



CITY OF WESTFIELD, IN
BoardofZoningAppeals_Meeting_Agenda_05_09_2018

Wednesday, May 09, 2018 at 07:00 PM

BOARD OR COMMISSION: Board of Zoning Appeals (BZA)

MEETING DATE: Wednesday, May 09, 2018 at 07:00 PM

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

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

OPENING OF REGULAR MEETING

Note the presence of a quorum

Approval of Minutes - April 10, 2018

Documents: [BZA Minutes - April 10, 2018](#)

Review Rules & Procedures

ITEMS OF BUSINESS:

1804-VS-07 [PUBLIC HEARING]

348 Old Ashbury Road

Jason Richarz by Pools of Fun

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

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

Documents: [Exhibit 1: Staff Report \(1804-VS-07\)](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Site Plan](#) | [Exhibit 4: Chatham Hills Review Board Approval](#) | [Exhibit 5: Existing Conditions](#)

1805-SE-01 [PUBLIC HEARING]

17115 Joliet Road

Linda Sullivan

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

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

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Petitioners Narrative](#) | [Exhibit 4: Existing Conditions](#)

1805-VU-03 [PUBLIC HEARING]

4105 W. SR 32

Gregg and Mary Roberts by the Law Office of Edward Anania

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

(Planner: Matt Pleasant - MPleasant@westfield.in.gov)

Documents: [Exhibit 1 Staff Report](#) | [Exhibit 2 Location Map](#) | [Exhibit 3 95-V-11](#) | [Exhibit 4 Existing Site](#) | [Exhibit 5 Petitioner's Application](#)

1805-VS-08 [PUBLIC HEARING]

Greyhound Pass Trailhead at the Monon Trail

City of Westfield

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

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

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3; Proposed Kiosk Location Exhibit](#) | [Exhibit 4: Proposed Kiosk Design Exhibit](#) | [Exhibit 5: Statement of Intent](#) | [Presentation](#)

1609-AA-01 [CONTINUED]

14939 Ditch Road

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

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

1803-AA-01 [CONTINUED]

16708 Dean Road (Bob's Garage)

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

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

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

REPORTS/COMMENTS:

Plan Commission Liaison

Economic and Community Development Department

ADJOURNMENT

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

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

City staff present: Pam Howard, Senior Planner; Caleb Ernest, Associate Planner; and Brian Zaiger, City Attorney.

ROLE CALL

Noted presence of a quorum.

APPROVAL OF MINUTES

Motion: move to approve the March 13, 2018 meeting minutes as presented.

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

REVIEW OF RULES AND PROCEDURES

Howard reviewed BZA rules and procedures.

1803-VS-04**[ADOPTION OF FINDINGS
OF FACT]****16133 Haddam Lane**

Gennadiy Kelmanson by Raymond J. Hafseten, Jr.

Adoption of Findings of Fact for Variance of Standard that was denied on March 13, 2018.

(Planner: Matt Pleasant - MPleasant@westfield.in.gov)

Staff recommends approval of the following written findings of fact related to the denial of 1803-VS-04:

Recommended Findings:

- 1) **Criteria:** *The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*
Finding: The subdivision of the property will have immediate impact of the surrounding neighborhood creating more traffic, disturbing the existing wetlands, and altering the character of the community that all occupants had anticipated and relied upon. The increased density and hard surfaces will increase issues with stormwater accumulation in an already troublesome area.
- 2) **Criteria:** *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: The proposed variance would create a denser neighborhood and alter the characteristics of the immediate community. Every lot in the Woodshire Subdivision has at least two acres of land, and allowing a subdivision to create two lots with less acreage than the others would diminish and adversely impact the defined character of the neighborhood by decreasing the lot size and increasing the impact of development through traffic, density, and increased hard surfaces in an already flood prone area..
- 3) **Criteria:** *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 not result in practical difficulty. The property has been used as a residence since 2000 and the denial of the variance to further subdivide will not halt or alter the existing use. Current use of the property is not diminished or restricted.

Motion:

Schmitz motioned to adopt the findings of fact for 1803-VS-04.

Kingshill seconded. Motion passed. Vote 5-0.

**1804-VS-06
[PUBLIC HEARING]****2605 W. 159th Street***Patrick Heitz*

The petitioner is requesting a Variance of Standard to reduce the Minimum Lot Frontage within the AG-SF1: Agriculture / Single-Family Rural District (Article 4.2(D)).

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

Kingshill stated that he is a neighbor of this petitioner and feels that he can be fair and impartial. Kingshill left this up to the petitioner. The petitioner stated he was fine with Kingshill staying for this petition.

Ernest presented and overview of this request for a Variance of Standard to reduce the Minimum Lot Frontage and addressed the issue of the currently noncompliant frontage.

Public Hearing for 1804-VS-06: Opened at 7:11 p.m.

No public comment.

Public Hearing for 1804-VS-06: Closed at 7:11 p.m.

Staff recommends approval of this Variance of Standard (1804-VS-06), then the Department recommends the following conditions and findings as set forth below, for the variance:

Recommended Conditions:

- 1) A twenty-five (25) foot access easement, to permit access to both properties, be included on the Secondary Plat.
- 2) The Property be subdivided to create no more than two (2) lots.

Motion:

Schmitz motioned to approve 1804-VS-06 with staff conditions.
Fortier seconded. Motion passed. Vote 5-0.

Motion:

Raines motioned to adopt the findings of fact for 1804-VS-06.
Schmitz seconded. Motion passed. Vote 5-0.

ITEMS CONTINUED TO A FUTURE MEETING:**1609-AA-01
[CONTINUED]****14939 Ditch Road***Indiana Structural Foundations, LLC*

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

**1803-AA-01
[CONTINUED]****16708 Dean Road (Bob's Garage)***Esler Properties, LLC by Morse & Bickel, P.C.*

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

MINUTES

Westfield-Washington Board of Zoning Appeals

Minutes of the April 10, 2018 BZA Meeting

Presented for approval: May 9, 2018

Page 3 of 3

REPORTS/COMMENTS

Plan Commission Liaison Report.

Economic and Community Development Department: May meeting will be on a Wednesday due to Election Day.

ADJOURNMENT

Motion:

Kingshill motioned to adjourn the meeting.

Schmitz seconded. Motion passed. Vote 5-0.

The meeting adjourned at 7:15 p.m.

Chairperson
Robert Smith, Esq.

Secretary
Matthew S. Skelton, Esq., AICP
Director



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

May 9, 2018

1805-VU-03

Exhibit 1

Petition Number: 1805-VU-03

Subject Site Address: 4105 W. State Road 32 (The "Property")

Petitioner: Lukenlola Properties (The "Petitioner")

Representative: Law Office of Edward Anania

Request: The Petitioner is requesting to modify of the conditions of approval of a previously approved Variance of Use that permitted a Self-Storage Facility (Article 12) use on three (3) lots within the LB: Local and Neighborhood Business District (Article 13.2).

Current Zoning: LB: Local and Neighborhood Business District.

Current Land Use: Commercial

Approximate Acreage: 0.93 acres+/-

Exhibits:

1. Staff Report
2. Location Map
3. 95-V-11
4. Existing Site
5. Petitioner's Application

Staff Reviewer: Matt Pleasant, Associate Planner

OVERVIEW

Location: The subject Property is 0.93 acres +/- and is located at 4105 W. State Road 32 (see **Exhibit 2**). The Property is currently a commercial use as a self-storage facility. The surrounding properties north, east, and south are zoned LB: Local and Neighborhood Business District and GB: General Business District. Zoning bordering the west is SF-5: Single-Family High Density District currently vacant. The property was awarded a Variance of Use (95-V-11) with conditions in 1995 (See **Exhibit 3**).

Variance Request: The Petitioner is requesting a variance to modify of the conditions of approval of a previously approved Variance of Use.

SUMMARY OF VARIANCES

The Property was issued a Variance of Use in March of 1995 to allow a storage facility with the following conditions:

- A six foot chain link fence will be erected,
- The petitioner will return with landscaping plans, with emphasis on the boundary on the south and west sides neighboring the property,



- The variance is for the original petitioner only.

The Board of Zoning Appeals approved the landscape plan in July of 1995. The petitioner is now selling their property to another prospected owner that wishes to keep the same use. Since 95-V-11 only applies to the petitioner at that time, a new variance is necessary to allow the use to proceed with the sale.

COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan: The Westfield-Washington Township Comprehensive Plan identifies the property within the “villages” land use classification¹. The vision for the village classification is contemplated to be nodes of mixed-use activity with transitions from multifamily, single-family, single-family detached and rural environments. Villages will require greater density to allow the development of shops, restaurants, office and other commercial space².

Development policies contemplated for Jolietville should consider the following uses: food and entertainment, attached and detached dwellings, warehousing, commercial uses, offices, and institutional uses. Other policies include promoting employment via airport related businesses, transitional land uses as buffers between the village and rural residential development, build on historic street patterns, and uphold the small-scale village character envisioned³.

Thoroughfare Plan: The plan identifies State Road 32 as a Primary Arterial and expected widening of the street is not anticipated to begin in the immediate future. The plan also identifies this road as a future “Cycle Corridor⁴”, a “Context Sensitive Area,” and a Pedestrian Corridor by the MPO Regional Plan⁵.

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Use. This petition is scheduled to receive its public hearing at the March 13, 2018, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals’ Rules of Procedure.

Conditions: The UDO⁶ 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

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

² Page 59 of the Westfield and Washington Township Comprehensive Plan; Chapter 2; Land Use Plan: Villages.

³ Pages 62-64 of the Westfield and Washington Township Comprehensive Plan; Land Use Plan: Villages; Jolietville.

⁴ Appendix B of the Westfield Thoroughfare Plan; Resolution 11-14.

⁵ Figure 4.6a of the Westfield Thoroughfare Plan

⁶ Article 10.14(l) Processes and Permits; Variances; Conditions 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 UDO⁷ requires that the approval of the variance shall be memorialized in an acknowledgement of variance instrument prepared by the Department. The acknowledgement shall: (i) specify the granted variance and any commitments made or conditions imposed in granting of the variance; (ii) be signed by the Director, Property Owner and Applicant (if Applicant is different than Property Owner); and (iii) be recorded against the subject property in the Office of the Recorder of Hamilton County, Indiana. A copy of the recorded acknowledgement shall be provided to the Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

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

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

DEPARTMENT COMMENTS

Approval: If the Board is inclined to approve the Variance of Use (1805-VU-03), then the Department recommends the Variance of Use (1805-VU-03) approval with the following conditions:

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

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

⁹ Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.

Recommended Findings for Approval:

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

Finding: It is unlikely that allowing a self-storage facility to remain on the Property will not increase density or traffic, nor alter the current characteristics of the Property or the surrounding community since the business has been operating at the Property since 1995.

- 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. The business has been in operation since 1995 thus changing owners will not affect the adjacent property owners.

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

Finding: The Property was awarded a Variance of Use in 1995 to allow the self-storage facility to operate but had a condition it would only be in effect with the current owner.

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

Finding: The Property has been operating as a self-storage facility under the current owner. If the variance request is denied, the owner would be unable to sell the business in its' current state.

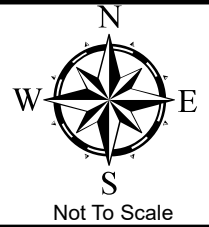
- 5) *The approval does not interfere substantially with the comprehensive plan:*

Finding: This use does not substantially alter the characteristics of the property.

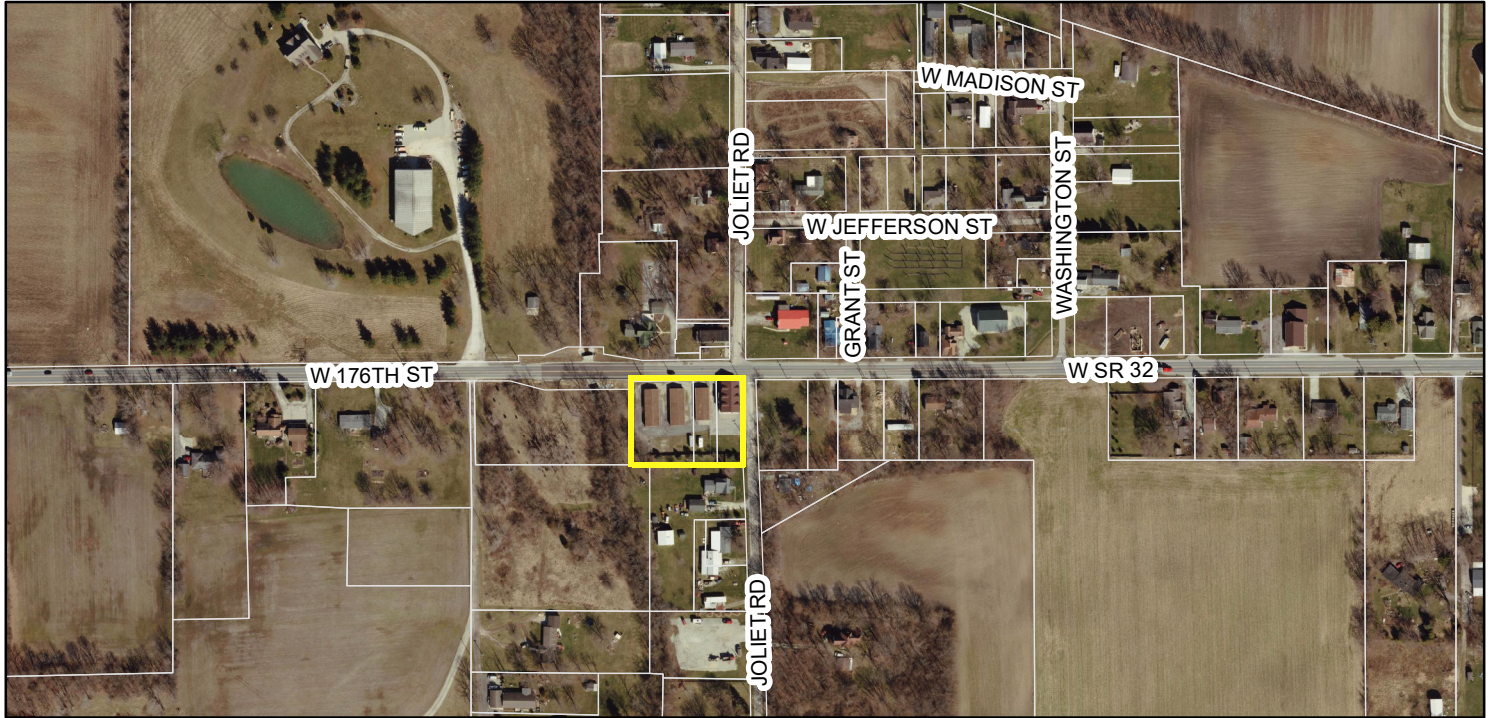
Denial: If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.



