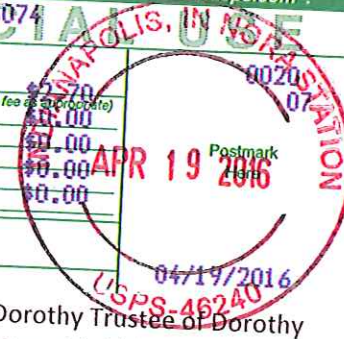
Total Postage and Fees

\$6.47

Sent To

Neiman, Dorothy Trustee of Dorothy  
 Neiman Revocable Living Trust w/LE to  
 651 Decatur Dr  
 Westfield, IN 46074

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7015 3430 0001 1218 4840

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☐ Return Receipt (electronic) \$0.00  
☐ Certified Mail Restricted Delivery \$0.00  
☐ Adult Signature Required \$0.00  
☐ Adult Signature Restricted Delivery \$0.00

Postage

\$0.47

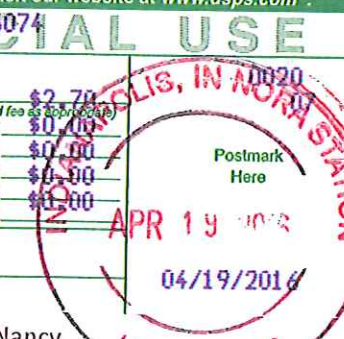
Total Postage and Fees

\$6.47

Sent To

Rockhill, Nancy  
 16957 Fulton Pl  
 Westfield, IN 46074

PS Form 3800, Apr





7015 3430 0001 1218 4765

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Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$0.00

☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.47

Total Postage and Fees \$6.47

Sent To Houghton, Glenda L

Street and Apt. No. 16950 Fulton Pl

City, State, ZIP+4® Westfield, IN 46074

PS Form 3800, 4



7015 3430 0001 1218 4864

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Certified Mail Fee \$3.30

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$0.00

☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.47

Total Postage and Fees \$6.47

Sent To Tidwell, Julie D

Street and Apt. No. 654 Decatur Dr Unit 1204

City, State, ZIP+4® Westfield, IN 46074

PS Form 3800, 4



7015 3430 0001 1218 4772

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Certified Mail Fee \$3.30

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$0.00

☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.47

Total Postage and Fees \$6.47

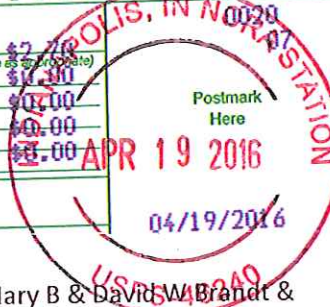
Sent To Catton, Mary B &amp; David W Brandt &amp;

Street and Apt. No., Nancy J Brandt jtrs

City, State, ZIP+4® 16956 Fulton Pl

Westfield, IN 46074

PS Form 3800, Ap



7015 3430 0001 1218 4889

# U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

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WESTFIELD, IN 46074

Certified Mail Fee \$3.30

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$0.00

☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.47

Total Postage and Fees \$6.47

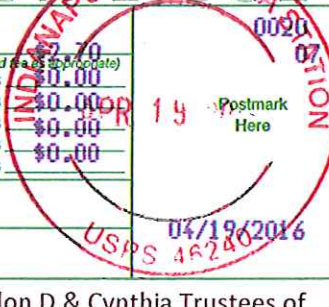
Sent To Skeoch, Graydon D &amp; Cynthia Trustees of

Street and Apt. No. Graydon D &amp; Cynthia Skeoch Trust

City, State, ZIP+4® 16955 Fulton Pl

Westfield, IN 46074

PS Form 3



7015 3430 0001 1218 4895

# U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

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NOBLESVILLE, IN 46060

Certified Mail Fee \$3.30

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$0.00

☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.47

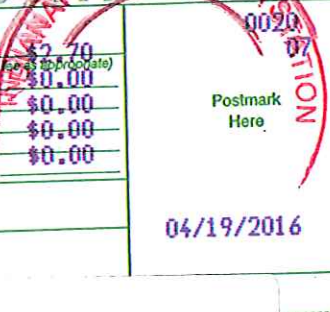
Total Postage and Fees \$6.47

Sent To Scollick, Amber

Street 15841 Symphony Blvd

City Noblesville, IN 46060

PS



7015 3430 0001 1218 4789

# U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

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Certified Mail Fee \$3.30

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$0.00

☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.47

Total Postage and Fees \$6.47

Sent To Mayer, Raymond E

Street and Apt. No. 16961 Fulton Pl # 2302

City, State, ZIP+4® Westfield, IN 46074

PS Form 3800, A





7015 3430 0001 1218 4208

# U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

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Certified Mail Fee \$3.30

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$0.00

☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.47

Total Postage and Fees \$6.47

Sent To

Polley, Stuart &amp; Kimberly D Dwyer

658 Decatur Dr  
Westfield, IN 46074

PS

Instructions

# U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

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Certified Mail Fee \$3.30

Extra Services & Fees (check box, add fee as appropriate)

