



CITY OF WESTFIELD, IN
Board of Zoning Appeals Meeting Agenda - Tuesday,
11/14/2023

Tuesday, November 14, 2023 at 07:00 PM

BOARD OR COMMISSION: Board of Zoning Appeals (BZA)

MEETING DATE: Tuesday, November 14, 2023 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

Viewable online at: <https://www.youtube.com/user/CityofWestfieldIN>

Public input can be submitted in 1 of 2 ways:

- Submit comments via email to planners@westfield.in.gov (Include petition number in the subject line.)
- Attend the meeting at Westfield City Hall for an opportunity to participate and publicly comment on a public hearing.

Indiana law prohibits any person from communicating with Board of Zoning Appeals (BZA) members before the public hearing with the intent to influence the Board members on a matter pending before the Board.

OPENING OF MEETING

Documents: [Online viewable @ https://www.youtube.com/user/CityofWestfieldIN](https://www.youtube.com/user/CityofWestfieldIN)

Note the Presence of a Quorum

Approval of 2024 Schedule of BZA Meetings

Documents: [Exhibit 1: 2024 BZA Meeting Dates](#)

Announce Any Changes to the Agenda

Approval of Minutes

BZA Minutes - October 10, 2023

Documents: [BZA Minutes -October 10, 2023](#)

Review Rules & Procedures

ITEMS OF BUSINESS:

2311-VU-12 [PUBLIC HEARING]

518 E Main Street

Hoosier Motors, LLC by Church Church Hittle + Antrim

The Petitioner requests to extend an existing Variance of Use permitting automobile sales on 0.57 acres +/- in the SF3: Single-Family Medium Density District (Article 13.2) (Planner: Daine Crabtree - dcrabtree@westfield.in.gov)

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Recorded Acknowledgment of Variance 1601-VU-02](#)

2311-VS-26 [PUBLIC HEARING]

2929 Cork Court

Jason Miller by Homes by CM Watson

The Petitioner requests a Variance of Development Standard to encroach four (4) feet into the thirty (30) foot Minimum Rear Yard Setback to accommodate an attached garage addition on 0.49 acres +/- in the Oak Manor Planned Unit Development (PUD) District.

(Planner: Ryan Collingwood - rcollingwood@westfield.in.gov)

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Site Plan](#) | [Exhibit 4: Elevations](#) | [Exhibit 5: HOA Approval Letter](#)

2311-VS-27 [PUBLIC HEARING]

18332 Lakes End Court

Fox Pools of Indianapolis

The Petitioner requests a Variance of Development Standard to encroach eighteen (18) feet into the twenty-five foot Minimum Rear Yard setback on 0.36 acres +/- in the Andover Planned Unit Development (PUD) District to accommodate a swimming pool and deck.

(Planner: Lauren Gillingham - lgillingham@westfield.in.gov)

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

2311-VS-28 [PUBLIC HEARING]

19001 Crestview Court

Scott and Melinda Tierney

The Petitioners request Variances of Development Standard to modify Minimum Lot Area, Lot Frontage, and Front Yard setback standards for a legal nonconforming lot and to encroach sixteen (16) feet into the thirty (30) foot Minimum Side Yard setback to permit an attached addition on 0.46 acres +/- in the AG-SF1: Agriculture/Single-Family Rural District (Articles 4.2(C), 4.2(D), 4.2(E)(1)(b) & 4.2(E)(2)).

(Planner: Ryan Collingwood - rcollingwood@westfield.in.gov)

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

2311-VS-29 [PUBLIC HEARING]

15547 Hidden Oaks Lane

Outdoor Environments Group

The Petitioner requests a Variance of Development Standard to encroach eleven (11) feet into the forty (40) foot Minimum Rear Yard Setback on 0.48 acres +/- in the Bridgewater Planned Unit Development (PUD) District.

(Planner: Weston Rogers - wrogers@westfield.in.gov)

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

REPORTS/COMMENTS:

Plan Commission Liaison

Community Development Department

ADJOURNMENT



Westfield-Washington Township Board of Zoning Appeals (BZA)

Minutes of the Tuesday, October 10, 2023 BZA Meeting

Presented for approval: November 14, 2023

The Westfield-Washington Township Board of Zoning Appeals met at 7:00 p.m. on Tuesday, October 10, 2023 at Westfield City Hall.

Active Links for this meeting:

[October 10, 2023 BZA Agenda & Exhibits](#)

[October 10, 2023 BZA YouTube Video](#)

OPENING OF MEETING

[YouTube Time: 0:07](#)

ROLL CALL

BZA Members Present In-Person: Jeannine Fortier, Noble Hatfield, and Dave Schmitz.

BZA Members Present Virtually: None.

BZA Members Absent: Jeff Boller.

BZA Member Resigning due to Council Seat Appointment: Victor McCarty.

City Staff Present: Daine Crabtree, Senior Planner; Lauren Gillingham, Senior Planner; and Ryan Collingwood, Associate Planner.

City Staff Present Virtually: None

Legal Counsel Present Virtually: Ashley Ulbricht with Taft Stettinius & Hollister LLP.

APPROVAL OF MINUTES

Fortier motioned to approve the September 12, 2023 Minutes.

Hatfield seconded. Motion passed. Vote 3-0.

REVIEW RULES AND PROCEDURES

Crabtree reviewed BZA rules and procedures.

ITEMS OF BUSINESS

2310-VU-11 [PUBLIC HEARING]

[YouTube Time: 3:18](#)

18 East State Road 32

Suffolk Properties, LLC by Joseph Lese

The Petitioner requests a Variance of Use to permit indoor auto sales on 1.87 acres +/- in the EI: Enclosed Industrial District (Article 13.2).

(Planner: Lauren Gillingham – lgillingham@westfield.in.gov)

Staff presentation / BZA questions / Staff & Petitioner responses.

Public Hearing for 2310-VU-11 opened at 7:09 p.m.

- No public comments.

Public Hearing for 2310-VU-11 closed at 7:10 p.m.

Fortier motioned to approve 2310-VU-11 subject to the recommended conditions stated in the motion.

Hatfield seconded. Motion passed. Vote 3-0.

Schmitz motioned to adopt Staff's Findings of Fact for the approval of 2310-VU-11.

Fortier seconded. Motion passed. Vote 3-0.

Agendas and minutes for all City meetings are updated and available at the City's website.

Website: www.westfield.in.gov | Community Development Department E-mail: community@westfield.in.gov

2310-VS-23 [PUBLIC HEARING]

[YouTube Time: 12:44](#)

1426 Midland Main Street

Estridge Development Management, LLC

The Petitioner requests a Variance of Development Standard to permit a residential wall sign on 1.03 acres +/- in the Ackerson Farm PUD District.

(Planner: Daine Crabtree – dcrabtree@westfield.in.gov)

Staff presentation / Petitioner presentation / BZA questions / Staff & Petitioner responses.

Public Hearing for 2310-VS-23 opened at 7:26 p.m.

- No public comments

Public Hearing for 2310-VS-23 closed at 7:29 p.m.

BZA questions / Petitioner responses.

Hatfield motioned to approve 2310-VS-23 subject to the recommended conditions stated in the motion.

Fortier seconded. Motion passed. Vote 3-0.

Schmitz motioned to adopt Staff's Findings of Fact for the approval of 2310-VS-23.

Fortier seconded. Motion passed. Vote 3-0.

2310-VS-25 [PUBLIC HEARING]

[YouTube Time: 32:08](#)

1019 E 199th Street

Michelle & Samuel Kim by Land Development Services

The Petitioner requests Variances of Development Standard to modify Minimum Lot Area and Minimum Lot Frontage standards for a legal, nonconforming Lot and to permit an Accessory Structure larger than the Principal Building on 2.07 acres +/- in the AG-SF1: Agricultural/Single-Family Rural District (Articles 4.2(C), 4.2(D), 6.1(B)(2), and 6.1(F).

(Planner: Ryan Collingwood – rcollingwood@westfield.in.gov)

Staff presentation / Petitioner presentation.

Public Hearing for 2310-VS-25 opened at 7:43 p.m.

- No public comments.
- Four submitted comments prior to the meeting.

Public Hearing for 2310-VS-25 closed at 7:46 p.m.

BZA questions / Petitioner responses.

Hatfield motioned to approve 2310-VS-25 subject to the recommended conditions stated in the motion.

Fortier seconded. Motion passed. Vote 3-0.

Schmitz motioned to adopt Staff's Findings of Fact for the approval of 2310-VS-25.

Fortier seconded. Motion passed. Vote 3-0.

ITEMS CONTINUED TO A FUTURE MEETING

No Continued Items.

REPORTS/COMMENTS:

[YouTube Time: 49:07](#)

- Plan Commission Liaison
- Community Development Department

ADJOURNMENT

Fortier motioned to adjourn the meeting. Hatfield seconded. Motion passed. Vote 3-0.

The meeting adjourned at 7:53 p.m.

Agendas and minutes for all City meetings are updated and available at the City's website.

Website: www.westfield.in.gov | Community Development Department E-mail: community@westfield.in.gov

Signature Page for BZA Minutes for October 10, 2023

Chairperson
Dave Schmitz

Secretary
Kevin M. Todd, AICP
Director



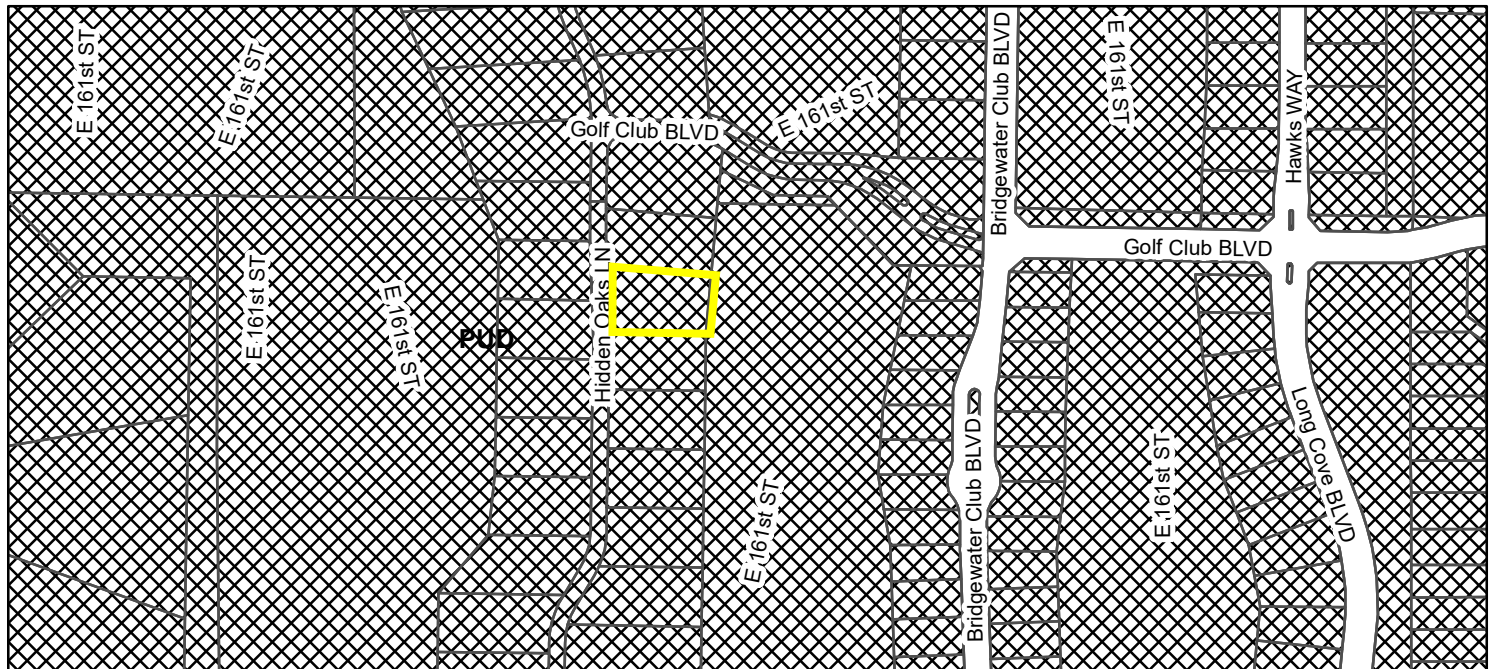
Property Location Map
15547 Hidden Oaks Court
Variance of Development Standard
2311-VS-29



Aerial Location Map



Zoning Map



Parcel Zoning
Zoning - All  PUD (Planned Unit Development)



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

November 14, 2023

2311-VS-29

Exhibit 1

Petition Number: 2311-VS-29

Subject Site Address: 15547 Hidden Oaks Lane (The "Property")

Property Owner: Jennifer & Steven Oleksiw

Petitioner: Chris Garvin, Outdoor Environments Group (The "Petitioner")

Request: The Petitioner requests a Variance of Development Standard to encroach eleven (11) feet into the forty (40) foot Minimum Rear Yard Setback for the construction of a swimming pool on 0.48 acres +/- in the Bridgewater PUD District.

Current Zoning: Bridgewater PUD (Ord. 06-49)

Current Land Use: Residential

Approximate Acreage: 0.48 acres+/-

Exhibits:

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

Staff Reviewer: Weston Rogers, Associate Planner

OVERVIEW

Location: The subject Property is 0.48 acres +/- in size and is located at 15547 Hidden Oaks Lane (see **Exhibit 2**). The Property is currently zoned Bridgewater PUD. The surrounding properties are also zoned Bridgewater PUD.