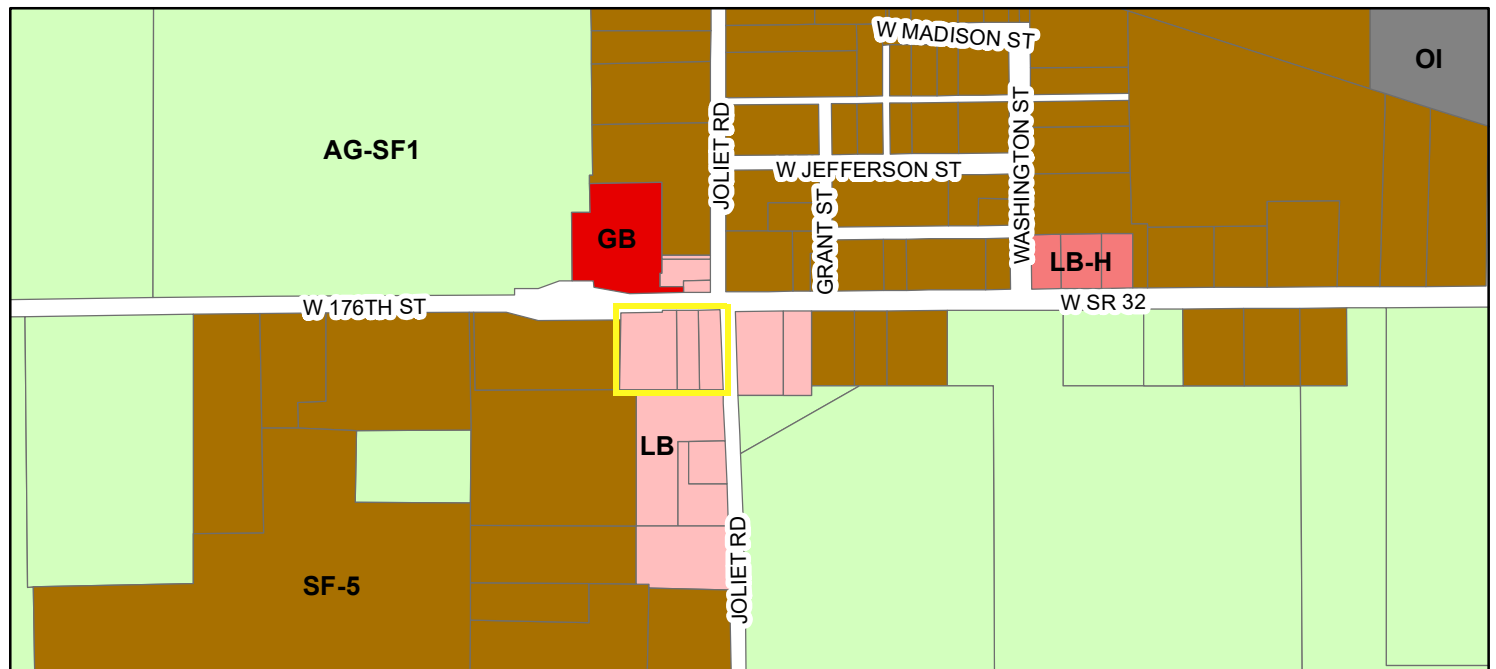
Property Location Map
1805-VU-03
Lukeniola Properties



Aerial Location Map



Zoning Map



Legend

AG-SF1 (Agriculture - Single Family - 1)	LB-H (Local Business - Historical)
GB (General Business)	OI (Open Industrial)
LB (Local Business)	SF-5 (Single Family - 5)

Application Number 95-V-11
Date of Application RECEIVED FEB 1 4 1995

**APPLICATION FOR VARIANCE
WESTFIELD-WASHINGTON BOARD OF ZONING APPEALS**

This application must be completed and accompanied by the information specified below and the necessary filing fee, and filed at the City Building of Westfield, Indiana, at least Thirty (30) days prior to the Board of Zoning Appeals meeting at which Applicant wishes to make his/her oral presentation.

1. Applicant's Name Gregg Roberts
Address 2943 S.R. 32 West
Westfield, IN 46074
Telephone Number (317) 896-3917
2. Landowner's Name Mary Roberts
Address 3407 S.R. 32 West
Westfield, IN 46074
Telephone Number (317) 867-0359
3. Attorney Thomas Cartmel
Address P.O. Box 799
Carmel, IN 46032
Telephone Number (317) 846-7771
4. Common description of property (address, location, etc.)
4105 S.R. 32 West
Westfield, IN 46074
5. Legal description of property (list below or attach)
See attached
6. Complete description of the nature of the variance applied for:
Petitioner requests a variance of use to permit
operation of a storage warehouse business, as per
plans filed.

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7. Plans drawn to scale must accompany this application and must show at least the following:
- The shape and dimensions of the land involved
 - The location and dimensions of any existing buildings
 - The location and dimensions of any proposed buildings or proposed alterations
 - all topographic, natural, or other unusual characteristics of the land involved
8. No variance in the application of the Provisions of the Comprehensive Zoning Ordinance of Westfield -Washington Township shall be granted unless the Board of Zoning Appeals shall find each of the following (thus Applicant must complete and establish at the hearing that each of the following is true in order to obtain a favorable determination of his/her variance application):
- That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to the other property or class or use in the same vicinity and district:

This property would be less frequented by patrons than
the other local businesses and residents in the area.

- That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and district, but which is denied to the property in question:

These storage buildings should not deny any other
property owners in the area of any preservation and/or
enjoyment of their property because of the local
business and high traffic in the area.

- That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and district in which the property is located:

The building structure will not be dangerous to the public
because the entire area will be fenced in with security
lights.

RECEIVED FEB 1 4 1995

- d. That the granting of such variance will not alter the land use characteristics of the vicinity and district, diminish the marketable value of adjacent land and improvements, or increase the congestion in the public streets:

It should not congest public streets, because patrons
will not be frequently present, or change marketable
value of the property because of local business in the
area.

The applicant hereby certifies that the information contained in and accompanying this application is true and correct.

Gregg Atkins
Applicant

SUBSCRIBED AND SWORN TO ME THIS 14 DAY OF 2, 1995.

Denny Peirce
Notary Public

My commission expires: May 15-1998

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NOTICE

The Applicant is responsible for giving appropriate notice of his/her variance application and hearing thereon. Notice must be published twice in a daily newspaper of general circulation in Hamilton County, at least thirty days prior to the hearing with the second publication one week later. Proof of publication must be delivered to the Westfield City Building at least five days prior to the hearing. Every contiguous landowner must receive notice by certified mail and returned receipts shall be delivered to the Westfield City Building at least five days prior to the hearing.

The applicant hereby certifies that every contiguous landowner was appropriately notified by certified mail of his variance application and hearing thereon and return receipts from such certified mailings are hereby delivered to the Westfield City Building.

Alayna Miller
Applicant for Gregg Roberts

Date proof of publication received: _____

RECEIVED MAR 16 1995

Date return receipts received: _____

RECEIVED MAR 16 1995

Date fee paid: _____

RECEIVED MAR 16 1995

Received by: _____

Dej

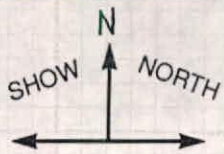
EXHIBIT A - LEGAL DESCRIPTION

A PART OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 18 NORTH, RANGE 3 EAST AND BOUNDED AS FOLLOWS, TO-WIT; BEGINNING 7 RODS THENCE WEST OF THE ONE-HALF MILE STAKE ON THE SOUTH SIDE OF SECTION 31 AND RUNNING THENCE WEST 7 RODS THENCE SOUTH 11 RODS AND 7 FEET; THENCE EAST 7 RODS; THENCE NORTH TO THE PLACE OF BEGINNING, 1 ACRE MORE OR LESS.

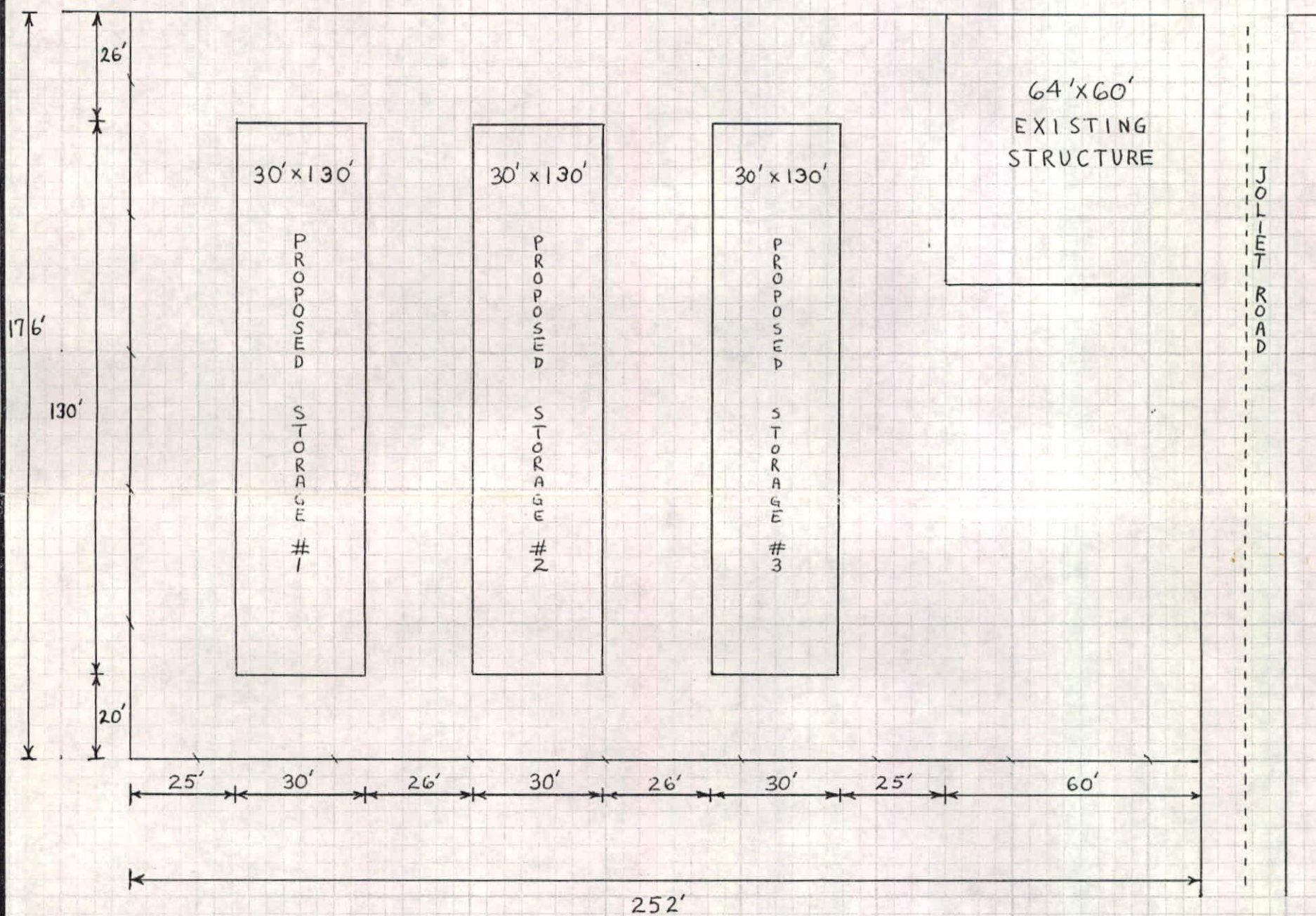
ALSO, PART OF THE NORTHWEST QUARTER OF SECTION SIX (6), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THREE (3) EAST DESCRIBED AS FOLLOWS; BEGIN AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 19 NORTH, RANGE 3 EAST AND RUN SOUTH 188.5 FEET, THENCE WEST 56 FEET, THENCE NORTH 188.5 FEET, THENCE EAST 56 FEET TO THE PLACE BEGINNING, IN HAMILTON COUNTY, INDIANA.

ALSO, LOT 73 IN THE TOWN OF JOLIETVILLE, INDIANA, EXCEPT FIFTEEN FEET OFF OF THE EAST SIDE THEREOF. ALSO; PART OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 18 NORTH, RANGE 3 EAST, BOUNDED AS FOLLOWS: BEGIN 56 FEET WEST OF THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 19 NORTH, RANGE 3 EAST AND RUN SOUTH 110 FEET, WEST 59 1/2 FEET, NORTH 57 1/2 FEET, EAST 47 1/2 FEET, THENCE NORTH 52 1/2 FEET, THENCE EAST 12 FEET TO THE PLACE OF BEGINNING. ALSO: BEGIN 110 FEET SOUTH AND 56 FEET WEST OF THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 19 NORTH, RANGE 3 EAST, RUN WEST 59 1/2 FEET, SOUTH 78 1/2 FEET, EAST 59 1/2 FEET, NORTH 78 1/2 FEET TO THE PLACE OF BEGINNING.

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STATE ROAD 32



PLOT PLAN

GIVE DOOR SIZE AND DISTANCE TO CORNER

BUILDING SIZE: 30' x 130' x 9'

TYPE OF TRUSS: SLC ☐ SLC IND ☐ OTHER ☐
RLC ☐ SLC FHA ☐

ARE 4 CORNERS STAKED? YES ☐ NO ☐

IS 100' MARK ESTABLISHED? YES ☐ NO ☐

IS ELECTRICITY ON SITE? YES ☐ NO ☐

IS AIR HAMMER REQUIRED? YES ☐ NO ☐

Exact Plan and Door Location Approved By

CUSTOMER SIGNATURE

Burns Buildings

DIVISION BURNS CONSTRUCTION, INC.
P. O. 127
MACY, INDIANA 46951

PROPOSED BUILDING FOR

NAME ROBERTS MINI-STORAGE UNITS

ADDRESS S/W CORNER JOLIET RD. & SR. 32
JOLIETVILLE, INDIANA

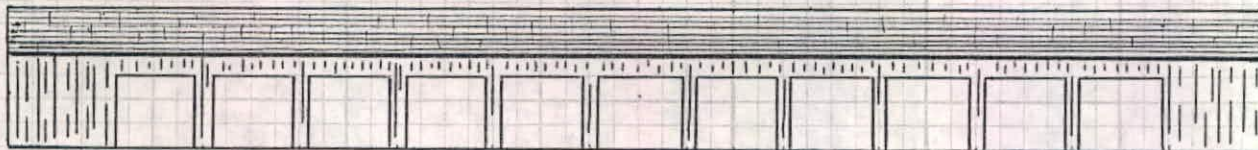
PHONE (317) 896-3917

DRAWN BY: RML

1" = 32'
SCALE: 1/8" = 4'

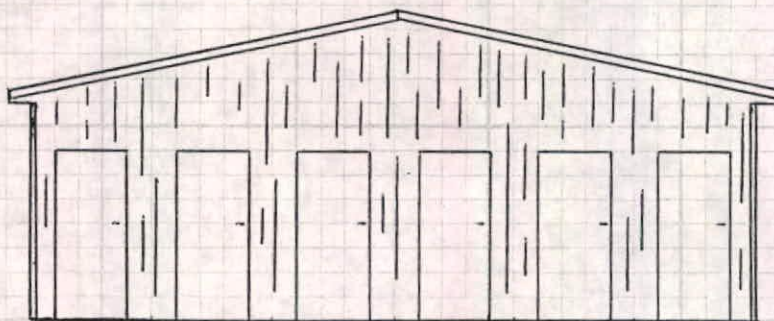
SHEET 1 OF 3

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EAST & WEST ELEVATION

1/4" = 5'