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☐ Adult Signature Required \$0.00  
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.47  
Total Postage and Fees \$6.47

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Westfield, IN 46074

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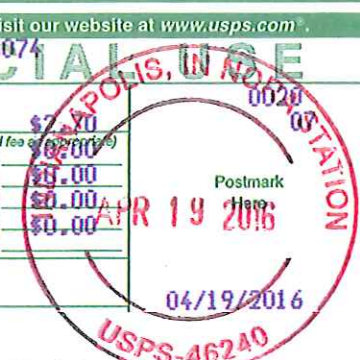
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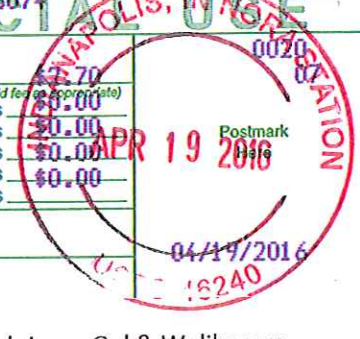
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Indianapolis, IN 46230

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0020 07  
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04/19/2016



**Petition Number:** 1605-VS-08

**Subject Site Address:** 17001 Oak Ridge Road

**Petitioner:** Jackson Development, LLC

**Request:** The Petitioner is requesting a Variance of Standard to modify Architectural Standards for Masonry Material requirements (Article 6.3(G)(2)(a)(i)) and Building Façade offsets (Article 6.3(G)(2)(a)(ii)) in the OI: Open Industrial District.

**Current Zoning:** OI: Open Industrial District

**Current Land Use:** Vacant

**Approximate Acreage:** 8.6 acres+/-

**Exhibits:**

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

**Staff Reviewer:** Amanda Rubadue, Associate Planner

---

### **PETITION HISTORY**

This petition will receive a public hearing at the May 10, 2016, Board of Zoning Appeals meeting.

### **PROPERTY INFORMATION**

The subject property is 8.6 acres +/- in size and is located at 17001 Oak Ridge Road (see **Exhibit 2**). The property is currently vacant land.

The property is zoned OI: Open Industrial District. The surrounding properties include residential dwellings to the west in the Countryside subdivision and industrial uses surrounding the remainder of the property.

### **VARIANCE REQUEST**

The petitioner is requesting this variance to allow for a reduction in the Architectural Standards for Masonry Materials and an increase of the Building Façade offsets, as generally illustrated on the Site Plan Exhibit (see **Exhibit 3**) and Building Elevations Exhibit (see **Exhibit 4**).



The Architectural Standards for Building Materials within Industrial Districts is that a minimum of sixty percent (60%) of the Building Façade (exclusive of windows and doors) shall be Masonry Materials (Article 6.3(G)(2)(a)(i)). Additionally, Building Façades which are ninety (90) feet or greater in length, shall be designed with offsets (projecting or recessed) at intervals of not greater than sixty (60) feet (Article 6.3(G)(2)(a)(ii)).

The proposed building materials presented as part of the petitioner's Detailed Development Plan (1604-DDP-11) include only precast concrete panels and do not include any masonry materials. As shown, the current offset intervals are eighty-five (85) feet in length. As a result, the petitioner is requesting this variance for a reduction in the masonry materials requirement from sixty percent (60%) to zero (0). The petitioner is also requesting an increase in the interval length between offsets from sixty (60) feet to eighty-five (85) feet.

The petitioner has indicated the existing mound and mature trees located along the western property line help to screen the view of the building from the Countryside subdivision.

---

## **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 May 10, 2016, 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 UDO<sup>1</sup> 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 UDO<sup>2</sup> 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

---

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

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

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

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:**

**The Department recommends approval of the variance with the following written findings of fact and with the condition the existing trees and mound located along the western property line be preserved.**

Recommended Findings for Approval:

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

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

**Finding:** It is unlikely that approving the requested variance would be injurious to the public health, safety, morals, and general welfare of the community because the use and proposed improvements will otherwise comply with the applicable standards of the OI District.