Variance Request: The Petitioner is requesting a Variance of Development Standard to encroach eleven (11) feet into the forty (40) foot Minimum Rear Yard Setback as further described herein.

SUMMARY OF VARIANCE

The Property is currently subject to Zoning Standards for Bridgewater PUD District as set forth in Ordinance 06-49. The zoning sets forth a minimum rear yard setback line of forty (40) feet. The Petitioner is requesting this variance to encroach eleven (11) feet into the forty (40) foot Minimum Rear Yard Setback to accommodate a swimming pool, as illustrated on the Site Plan (see **Exhibit 3**).

COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan (The "Plan") identifies the property within the "Existing Suburban" land use classification¹. The vision for the Suburban Residential classification is

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

contemplated for future residential growth of the community, generally to the west and north of the Existing Suburban area.²

The Existing Suburban classification is designed to accommodate detached dwellings, attached dwellings, institutional uses, and recreational uses³. The Plan also contemplates Existing Suburban to:

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

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Development Standard. This petition is scheduled to receive its public hearing at the November 14, 2023, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

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

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

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

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

³ Pages 38-39 of the Westfield and Washington Township Comprehensive Plan; Chapter 2; Land Use Plan; New Suburban.

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

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



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

November 14, 2023

2311-VS-29

Exhibit 1

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

DEPARTMENT COMMENTS

Approval: If the Board is inclined to approve the Variance of Standard (2311-VS-29), then the Department recommends the findings as set forth below, for the variance:

Recommended Conditions of Approval:

1. **That 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 Community Development Department;**
2. **That the variance is applicable only to the swimming pool and hardscape as generally illustrated on the site plan. The swimming pool specifically shall be installed in substantial conformance with the site plan as determined by the Director of the Westfield Department of Community Development.**

Recommended Findings for Approval:

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

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

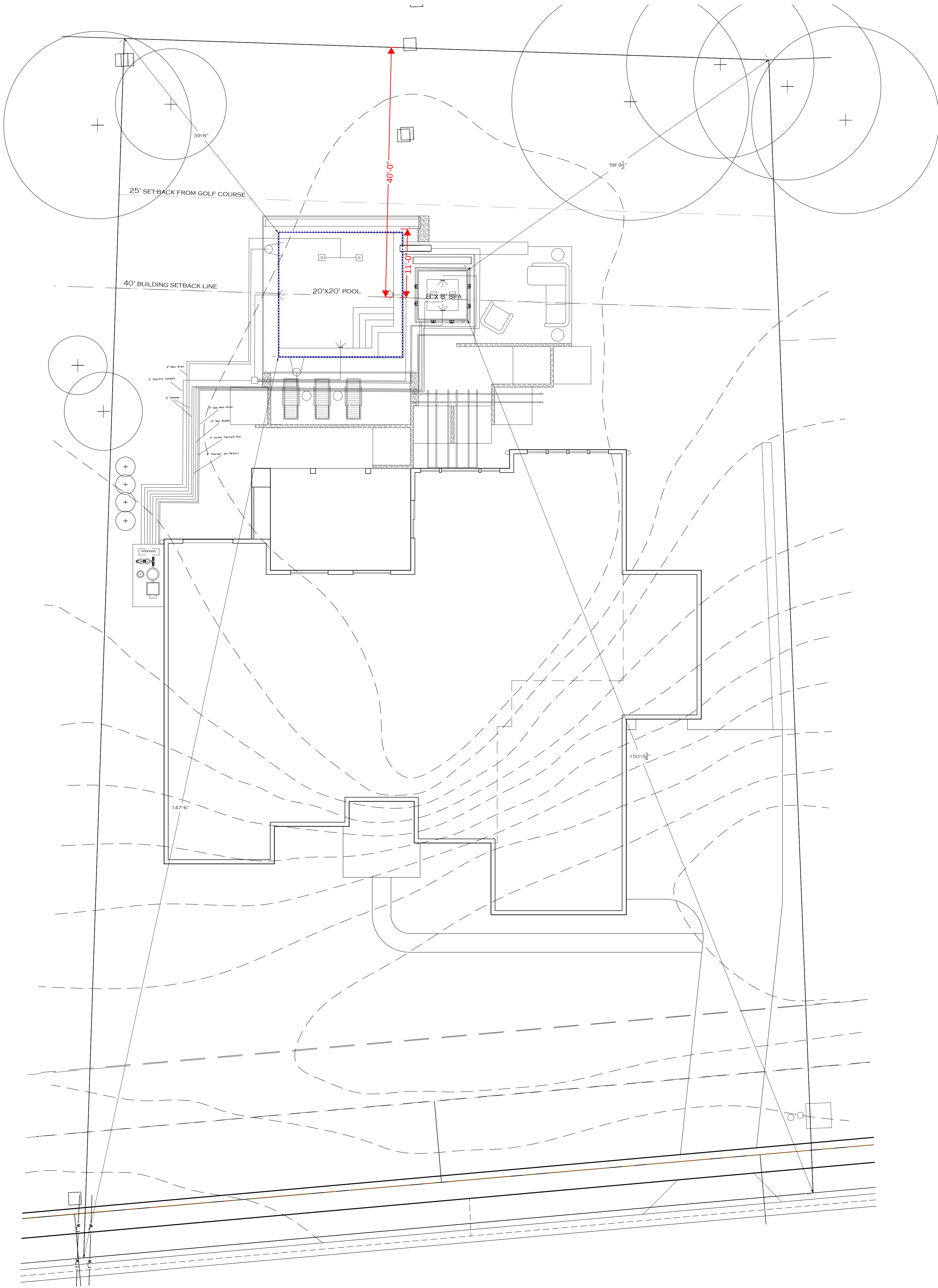
- 2) *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:*

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

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

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

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.



PHYSICAL DESCRIPTION OF PROPOSED POOL

- POOL TYPE: INGROUND, RESIDENTIAL 0
POOL PERIMETER: 80'-0"
POOL AREA: 400 SQUARE FEET
MAXIMUM WATER DEPTH: 4'-6"
MINIMUM WATER DEPTH: 4'-6"
WATERLINE DEPTH: 0'-6"
- THE PROPOSED POOL SHALL BE CONSTRUCTED WITH SHOTCRETE FLOOR AND WALLS.
-AN AUTOMATIC SAFETY COVER SHALL BE THE 'ECLIPSE' MODEL FROM COVERSTAR, TO INCLUDE STAINLESS STEEL TRACK FOR HYDRAULIC COVER AND SHALL BE HIDDEN BENEATH THE COPING.
- TRACK WIDTH AND LENGTH: 20' X 20'
- UNIT TYPE: UNDERGUIDE
- FABRIC AND ROPE: ULTRA GUARD 3
- POWER: STANDARD ELECTRIC
- THERE SHALL BE 6 INCHES OF TILE INSTALLED BELOW THE COVER TRACK AROUND THE PERIMETER OF THE POOL.
-THE INTERIOR FINISH OF THE POOL SHALL BE ECO FINISH.
-SPA EQUIPMENT LOCATION IS NEXT TO OTHER EXTERIOR UTILITIES ON THE SOUTH SIDE OF THE HOME. THE PAD IS 10' X 5' FOR A TOTAL OF 50 SF.
-POOL SHALL HAVE A 1'-6" BENCH FOR EGRESS ALONG TWO SIDES.
-GROUNDING LOOP SYSTEM SHALL BE A 2' CONTINUOUS BONDING GRID OF #4 REBAR AT 12" ON CENTER IN BOTH DIRECTIONS.

PHYSICAL DESCRIPTION OF PROPOSED SPA

- SPA TYPE: INGROUND, RESIDENTIAL 0
SPA PERIMETER: 32'-0"
SPA AREA: 64 SQUARE FEET
MAXIMUM WATER DEPTH: 3'-6"
MINIMUM WATER DEPTH: 1'-6"
WATERLINE DEPTH: 0'-6"
- THE PROPOSED SPA SHALL BE CONSTRUCTED WITH SHOTCRETE FLOOR AND WALLS.
-AN AUTOMATIC SAFETY COVER SHALL BE THE 'ECLIPSE' MODEL FROM COVERSTAR, TO INCLUDE STAINLESS STEEL TRACK FOR HYDRAULIC COVER AND SHALL BE HIDDEN BENEATH THE COPING.
- TRACK WIDTH AND LENGTH: 8' X 8'
- UNIT TYPE: UNDERGUIDE
- FABRIC AND ROPE: ULTRA GUARD 3
- POWER: STANDARD ELECTRIC
- THERE SHALL BE 6 INCHES OF TILE INSTALLED BELOW THE COVER TRACK AROUND THE PERIMETER OF THE SPA.
-THE INTERIOR FINISH OF THE SPA SHALL BE ECO FINISH.
-SPA EQUIPMENT LOCATION IS NEXT TO OTHER EXTERIOR UTILITIES ON THE SOUTH SIDE OF THE HOME. THE PAD IS 10' X 5' FOR A TOTAL OF 50 SF.
-SPA SHALL HAVE A 1'-6" BENCH FOR EGRESS ALONG ALL SIDES.
-GROUNDING LOOP SYSTEM SHALL BE A 2' CONTINUOUS BONDING GRID OF #4 REBAR AT 12" ON CENTER IN BOTH DIRECTIONS.

OEG | OUTDOOR ENVIRONMENTS GROUP

DESIGN • BUILD • NURTURE • SWIM

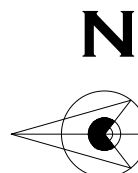
WWW.OEGGROUP.COM
4929 ROBISON ROAD
INDIANAPOLIS, IN 46268
317.292.9776

PREPARED FOR:
OLEKSIW RESIDENCE

PP - OVERALL SITE PLAN

SITE ADDRESS:
15547 HIDDEN OAKS LN
CARMEL, IN 46038

SHEET: L-01
SOURCE DOCUMENT: STOEPPELWERTH
DATE: 10.05.2023
REV. DATE:
CONTRACT #:
DRAWN BY: ORB
SCALE: 1/4" = 1'-0"



Copyright 2023 Outdoor Environments Group. All rights reserved. There shall be no reproductions of a portion or entirety of this work, its technical aspects or creative content without the expressed written consent of Outdoor Environments Group.

Note: This drawing is a conceptual design for planning purposes only, it is not a construction document. All locations & field placements to be verified by Outdoor Environments Group.



Petition Number: 2311-VS-27

Subject Site Address: 18332 Lakes End Ct (the "Property")

Petitioner: Jerry Kruzich, Fox Pools, on behalf of Matt Lewis (the "Petitioners")

Request: The Petitioners requests a Variance of Development Standard to encroach fifteen (15) feet into the twenty-five (25) foot Minimum Rear Yard Setback to accommodate the installation of a swimming pool in the Andover PUD District.

Current Zoning: Andover PUD District

Current Land Use: Residential

Approximate Acreage: 0.36 acres +/-

Exhibits:

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

Staff Reviewer: Lauren Gillingham, AICP, Senior Planner

PROPERTY INFORMATION & BACKGROUND

The subject Property is 0.36 acres +/- in size and located at 18332 Lakes End Ct. in the Lakes at Grassy Branch subdivision (**Exhibit 2**). The Property's zoning classification is the Andover PUD District (*Ord. 03-40*).

REQUEST FOR VARIANCE

The Andover PUD sets forth a minimum Rear Yard Setback of twenty-five (25) feet for the property. As previously mentioned, the Petitioner requests a variance from *Andover Planned Unit Development (Ord. 03-40)*, *Exhibit 7 - Min. Rear Yard Setback* to encroach fifteen (15) feet into the twenty-five (25) foot Minimum Rear Yard Setback for a swimming pool and pool deck as illustrated on the Site Plan (see **Exhibit 3**).

The PUD and its underlying zoning permit pool decks to encroach into setbacks but not the pool structure itself, limiting the buildable area and making it difficult to design a pool that meets the standards of both the zoning district and the Indiana Swimming Pool Code. The improvements meet all other setbacks and do not encroach into any easements.



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 November 14, 2023, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals Rules of Procedure.

Conditions: The UDO 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 benefitted by 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.

Acknowledgment of the Variance: If the Board of Zoning Appeals approves this petition, then the UDO requires the approval of the variance shall be memorialized in an acknowledgment of variance instrument prepared by Department. The acknowledgment 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 the 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 acknowledgment 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.

COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan (The “Plan”) identifies the property within the “Existing Suburban” land use classification¹. The vision for the Suburban Residential classification is contemplated for future residential growth of the community, generally to the west and north of the Existing Suburban area.²

The Existing Suburban classification is designed to accommodate detached dwellings, attached dwellings, institutional uses, and recreational uses³. The Plan also contemplates Existing Suburban to:

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

DEPARTMENT COMMENTS

If the Board is inclined to approve 2311-VS-27, the Department recommends the following findings and conditions:

Recommended Findings for Variance of Development Standard (2311-VS-27):

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

Finding: It is unlikely that approving the requested variance would be injurious to the public health, safety, morals, and general welfare of the community because the existing use and

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

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

³ Pages 38-39 of the Westfield and Washington Township Comprehensive Plan; Chapter 2; Land Use Plan; New Suburban.

proposed improvements will otherwise comply with the applicable standards of the Andover PUD District.

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

Finding: It is unlikely that the use and value of adjacent property will be affected in a substantially adverse manner. The use of the Property will not change and swimming pools are expected improvements within single-family detached residential neighborhoods. In addition, a number of surrounding homeowners have recently building pools or otherwise expanded their outdoor living spaces.