NORTH & SOUTH ELEVATION

GIVE DOOR SIZE AND DISTANCE TO CORNER

BUILDING SIZE: _____ X _____ X _____

TYPE OF TRUSS: SLC ☐ SLC IND ☐ OTHER ☐
RLC ☐ SLC FHA ☐

ARE 4 CORNERS STAKED? YES ☐ NO ☐
IS 100' MARK ESTABLISHED? YES ☐ NO ☐
IS ELECTRICITY ON SITE? YES ☐ NO ☐
IS AIR HAMMER REQUIRED? YES ☐ NO ☐
Exact Plan and Door Location Approved By _____

CUSTOMER SIGNATURE _____



DIVISION BURNS CONSTRUCTION, INC.
P. O. 127
MACY, INDIANA 46951

PROPOSED BUILDING FOR

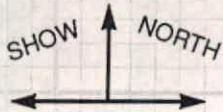
NAME _____

ADDRESS _____

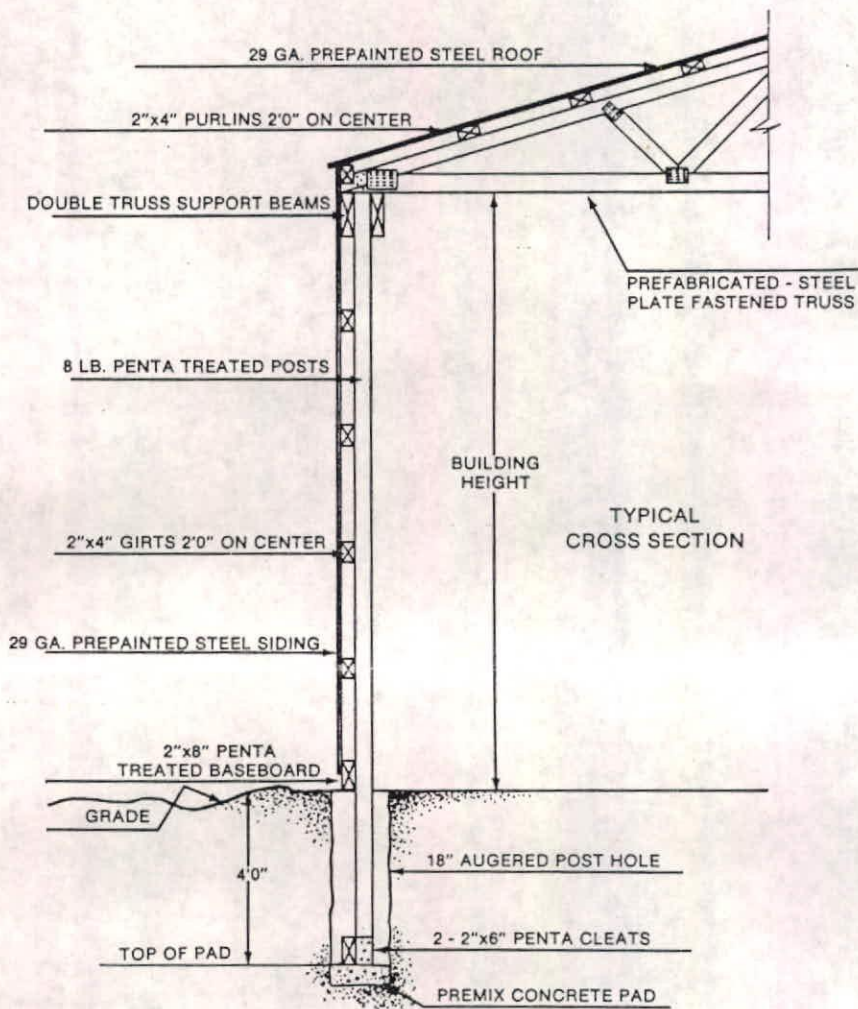
PHONE _____

DRAWN BY: _____ SCALE: _____ SHEET 2 OF 3

RECEIVED FEB 1 4 1995



NOTE: Burns Mini-Warehouse has
2"x6" Laid-up Rafters 5'0.C.



GIVE DOOR SIZE AND DISTANCE TO CORNER

BUILDING SIZE: _____ X _____ X _____

TYPE OF TRUSS: SLC ☐ SLC IND ☐ OTHER ☐
RLC ☐ SLC FHA ☐

ARE 4 CORNERS STAKED? YES ☐ NO ☐
IS 100' MARK ESTABLISHED? YES ☐ NO ☐
IS ELECTRICITY ON SITE? YES ☐ NO ☐
IS AIR HAMMER REQUIRED? YES ☐ NO ☐

Exact Plan and Door Location Approved By

CUSTOMER SIGNATURE _____



DIVISION BURNS CONSTRUCTION, INC.
P. O. 127
MACY, INDIANA 46951

PROPOSED BUILDING FOR

NAME _____

ADDRESS _____

PHONE _____

DRAWN BY: _____

SCALE: _____

SHEET 3 OF 3

RECEIVED FEB 1 4 1995



Kenton C. Ward, Surveyor

Suite 146

776-8495

One Hamilton County Square
Noblesville, Indiana 46060-2230

5/11/95

Lee Miller
Miller Surveying

Re: GAR (Roberts) Storage

Status: Denied As Presented

Pursuant to my previous letter dated 5/1/95 the plans as presented to this office were denied. Revised plans are needed for further review. Please forward revised plans per previous correspondence when changes are completed. Please inform this office if lengthy delays in revising the plans are anticipated. If you have any questions, please feel free to call us at 776-8495.

Sincerely,

Steven T. Cash
Plan Reviewer

P.S. Per Westfield TAC meeting on 5/3/95, a Non-enforcement Request is required. This comments was not on the previous letter.

cc: Westfield
SCS
Co. Highway



Kenton C. Ward, Surveyor

Suite 146

776-8495

One Hamilton County Square

Noblesville, Indiana 46060-2230

5/1/95

Miller Surveying

Re: Mary Roberts Storage (Jolietville)

I have reviewed the plans for the proposed project and have the following comments.

1. Runoff from this site goes to the H.R. Johnson Regulated Drain. Therefore, an Outlet Request Permit is required. As presented at this time, this is an indirect outlet. (Revised plans may change this).
2. A drainage/detention plan is required. The standard detention area was not shown and drainage calculations were not provided. These items are standard and should be provided with the original submittals. Sheet draining the site across the adjacent property is unacceptable.
3. The H.R. Johnson drain must be labeled.
4. The existing regulated drain easement must be labeled.
5. Where is the entrance for this site? Why was this not shown?
6. Will a culvert under the entrance be needed?

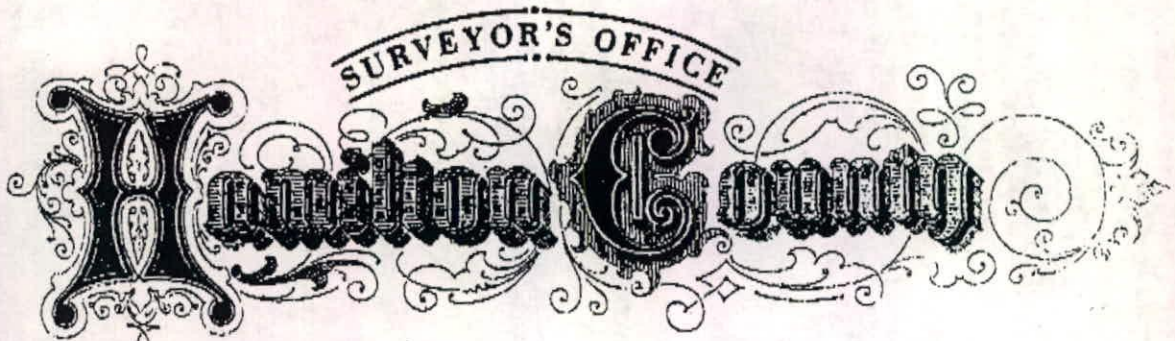
Because of the lack of pertinent information needed to effectively conduct a review of this proposal, I can not recommend approval at this time. Revision of the plans that show how the stormwater runoff will be detained and discharged pursuant to standard engineering practices will be considered for approval.

Sincerely,

Steven T. Cash
Plan Reviewer

P.S. 7. Please show the name of the project on the plans.

cc: Westfield
SCS
Co. Highway



Kenton C. Ward, Surveyor

Suite 146

776-8495

One Hamilton County Square

Noblesville, Indiana 46060-2230

5/22/95

Miller Surveying

Re: GAR (Roberts) Storage

Status: Denied as presented

*** This is the third request for revised plans.***

The plans as presented have been denied by this office per Indiana Code 36-9-27-17 and per Hamilton County Ordinance 36-2-12-15. Approval may be granted based upon review of revised plans and other standard submittals as noted in my 5/1/95 letter. Once again, the items required are standard items and should have been included with the original submittal. Please inform this office as to the status of the revised plans.

Sincerely,

Steven T. Cash
Plan Reviewer

cc: Westfield
SCS
Co. Highway
Mr. Roberts

REVISED PLANS NEEDED



Kenton C. Ward, Surveyor

Suite 146

776-8495

One Hamilton County Square

Noblesville, Indiana 46060-2230

6/5/95

Rayl Surveying & Engineering

Re: GAR Storage (also known as
M. Roberts Storage).

I have received the drainage calculations for this site. Upon review of the calcs, it does not appear that the cfs for the 2 year storm event for existing conditions was analyzed. I have included a copy of the detention specifications for staged detention (2-10-100). Please add this analysis to the information that you have already provided.

Sincerely,

Steven T. Cash
Plan Reviewer

cc: Miller Surveying
Westfield
SCS
Co. Highway

RECEIVED JUN - 5 1995

OFFICE OF THE HAMILTON COUNTY SURVEYOR

DETENTION SPECIFICATIONS

PREVIOUSLY:

The allowable discharge rate was the predeveloped rate for a 10 year storm (Predeveloped Q10). Detain up to the 100 year developed rate.

STARTING JULY 1, 1994:

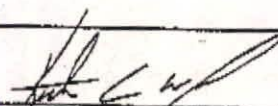
The allowable discharge rate is now the staged detention 2-10-100. For small storms (up to the predeveloped 10 year rate) the allowable discharge rate is the c.f.s. for a predeveloped 2 year storm.

For storms with intensities between the predeveloped 10 year rate and the 100 year developed rate, the allowable discharge is the c.f.s. for the predeveloped 10 year storm. The difference is to be detained.

EXCEPTION: In some watersheds the allowable discharge rate is based upon the most restrictive downstream structure where the standard allowable release rate has been determined to cause flooding.

RECEIVED JUN - 5 1995

HAMILTON COUNTY SURVEYORS OFFICE

APPROVED: 

Hamilton County Surveyor

Date

6/14/94

Revised: _____

Standard Plan



WEST
PRIVACY FENCE



SOUTH
PRIVACY FENCE

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

The Board will hold a Public Hearing on 95-V-11 on the 20th day of March 1995 at 7:30 p.m. at the Westfield City Building. The application submitted by Gregg Roberts requests that a variance of use to permit operation of a storage warehouse business, as per plans filed, be granted for the property located at 4105 State Road 32 West, more particularly described as follows:

A part of the Northwest quarter of Section 6, Township 18 North, Range 3 East and bounded as follows, to-wit; beginning 7 rods thence West of the one-half mile stake on the South side of Section 31 and running thence West 7 rods thence South 11 rods and 7 feet; thence East 7 rods; thence North to the place of beginning, 1 acre more or less.

Also, part of the Northwest quarter of Section six (6), Township eighteen (18) North, Range three (3) East described as follows: begin at the Southeast corner of the Southwest quarter of Section 31, Township 19 North, Range 3 East and run South 188.5 feet, thence West 56 feet, thence North 188.5 feet, thence East 56 feet to the place of beginning, in Hamilton County, Indiana.

Also, lot 73 in the town of

Jolietville, Indiana, except fifteen feet off of the East side thereof.

Also; part of the Northwest quarter of Section 6, Township 18 North, Range 3 East, bounded as follows: begin 56 feet West of the Southeast corner of the Southwest quarter of Section 31, Township 19 north, Range 3 East and run South 110 feet, West 59 1/2 feet, North 57 1/2 feet, East 47 1/2 feet, thence North 52 1/2 feet, thence East 12 feet to the place of beginning. Also: begin 110 feet South and 56 feet West of the Southeast corner of the Southwest quarter of Section 31, Township 19 North, Range 3 East, run West 59 1/2 feet, South 78 1/2 feet, East 59 1/2 feet, North 78 1/2 feet to the place of beginning.

Written suggestions or objections relative to the application may be filed with the Westfield-Washington Township Community Development Department, at or before such meeting and will be heard by the Board of Zoning Appeals at the time and place specified. Interested persons desiring to present their views upon the variance either in writing or verbally, will be given the opportunity to be heard at the above mentioned time and place.

Board of Zoning Appeals
Westfield, Indiana
By Gregg Roberts,
petitioner

NDL-Feb. 17, 24

UNITED STATES POSTAL SERVICE



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OF POSTAGE, \$300



Print your name, address and ZIP Code here

• G.A.R. Property Management
18318 U.S. 31 North
Westfield, IN 46074

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Joliet Properties Co.
50 Meridian St. South
Indpls. IN 46204

4a. Article Number

2369355075

4b. Service Type

☐ Registered

☐ Insured

☒ Certified

☐ COD

☐ Express Mail

☐ Return Receipt for Merchandise

7. Date of Delivery

8. Addressee's Address (Only if requested and fee is paid)

5. Signature (Addressee)

6. Signature (Agent)

Thank you for using Return Receipt Service.