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

**Finding:** It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The proposed variance should not have a negative impact on surrounding properties because: (i) the surrounding properties to the north, east and south are also industrial uses; (ii) the proposed building is separated from the residential neighborhood to the west by a high mound and mature landscaping (iii) the proposed improvements will otherwise comply with the standards of the OI District; and (iv) the approval of the variance



will allow for the improvement of the property in a manner substantially consistent with the quality and character of the surrounding area.

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

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



# Existing Conditions Exhibit



# WESTFIELD BUSINESS CENTRE



PREPARED FOR:  
OAK RIDGE ROAD, LLC

PRESENTED BY  
STEVEN D. HARDIN, ESQ.

FAEGRE BAKER  
DANIELS

REQUEST FOR VARIANCE OF DEVELOPMENT STANDARDS  
BOARD OF ZONING APPEALS | MAY 10, 2016



|                           |                                                                                   |
|---------------------------|-----------------------------------------------------------------------------------|
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| WESTFIELD BUSINESS CENTRE |                                                                                   |

Owner:  
Carter Jackson

Oak Ridge Road, LLC  
11805 Pennsylvania Street, Suite 108  
Carmel, IN 46032

Attorney:  
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Rex Ramage,  
Land Use Consultant

Faegre Baker Daniels, LLP  
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Indianapolis, Indiana 46240  
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fax. 317.569.4800

Engineer:  
Bill Butz, PE

Kimley-Horn & Associates, Inc.  
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Indianapolis, IN 46240  
telephone. 317.218.9560

Architect:  
Paul Meier

JRA Architecture, LLC  
7222 Shadeland Avenue, #200  
Indianapolis, IN 46250  
telephone. 317.806.1060

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| <u>Tab 3</u>             | Site Plan            |
| <u>Tab 4</u>             | Rendering            |
| <u>Tab 5</u>             | Elevations & Palette |
| <u>Tab 6</u>             | Findings of Fact     |



# **TAB 1**

|                           |                                                                                   |
|---------------------------|-----------------------------------------------------------------------------------|
| EXECUTIVE SUMMARY         |  |
| WESTFIELD BUSINESS CENTRE |                                                                                   |

Oak Ridge Road, LLC (“Oak Ridge”) is pleased to present its plans for the proposed Westfield Business Centre, located on 5.56 (+/-) acres just north and east of the intersection of 169<sup>th</sup> Street and Oak Ridge Road (please see the Aerial Location Map at Tab 2). The property is zoned Open Industrial (OI), and the proposed facility will include approximately 133,000 ft<sup>2</sup> and represents a \$3.5 Million investment into the community.

As part of the development process, Oak Ridge respectfully requests the following two (2) variances from the development standards set forth` in the Westfield Zoning Ordinance:

- (1) Variance from Article 6.3(G)(2)(a)(i) to allow pre-cast concrete walls to be the primary materials on the building facade.
- (2) Modify Article 6.3(G)(2)(a)(ii) to increase the allowable building facade length from 60’ to 85’.

Exterior Materials:

Article 6.3(G)(2)(a)(i) provides that a minimum of sixty percent (60%) of the Building Facade (exclusive of windows and doors) shall be Masonry Materials. In this case, the building is planned to be constructed with architectural pre-cast concrete walls, a standard material for a light industrial building. Through the use of multiple colors and textures, the building aesthetic will achieve a high quality design (please see the Rendering at Tab 4 and Elevations at Tab 5).

Facade Length:

The proposed building has four separate decorative curtain wall entries, and a series of windows and vertical accents to add visual interest to the building’s west facade facing Oak Ridge Road. Through the use of color, glass, and multiple 4-foot offsets, the building’s west facade will present an attractive “front door” to the property.

The site plan and proposed rendering can be found at Tabs 3 & 4, respectively, while the proposed elevations can be found at Tab 5.

If approved, Oak Ridge plans to begin construction later this year.

Thank you for your consideration.