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 being unable to have a pool, reducing their enjoyment of the property.

Recommended Conditions:

- That the Property be developed in substantial compliance with the Site Plan (**Exhibit 3**).
- That the design standards variance shall apply only to the improvements shown in **Exhibit 3** and that future improvements conform to all applicable setbacks.
- That the Petitioner record an acknowledgement of this approval with the Hamilton County Recorder's Office and return a copy of the recorded instrument to the Community Development Department

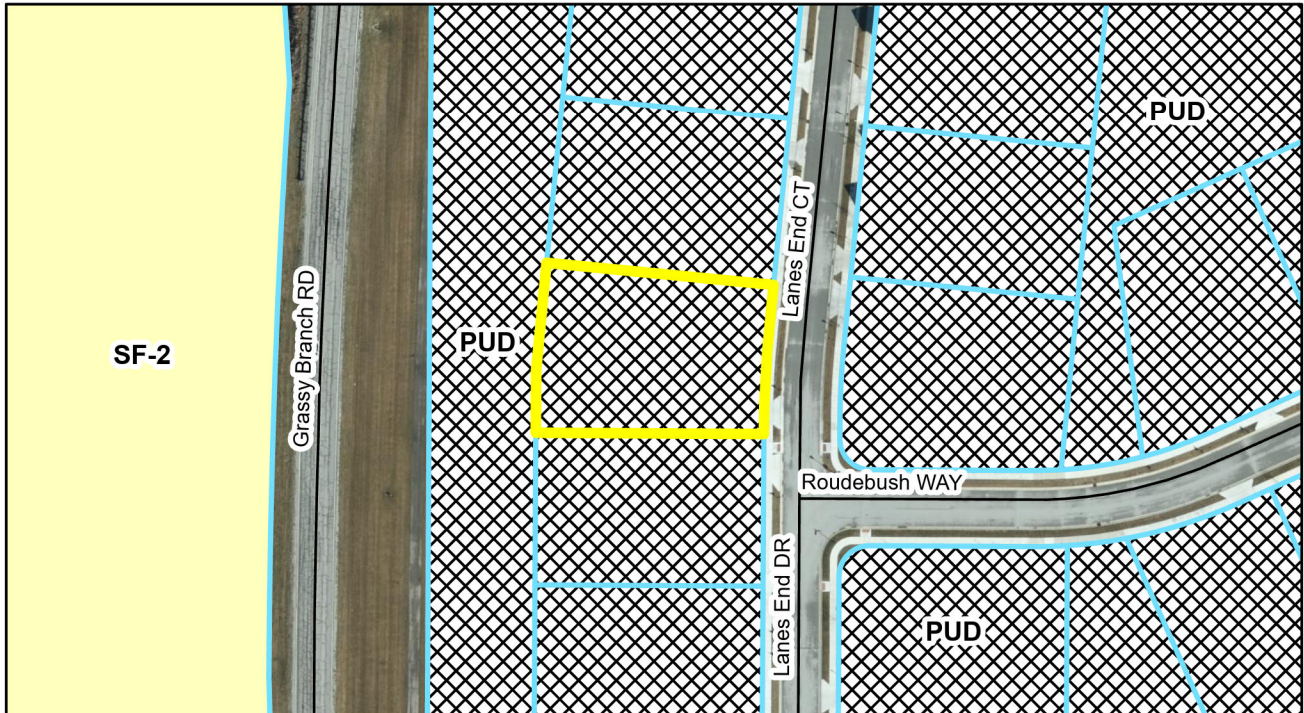
Denial: If the Board is inclined to reject or deny the Variance of Development Standard, then the Department recommends denying the Variance of Development Standard, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant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



Aerial Location Map



Zoning Map



Legend

 Subject Parcel

0 0.01 0.02 0.04 Miles



PREPARED FOR: LEWIS

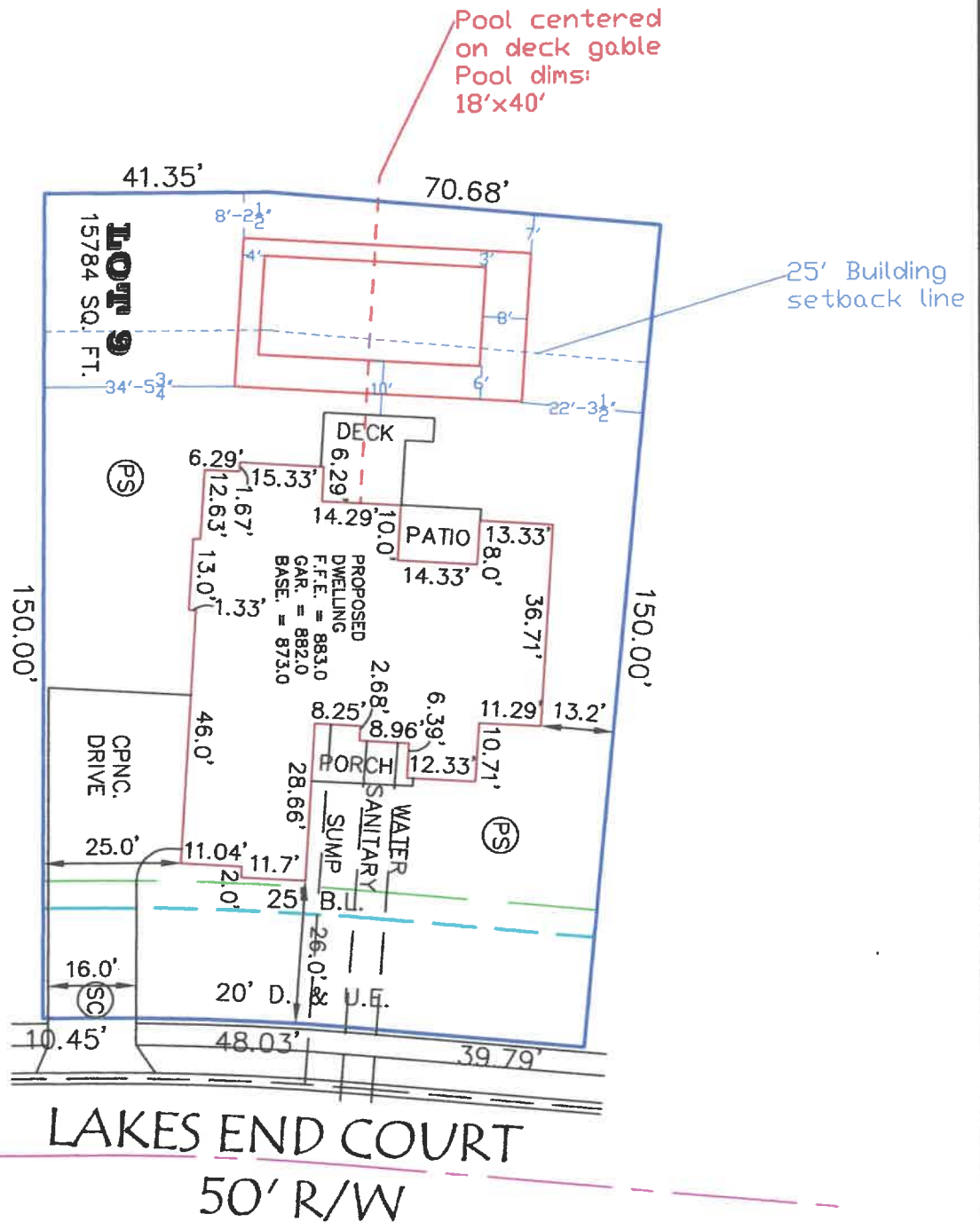
PROPOSED SQ. FT. POOL:

ADDRESS:

PROPOSED SQ. FT. POOL DECK:

DRAWING SCALE: 1:30

DATE: 20/2/23



SCALE : 1" = 30'



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS
2024 SCHEDULE OF MEETINGS AND FILING DATES

MEETING MONTH	FILING DEADLINE	BOARD OF ZONING APPEALS MEETING
	Friday Noon	Tuesday 7:00 PM
JANUARY	12/15/23	01/23/24
FEBRUARY	01/19/24	02/13/24
MARCH	02/16/24	03/12/24
APRIL	03/15/24	04/09/24
MAY	04/19/24	05/14/24
JUNE	05/17/24	06/11/24
JULY	06/14/24	07/09/24
AUGUST	07/19/24	08/13/24
SEPTEMBER	08/16/24	09/10/24
OCTOBER	09/13/24	10/08/24
NOVEMBER	10/18/24	11/12/24
DECEMBER	11/15/24	12/10/24
JANUARY	12/13/24	01/14/25

**Dates in red are scheduled for a different day due to a conflict.*

Tentative Dates - All Need BZA Approval
Approval of this schedule is an item on the November 14, 2023 BZA agenda.



Petition Number: 2311-VS-26

Subject Site Address: 2929 Cork Court (the "Property")

Petitioner: Jason Miller (the "Petitioner")

Representative: Homes by CM Watson (the "Representative")

Request: The Petitioner requests a Variance of Development Standard to encroach four (4) feet into the thirty (30) foot Minimum Rear Yard setback to accommodate an attached garage addition on 0.49 acres +/- in the Oak Manor Planned Unit Development (PUD) District.

Current Zoning: Oak Manor PUD District ([Ord. 03-37](#))

Current Land Use: Residential

Approximate Acreage: .49 acres +/-

Exhibits:

1. Staff Report
2. Location Map
3. Site Plan
4. Elevations
5. HOA Approval Letter

Staff Reviewer: Ryan Collingwood, Associate Planner

PROPERTY INFORMATION & BACKGROUND

The subject Property is .49 acres +/- in size and located at 2929 Cork Court, as seen in the Location Map (**Exhibit 2**). The Property's zoning classification is the Oak Manor PUD District.

Upon the Property currently exists a Single-Family Detached residence (the "Residence"). Based on aerial snapshots, the Residence appears to have been fully constructed between 2016 and 2017.

REQUEST FOR VARIANCE

The Oak Manor PUD District standards set forth a minimum Rear Yard Setback of thirty (30) feet for the property. The Petitioner is requesting this variance to encroach four (4) feet into the Minimum Rear Yard Setback to accommodate an attached garage addition, as illustrated on the Site Plan (**Exhibit 3**) and Elevations (**Exhibit 4**), respectively.



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 November 14, 2023, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

Conditions: The UDO 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 benefitted by 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.

Acknowledgment of the Variance: If the Board of Zoning Appeals approves this petition, then the UDO requires the approval of the variance shall be memorialized in an acknowledgment of variance instrument prepared by Department. The acknowledgment 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 the 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 acknowledgment 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.

COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan (The “Plan”) identifies the property within the “Existing Suburban” land use classification¹. The vision for the Suburban Residential classification is contemplated for future residential growth of the community, generally to the west and north of the Existing Suburban area.

The Existing Suburban classification is designed to accommodate detached dwellings, attached dwellings, institutional uses, and recreational uses. The Plan also contemplates Existing Suburban to:

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

DEPARTMENT COMMENTS

If the Board is inclined to approve 2311-VS-26, The Department recommends the following findings and conditions:

Recommended Findings for Variance of Development Standard (2311-VS-26):

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

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

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



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

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

Finding: Strict adherence to the zoning ordinance would have to result in an attached addition that does not encroach into the Rear Yard Setback of the Property. In result, the attached garage would not meet the needs of the Petitioner.

Recommended Conditions:

- That the attached garage be developed in substantial compliance with the Site Plan (**Exhibit 3**) and Elevations (**Exhibit 4**), and
- That the Petitioner record an acknowledgement of this approval with the Hamilton County Recorder's Office and return a copy of the recorded instrument to the Community Development Department

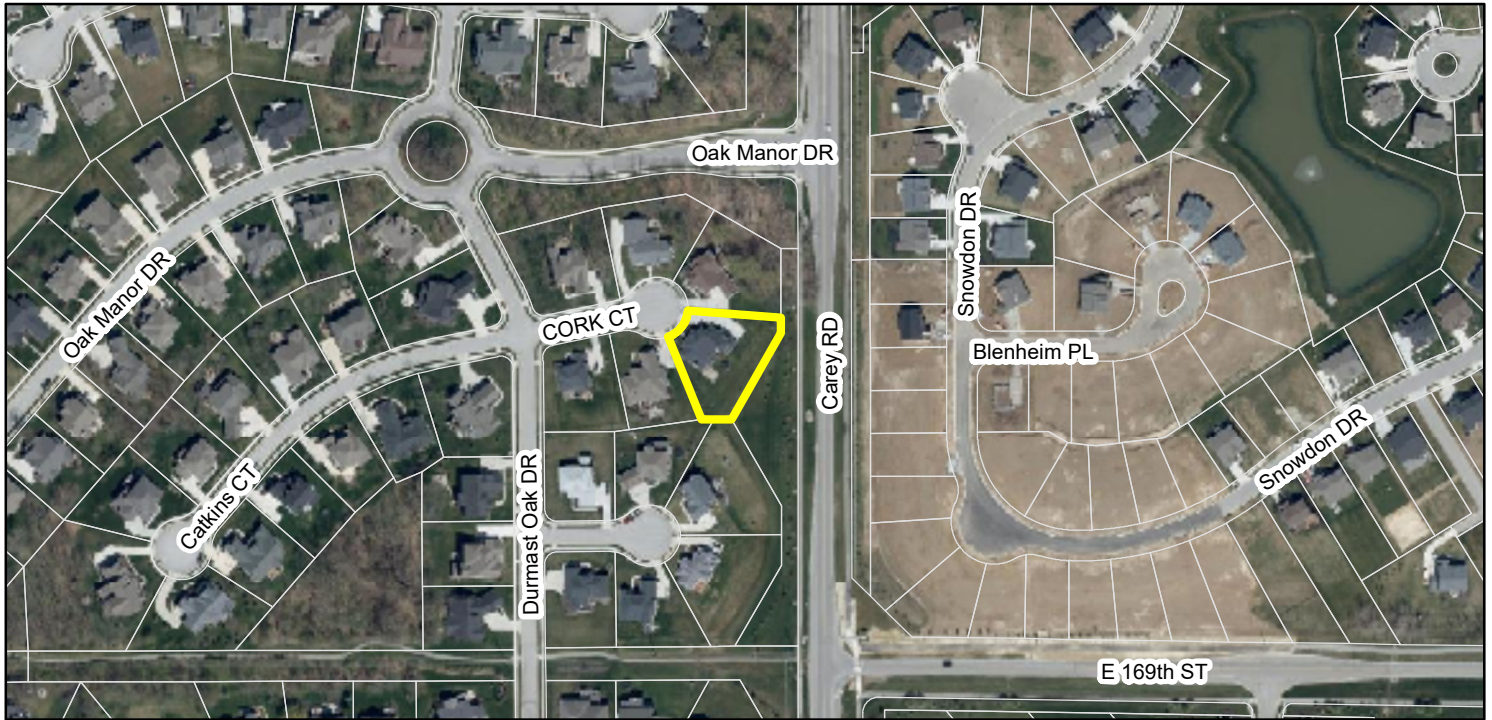
Denial: If the Board is inclined to reject or deny the Variance of Development Standard, then the Department recommends denying the Variance of Development Standard, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant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