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I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Edward Barrickman
R.R. 3 Box 172
Sheridan, IN 46069

4a. Article Number

2369355072

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery

2-18-95

5. Signature (Addressee)

Edward Barrickman

6. Signature (Agent)

Shank

8. Addressee's Address (Only if requested and fee is paid)

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18318 U.S. 31 North
Westfield, IN 46074

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- Complete items 3, and 4a & b.
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- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to:

Donald & Marjorie Smith
17443 Joliet Rd.
Westfield, IN 46074

4a. Article Number

2 369 355 073

4b. Service Type

- ☐ Registered ☐ Insured
- ☒ Certified ☐ COD
- ☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

2-16-95

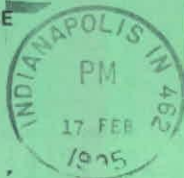
5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

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7
• G.A.R. Property Management
18318 U.S. 31 North
Westfield, IN 46074

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- Complete items 3, and 4a & b.
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I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Lesea Broadcasting Corp.
 Ehringer Albert J. &
 Barbara
 P.O. Box 50250 Indpls., IN
 450 46250

4a. Article Number

2 369 355 074

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery

5. Signature (Addressee)

David Hoading

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

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18318 U.S. 31 North
Westfield, IN 46074

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I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Robert L. & Sharon Cole
17530 Joliet Rd.
Westfield, IN 46074

4a. Article Number

2369355076

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery

2/17/95

5. Signature (Addressee)

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

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USE TO AVOID PAYMENT
OF POSTAGE, \$300



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18318 U.S. 31 North
Westfield, IN 46074

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I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to:

Betty Combs
 R.R. 3 Box 102
 Sheridan, IN 46069
 Alayna Miller

4a. Article Number

2 369 355 071

4b. Service Type

- ☐ Registered ☐ Insured
- ☒ Certified ☐ COD
- ☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

8. Addressee's Address (Only if requested and fee is paid)

5. Signature (Addressee)

6. Signature (Agent)



G.A.R. PROPERTY MANAGEMENT

RESIDENTIAL/COMMERCIAL

18318 US 31 NORTH
WESTFIELD, INDIANA 46074

CERTIFIED

Z 369 355 075

MAIL

*Unknown
No Sinter Number*



REASON CHECKED

Undelivered
Joliet Properties Company LLC
50 Meridian St. South
Indpls., IN 46204

No such office in state
Do not re-mail in this envelope



**RETURN RECEIPT
REQUESTED**

Name _____
1st Notice 2-21
2nd Notice 2-26
Return 3-8



G.A.R. PROPERTY MANAGEMENT

RESIDENTIAL/COMMERCIAL

18318 US 31 NORTH
WESTFIELD, INDIANA 46074

CERTIFIED

2 369 355 084

MAIL

NAME

1st Notice 2-25

2nd Notice 3-6

Return 3-10



L N
R R9
2/25

Betty C. Combs
9205 Troy Ave. E.
Indianapolis, IN 46239



1st Notice 3-14
2nd Notice 3-19
Return 3-29

**RETURN RECEIPT
REQUESTED**

Fold at line over top of envelope
right of the return address

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:

Betty C. Conley
9205 Troy Ave. E.
Indpls., IN 46231-09

5. Signature (Addressee)

6. Signature (Agent)

4a. Article Number

2 369 355 084

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery

8. Addressee's Address (Only if requested and fee is paid)

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

Thank you for using Return Receipt Service.

4105 West State Road 32. A variance of use to permit operation of a storage warehouse business, as per plans filed, is requested by Gregg Roberts.

COMMENTS:

1. The site of this proposal is located at the Southwest corner of State Road 32 and Joliet Road. An existing structure, formerly Butch's Market, is located in the Northeast corner of the site. It, and a parcel to the immediate West, carry the LB zoning classification. A third parcel, West of those two, is zoned SF-5. These three parcels make up the subject property. The petitioner wishes to construct three 30' X 130' rental storage buildings and to operate a business, renting individual storage spaces, at the subject property.
2. The uses permitted in the LB district are outlined in "CHAPTER 4. ZONING, Section 16.04.180, FIGURE 2. - TYPES OF BUSINESSES - COMMERCIAL INDUSTRIAL & MISCELLANEOUS (PAGE 101) of the Basic Code of Ordinances of the Town of Westfield, Indiana". "STORAGE AND TRANSFER (HOUSEHOLD GOODS)" (page 109) and "WAREHOUSES - INSIDE STORAGE" (page 110) are not listed as being permitted. That is one reason for this request.
3. The uses permitted in the SF-5 district may be found in "CHAPTER 4. ZONING, "Section 16.04.030 RESIDENTIAL DISTRICTS - F., SF-5 Single Family - Unincorporated Towns or Communities (page 28)" of the same code. It is a residential classification, so businesses are not contemplated. That is the other reason for this petition.
4. There is no identification of the surface material of the parking and driveway areas, in the plans filed in connection with this request. "Section 16.04.120 OFF-STREET LOADING AND PARKING, G. - In Yards (pages 80-81)" of the code states:

"Off-street parking spaces may be located in front yards and side yards adjoining a street, except that in the Local Business and General Business districts parking in front yards shall be subject to the following provisions:

- The parking area must be blacktopped
- Cement wheel stops must be provided
- All maintenance and snow removal must be done by the owner ..."

5. Review and approval of site development plans by the Plan Commission is required under Section 16.04.050 BUSINESS DISTRICTS, A. General Requirements, 10. (page 37) of the same code.
6. The site of this proposal is not served by a water or sewer utility. A well permit and a septic system permit may need to be obtained from the Hamilton County Health Department if additional sanitary facilities are planned.
7. Review and release of construction plans by the Indiana Department of Fire and Building Services are required for commercial buildings.
8. There are no signage or landscape plans filed in connection with this proposal.

RECOMMENDATIONS:

1. It should be determined whether or not parking areas in the front and side yards are to be blacktopped and provided with parking stops.
2. If approved, consideration of signage should be reserved for a later date or deferred to the Plan Commission at the time of their review.

DETERMINATION: POSSIBLE MOTIONS

Grant approval of this use, as filed.

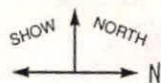
OR

Grant approval of this use, as filed,
subject to conditions (list conditions).

OR

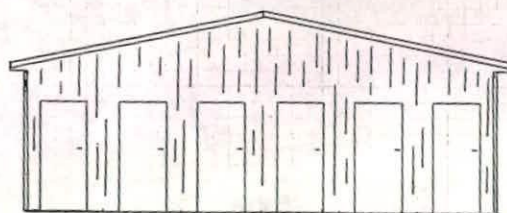
Deny this request per ordinance provisions as outlined in 16.04.170 Board of Zoning Appeals, E-3 (page 93-94).

ANY AND ALL LIMITATIONS MUST BE MADE PART OF A MOTION IN ORDER FOR THE LIMITATION TO BECOME PART OF THE ACTION.

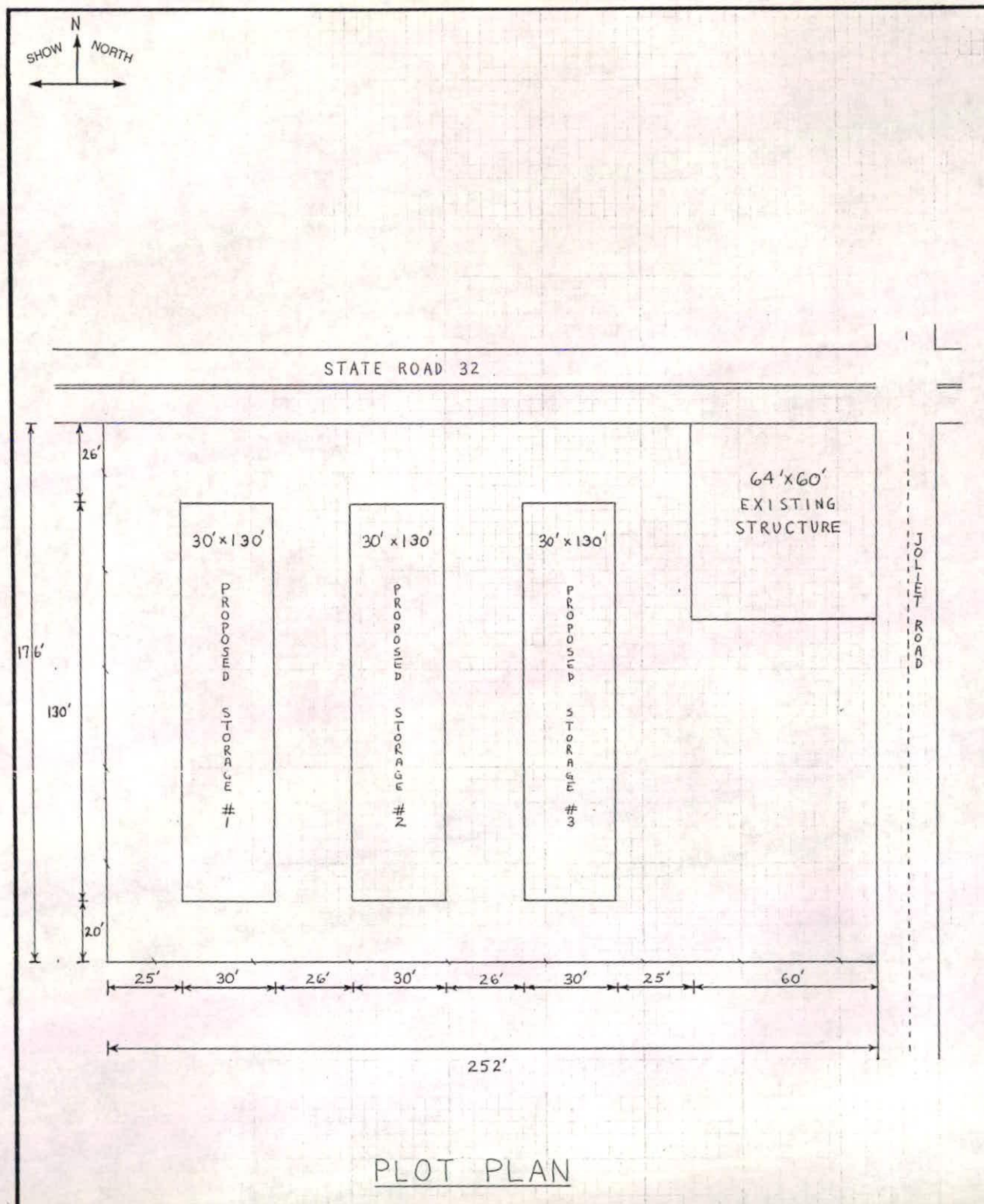


EAST & WEST ELEVATION

$\frac{1}{4}'' = 5'$



NORTH & SOUTH ELEVATION



4105 West State Road 32. Approval of a landscape plan, as per plans filed, is requested by Greg Roberts.

COMMENTS:

1. The site of this proposal is located at the Southwest corner of State Road 32 and Joliet Road. An existing structure, formerly Butch's Market, is located in the Northeast corner of the site. It, and a parcel to the immediate West, carry the LB zoning classification. A third parcel, West of those two, is zoned SF-5. These three parcels make up the subject property. The petitioner wishes to construct one 30' X 70' storage building, to construct two 30' X 130' storage buildings, and to operate a business, renting the individual storage spaces in the storage buildings.
2. The uses permitted in the LB district are outlined in "CHAPTER 4. ZONING, Section 16.04.180, FIGURE 2. - TYPES OF BUSINESSES - COMMERCIAL INDUSTRIAL & MISCELLANEOUS (page 101) of the Basic Code of Ordinances of the Town of Westfield, Indiana". "STORAGE AND TRANSFER (HOUSEHOLD GOODS)" (page 109) and "WAREHOUSES - INSIDE STORAGE" (page 110) are not listed as being permitted uses in the LB zoning classification.
3. The uses permitted in the SF-5 district may be found in "CHAPTER 4. ZONING, "Section 16.04.030 RESIDENTIAL DISTRICTS - F., SF-5 Single Family - Unincorporated Towns or Communities (page 28)" of the same code. It is a residential classification, so businesses are not contemplated.
4. As a result, a variance, to permit the proposed use, was sought from the Board of Zoning Appeals on March 20, 1995. The variance was (95-V-11) granted subject to the following conditions:
 - A six foot chain link fence is to be erected
 - The petitioner is to return with landscaping plans, with emphasis on the boundary along the South and West sides, neighboring the Coles' property.
 - The variance is granted to the petitioner only.

5. Plan Commission review and approval of site development plans, after obtaining a variance of use, are required under Section 16.04.010 GENERAL PROVISIONS, T. Variance Approval By Plan Commission, (page 13) of the same code. The proposal was considered at the June 26, 1995 meeting of the Plan Commission (95-AP-7), and since a "no action" vote resulted, further consideration of the plans, by the Plan Commission, was tabled until July 24, 1995. The petitioner was also instructed to return to the Board of Zoning Appeals and to demonstrate compliance with their three conditions of approval. It was the Commission's hope that, by demonstrating compliance with the Board's conditions, the petitioner could return to the Plan Commission, for site plan approval, with an unconditional approval from the Board of Zoning Appeals. That is the reason for this request.
6. The site of this proposal is not served by a water or sewer utility. The existing structure is already served by a well and will continue to be used. After consultation with the Hamilton County Health Department, a new septic system is being installed.
7. Review and release of construction plans by the Indiana Department of Fire and Building Services are required for commercial buildings.

DETERMINATION: POSSIBLE MOTIONS

Grant approval of the plans, as filed.

OR

Grant approval of the plans, as filed,
subject to conditions (list conditions).

OR

The following changes must be made (or considered)
before approval will be given: (list changes).

ANY AND ALL LIMITATIONS MUST BE MADE PART OF A MOTION IN ORDER
FOR THE LIMITATION TO BECOME PART OF THE ACTION.

7/17/95 MTG



G.A.R. PROPERTY MANAGEMENT

RESIDENTIAL/COMMERCIAL

18318 US 31 NORTH
WESTFIELD, INDIANA 46074
(317) 867-0461

THREE CONDITIONS REQUESTED FOR BOARD APPROVAL

1.) FENCE

Stockade fence South & West property lines.

2.) Landscaping

Grass has been seeded in the areas that construction will not cover.

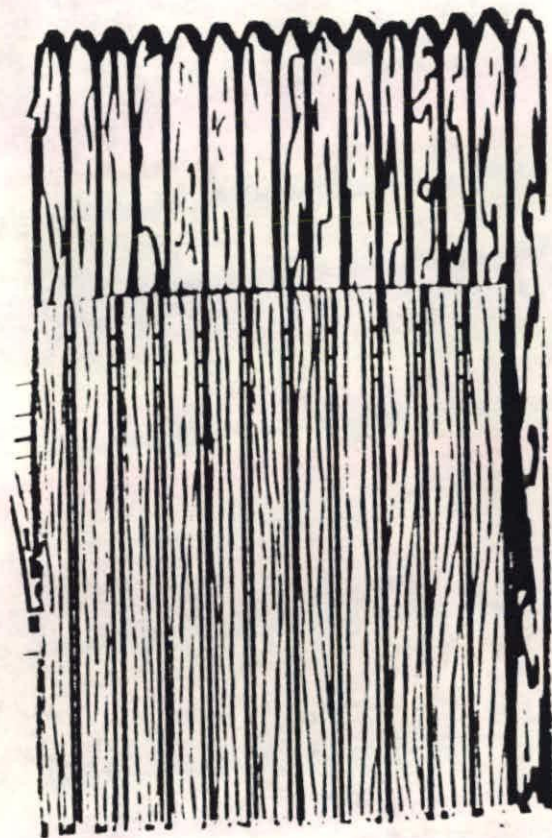
A six foot pine tree has been planted to the west of of the existing building.

On the East side of the property facing Jolietville Road, (2-flowering bushes, 1- Flowering Crab Tree.)