## **TAB 2**



**AERIAL LOCATION MAP**

**WESTFIELD BUSINESS CENTRE**



Site



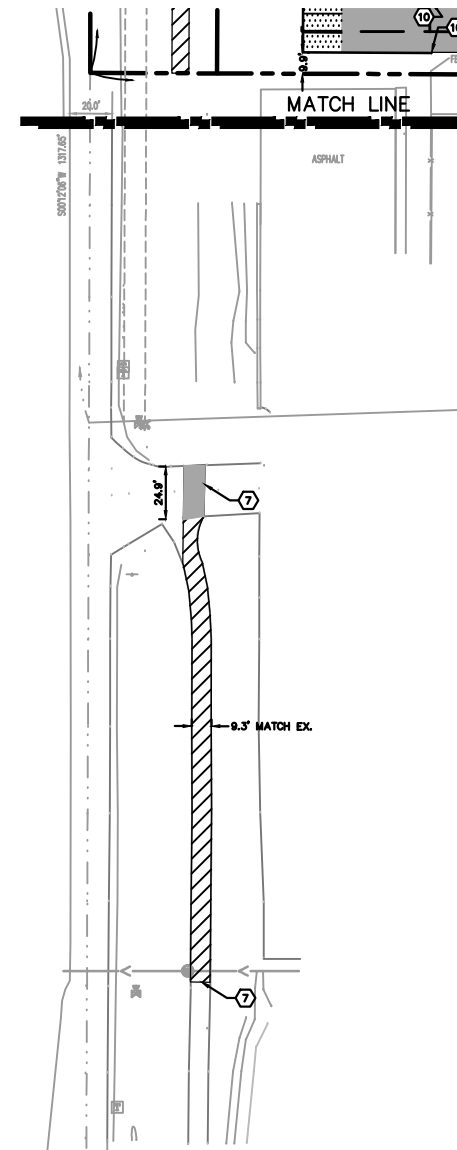
## **TAB 3**



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|                                                                                     |                                                                                                                                       |
|-------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|
|  | <b>STANDARD DUTY ASPHALT PAVEMENT</b><br>SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION                                                |
|  | <b>HEAVY DUTY ASPHALT PAVEMENT</b><br>SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION                                                   |
|  | <b>CONCRETE SIDEWALK</b><br>SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION<br>*SEE ARCHITECTURAL PLANS FOR SCOURING PATTERN            |
|  | <b>HEAVY DUTY CONCRETE PAVEMENT</b><br>SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION<br>*SEE ARCHITECTURAL PLANS FOR SCOURING PATTERN |
|  | <b>ASPHALT PATH</b><br>SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION                                                                  |
|  | <b>CITY PAVEMENT SECTION B-X (WITHIN RIGHT OF WAY)</b><br>SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION                               |
|  | <b>6-INCH CURB</b>                                                                                                                    |



1. ALL DIMENSIONS REFER TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
2. BUILDING DIMENSIONS ARE TO THE OUTSIDE FACE OF BUILDING UNLESS OTHERWISE NOTED.
3. REFER TO ARCHITECTURAL AND STRUCTURAL PLANS TO VERIFY ALL BUILDING DIMENSIONS.
4. RADIUS ADJACENT TO PARKING STALL AND NOT DIMENSIONED ON THIS PLAN SHALL BE 4.5'-FEET, TYPICAL.
5. REFER TO ARCHITECTURAL PLANS FOR MONUMENT SIGN DETAILS. SEE MEP PLANS FOR SITE ELECTRICAL DRAWINGS.
6. ALL PROPOSED ON-SITE STRIPING SHALL BE PAINTED UNLESS OTHERWISE NOTED.

1. ALL DIMENSIONS REFER TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
2. BUILDING DIMENSIONS ARE TO THE OUTSIDE FACE OF BUILDING UNLESS OTHERWISE NOTED.
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5. REFER TO ARCHITECTURAL PLANS FOR MONUMENT SIGN DETAILS. SEE MEP PLANS FOR SITE ELECTRICAL DRAWINGS.
6. ALL PROPOSED ON-SITE STRIPING SHALL BE PAINTED UNLESS OTHERWISE NOTED.