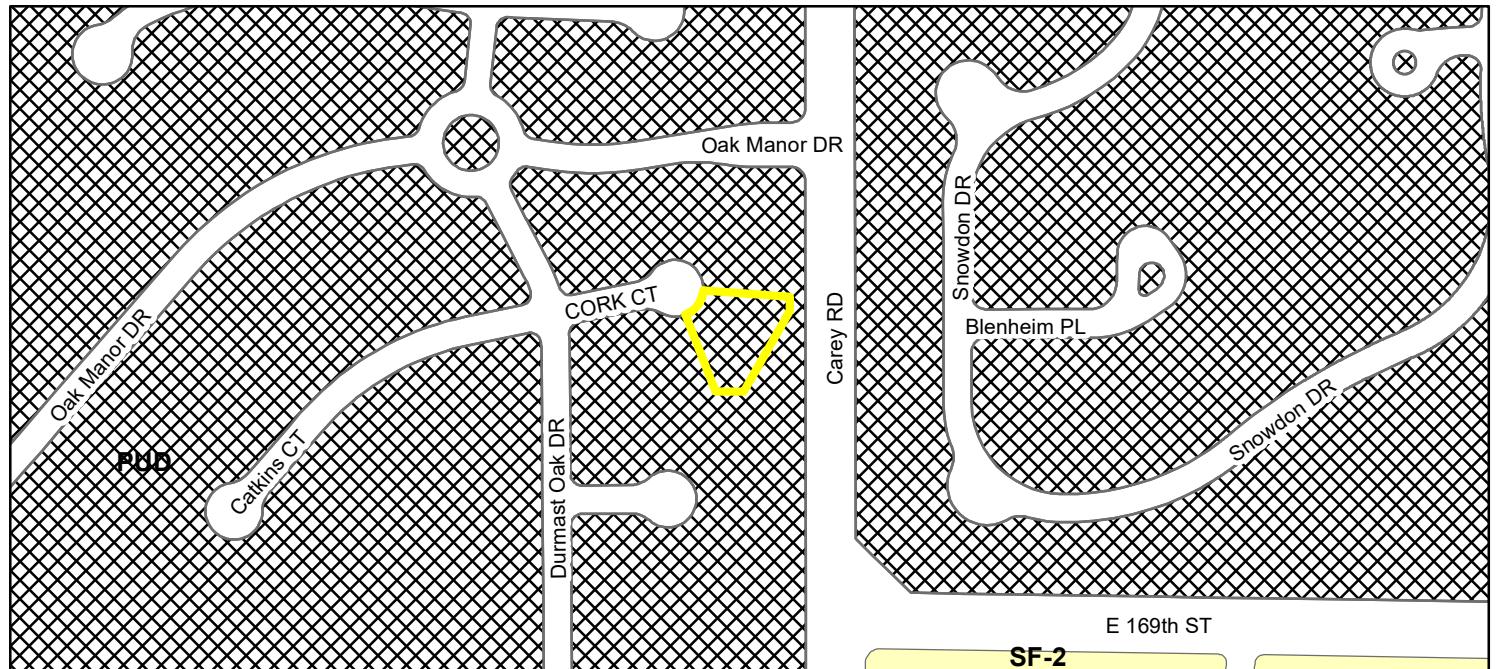
Property Location Map
2929 Cork Court
2311-VS-26



Aerial Location Map



Zoning Map



 SITE Zoning

 SF-2 (Single Family - 2)

 PUD (Planned Unit Development)

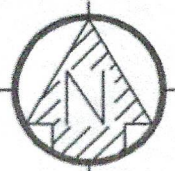
OAK MANOR

INST.#2012063917

LOT #256 - SECTION 4B

CITY OF WESTFIELD, INDIANA
2929 CORK COURT

1" = 30'



PLOT PLAN

PREPARED FOR

HEARTH & STONE BUILDERS

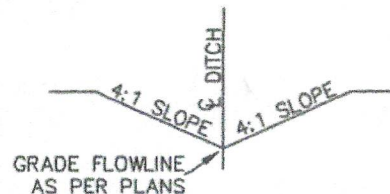
LOT SIZE: 21,476 SQ.FT.
CONC. DRIVEWAY: 2,071± SQ.FT.
PUBLIC WALK: 183± SQ.FT.
PRIVATE WALK: 80± SQ.FT.
SEEDING: 11,667± SQ.FT.
SOD: 492± SQ.YD.



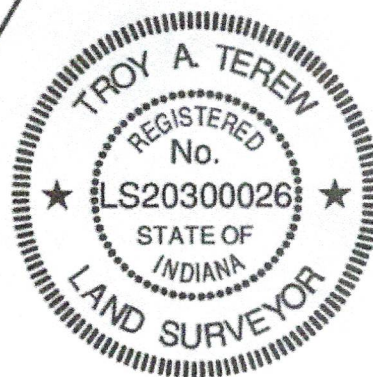
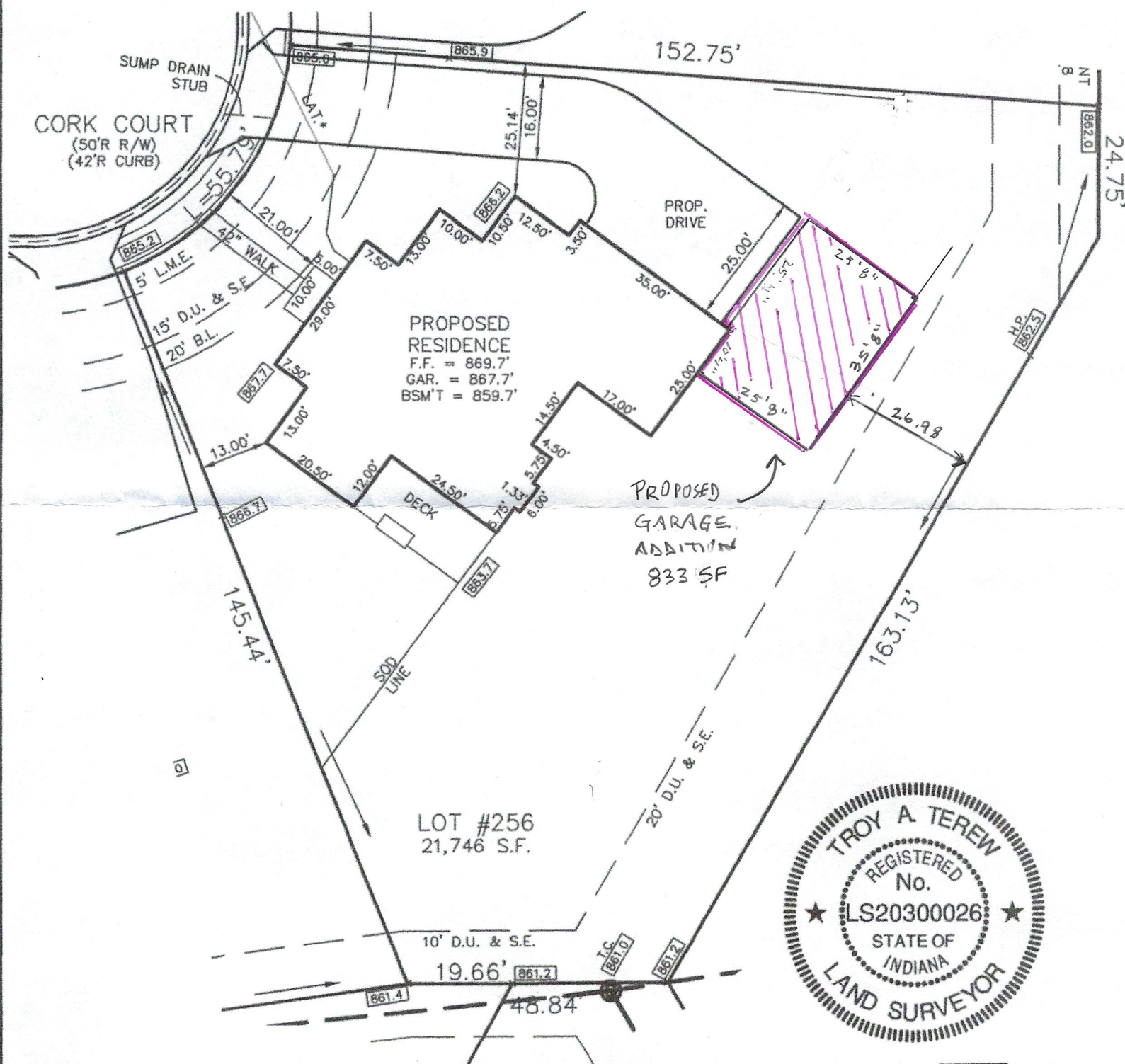
FRONT

DETAIL OF TYPICAL STORM
WATER FLOW PATTERN FOR
INDIVIDUAL LOTS

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



TYPICAL SWALE SECTION



T. A. T.

NOTE:

- DRIVE ENTRY TO CONFORM WITH CITY OF WESTFIELD STANDARDS
- THE LOCATIONS, DIMENSIONS, AND WIDTH ALONG THE PROPOSED PUBLIC SIDEWALK WERE SCALED OR TAKEN FROM ENGINEERING CONSTRUCTION PLANS PREPARED BY OTHERS OR AS PROVIDED.
- VERIFY SANITARY LATERAL LOCATION PRIOR TO CONSTRUCTION
- IT SHALL BE THE RESPONSIBILITY OF THE BUILDER/CONTRACTOR TO VERIFY THE BUILDING DIMENSIONS, BUILDING LOCATIONS, THE LOCATION OF OTHER PERTINENT FEATURES AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION. THE INTENDED USE OF THIS PLOT PLAN IS FOR SECURING BUILDING PERMITS ONLY AND SHALL NOT BE USED FOR ANY OTHER PURPOSE.

LEGEND

000.0 — EXISTING GRADE
000.0 — PROPOSED GRADE



**TRUE
NORTH**

"POINTING YOU IN THE RIGHT DIRECTION"

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

DRWN: TAT
JOB#: 15-536

DATE: 09/14/15
REV.:

SCALE: 1" = 30'

ZONED:
ZONING: 8' SIDE
30' REAR

F.F.E. HSE: 863.4'
F.F.E. GAR: 862.1'
F.F.E. BSM'T: 853.4'

© COPYRIGHT 2023 BY MCGINNIS DESIGN GROUP. ALL RIGHTS RESERVED. NO PART OF THIS PUBLICATION MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION RETRIEVAL SYSTEM, WITHOUT THE PERMISSION OF THE COPYRIGHT OWNER. ANY UNAUTHORIZED USERS WILL BE PROSECUTED TO THE FULLEST EXTENT OF THE LAW INCLUDING ANY LEGAL FEES INCURRED BY THE COPYRIGHT OWNER.