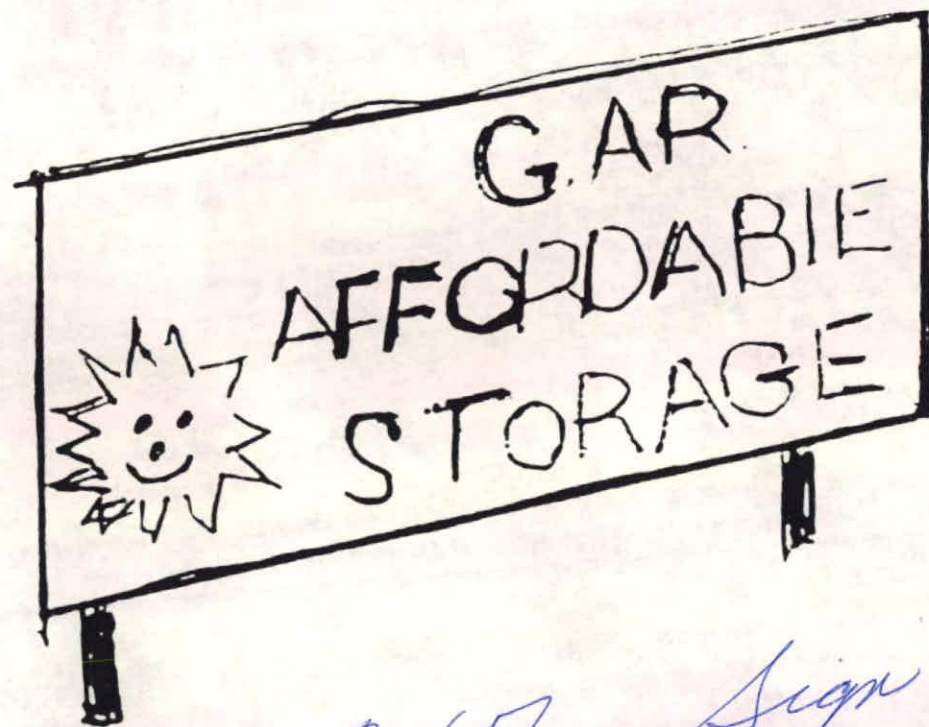
No other landscaping will be done .

3.) Sign

Sign will be on a ~~dirt~~ mound of dirt facing S.R.32 as shown on drawings. No scrubs are planned, seasonal flowers will be used.



Stockade
6 ft x 8 ft



3x7 Sign white
colors Blue, Burgundy
& grey

March 18, 1995

TO: WESTFIELD ZONING BOARD

FROM: DON & MARGIE SMITH, 17443 Joliet Road
Owners - Hour Glass Antiques, Northwest corner,
Highway #32 & Joliet Road

SUBJECT: PROPERTY ZONING OF SOUTHWEST CORNER, HIGHWAY #32 & JOLIET ROAD

We are opposed to Mr. Roberts building storage units on this property. While not against the old store, formerly Bruce's/Butche's Market - being used for business purposes, we feel additional buildings would detract from all surrounding property looks and values.

Since Mr. Roberts bought this property, he has been anything but a good or friendly neighbor. During the first year of renovation on the old store, I personally (Don) picked up pieces of insulation, packing and other debris that had blown across the highway onto my store's property from his property, 17 separate times. (Since then, I've stopped counting, but there are numerous additional occasions.) I've NEVER witnessed he or any of his employees cross the highway to clean up anything. I have heard Mr. Roberts shout obscenities and yell the four letter "F" word, literally hundreds of times. He is often so loud that my customers and I can hear his voice from across the highway, thru the closed door of my shop! On one occasion last September, two ladies shopping on my front porch were driven to leave instead of entering the shop by Mr. Roberts' continued screaming of the "F" word over and over.

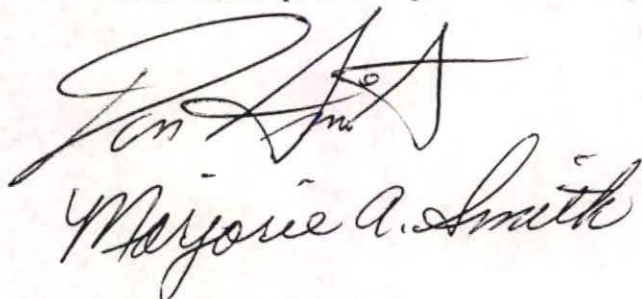
There have been varying amounts of trash, piles of building materials, discarded appliances and shelving and heaps of bushes and branches, all littering this property since right after Mr. Roberts purchased it many months ago. It is difficult to picture a clean and neat storage facility after witnessing what he's done here so far.

With two existing storage facilities just six miles away from here on the East side of Westfield and literally thousands of individual storage units accessible on the North side of INdy, it's hard to imagine a need for more in our little community of Jolietville. We've no nursing home and few divorces here - two of the main sources of stored merchandise in such mini-warehouses.

In conclusion, we oppose the construction of any such additional buildings on this property.

Donald F. & Marjorie A. Smith

Owners -- Farm & 2 Homes across Joliet Road from Mr. Roberts property
and Antique Shop across Highway #32 from Mr. Roberts property



Don Smith
Marjorie A. Smith

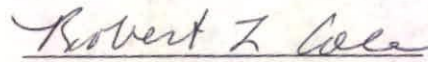
March 20, 1995

We are objected to the construction of the three rental storage buildings on the corner of St Rd 32 and Jolietville Road for the following reasons:

- ◆ There is no possible way that the proposed construction can take place without building directly over whatever meager septic-system is present on the site. There are at least two apartments housed within the existing structure; We have not seen any installation of a septic upgrade since the addition of said apartments. Will their decades old system handle, long term, the additional sewage?
- ◆ The proposed buildings will provide a prime location for loitering, vandalism and other miscreant activity. Children could find a haven for smoking and other delinquent activity. Teenagers would find a place to congregate and the possibility of graffiti, drug trafficking, drug use and "parking" are easily envisioned in this area where our youth have no place to gather to play and no recreation facilities.
- ◆ Unsupervised, 24 hour access personal storage rental units are often the target of break-ins. The exposed, rural area, we feel, would draw thieves to the area eventually preying upon local homes.
- ◆ Four such closely placed buildings, and our home a mere 80 feet away, would be a dangerous fire-hazard. The twenty-six feet between the storage buildings is not a very difficult leap for fire on a windy day posing a potential major conflagration. The nearest fire station is over five miles away!
- ◆ Vehicles entering and exiting from between four buildings, near a difficult intersection, would pose a considerable risk of accidents.
- ◆ The potential for rodent and insect infestation is a given.

Above are the primary reasons that we are opposed to this site development. There are other more personal objections such as the devaluation of our home, blockage of our north view, the fear of wind-swept fire consuming our home, migration of pests onto our property and vandalism of our personal property. This type of development can only detract from our quite, rural and residential community! Please do not allow this detrimental development to occur. Thank you.

Cordially,


Robert L. Cole


Sharon L. Cole

COMMUNITY DEVELOPMENT DEPARTMENT

WESTFIELD-WASHINGTON TOWNSHIP

PLAN COMMISSION

BOARD OF ZONING APPEALS

March 21, 1995

Mr. Gregg Roberts
2943 State Road 32 West
Westfield, IN 46074

Dear Mr. Roberts:

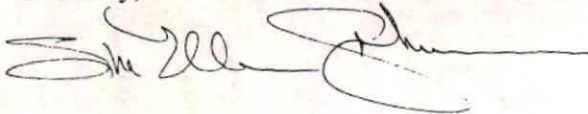
The Westfield-Washington Township Board of Zoning Appeals met on March 20, 1995 at the Westfield City Building to review case number 95-V-11: approval of a variance of use to permit operation of a storage warehouse business, as per plans filed, at 4105 S.R. 32 West. A motion was made and seconded to approve the variance as per plans filed with the following provisions:

- a six foot chain link fence will be erected
- the petitioner will return with landscaping plans, with emphasis on the boundary on the south and west sides neighboring Cole's property
- this variance is for the petitioner only

The motion carried with a vote of Yes-3; No-2; and Abstain-0.

This matter will next be heard at the March 27, 1995 Plan Commission meeting to be held at the Westfield City building at 7:30 p.m. If you have any questions, please contact the Community Development Department at 896-5577 between the hours of 8:00 a.m. and 4:30 p.m.

Sincerely,



Sue Ellen Johnson, Secretary
Westfield-Washington Township
Board of Zoning Appeals

cc: file

COMMUNITY DEVELOPMENT DEPARTMENT

WESTFIELD-WASHINGTON TOWNSHIP

PLAN COMMISSION

BOARD OF ZONING APPEALS

July 18, 1995

FILE COPY

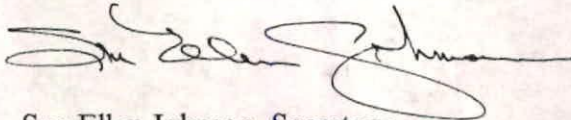
Mr. Gregg Roberts
2943 State Road 32 West
Westfield, IN 46074

Dear Mr. Roberts:

The Westfield-Washington Township Board of Zoning Appeals met on July 17, 1995 at the Westfield City Building to review case number 95-V-11: approval of landscape plan, as per plans filed, at 4105 State Road 32 West. A motion was made and seconded to approve the landscape and signage plans as per plans filed. The motion carried with a vote of Yes-4; No-0; and Abstain-0.

Your proposal will next be heard at the July 24, 1995 meeting of the Westfield-Washington Township Plan Commission to be held at the City Building at 7:30 p.m. Please plan to have a representative present at this meeting or call the Community Development Department at 896-5577 as soon as possible.

Sincerely,



Sue Ellen Johnson, Secretary
Westfield-Washington Township
Board of Zoning Appeals

cc: file

A photograph of a single-story building with light-colored vertical siding and a dark red roofline. The building features a black door with a white-framed window and a red-framed window to its right. A large white sign with black text and graphics is mounted on the wall to the left of the door. The sign reads "G.A.R. PROPERTIES", "AFFORDABLE STORAGE", "867-0359", "OFFICE", and "867-0359" with an arrow pointing right. To the right of the door are four red roll-up storage doors. The building is situated on a gravel lot with trees in the background. A small black doormat with the word "WELCOME" is on the ground in front of the door. There are two flower boxes: one on the ground to the left of the door and one on a stand to the right of the door. A small black light fixture is mounted on the wall above the door.



54

53

52

51

50

Unauthorized Trespassors
**WILL BE
PROSECUTED**
security cameras on premisses

**DO NOT
BLOCK DRIVE**



Econo-Storage

Unauthorized Trespassors
WILL BE
PROSECUTED
security cameras on premises

DO NOT
BLOCK DRIVE





FOR RENT

4105

Urban FARM
GARDEN
Nursery, Lawn
www.ufs

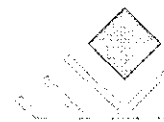


Urban Farmer
GARDEN
CENTER
Herbs, Lawn, Hydroponics
www.ufseeds.com

FOR
RENT

SELF STORAGE
CENTRAL NY-130

WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM
VARIANCE APPLICATION



OFFICE
USE ONLY

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

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: Matt Skelton (STAFF NAME) DATE: 04/13/2018

PRIOR OR RELATED DOCKET NUMBERS

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

PRIMARY PLAT: _____ SECONDARY PLAT: _____ VARIANCE(S): 95-V-11

APPLICANT INFORMATION

APPLICANT'S NAME: Lukenloia Properties, LLC TELEPHONE: 317-460-6848

ADDRESS: 4476 Schmidler Dr., EMAIL: ashleydiana182@icloud.com

PROPERTY OWNER'S NAME: Gregg A. Roberts & Mary E. Roberts TELEPHONE: (317) 529-7730

ADDRESS: 4105 W. State Road 32 EMAIL: greatamericanrentals@gmail.com

REPRESENTATIVE'S NAME: Edward Anania TELEPHONE: 317-815-4451

COMPANY: The Law Office of Edward Anania EMAIL: ed@edanania.com

ADDRESS: 4630 Lisborn Dr, Carmel, IN 46033

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 4105 W. State Rd. 32

COUNTY PARCEL ID #(s): 29-09-06-101-006.000-014; 29-09-06-101-007.000-014; 29-09-06-101-009.000-014

EXISTING ZONING DISTRICT(S): LB plus Variance (95-V-11) EXISTING LAND USE(S): LB uses plus Operation of Self Storage Business

VARIANCE REQUEST

☒ VARIANCE OF LAND USE CODE CITATION: _____

☐ VARIANCE OF DEVELOPMENT STANDARD(S) CODE CITATION: _____

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

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

The original variance (95-V-11) restricts the use of the variance to the original petitioner/current owner of the property.
The intent of this application for variance of use is for the purpose of providing the applicant/prospective buyer with the same
use variance that is currently in effect.

WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM



APPLICANT AFFIDAVIT

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

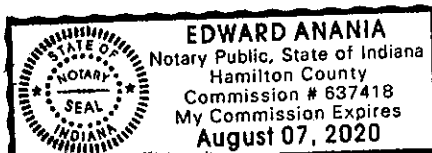
[Signature]
Applicant/Representative (signature)

KIRPAL SINGH
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 18th day of April, 2018.

State of Indiana, County of Hamilton SS:



[Signature]
Notary Public Signature
Edward Anania
Notary Public (printed)

PROPERTY OWNER AFFIDAVIT

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says they are the owners of the property involved in this application and that they hereby acknowledge and consent to the foregoing Application.

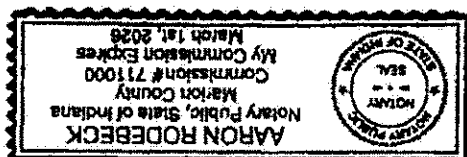
[Signature]
Property Owner (signature)*

Mary F. Roberts
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 18 day of April, 2018.

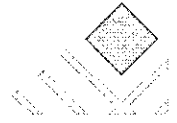
State of Indiana, County of Hamilton SS:



[Signature]
Notary Public Signature
Aaron Rodbeck
Notary Public (printed)

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

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



APPLICANT: Lukens Properties, LLC

DOCKET #: _____

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

- A. The use will not be injurious to the public health, safety, morals, and general welfare of the community because: _____
A prior variance of use to permit operation of a storage warehouse business (95-V-11) has been granted.

The above referenced variance has been in use without injury to the public health, safety, morals, and general welfare of the community since 1995.

The following statements, submitted on the application for variance 95-V-11 remain true:

The building structure will not be dangerous to the public because the area is fenced-in.

- 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 storage facilities should not deny adjacent property owners of any preservation and/or enjoyment of their property because of the business and high traffic in the area.

Issuance of a variance should not congest public streets, because patrons are not frequently present.

Issuance of a variance should not change marketable value of the adjacent property as it has been operating as a self storage facility for the past twenty-three (23) years and is currently zoned as Local Business (LB).

- C. The need for the variance arises from some condition particular to the property involved because: A variance has been granted to the current owner. The original variance (95-V-11) afforded only the current owner/original petitioner the use of said variance.

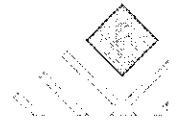
The current variance is being sought in order to sell the property to the applicant and afford them the ability to continue to operate the storage facility business as it has been operated for the past twenty-three (23) years.

- D. The strict application of the terms of the Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought because: The property is currently being operated as self storage facility through variance of use (95-V-11).

The denial of this variance would hinder the current owner's ability to sell the property to the petitioner because the original variance of use (95-V-11) is applicable only to the current owner and it renders the facility, as built, unsellable.

- E. The variance of use does not interfere substantially with the Comprehensive Plan because: The variance of use being sought is for the purpose of providing the applicant with the same variance of use that is currently in place and being used by the owner, to allow for the sale of and operation of the property as a Self-Storage Business.