|    |                                                                     |
|----|---------------------------------------------------------------------|
| 1  | 6" CONCRETE BARRIER CURB (SEE DETAILS)                              |
| 2  | CONCRETE SIDEWALK, TYP. (SEE DETAILS)                               |
| 3  | ACCESSIBLE PAVEMENT MARKINGS, TYP. (SEE DETAILS)                    |
| 4  | ACCESSIBLE PARKING SIGN, TYP. (MUTCD R7-8, SEE DETAILS)             |
| 5  | 4" WIDE PAINTED WHITE SOLID LINE, TYP.                              |
| 6  | 4" WIDE PAINTED YELLOW SOLID LINE, TYP.                             |
| 7  | CONNECT TO EXISTING PAVEMENT, SIDEWALK, CURB, TYP.                  |
| 8  | 24" WIDE STOP BAR, TYP.                                             |
| 9  | STOP SIGN, TYP. (MUTCD R1-1, SEE DETAILS)                           |
| 10 | CURB TRANSITION FROM 6" TO 0" OVER 3 FEET                           |
| 11 | CONCRETE WHEEL STOP, TYP. (SEE DETAILS)                             |
| 12 | DEPRESSED CURB                                                      |
| 13 | TRASH COMPACTOR AND ENCLOSURE (SEE ARCHITECTURAL PLANS FOR DETAILS) |
| 14 | TRANSFORMER PAD (SEE ARCHITECTURAL PLANS FOR DETAILS)               |
| 15 | MONUMENT SIGN (SEE ARCHITECTURAL PLANS FOR DETAILS)                 |
| 16 | PATCH FENCE (MATCH EXISTING FENCE TYPE, COLOR, AND HEIGHT)          |
| 17 | 5' X 5' CONCRETE SIDEWALK AT EXIT DOOR                              |
| X  | ACCESSIBLE RAMP (INDOT TYPE BY LETTER)                              |

- |    |                                                                     |
|----|---------------------------------------------------------------------|
| 1  | 6" CONCRETE BARRIER CURB (SEE DETAILS)                              |
| 2  | CONCRETE SIDEWALK, TYP. (SEE DETAILS)                               |
| 3  | ACCESSIBLE PAVEMENT MARKINGS, TYP. (SEE DETAILS)                    |
| 4  | ACCESSIBLE PARKING SIGN, TYP. (MUTCD R7-8, SEE DETAILS)             |
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| 6  | 4" WIDE PAINTED YELLOW SOLID LINE, TYP.                             |
| 7  | CONNECT TO EXISTING PAVEMENT, SIDEWALK, CURB, TYP.                  |
| 8  | 24" WIDE STOP BAR, TYP.                                             |
| 9  | STOP SIGN, TYP. (MUTCD R1-1, SEE DETAILS)                           |
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| 11 | CONCRETE WHEEL STOP, TYP. (SEE DETAILS)                             |
| 12 | DEPRESSED CURB                                                      |
| 13 | TRASH COMPACTOR AND ENCLOSURE (SEE ARCHITECTURAL PLANS FOR DETAILS) |
| 14 | TRANSFORMER PAD (SEE ARCHITECTURAL PLANS FOR DETAILS)               |
| 15 | MONUMENT SIGN (SEE ARCHITECTURAL PLANS FOR DETAILS)                 |
| 16 | PATCH FENCE (MATCH EXISTING FENCE TYPE, COLOR, AND HEIGHT)          |
| 17 | 5' X 5' CONCRETE SIDEWALK AT EXIT DOOR                              |
| X  | ACCESSIBLE RAMP (INDOT TYPE BY LETTER)                              |

|                                         |   |                       |
|-----------------------------------------|---|-----------------------|
| PARKING SPACES REQUIRED (CITY STANDARD) | = | N/A                   |
| PARKING SPACES PROVIDED (FUTURE SPACES) | = | 93 SPACES (52 SPACES) |
| ACCESSIBLE PARKING SPACES PROVIDED      | = | 4 SPACES              |
| TOTAL PARKING SPACES                    | = | 97 SPACES             |

|                                         |   |                       |
|-----------------------------------------|---|-----------------------|
| PARKING SPACES REQUIRED (CITY STANDARD) | = | N/A                   |
| PARKING SPACES PROVIDED (FUTURE SPACES) | = | 93 SPACES (52 SPACES) |
| ACCESSIBLE PARKING SPACES PROVIDED      | = | 4 SPACES              |
| TOTAL PARKING SPACES                    | = | 97 SPACES             |

[illegible]