1980 East 116th Street
Suite 120c
Carmel, IN 46032
Nathan - 317.557.3518
Dean - 317.408.8999
www.mcginisdesigngroup.com



The Miller Residence
2929 Cork Ct.
Westfield, IN

Designed For:
The Waire Group

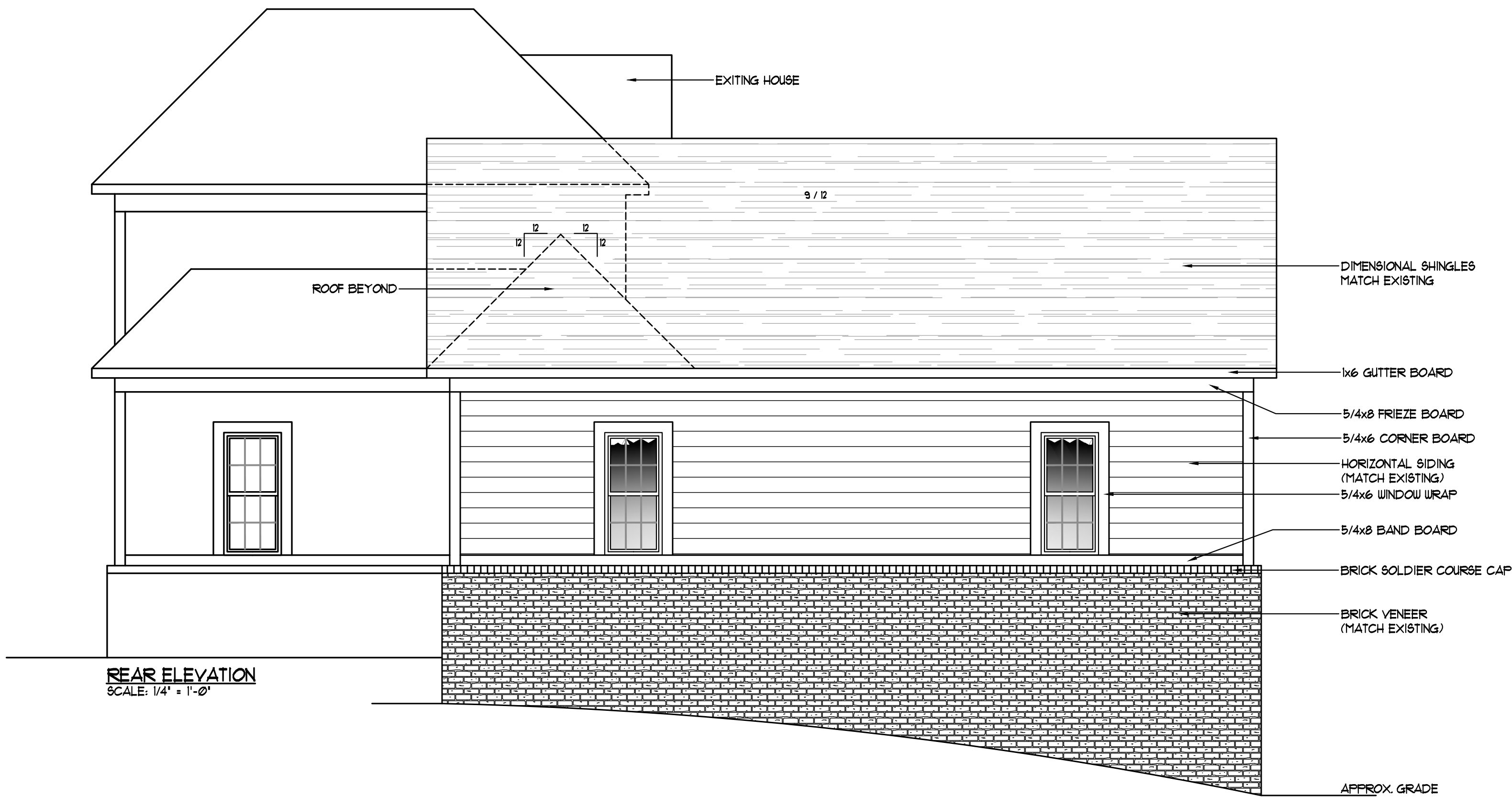
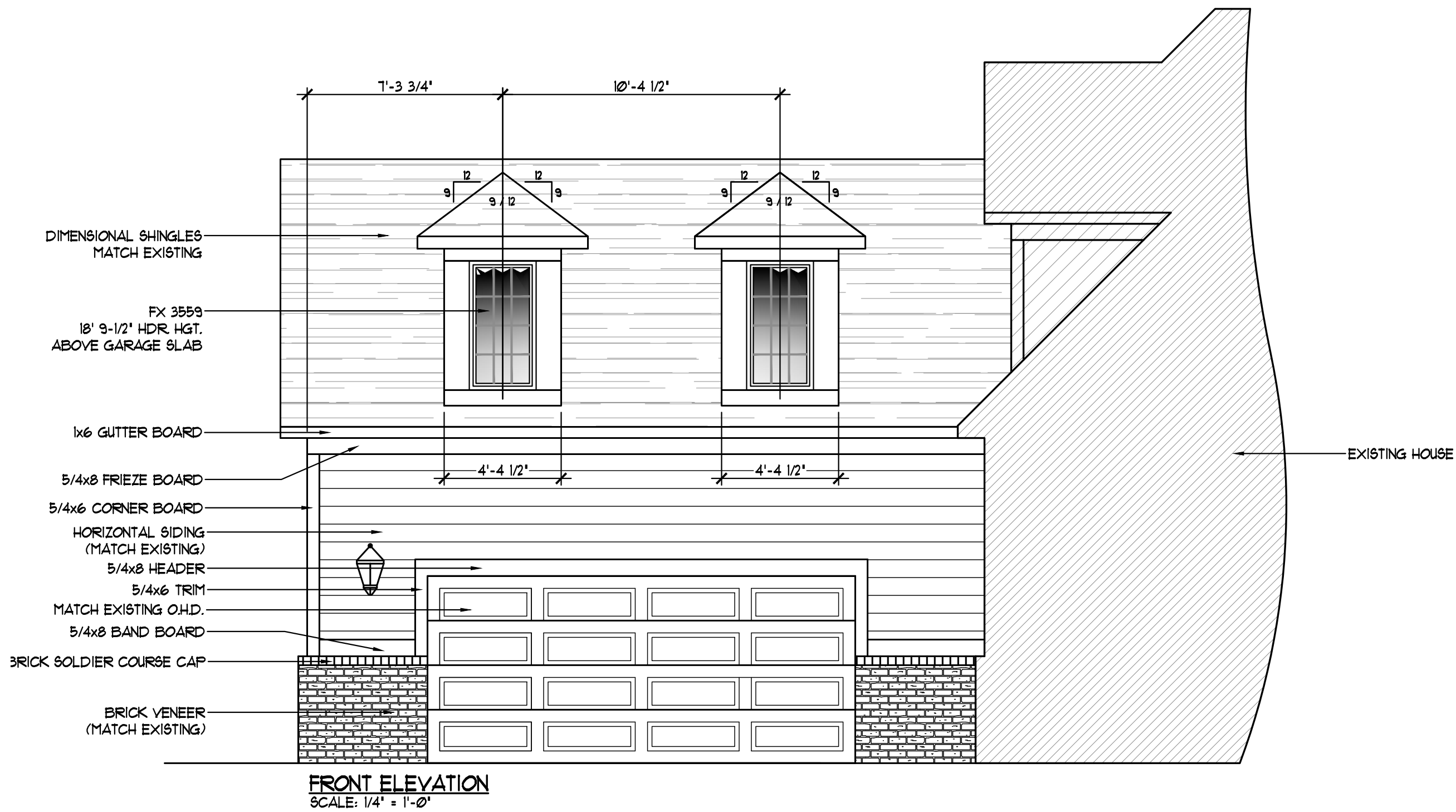
Scale:
1/4" = 1'-0"

Date
10.05.23

File Name:
filename.dwg

ALL STRUCTURAL ASPECTS OF THESE PLANS
TO BE VERIFIED BY BUILDER AND/OR GENERAL
CONTRACTOR. MCGINNIS DESIGN GROUP DOES NOT
WARRANT THE STRUCTURAL INTEGRITY OF PLANS.

SQUARE FOOTAGE
SPORT COURT SLAB = 833 SF



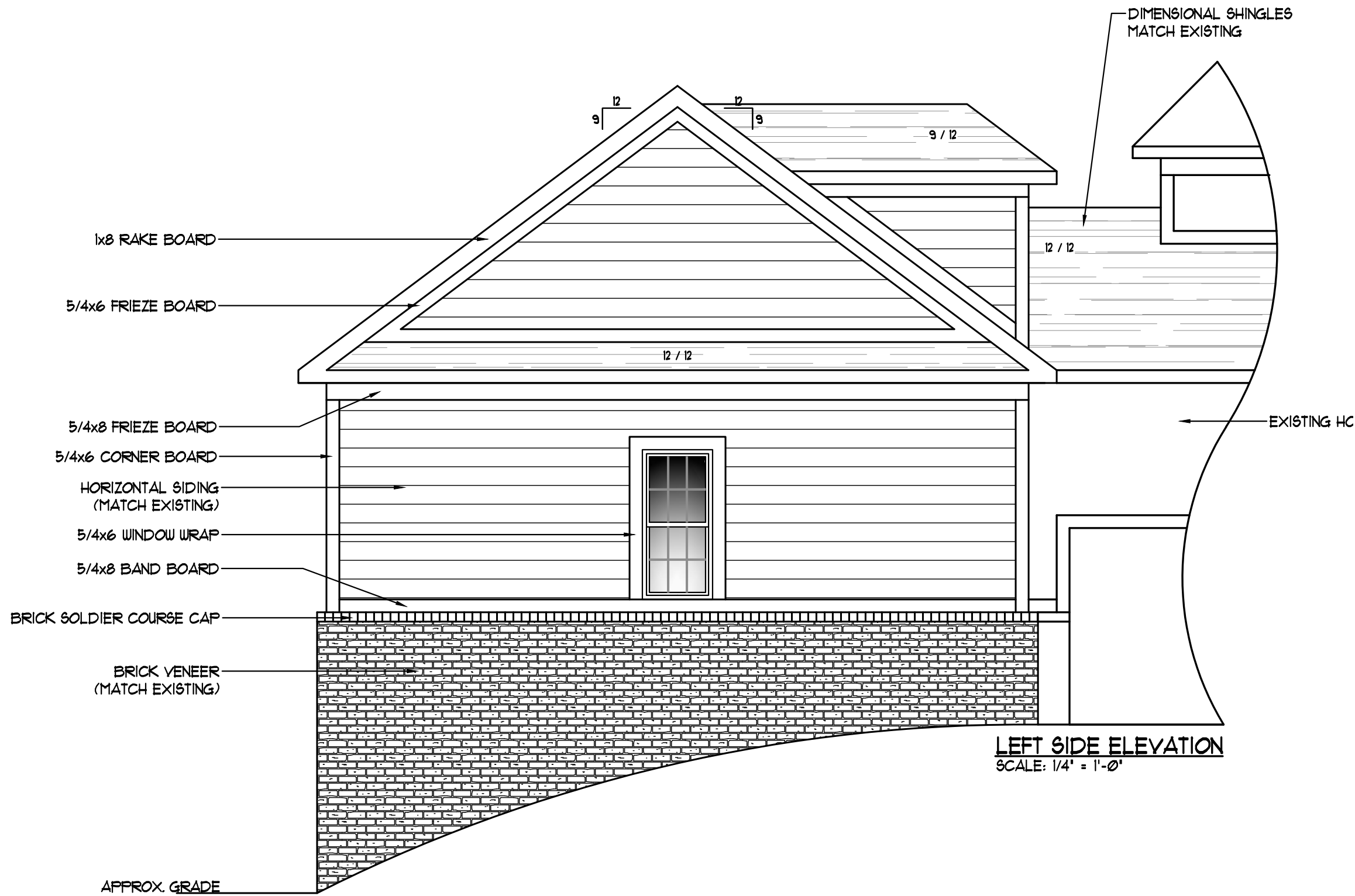
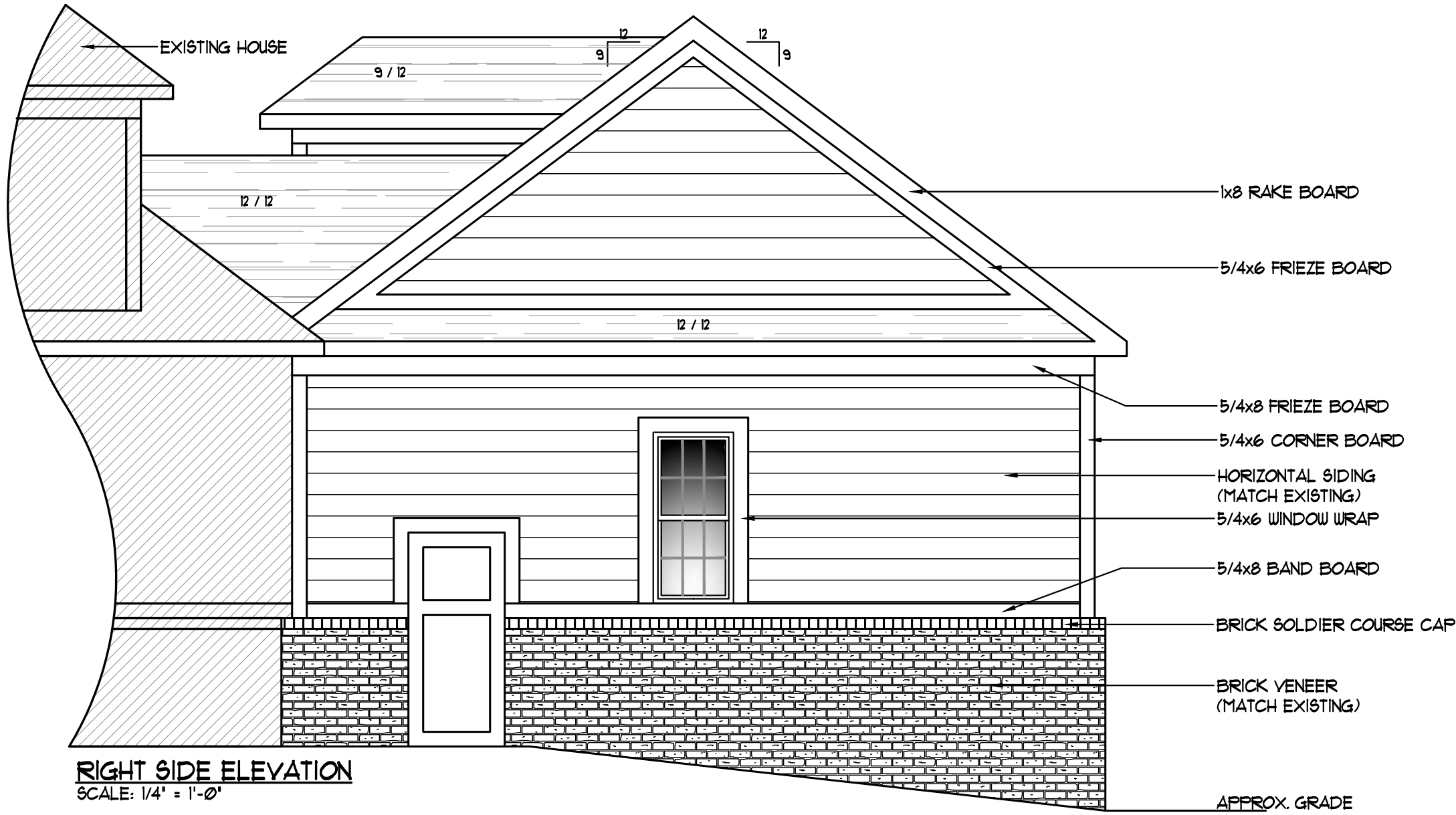
EXTERIOR ELEVATION
SCALE: 1/4" = 1'-0"