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



APPLICANT: Lukenlola Properties, LLC

DOCKET #: _____

In taking action on a variance request, the Board of Zoning Appeals uses the following decision criteria to approve or deny a variance, as established by Indiana Code, and the Board may impose reasonable conditions as part of its approval. The applicant must address the criteria below (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:

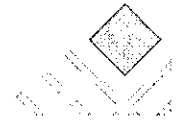
A. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because: _____

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: _____

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

WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM

VARIANCE APPLICATIONS



GENERAL INSTRUCTIONS

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



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

May 9, 2018

1804-VS-07

Exhibit 1

Petition Number: 1804-VS-07

Subject Site Address: 348 Old Ashbury Road ("the Property")

Petitioner: Tyler Herman (Pools of Fun) ("the Petitioner") on behalf of Jason Richarz

Request: The petitioner requests a Variance of Development Standard to modify the minimum rear yard setback from twenty-five (25) feet to fifteen (15) feet to accommodate a swimming pool and deck.

Current Zoning: Chatham Hills Planned Unit Development (PUD) (Ord. 13-24)

Current Land Use: Residential

Approximate Acreage: 0.40 acres +/-

Exhibits:

1. Staff Report
2. Location Map
3. Site Plan
4. Chatham Hills Review Board Approval
5. Existing Conditions

Staff Reviewer: Daine Crabtree, Associate Planner

OVERVIEW

Location: The subject property is 0.40 acres +/- in size and located at 348 Old Ashbury Road in Section 1 of the Brookside subdivision (**see Exhibit 2**). The Property is zoned as part of the Chatham Hills PUD and is completely surrounded by homes also zoned as part of the Chatham Hills PUD.

Property History: The Secondary Plat for Chatham Hills, Section 1, was recorded on March 31, 2015 (Instrument No. 2015014891).

Requested Variances: the petitioner is requesting the Variance of Standard to modify the minimum rear yard setback from twenty-five (25) feet to fifteen (15) feet, as further described herein.

SUMMARY OF VARIANCE

The Property is subject to the Required Minimum Setbacks set forth in Section 9.1 of the Chatham Hills PUD (the "PUD"). Section 9.1 sets forth a minimum rear yard setback line of twenty-five (25) feet.



The petitioner is requesting a Variance of Standard to modify the minimum rear yard setback line from twenty-five (25) to fifteen (15) feet (see Exhibit 3).

The proposed variance has been approved by the Chatham Hills Architectural Review Board (see Exhibit 4).

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

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

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

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

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

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

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

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:

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

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

Finding: It is unlikely that approving the requested variance would be injurious to the public health, safety, morals, and general welfare of the community because the existing use and proposed improvements will otherwise comply with the applicable standards of the Chatham Hills PUD. In order to receive a permit for the pool, the UDO requires that, "access to residential pools shall be restricted by one (1) of the following means...Shall be mechanically operated such that the cover cannot be drawn open or retracted without use of a (a) key; or (b) key and switch; or (c) touch pad with a personal access code." Assurance that this requirement is met will come at the Improvement Location Permit review stage.

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

Finding: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The proposed variance should not have a negative impact on surrounding properties because the use of the property will not change.

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

Finding: Strict adherence to the zoning ordinance would result in the inability to improve the property as proposed and would result in the construction of a swimming pool and deck that would not suit the needs of the Petitioner.

Recommended Condition:

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



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

May 9, 2018

1804-VS-07

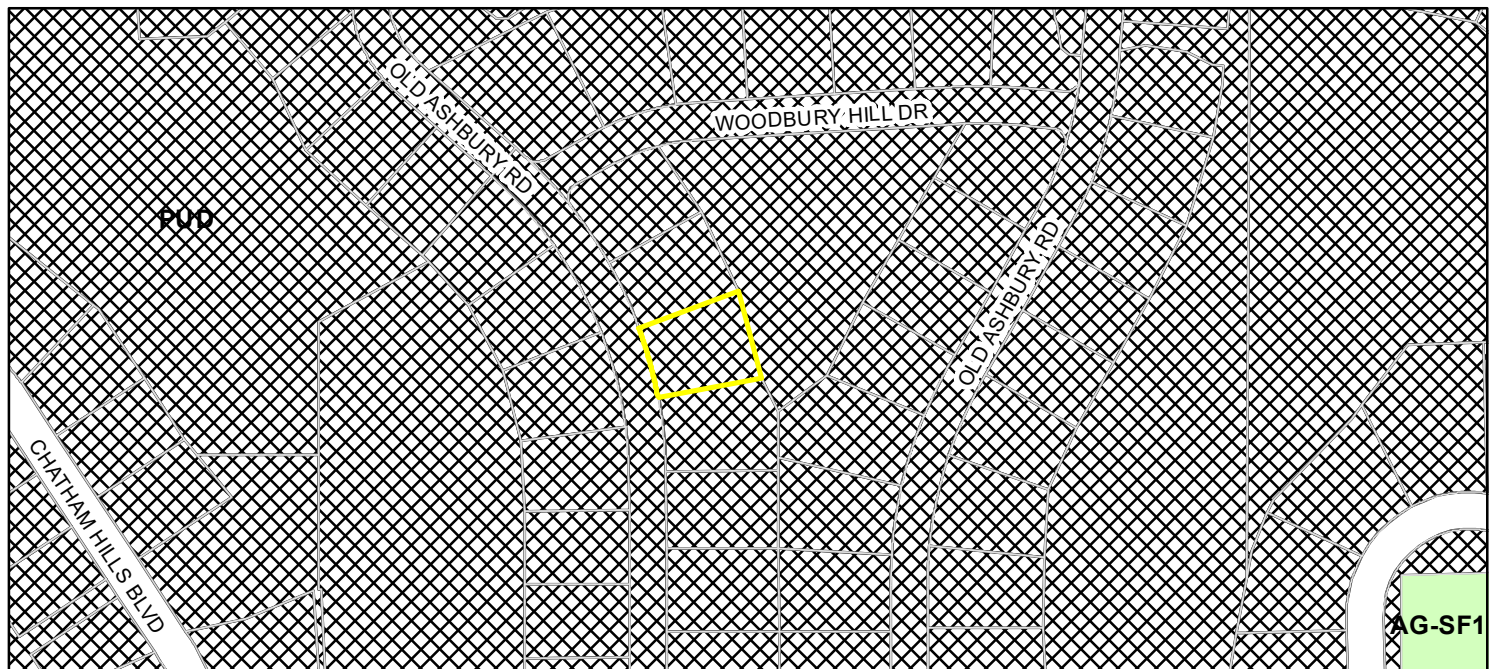
Exhibit 1

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

Aerial Location Map



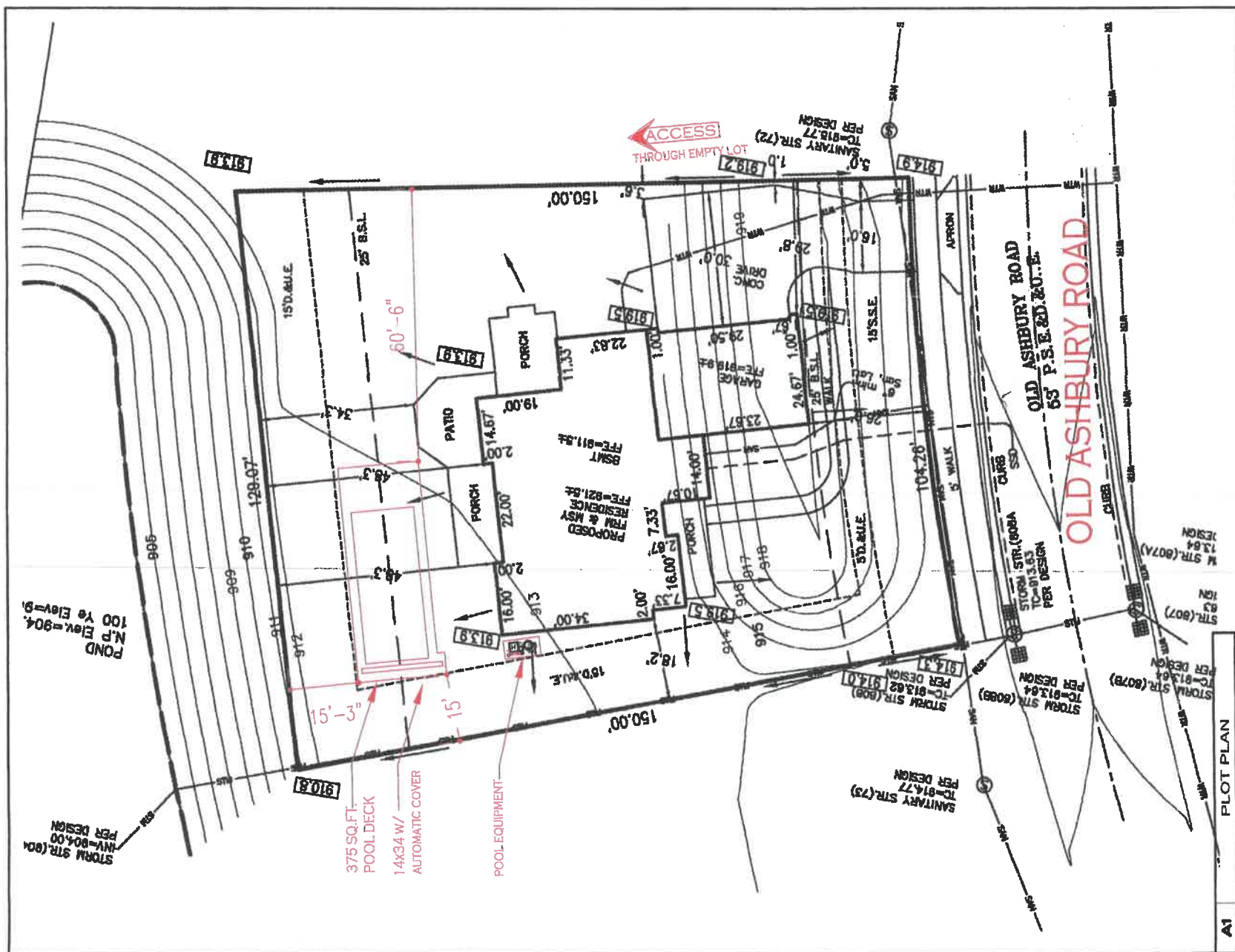
Zoning Map



Legend

- Parcel
- AG-SF1 (Agriculture - Single Family - 1)
- PUD (Planned Unit Development)





JASON RICHARZ	
THE RICHARZ RESIDENCE	
PHONE	317-918-4820
ADDRESS	348 OLD ASHBURY RD
CITY	WESTFIELD STATE IN ZIP 46074
ADDITION	LOT #
COUNTY	HAMILTON TOWNSHIP
PROJECT MANAGER	P.O.#
POOL MFG	CONC. SQ. FT.
WATER	DIRT
	AUTOCOVER
DATE	02/16/2018 SALES MANAGER TH
SPECIAL NOTES:	
TOC = TBD	
P/F/H = TBD	
RLS/RCS = TBD	
PANEL LAYOUT:	
NORTH	
<i>Pools of Fun</i> Kyle Denry - Design Department	
DATE OF CURRENT DRAWING	DRAWING#
03/02/2018	PLOT

3-2-18

Daine Crabtree

From: Kent Rigdon <kent@chathamhills.com>
Sent: Thursday, April 12, 2018 4:14 PM
To: Jason Richarz; Wesley Addington; Daine Crabtree; thermon@poolsoffun.com
Subject: Re: richarz layout plan

Follow Up Flag: Follow up
Flag Status: Flagged

All

This plan is acceptable to the Chatham Hills architectural review board. You can print this email as approval or If a letter of consent is needed please let me know.

Thank You

Kent Rigdon
Director of construction and Architectural standards.

On Thu, Apr 12, 2018 at 1:26 PM Wesley Addington <Wesley@wesleyslandscape.com> wrote:

Wesley Addington!
Founder & President

Wesley's Landscape & Lawncare
817 E. 199th St
Westfield, IN 46074
Office: (317) 867-1796
Fax: (317) 867-5817
Email: info@wesleyslandscape.com
Online Sources:

Website: <http://www.wesleyslandscape.com/>

Facebook: Wesley's Landscape Facebook Page

Linkedin: Get Linkedin to Wesley's!

Begin forwarded message:

From: Wesley Silk <wesleysilk1@gmail.com>
Date: April 12, 2018 at 1:00:24 PM EDT
To: Wesley Addington <Wesley@wesleyslandscape.com>
Subject: richarz layout plan

--

Wesley Silk
Partner, RE Visual Design Group LLC
p: 219 964 8764 e: wsilk@revisual.design

--

Kent E. Rigdon

The Club at Chatham Hills
20298 Tomlinson Road
Westfield, IN 46074
Email: Kent@ChathamHills.com

The Club at Chatham Hills
20298 Tomlinson Road
Westfield, IN 46074

Ph: (317) 836-8019
Web: ChathamHills.com
Social: [Facebook](#) [Twitter](#) [Instagram](#)

Start a New Adventure.



April 30, 2018

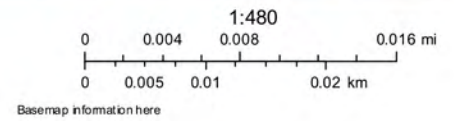
Road Closures

- Closed
- Open
- Restricted

- Upcoming Closure
- Upcoming Restriction
- Facilities**
- P Parking

- ⬢ Playground
- ♿ Restrooms
- ⚙ Irrigation Pump House

- Maintenance Buildings
- Addresses
- Retention Ponds



1



2



3



4



5



6



7





Petition Number: 1805-SE-01

Subject Site Address: 17115 Joliet Road (the "Property")

Petitioner: Linda A. Sullivan (the "Petitioner")

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

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

Current Land Use: Agriculture / Rural Residential

Approximate Acreage: 16 acres +/-

Exhibits:

1. Staff Report
2. Location Map
3. Petitioner's Narrative
4. Existing Conditions

Staff Reviewer: Daine Crabtree, Associate Planner

OVERVIEW

Location: The subject property is 16 acres +/- in size and located at 17115 Joliet Road (see **Exhibit 2**). The Property is zoned the AG-SF1: Agriculture / Single-Family Rural District (the "AG-SF1 District"). The Property contains both a residence and a commercial component that is agricultural in nature. The property contains a horse barn that has been used as such on the Property for 25+ years. A building permit extending this barn eastward has already been reviewed, approved, and is in progress. The surrounding properties include residential and agricultural uses.

Land Use: As summarized in **Exhibit 3** (the "Petitioner's Narrative") and depicted in **Exhibit 4** (the "Existing Conditions"), the Petitioner is requesting this Special Exception to allow an Equestrian Facility on the Property. Horses being used in the operation of the Equestrian Facility will be housed in the existing horse barn on the southern part of the Property.