**TAB 4**





**JACKSON**  
DEVELOPMENT

## Westfield Business Centre

05 FEBRUARY 2016

171ST STREET & OAK RIDGE ROAD - WESTFIELD, INDIANA

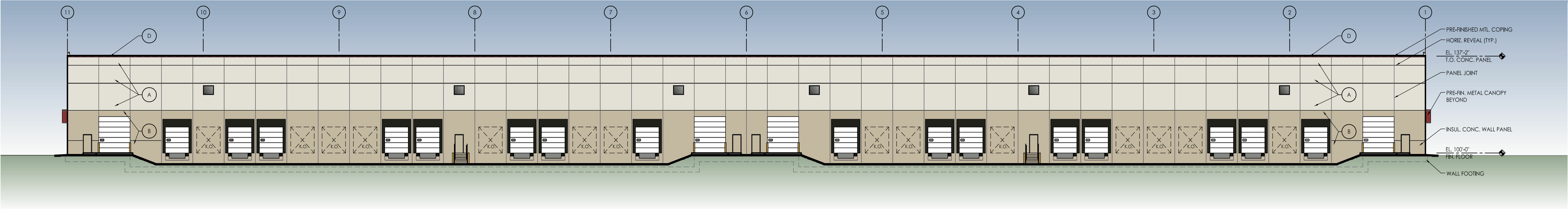
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## **TAB 5**

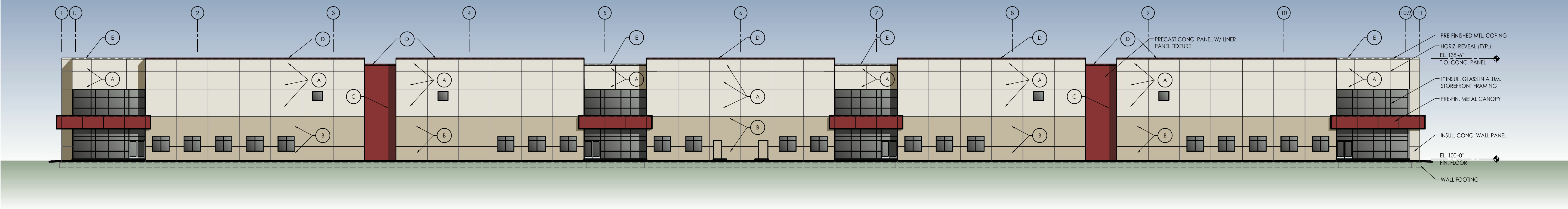


| EXTERIOR COLOR SCHEDULE   |                        |                            |
|---------------------------|------------------------|----------------------------|
| ITEM                      | MFG.                   | COLOR                      |
| CONCRETE WALL PANELS      |                        |                            |
| COLOR A                   | SHERWIN-WILLIAMS       | SW 7010 - WHITE DUCK       |
| COLOR B                   | SHERWIN-WILLIAMS       | SW 7037 - BALANCED BEIGE   |
| COLOR C                   | SHERWIN-WILLIAMS       | SW 6528 - FIREWEED         |
| BUILDING COPING COLOR D   | UNA-CLAD               | COLONIAL RED               |
| BUILDING COPING COLOR E   | UNA-CLAD               | ALMOND                     |
| ALUM. WINDOW & DOOR FR.   | MANUFACTURERS STANDARD | CLEAR ANODIZED             |
| GLASS                     | PPG                    | SOLARBAN 60 (2) SOLAR GRAY |
| CANOPY FASCIA PANELS      | CITADEL                | COLONIAL RED               |
| CANOPY SOFFIT PANELS      | CITADEL                | BONE WHITE                 |
| CANOPY COPING             | UNA-CLAD               | COLONIAL RED               |
| HOLLOW METAL DOORS        | -                      | MATCH ADJACENT FIELD COLOR |
| HOLLOW METAL FRAMES       | -                      | MATCH ADJACENT FIELD COLOR |
| OVERHEAD DOORS            | MANUFACTURERS STANDARD | WHITE                      |
| STEEL BOLLARDS            | MANUFACTURERS STANDARD | SAFETY YELLOW              |
| EXTERIOR WALL MTD. LIGHTS | MANUFACTURERS STANDARD | BRONZE                     |
| WALL LOUVERS              | MANUFACTURERS STANDARD | CLEAR ANODIZED             |