© COPYRIGHT 2023 BY MCGINNIS DESIGN GROUP. ALL RIGHTS RESERVED. NO PART OF THIS PUBLICATION MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION RETRIEVAL SYSTEM, WITHOUT THE PERMISSION OF THE COPYRIGHT OWNER. ANY UNAUTHORIZED USERS WILL BE PROSECUTED TO THE FULLEST EXTENT OF THE LAW INCLUDING ANY LEGAL FEES INCURRED BY THE COPYRIGHT OWNER.

1980 East 116th Street
Suite 120c
Carmel, IN 46032
Nathan - 317.557.3518
Dean - 317.408.8999
www.mcginnisdesigngroup.com

MDG

MCGINNIS DESIGN GROUP



EXTERIOR ELEVATION
SCALE: 1/4" = 1'-0"

ALL STRUCTURAL ASPECTS OF THESE PLANS TO BE VERIFIED BY BUILDER AND/OR GENERAL CONTRACTOR. MCGINNIS DESIGN GROUP DOES NOT WARRANT THE STRUCTURAL INTEGRITY OF PLANS.

SQUARE FOOTAGE
SPORT COURT SLAB = 833 SF

The Miller Residence

2929 Cork Ct.
Westfield, IN

Designed For:
The Waire Group

Scale:
1/4" = 1'-0"

Date
10.05.23

File Name:
filename.dwg

Oak Manor Property Owners' Association, Inc.
11711 North College Avenue, Suite 100
Carmel, Indiana 46032

October 2, 2023

Jason & Angela Miller
2929 Cork Court
Westfield, IN 46074-5405

RE: 2929 Cork Court Lot/Unit 256,

Dear Jason & Angela Miller:

We are pleased to inform you that the Committee of Oak Manor Property Owners' Association, Inc. has approved your application for the following item(s):

Add a 2-car garage addition with sport-court. Materials/color-scheme will mirror their house

The approval is contingent upon compliance with the specifications set forth in the approved application. If your change or addition requires a city or county permit, it must be obtained before construction. Please retain this approval as it should be passed to future owners if the property is sold.

If you have any questions, please contact our community manager with Associa, Community Association Services of Indiana, Kelli Stallworth at (317) 875-5600.

Sincerely,

Oak Manor Property Owners' Association, Inc.



Petition Number: 2311-VS-28

Subject Site Address: 19001 Crestview Court (the "Property")

Petitioner: Scott and Melinda Tierney (the "Petitioner")

Request: The Petitioner requests Variances of Development Standards to modify Minimum Lot Area, Minimum Lot Frontage, and Minimum Front Yard Setback standards for a legal nonconforming Lot, and to encroach sixteen (16) feet into the thirty (30) foot Minimum Side Yard setback to permit an attached addition on 0.46 acres +/- in the AG-SF1: Agricultural / Single Family Rural District (*UDO Articles 4.2(C), 4.2(D), 4.2(E)(1)(b), & 4.2(E)(2)*).

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

Current Land Use: Residential

Approximate Acreage: 0.46 acres +/-

Exhibits:

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

Staff Reviewer: Ryan Collingwood, Associate Planner

PROPERTY INFORMATION & BACKGROUND

The subject Property is 0.46 acres +/- in size and located at 19001 Crestview Court, as seen in the Location Map (**Exhibit 2**). The Property's zoning classification is the AG-SF1: Agriculture / Single-family Rural District.

The Property is deemed legal nonconforming due to the Minimum Lot Area, Minimum Lot Frontage, and Minimum Front Yard Setback standards, respectively, not conforming to the AG-SF1 zoning regulations of the UDO. As it reads today, AG-SF1 parcels must be at least 3 acres in size, exhibit at least 250 feet of road frontage, and implement at least 80 feet of a Front Yard Setback. The Property currently exhibits about 0.46 acres, approximately 101 feet of road frontage along Crestview Court, and approximately 30 feet of a Front Yard Setback.

In addition, it shall be noted that the Brookview Place subdivision, in which the Property is located, was established sometime between 1962 and 1974. If this subdivision was established today, it would be zoned either SF1, SF2, or SF3, due to the configuration of the lots within the subdivision and the current regulations of the applicable zoning district.

REQUEST FOR VARIANCES

The Petitioner intends to build an attached addition on the Property, as displayed in **Exhibit 3**. The need for variance arises from the characteristics of the proposal, where the attached addition would encroach into the allotted Side Yard Setback:

- UDO Article 4.2(C) – Minimum Lot Area: Three (3) acres
 - o *In order for the Property to be further built upon due to UDO nonconformity standards, Minimum Lot Area must be brought up to compliance.*
- UDO Article 4.2(D) – Minimum Lot Frontage: 250 feet
 - o *Although not fully necessary within this proposal, the Petitioner requests for the Minimum Lot Frontage of the Property be brought up to compliance.*
- UDO Article 4.2(E)(1)(b) – Minimum Front Yard Building Setback Line: 80 feet
 - o *Since the primary residence sits about 30 feet from the Front Lot Line, the Petitioner is requesting conformity of the primary residence's location from the Front Yard Setback requirement.*
- UDO Article 4.2(E)(2) – Minimum Side & Rear Yard Building Setback Line: 30 feet
 - o *Due to the attached addition encroaching 16 feet into the 30-foot Side Yard Setback, the Petitioner is requesting modification of the Side Yard Setback minimum to permit the attached addition's location.*

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 November 14, 2023, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

Conditions: The UDO 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 benefitted by 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.



Acknowledgment of the Variance: If the Board of Zoning Appeals approves this petition, then the UDO requires the approval of the variance shall be memorialized in an acknowledgment of variance instrument prepared by Department. The acknowledgment 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 the 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 acknowledgment shall be provided to the Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

Variance of 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.

COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan identifies the property within the “New Suburban” land use classification. The vision for the New Suburban Residential classification is contemplated for future residential growth of the community, generally to the southwest, northwest, and northeast of the Existing Suburban area.

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

DEPARTMENT COMMENTS

If the Board is inclined to approve 2311-VS-28, The Department recommends the following findings and conditions:

Recommended Findings for Variances of Development Standards (2311-VS-28):

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

Finding: It is unlikely that approving the requested variance would be injurious to the public health, safety, morals, and general welfare of the community because the existing use and proposed improvements will otherwise comply with the applicable standards of the AG-SF1: Agricultural / Single-family Rural Zoning District.

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

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

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

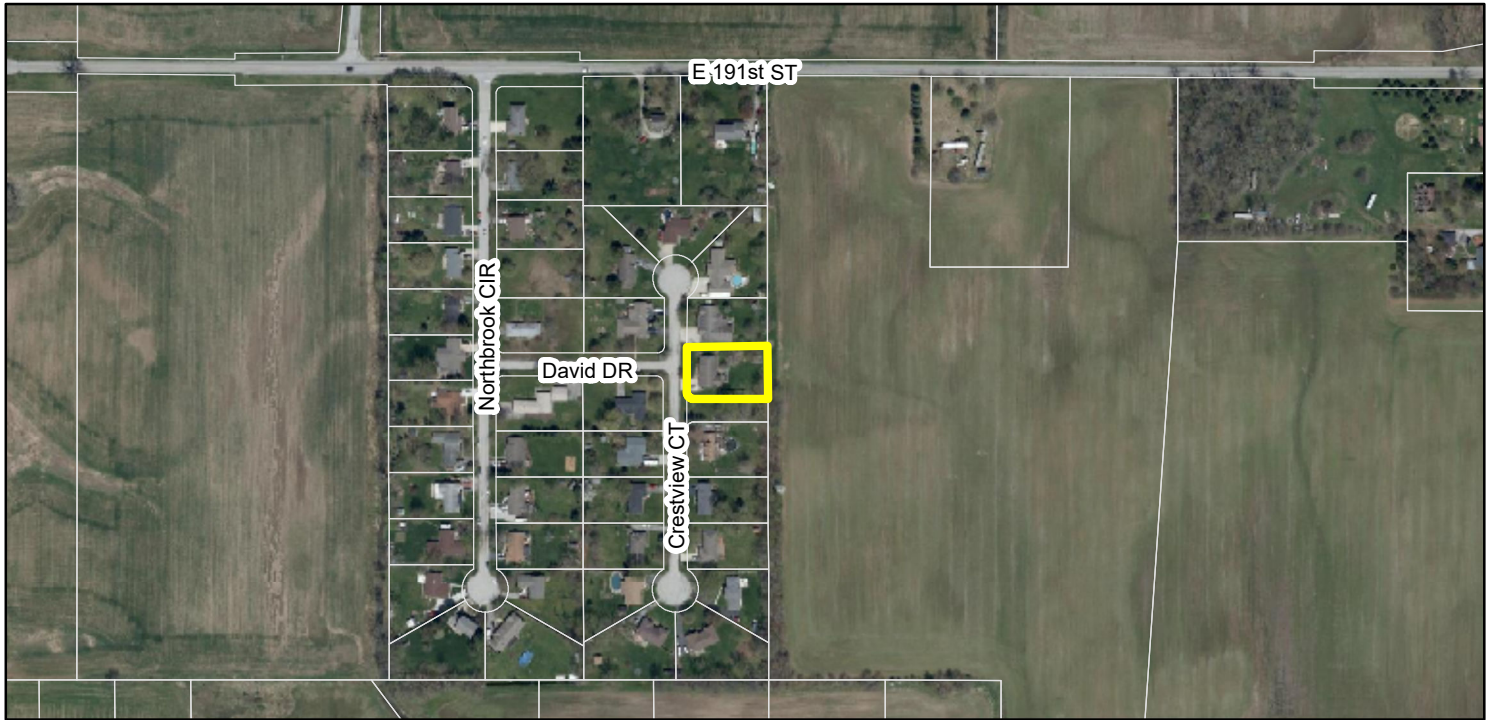
Finding: The strict application of the zoning ordinance will result in practical difficulties due to nonconformity standards. The Property is not permitted to be built upon under its current state of nonconformity, so the requested variances will allow the Petitioner to improve as intended.

Recommended Conditions:

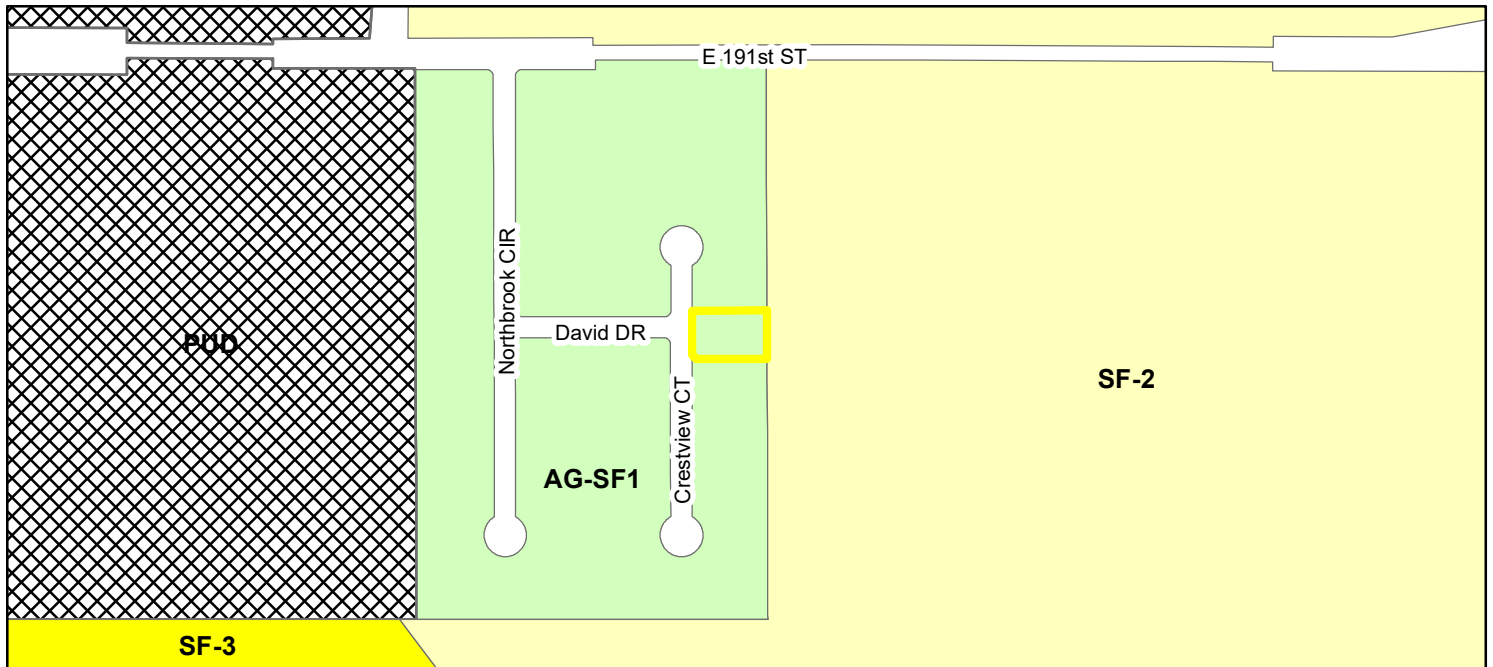
- The attached addition shall develop in substantial compliance with the Site Plan (**Exhibit 3**), and
- That the Petitioner record an acknowledgement of this approval with the Hamilton County Recorder's Office and return a copy of the recorded instrument to the Community Development Department.