The proposed use is defined as an Equestrian Facility¹ by the Unified Development Ordinance (the "UDO"), which is permitted as a Special Exception within the AG-SF1 District. The UDO²

¹ Chapter 12 of the UDO defines "Equestrian Facility" as "The use of land that is accessory to a permitted residential use on the Lot, for a horse, donkey, or mule facility operated for business purposes including but not limited to: horse ranches, boarding stables, riding schools and academies, horse exhibition facilities, pack stations, barns, stables, riding arenas (indoor and outdoor), corrals, and paddocks accessory and incidental to the above uses."

provides that the purpose of the AG-SF1 District is to “accommodate agricultural land uses and large-lot Single-family Dwellings.” The AG-SF1 District currently permits uses such as: farms and farm buildings, churches, golf courses, nurseries and greenhouses, schools, stables and single family dwellings. In addition to kennels, other Special Exception uses contemplated in the AG-SF1 District include: agritourism uses, large animal hospitals, private clubs and lodges, schools with dormitories, stockyards, riding stables, and zoos.

SPECIAL EXCEPTIONS

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

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

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

² Article 4.2(A): AG-SF1: Agriculture / Single-Family Rural District; Propose and Intent.



ANALYSIS

The below analysis coincides with the review criteria for a Special Exception set forth in the Unified Development Ordinance³, as summarized herein.

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

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

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

Comment: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The property will continue to primarily be used in a residential manner, and the proposed Special Exception should not have a negative impact on surrounding properties because: (i) the operation and design of the use should not impact surrounding properties; (ii) the use is otherwise contemplated as appropriate in the AG-SF1 District; and (iii) the development and use of the site would otherwise comply with applicable regulations.

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

Comment: The Unified Development Ordinance contemplates the proposed use within the AG-SF1 District. The proposed operation and design of the use should not impact surrounding properties and will not impede the use and development of adjacent properties. The property will continue maintain its residential character and the proposed Special Exception would be compatible with other permitted uses of the AG-SF1 District and potential conflicts resulting from other future and adjacent uses should be diminutive.

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

³ Article 10.11 Processes and Permits; Special Exceptions; Review Criteria of the UDO.



Comment: A small, gravel parking lot will be provided for guests to park where none is available immediately adjacent to the existing horse barns.

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

Comment: The Special Exception is proposed to operate by appointment only and would be secondary to the existing residential use. As a result, additional traffic generated by the Special Exception and the impact on Little Eagle Creek Avenue is expected to be diminutive.

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

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

Development policies of this land use classification include⁴: (i) Encourage artisan farms and equestrian uses to maintain the rural, country-like atmosphere; (ii) protect and enhance the Eagle Creek Trail as a recreational amenity; (iii) encourage open space through incentives (such as density bonuses); (iv) ensure that infill development is compatible in mass, scale, density, materials and architectural style to existing development; and (v) ensure that growth and development is compatible both from a use and density perspective with minimal impact on the natural and visual environment.

The Comprehensive Plan identifies appropriate land uses in this land use classification to include: (i) farmsteads; (ii) individual houses on large lots; (iii) equestrian uses; (iv) subdivisions with a rural feel; (v) artisan farms⁵; and (vi) considerable open space.

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

Comment: The Unified Development Ordinance contemplates the use within the AG-SF1 District. The use and property will otherwise comply with or exceed the applicable standards of the AG-SF1 District.

⁴ Westfield-Washington Township Comprehensive Plan, pages 25-30.

⁵ Appendix A of the Westfield-Washington Township Comprehensive Plan defines “Artisan Farm” as “[a] small farm with owners living on site that produces goods or services for the local table market (not the commodity market). This term includes but is not limited to orchards, tree nurseries, hay, vegetables, and the raising of limited numbers of animals such as horses, llamas, alpacas, sheep, goats, and chickens.

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Special Exception. This petition is scheduled to receive its public hearing at the May 9, 2018, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

Conditions: The UDO⁶ and Indiana law provide that the Board of Zoning Appeals in granting a Special Exception, may prescribe conditions and limitations concerning the use, construction, character, location, landscaping, screening, parking and other matters relating to the purposes and objectives of this Ordinance upon the premises benefited by a Special Exception as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property or upon public facilities and services. Any conditions prescribed by the Board shall be recorded in the Office of the Recorder of Hamilton County, Indiana. Violation of any such condition or limitation shall be a violation of this Ordinance and shall constitute grounds for revocation of the Special Exception or related Improvement Location Permit, pursuant to Chapter 11: Enforcement & Penalties.

Review Criteria: The Board of Zoning Appeals may approve a Special Exception only upon a determination that the Special Exception at the proposed location meets the following⁷:

1. The establishment, maintenance, or operation of the Special Exception will not be detrimental to or endanger the public health, safety, morals, or general welfare.
2. The Special Exception will be designed, constructed, operated, and maintained so as to:
(i) not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted; (ii) not substantially diminish and impair property value within the neighborhood; (iii) be harmonious and appropriate in appearance with the existing or intended character of the immediate vicinity; and (iv) not change the essential character of the area.
3. The establishment of the Special Exception will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the Zoning District.
4. Adequate public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools have been or are being provided and the Special Exception will not result in excessive additional requirements at public expense for such public facilities and services.

⁶ Article 10.11(l) Processes and Permits; Special Exceptions; Conditions of the UDO.

⁷ Article 10.11 Processes and Permits; Special Exceptions; Review Criteria of the UDO.



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

DEPARTMENT COMMENTS

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

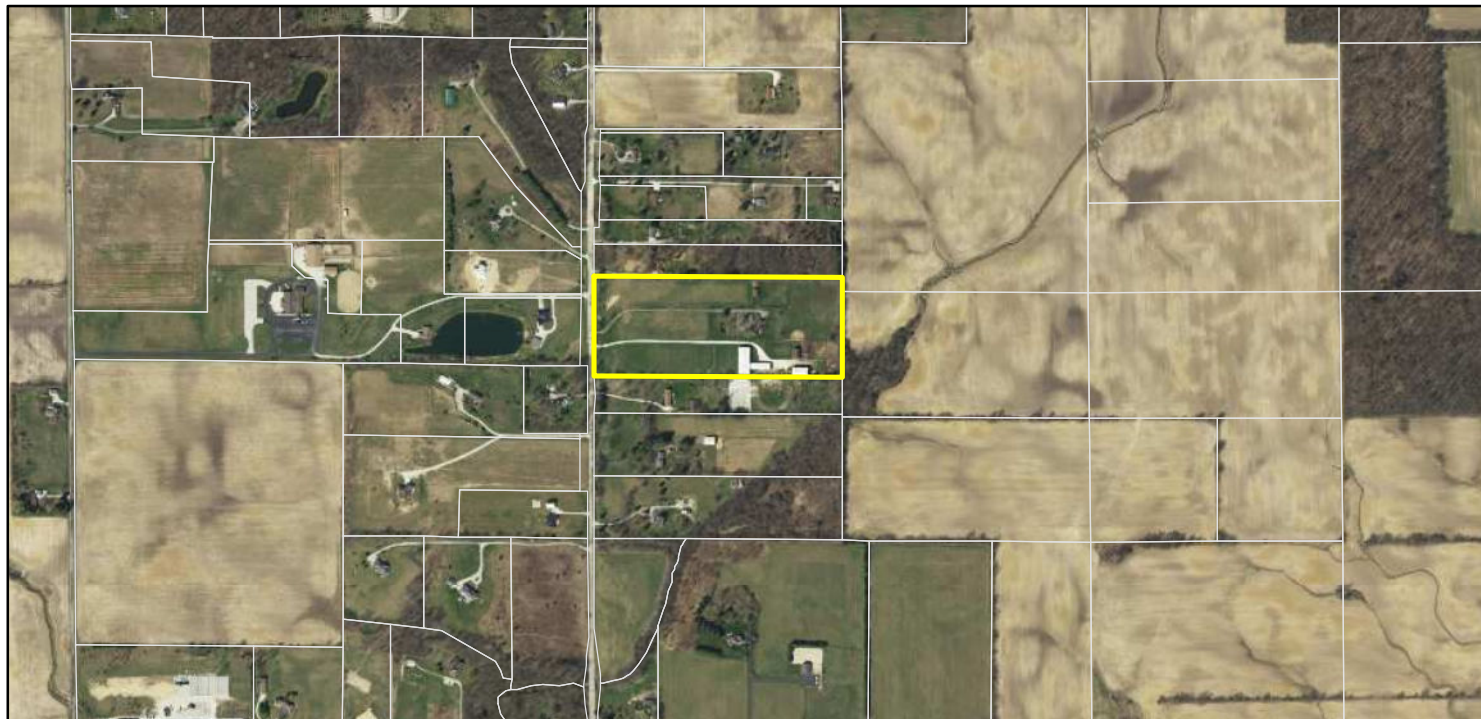
Recommended Condition:

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

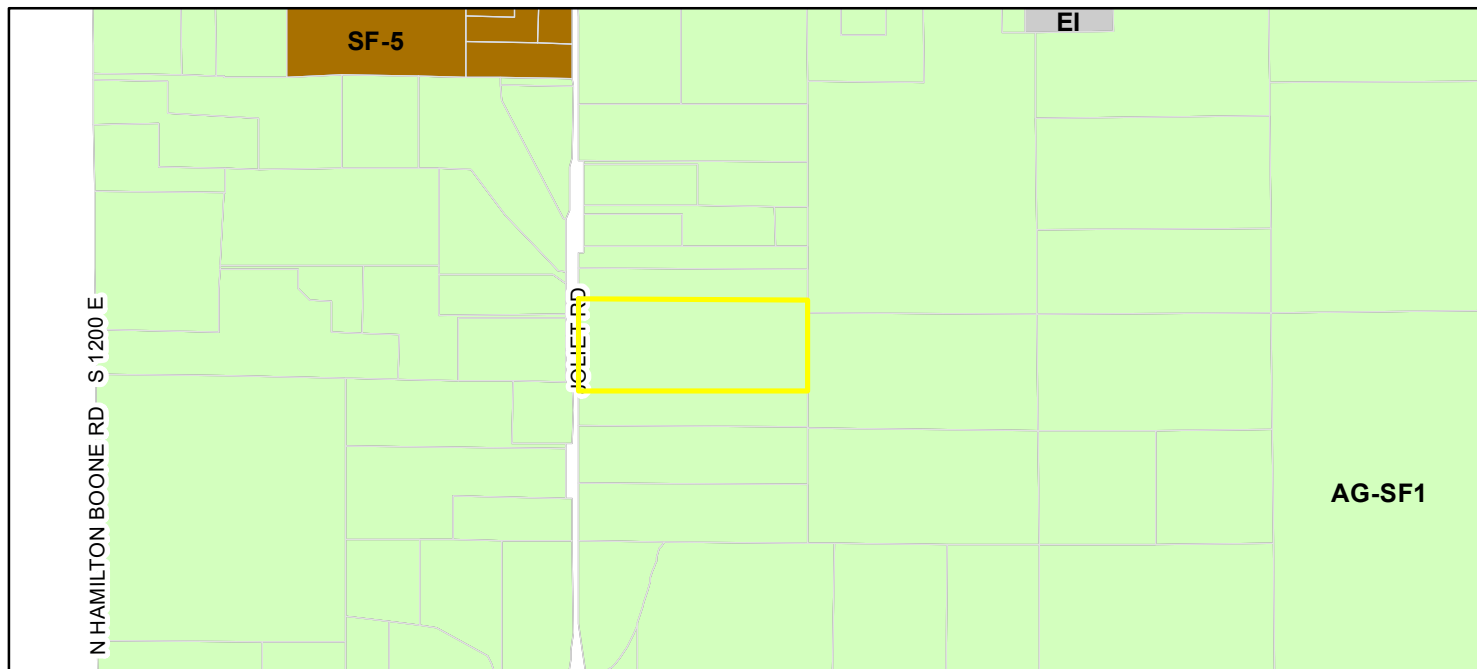
Denial: If the Board is inclined to reject or deny the Special Exception, then the Department recommends denying the Special Exception, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence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

Aerial Location Map

 Site

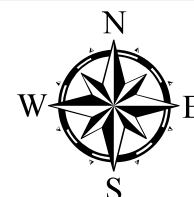


Zoning Map



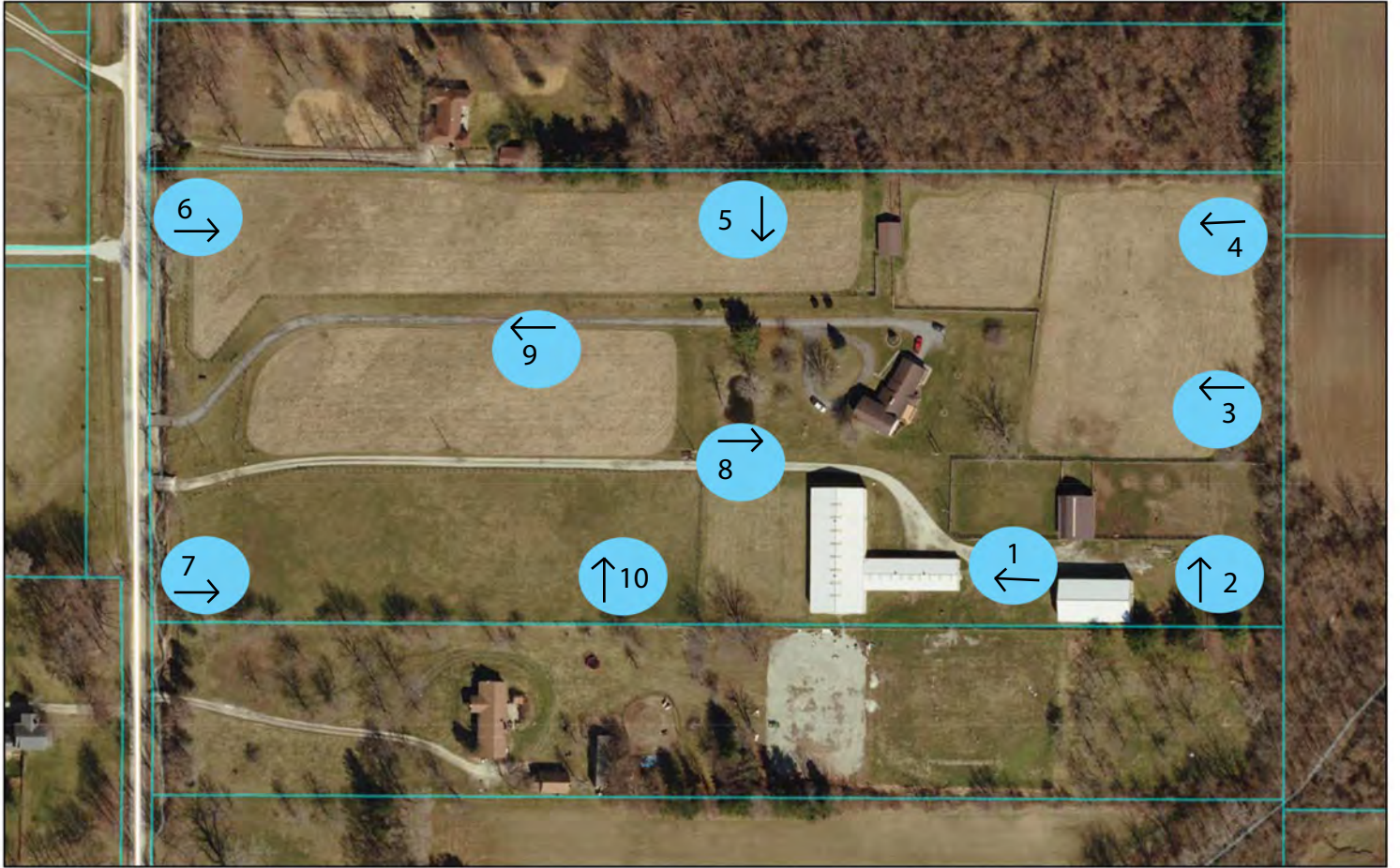
Legend

-  Parcel
-  AG-SF1 (Agriculture - Single Family - 1)
-  EI (Enclosed Industrial)
-  SF-5 (Single Family - 5)



Petitioner's Narrative

The Property (17115 Joliet Road) has been used as an Equestrian Facility for 25+ years, but the use was never formalized. There will be no change in the use of the property from how it has existed prior. Although a building permit has recently been issued to extend an existing barn eastward, the Special Exception requested is not necessary to obtain the permit as it has already been issued.