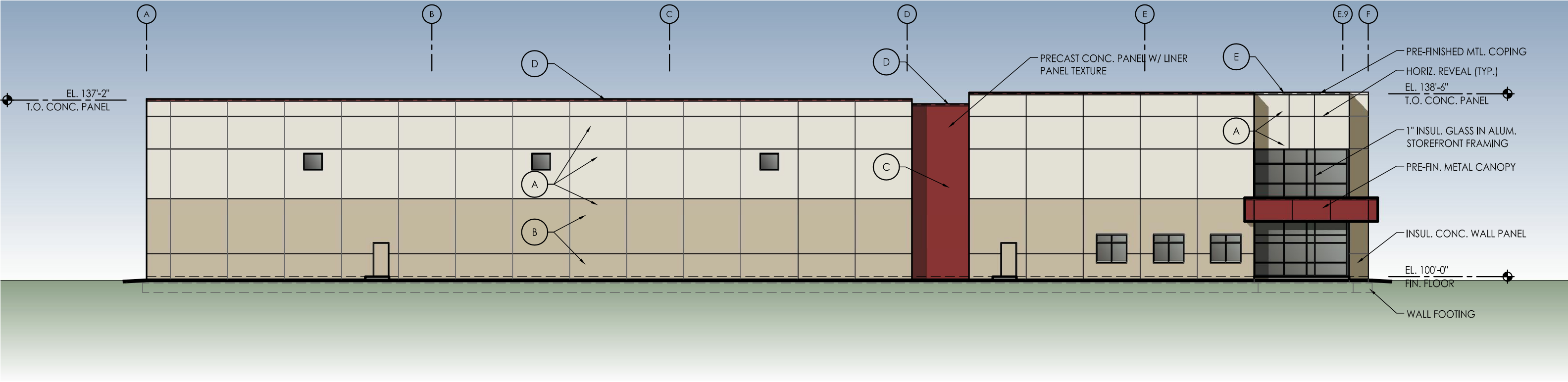
EAST ELEVATION

1" = 20'-0" (24x36)  
0 5' 10' 20' 40'



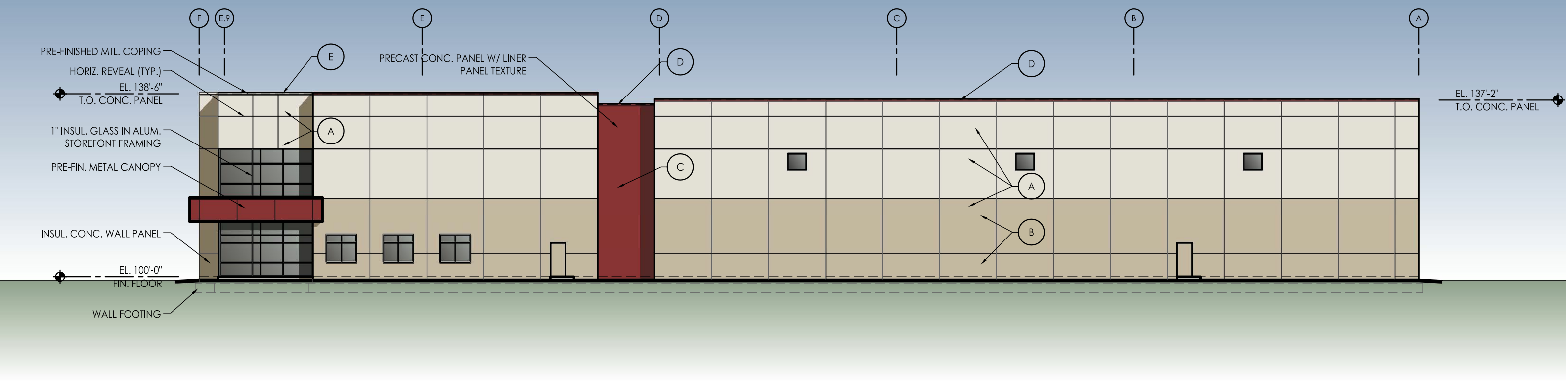
WEST ELEVATION

1" = 20'-0" (24x36)  
0 5' 10' 20' 40'



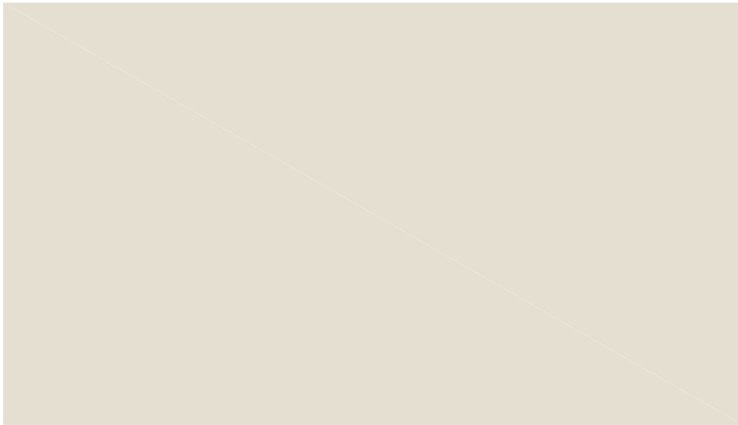
NORTH ELEVATION

1" = 20'-0" (24x36)  
0 5' 10' 20' 40'