Denial: If the Board is inclined to reject or deny the Variances of Development Standard, then the Department recommends denying the Variances of Development Standard, 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



- SITE Zoning**
-  AG-SF1 (Agriculture - Single Family - 1)
 -  SF-2 (Single Family - 2)
 -  SF-3 (Single Family - 3)
 -  PUD (Planned Unit Development)

SURVEYOR LOCATION REPORT

THIS REPORT IS DESIGNED FOR USE BY A TITLE INSURANCE COMPANY WITH RESIDENTIAL LOAN POLICIES. NO CORNER MARKERS WERE SET AND THE LOCATION DATA HEREIN IS BASED ON LIMITED ACCURACY MEASUREMENTS. THEREFORE, NO LIABILITY WILL BE ASSUMED FOR ANY USE OF THIS DATA FOR CONSTRUCTION OF NEW IMPROVEMENTS OR FENCES.

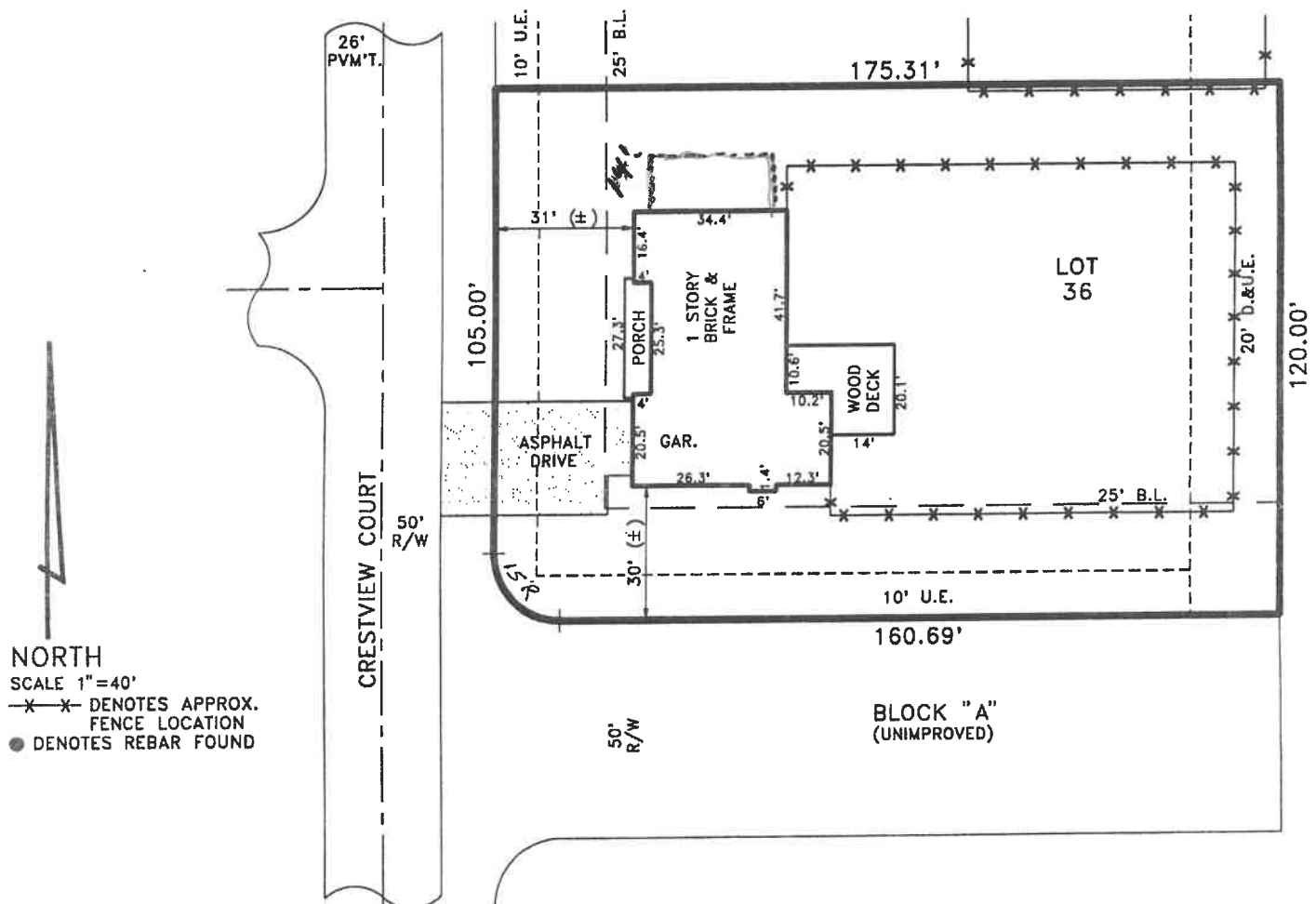
PROPERTY ADDRESS: 19001 Crestview Court, Westfield, Indiana
PROPERTY DESCRIPTION: Lot 36 in Brookview - Section One

as the same is recorded in Plat Book 3, page 132

in the Office of the Recorder of Hamilton County, State of Indiana.

SUBJECT, HOWEVER, TO ALL EASEMENTS & RIGHTS OF WAYS OF RECORD.

FLOOD HAZARD STATEMENT:
RESIDENTIAL STRUCTURE IS IS NOT ☒ LOCATED IN A SPECIAL FLOOD HAZARD ZONE A, AS SAID TRACT PLOTS BY SCALE ON COMMUNITY PANEL 180083-0007C OF THE FLOOD INSURANCE RATE MAPS.



NOTE: NO VISIBLE EVIDENCE OF POSSESSION FOUND EXCEPT AS NOTED.

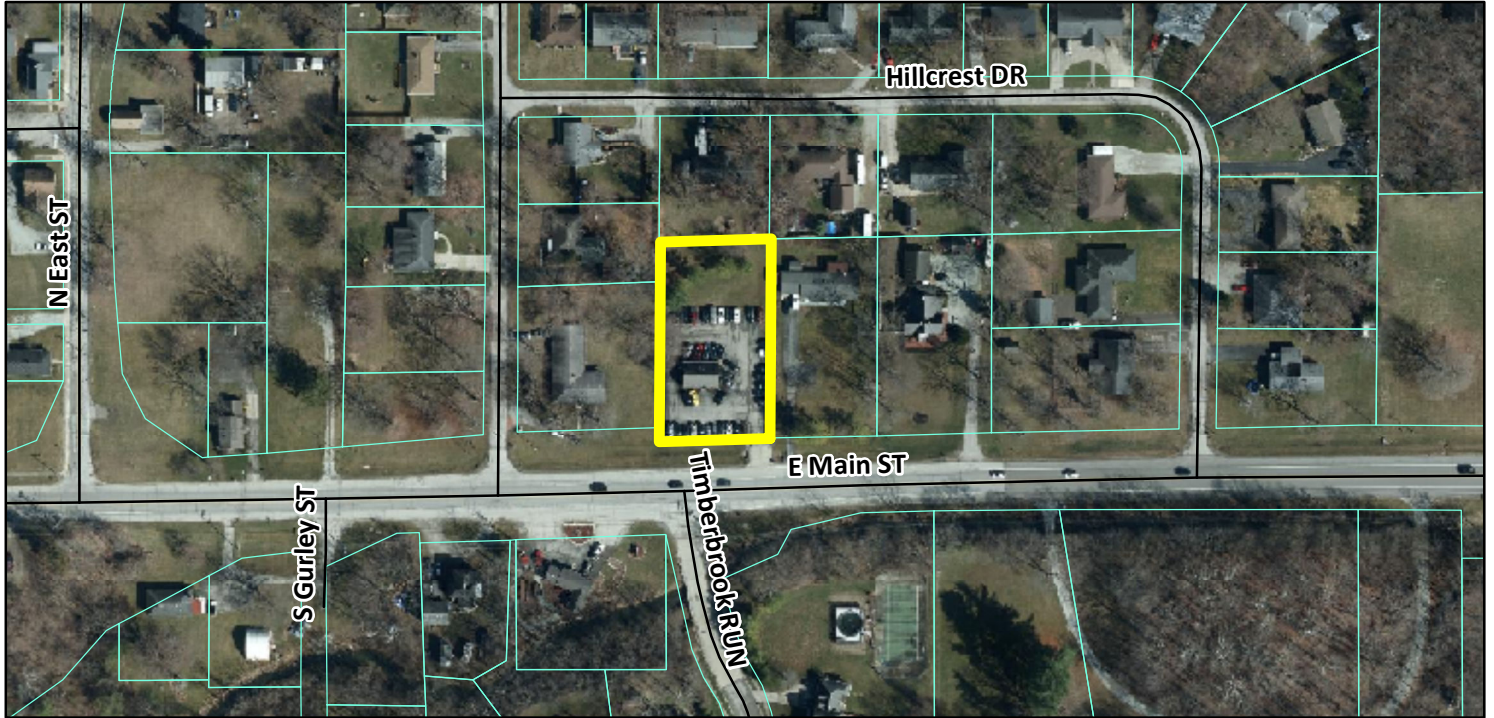
TITLE CO: BROWN & ASSOCIATES

REFERENCE NO: 990637

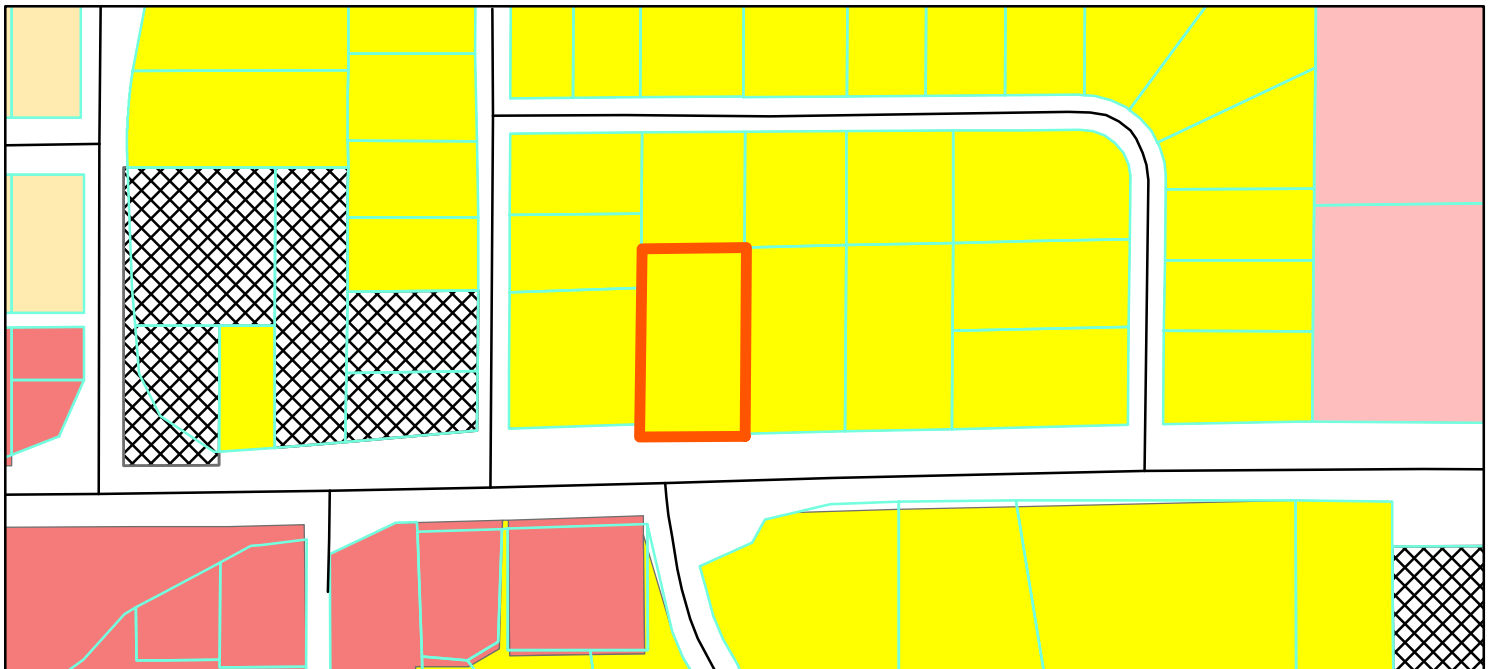
I HEREBY CERTIFY TO THE PARTIES NAMED ABOVE THAT THE REAL ESTATE DESCRIBED HEREIN WAS INSPECTED UNDER MY SUPERVISION ON THE DATE INDICATED AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS REPORT CONFORMS WITH THE REQUIREMENTS CONTAINED IN SECTIONS 42 THROUGH 44 OF 864 IAC 1-12 FOR A SURVEYOR LOCATION REPORT. THE ACCURACY OF ANY FLOOD HAZARD STATEMENT SHOWN ON THIS REPORT IS SUBJECT TO MAP SCALE UNCERTAINTY AND TO ANY OTHER UNCERTAINTY IN LOCATION OR ELEVATION ON THE REFERENCED FLOOD INSURANCE RATE MAP.