April 13, 2018

Road Closures

- Upcoming Closure
- Closed
- Open
- Restricted
- Upcoming Restriction
- Facilities
- Parking



Playground



Restrooms



Irrigation Pump House



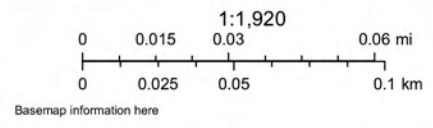
Maintenance Buildings



Addresses



Retention Ponds



1



2



3



4



5



6



7



8



9



10





WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

May 9, 2018
Exhibit 1

Petition Number: 1805-VS-08

Subject Site Address: Greyhound Pass Trailhead at the Monon Trail (the "Property")

Petitioner: City of Westfield (the "Petitioner")

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

Current Zoning: Right-of-way

Current Land Use: Recreational

Approximate Acreage: 0.8 acres +/-

Exhibits:

1. Staff Report
2. Location Map
3. Proposed Kiosk Location Exhibit
4. Proposed Kiosk Design Exhibit
5. Statement of Intent

Staff Reviewer: Pam Howard, Senior Planner

OVERVIEW

Location: The subject property is 0.8 acres +/- in size and located at the Greyhound Pass Trailhead at the Monon Trail (see **Exhibit 2**). The Property is located within the Right-of-Way¹ of the Monon Trail. The Property currently contains a bench, bike racks, and vehicular parking available to users of the trail (see **Exhibit 3**). The surrounding properties to the south, east, and west are zoned the SF2: Single-Family Low Density District and include the Bainbridge, Beacon Point, Westfield Farms, Hills and Dales West, and Village Farms subdivisions; as well as some larger lot residential. Properties to the north are zoned the Viking Meadows PUD District and include large lot residential.

Variance Request: The petitioner is requesting a Variance of Standard to permit an Electronic Sign² in the Right-of-Way of the Monon Trail at the Greyhound Pass Trailhead, as generally

¹ Chapter 12 of the UDO defines "Right-of-way" as "[a]n area of land not on a Lot for public or private use to accommodate a transportation system and necessary public utility infrastructure (including but not limited to water lines, sewer lines, power lines, and gas lines) that is dedicated or deeded to a governmental entity and under the control of a public agency for public use."

² Chapter 12 of the UDO defines "Sign, Electronic" as "[a] Sign or Sign component with a fixed or changeable display composed of a series of lights, including but not limited to light emitting diode (LED), that may be changed through electronic means."

illustrated on the Proposed Kiosk Location Exhibit (see **Exhibit 3**) and Proposed Kiosk Design Exhibit (see **Exhibit 4**).

SUMMARY OF VARIANCE

The Petitioner is requesting this variance to permit an Electronic Sign, in the form of a Kiosk, in the Right-of-Way of the Monon Trail at the Greyhound Pass Trailhead, as generally described in the statement of intent (see **Exhibit 5**), and illustrated on the Proposed Kiosk Location Exhibit (see **Exhibit 3**) and Proposed Kiosk Design Exhibit (see **Exhibit 4**). The UDO³ prohibits Signs⁴ in the Right-of-Way. Further, the Sign Standards do not contemplate this type of signage and therefore no standards are included for regulation. For this reason, the petitioner is asking that Article 6.17 Sign Standards, of the UDO, not apply.

COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan identifies this property within the “Suburban Residential” land use classification. Additionally, the Monon Trail is included as a named trail on the Alternate Transportation Plan included in the Thoroughfare Plan.

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

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

Acknowledgement of Variance: If the Board of Zoning Appeals approves this petition, then the UDO⁶ requires that the approval of the variance shall be memorialized in an acknowledgement of variance instrument prepared by the Department. The acknowledgement shall: (i) specify the granted variance and any commitments made or conditions imposed in granting of the variance;

³ Article 6.17(E) Sign Standards; Prohibitions

⁴ Chapter 12 of the UDO defines “Sign” as “[a]ny display or device placed on a property in any fashion which is designed, intended, or used to convey any identification, message or information other than an address number.”

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

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

(ii) be signed by the Director, Property Owner and Applicant (if Applicant is different than Property Owner); and (iii) be recorded against the subject property in the Office of the Recorder of Hamilton County, Indiana. A copy of the recorded acknowledgement shall be provided to the Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

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

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

DEPARTMENT COMMENTS

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

Recommended Findings for Approval:

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

Finding: It is unlikely that approving the requested variance(s) would be injurious to the public health, safety, morals, and general welfare of the community. The purpose of the kiosk is to provide security monitoring and information services to the trail users.

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

Finding: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The proposed variance should not have a negative impact on surrounding properties because: (i) the proposed kiosk will be placed on City right-of-way and not personal property; (ii) the proposed kiosk is intended to improve the safety of the trail; and (iii) the approval of the variance will allow for the continued use and improvement of the property in a manner substantially consistent with the quality and character of the surrounding area and Comprehensive Plan.

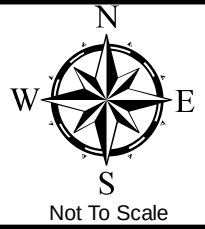
3. **The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.**

Finding: Strict adherence to the zoning ordinance would result in the inability to improve the property, as proposed, in accordance with the Unified Development Ordinance.

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



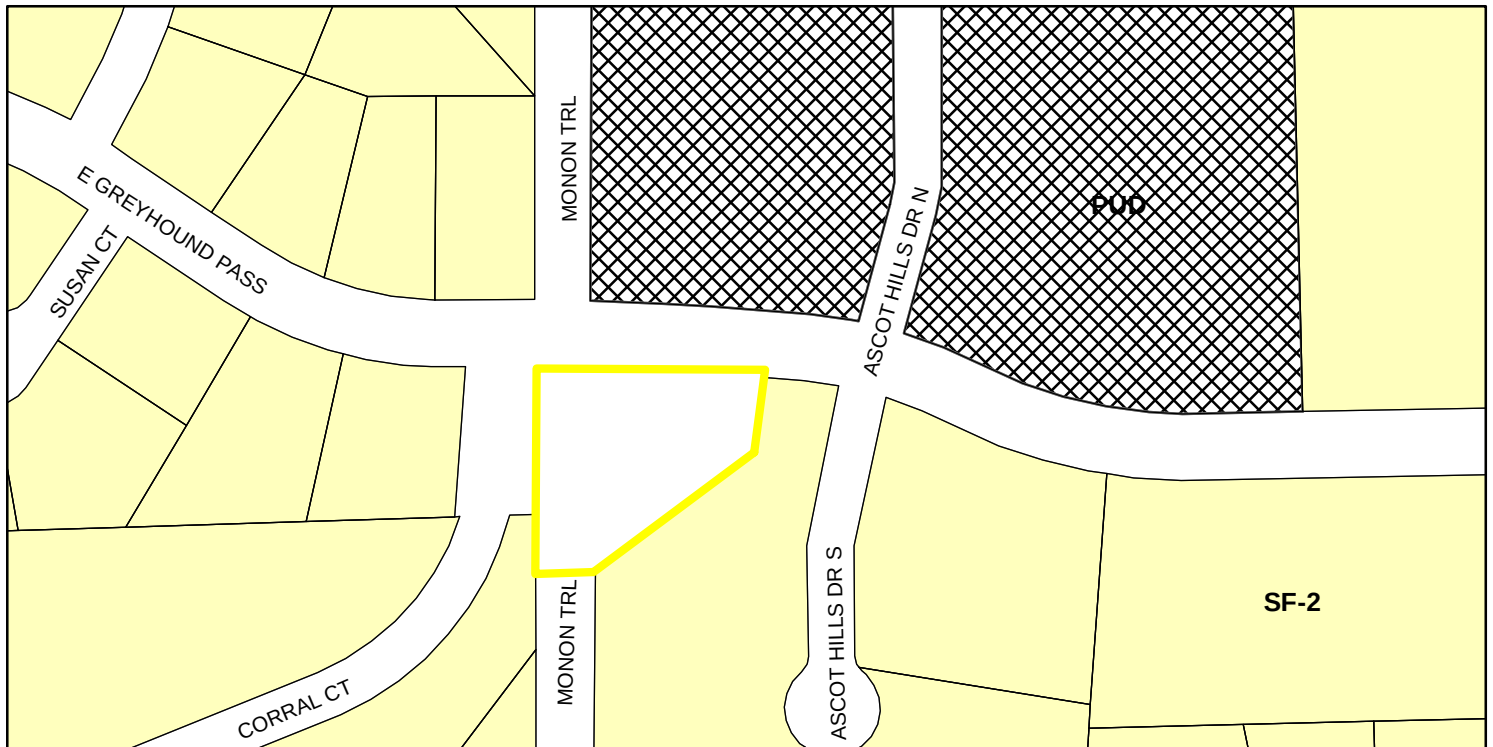
Property Location Map
Trailhead Kiosk
1805-VS-08



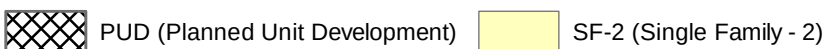
Aerial Location Map



Zoning Map



Zoning



Proposed Kiosk Location

Legend

-  Kiosk
-  Monon Trail at Greyhound Pass

Trail Kiosk 1

E Greyhound Pass

Coral Ct

Aspen Dr S

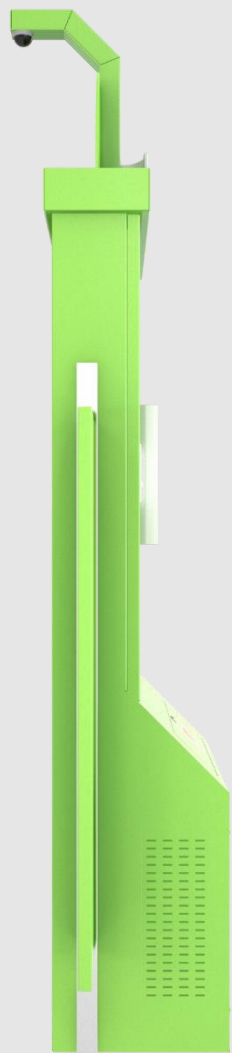
Google Earth

© 2018 Google



100 ft





The purpose of the kiosk is to provide security monitoring and information services to the trail users. Some primary general definitions are below:

- The kiosk shall provide security services that will enable our authorities with enhanced security, and real-time analytics.
- The kiosk will enable trail users access to emergency services such as AED's and first aid, for cardiac arrest incidents, with the assistance of 911 dispatch.
- The kiosk shall be able to emit emergency alerts in audible and visual form such as but not limited to: amber alerts, silver alerts, presidential alerts, weather related alerts, and all other life safety pertinent information
- Kiosk shall provide information and wayfinding for visitors by means of but not limited to: mapping, GIS, GPS services, and other location based technology
- Kiosk shall provide local business advertising with the form of but not limited to: digital coupons, social media, SMS, MMS, messages, and other forms of strategic marketing
- The City reserves the right to use Kiosk user data for marketing and advertising purposes. Use of the kiosk by an individual agrees to share this data
- Kiosk shall provide an interactive touchscreen that will be set on a time zone, and the digital screen will only be operational during open trail hours, and emit a very low light message at night stating the trail is closed.
- The Kiosk shall provide minimal assistance services with dispatch and camera security features after hours. All other features will be disabled until the park/trail is within operating hours
- The kiosk are set to only be on public right away property and or trail easement property. No personal property is defined at this time.











VE4080AL

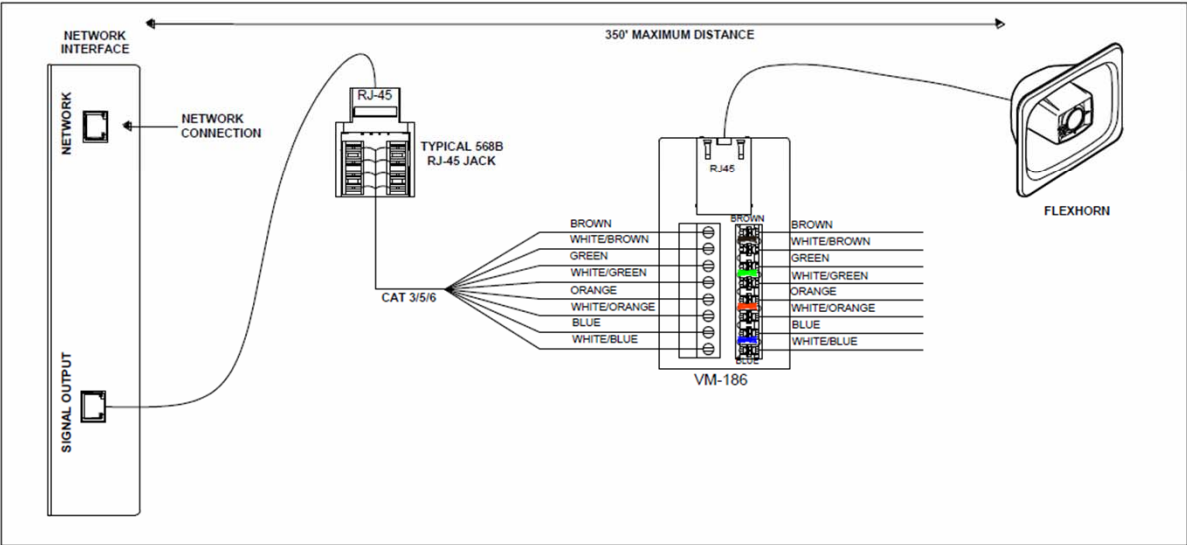
One-Way Flexhorn

Click on Tools, Sign, and Comment to access additional features.

n
n used in



Product List



VIP-172AL IP DoorPhone/Intercom

INTRODUCTION

VIP-172AL IP Talkback Doorphone/Intercom provides communication to Valcom FXS units (811, -812, -814) and SIP Based telephone systems via an IP-based network.

SPECIFICATIONS Installation Methods



VIP-172AL-BRASS
VIP-172AL-SS



VIP-172AL-VRSS



Network Interface