SOUTH ELEVATION

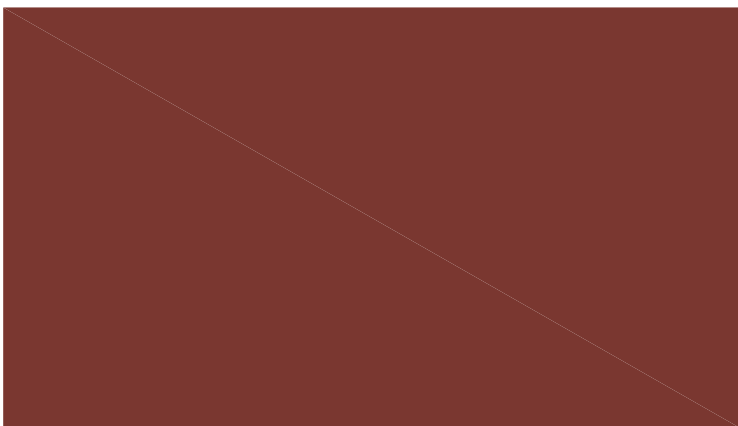
1" = 20'-0" (24x36)  
0 5' 10' 20' 40'



**PAINT COLOR A:** Sherwin Williams,  
SW 7010, White Duck



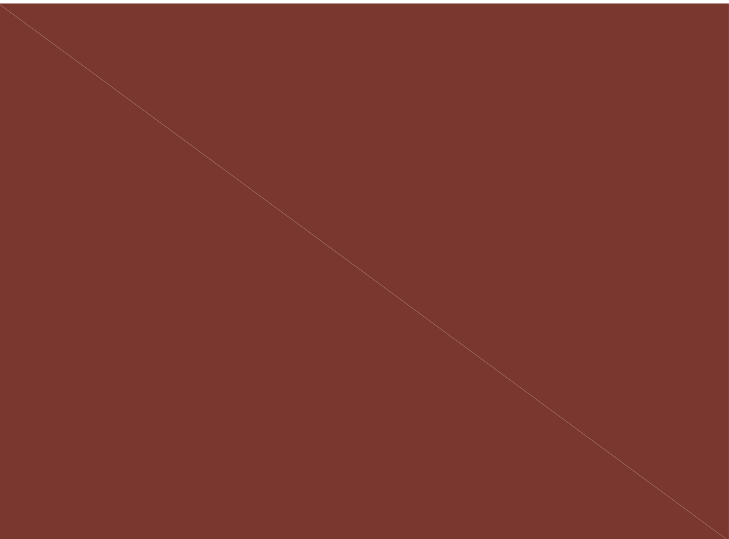
**PAINT COLOR B:** Sherwin Williams,  
SW 7037 Balanced Beige



**PAINT COLOR C:** Sherwin Williams,  
SW 6328, Fireweed



**GLAZING:** Solar Gray glass in  
clear anodized aluminum  
storefront/curtainwall framing



**METAL WALL PANEL & TRIM:**  
Citadel Panel 20, Colonial Red

## **TAB 6**





**FINDINGS OF FACT (VARIANCE OF DEVELOPMENT STANDARD)**

APPLICANT: Jackson Development, LLC - Carter Jackson

DOCKET #: (Masonry Material)

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

- A. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because: \_\_\_\_\_  
The building is located in an industrial area and will enhance the character of the Oak Ridge Road corridor.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- 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 building is located in an industrial area and will enhance the character of the Oak Ridge Road corridor.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- C. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property because: \_\_\_\_\_  
A brick and mortar building at this location would not be consistent with the adjacent industrial buildings in the area.  
The cost and scale to construct a large warehouse building out of brick and mortar is significant and may make constructing the building on the property difficult or infeasible.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



**FINDINGS OF FACT (VARIANCE OF DEVELOPMENT STANDARD)**

APPLICANT: Jackson Development, LLC - Carter Jackson

DOCKET #: (Building Facade)

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

- A. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because: \_\_\_\_\_  
The building is located in an industrial area and will enhance the character of the Oak Ridge Road corridor.

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- 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 building is located in an industrial area and will enhance the character of the Oak Ridge Road corridor.

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- C. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property because: \_\_\_\_\_  
A brick and mortar building at this location would not be consistent with the adjacent industrial buildings in the area.  
The cost and scale to construct a large warehouse building out of brick and mortar is significant and may make constructing the building on the property difficult or infeasible.

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