Aerial Location Map

 Site



Zoning Map



GIS.DBO.PW_Streets Zoning

 Parcel

 Parcel

Zoning - All

 LB (Local Business)

 LB-H (Local Business - Historical)

 PUD (Planned Unit Development)

 SF-3 (Single Family - 3)

 SF-4 (Single Family - 4)

0 0.0225 0.045
Miles





2016010901 VARIANCE \$22.00
03/10/2016 03:45:55P 5 PGS
Jennifer Hayden
HAMILTON County Recorder IN
Recorded as Presented

ACKNOWLEDGEMENT OF VARIANCE

Document Cross Reference Number: 2008045590

Mayor
Andy Cook

City Council
Chuck Lehman
Jim Ake
Joe Edwards
Steven Hoover
Robert L. Horkay
Dr. Mark Keen
Cindy L. Spoljaric

Clerk Treasurer
Cindy J. Gossard

This ACKNOWLEDGEMENT, made this 17th day of February, 2016, by Matthew S. Skelton, Economic and Community Development Director, City of Westfield, Indiana (the "Director") WITNESSETH:

WHEREAS, on Tuesday, February 9, 2016, the Westfield-Washington Township Board of Zoning Appeals (the "Board") heard Petition No. 1601-VU-02 (the "Petition"), filed by Brian Ewen of Rock's Auto Exchange (the "Business Owner"), for a Variance of from the Westfield-Washington Township Unified Development Ordinance regarding property commonly known as 518 East Main Street, Westfield, IN 46074 (Parcel No: 09-06-31-03-09-023.000 and more particularly described in Exhibit A (the "Property"), owned by Frances Michelle Turner (the "Property Owner").

The Business Owner requested approval of the following:

1601-VU-02 – Variance of Use to allow sales of pre-owned automobiles in the SF3: Single-Family Medium Density District (Chapter 13: Use Table).

WHEREAS, the Board voted three (5) to zero (0) to approve the Petition with the following conditions:

1. That approval of this variance shall expire on March 1, 2019. Any request to extend the time limit of this variance shall be reviewed and approved by the Board of Zoning Appeals prior to March 1, 2019.
2. That no more than thirty-two (32) vehicles that are for sale be on the Property at any one time;
3. That the parking surface and paved area not expand;
4. That designated customer and employee parking spaces be identified and striped;
5. That vehicles are not permitted to be parked in the grass;
6. That landscaping be installed and/or maintained as generally depicted on the submitted concept plan/landscaping plan (see Exhibit 4 of the Staff Report);
7. That no existing landscaping be removed without being replaced with a similar size and species of plant;
8. That no additional signage or sign types be permitted on the Property;
9. That banners, flags, posters, pennants, ribbons, streamers, spinners, strings of lights, feather flags or signs, balloons, or inflatable signs be prohibited on the Property;

**Economic and
Community
Development**

(317) 804-3170

2728 East 171st Street
Westfield, IN 46074

westfield.in.gov

10. That individual vehicle pricing and other displayed vehicle information be limited to a maximum of four (4) window "stickers" or tags per vehicle; and,
11. That outdoor speakers for music and/or announcements be prohibited.

NOW, THEREFORE, the Director hereby declares that all the Property as it is held and shall be held, conveyed, hypothecated or encumbered, leased, rented, used, or occupied and improved, is subject to the Variance of Use approved by the Board on February 9, 2016. Unless otherwise modified herein, this Variance of Development Standard shall run with the land, and shall be binding upon the owner, heirs and assigns, and all parties having an interest in and to the Property or any part or parts thereof subject to such Variance of Development Standard, and shall inure to the benefit of the owner and every one of his/her successors in title to any real estate in the Property.

WESTFIELD ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT

"DIRECTOR"



MATTHEW S. SKELTON, DIRECTOR

Economic and Community Development Department, City of Westfield, IN

Administration

(317) 804-3040 office
(317) 804-3190 fax

2728 East 171st Street
Westfield, IN 46074
westfield.in.gov

"PROPERTY OWNER"

I, Frances M. Turner, Owner of the Property, hereby acknowledge the accuracy of the information contained in this Acknowledgement of Variance and any conditions and limitations placed on the Petition, as set forth herein.

IN WITNESS WHEREOF, the Owners have executed this instrument, on the 22 day of 2, 2016.

Frances M. Turner
Owner Signature

Frances M. Turner
Printed

owner
Title

2-22-16
Date

STATE OF _____

COUNTY OF _____

)
) SS
)



Signed and acknowledged before me this 3rd day of March, 2016.

(SEAL)

Julie L. Hallman
Signature of Notary Public

Julie Hallman
Printed name of Notary Public

My County of Residence: Hamilton

My Commission Expires: Sept. 2nd 2023

Administration

(317) 804-3040 office
(317) 804-3190 fax

2728 East 171st Street
Westfield, IN 46074
westfield.in.gov

"PETITIONER"

I, Brian Evers, Rocks Auto Exchange, hereby acknowledge the accuracy of the information contained in this Acknowledgement of Variance and any conditions and limitations placed on the Petition, as set forth herein.

IN WITNESS WHEREOF, the Owners have executed this instrument, on the ____ day of ____, 2016.

Brian Evers
Signature

Brian Evers
Printed

Owner
Title

2/22/16
Date

STATE OF _____

COUNTY OF _____

)
) SS
)



Signed and acknowledged before me this 3rd day of March, 2015.

(SEAL)

Julie Hallman
Signature of Notary Public

Julie Hallman
Printed name of Notary Public

My County of Residence: Hamilton

My Commission Expires Sept. 2nd 2023

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

Prepared by: Kevin M. Todd, AICP, City of Westfield
2728 East 171st Street, Westfield, IN 46074, (317) 804-3170

Administration

(317) 804-3040 office
(317) 804-3190 fax

2728 East 171st Street
Westfield, IN 46074
westfield.in.gov

EXHIBIT A
THE PROPERTY

Lot Numbered Thirteen (13) in Roberts Revised Rolling Acres, and Addition to the Towne of Westfield, in Hamilton County, Indiana, as per plat thereof recorded in Plat Book 2, pages 40-41, in the Office of the Recorder of Hamilton County, Indiana.

Administration

(317) 804-3040 office
(317) 804-3190 fax

2728 East 171st Street
Westfield, IN 46074
westfield.in.gov



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

November 14, 2023

2311-VU-12

Exhibit 1

Petition Number: 2311-VU-12

Subject Site Address: 518 E. Main Street (the “Property”)

Petitioner: Hoosier Motors, LLC by Church Church Hittle + Antrim (the “Petitioner”)

Request: The Petitioner requests an extension for a previously approved Variance of Use to permit automobile sales in the SF-3: Single-Family Medium Density District (Article 13.2)

Current Zoning: SF3: Single-Family Medium Density District

Current Land Use: Commercial

Approximate Acreage: 0.57 acre +/-

Exhibits:

1. Staff Report
2. Location Map
3. Original Variance Acknowledgement of Variance

Staff Reviewer: Daine Crabtree, Senior Planner

OVERVIEW

Property Location: The subject property is approximately 0.57 acre +/- in size and is located at 518 East Main Street (see **Exhibit 2**). The Property is zoned SF3: Single-Family Medium Density. The property is located at the eastern edge of Downtown Westfield. Adjacent properties to the north, south, east and west are used for residential purposes.

Property History: In 1998, the Board of Zoning Appeals (the “BZA”) approved a variance of use to allow a beauty salon on the Property (98-V-37). The Property was used as a beauty salon for approximately seventeen (17) years. On February 9, 2016 the BZA approved a Variance of Use to permit pre-owned automobile sales on the Property (the “Original Variance”). The Original Variance was approved with several conditions, one being an expiration date of March 1, 2019. On February 12, 2019 the BZA approved a three-year extension of the Original Variance (the “First Extension”). The First Extension was approved with an expiration date of March 1, 2022, and



also included the remainder of the conditions of the Original Variance. On August 11, 2020, the BZA approved an extension (the “Second Extension”) so that the variance would expire on September 1, 2023.

Variance Request: The petitioner is requesting an extension to a previously approved Variance of Use to permit automobile sales.

SUMMARY OF VARIANCES

The Property is zoned SF3: Single-Family Medium Density. Vehicle sales are categorized as a Very High Intensity Retail¹ use in the Unified Development Ordinance. As such, the use is only permitted by Special Exception in the General Business and Industrial Districts².

The Original Variance, First Extension, and Second Extension were approved with a three (3) year time limit. The Department would support an extension of no greater than three (3) years for the variance of use.

Moreover, the State Road 32 expansion project, which will directly impact this Property, is projected to finish construction at some point between 2025 and 2026.

COMPREHENSIVE PLAN

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

¹ The UDO defines Retail, Very High Intensity as “[r]etail businesses that have a very high impact on neighboring properties, traffic generation, and public safety and that inherently operates in whole or part outdoors through sale, display or other general activities. Example businesses include, but are not limited to: vehicle and motorcycle sales (new or used), construction vehicle and trailer sales, farm equipment sales, farm implement sales and service, feed sales, heavy equipment sales, tool and light equipment rental, manufactured or mobile home sales, boat and trailer sales and service, travel trailer sales and rental, and semi tractor-trailer cleaning, service, rental, repair and sales.”

² Article 13.2 Use Table of the UDO.

³ Westfield-Washington Township Comprehensive Plan, Land Use Concept Map (pg. 24).



“Implementation Plan”), an amendment to the Comprehensive Plan adopted in 2013 (collectively, the “Grand Junction Plan”).

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

The studied land use component of the Grand Junction Plan identified several sub-districts. The Property is on the fringe of the Grand Junction planning area, but is located closest to the area identified as the “Junction Sub-District”. The specific objectives for the Junction Sub-District, as prioritized in the Implementation Plan, include: (i) develop architectural and development standards; (ii) formalize a position with INDOT regarding the SR32 expansion through downtown; (iii) develop standards to address modifications to existing structures; (iv) develop Downtown Westfield Association review process; and (v) develop strategy for attracting/encouraging the following land uses: trail-oriented businesses (i.e. bike shop, coffee shop); dry cleaner; market; specialty shops; night-time gathering places; restaurants; offices⁴.

The Grand Junction Plan would not support auto sales in the downtown area as a long-term commercial use. However, it may be appropriate to consider differing short-term use of downtown properties on a case-by-case basis as the downtown area continues to redevelop and transition into the longer-range vision of the Grand Junction Plan.

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of this petition. This petition is scheduled to receive its public hearing at the November 14, 2023 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 Code § 36-7-4-918.4 provide that the Board of Zoning Appeals may impose reasonable conditions and limitations concerning use, construction, character,

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

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



location, landscaping, screening, and other matters relating to the purposes and objectives of the UDO upon any Lot benefited by a variance as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject Lot or upon public facilities and services. Such conditions shall be expressly set forth in the order granting the variance.

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

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

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

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



DEPARTMENT COMMENTS

Approval: If the Board is inclined to approve the petition, the Department recommends the following conditions and findings:

Recommended Conditions

1. That approval of this variance shall expire on December 31, 2026. Any request to extend the time limit of this variance shall be reviewed and approved by the Board of Zoning Appeals prior to December 31, 2026.
2. That conditions 2-11 of the Original Variance, as outlined in **Exhibit 3**, shall still apply.

Recommended Findings for APPROVAL (Variance of Use):

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

Finding: It is unlikely that approving the requested variance of use would be injurious to the public health, safety, morals, and general welfare of the community. The use and layout of the property are not proposed to change.

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

Finding: It is unlikely that the use and value of adjacent property will be affected in a substantially adverse manner. The recommended conditions of approval for the use of the property in this manor should mitigate any impact this proposed use may have on neighboring properties.

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

Finding: The existing condition and development of the Property does not lend itself to a traditional SF3 land use. The Property has been developed and used as a commercial property for approximately 25 years.

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

Finding: The existing condition and development of the Property does not lend itself to a traditional SF3 land use. The Property has been developed and used as a commercial



property for approximately 25 years and reverting the property back to an SF3 land use would be challenging.

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

Finding: This property is on the fringe of the Grand Junction planning area. And while the Grand Junction Plan does not support using the Property for auto-sales long-term, the success of short-term or interim uses of existing structures in downtown will contribute to the long-term success and stability of the Grand Junction District, thus the proposed use does not substantially interfere with the Comprehensive Plan.

Denial: If the Board is inclined to deny either of the requested variances, 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 consistent with the public hearing evidence and Board discussion.