



CITY OF WESTFIELD, IN
BoardofZoningAppeals_Meeting_03_08_2016

Tuesday, March 08, 2016 at 07:00 PM

BOARD OR COMMISSION: Board of Zoning Appeals (BZA)

MEETING DATE: Tuesday, March 08, 2016 at 07:00 PM

MEETING PLACE: Westfield City Hall- Assembly Room

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

OPENING OF REGULAR MEETING

Note the presence of a quorum

Approval of Minutes - February 9, 2016

Documents: [February 9, 2016, Minutes](#)

Review BZA Rules & Procedures

ITEMS OF BUSINESS:

1601-VU-03 [PUBLIC HEARING]

16708 Dean Road

Bob's Garage

The petitioner is requesting a Variance of Use to allow an auto repair business within the US Highway 31 Overlay (Article 5.2(L)) and the Enclosed Industrial (EI) District (Article 4.24(B)).

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Site Plan](#) | [Exhibit 4: Existing Conditions](#) | [Exhibit 5: Petitioners Application](#)

1603-VS-02 [PUBLIC HEARING]

235 North Cherry Street

North Ridge Holdings, LLC by North Ridge Construction

The petitioner is requesting a Variance of Development Standard to reduce the Minimum Front Yard Building Setback Line in the SF3: Single-Family Medium Density District (Article 4.6(E)(1)).

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Existing Conditions Exhibit](#) | [Exhibit 4: Site Plan](#) | [Exhibit 5: Proposed Home Exhibit](#) | [Exhibit 6: 236 North Street Exhibit](#)

1603-VS-03 [PUBLIC HEARING]

17319 Joliet Road

Renee Beckner

The petitioner is requesting a Variance of Development Standard to reduce the Minimum Lot Frontage in the AG-SF1: Agriculture/ Single-Family Rural District (Article 4.23(D)).

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

1603-VS-04 [PUBLIC HEARING]

2714 East 146th Street

The National Bank of Indianapolis

The petitioner is requesting a Variance of Development Standard to allow a Monument Sign to be permitted for an Outlot (Article 6.17(J)(8)(b)).

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Proposed Sign Elevations](#) | [Exhibit 4: Proposed Sign Location](#) | [Exhibit 5: Modified Condition](#)

REPORTS/COMMENTS:

APC LIAISON

ECD STAFF

ADJOURNMENT



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

March 8, 2016
1603-VS-02
Exhibit 1

Petition Number: 1603-VS-02

Subject Site Address: 235 North Cherry Street (the "Property")

Petitioner: North Ridge Holdings, LLC by North Ridge Construction
(the "Petitioner")

Request: The petitioner is requesting a Variance of Development Standard to reduce the Minimum Front Yard Building Setback Line in the SF3: Single-Family Medium Density District (Article 4.6(E)(1)).

Current Zoning: SF3: Single-Family Medium Density District

Current Land Use: Residential

Approximate Acreage: 0.21 acres

Exhibits:

1. Staff Report
2. Location Map
3. Existing Conditions Exhibit
4. Site Plan Exhibit
5. Proposed Home Exhibit
6. 236 North Street Exhibit

Staff Reviewer: Jesse M. Pohlman, Senior Planner

Petition History

This petition will receive a public hearing at the March 8, 2016, Board of Zoning Appeals meeting.

Analysis

Location: The subject property is 0.21 acres +/- in size and located at 235 North Cherry Street on the southwest corner of Cherry Street and North Street (see [Exhibit 2](#)) within the John Kerr Addition. The Property is zoned the SF3: Single-Family Medium Density District. The Property currently contains a single-story single-family home (see [Exhibit 3](#)) which the petitioner intends to demolish in order to rebuild a new home (see [Exhibit 5](#)). The surrounding properties include other single family homes.

Variance Request: The Petitioner is requesting this variance to allow the construction of a new home, as generally illustrated on the Site Plan Exhibit (see [Exhibit 4](#)) and Proposed Home Exhibit (see [Exhibit 5](#)).



As a Corner Lot¹, the property has two (2) Front Lot Line², thus has two (2) Front Yards³. As a result, the Minimum Building Setback Line⁴ for the Front Yard applies to both North Street and Cherry Street and the standard is twenty (20) feet (Article 4.6(E)(1)).

The existing home currently fronts on North Street and has a setback of approximately fifteen (15) feet from Cherry Street. The petitioner is proposing that the new home would continue to front on North Street and is requesting a Minimum Building Setback Line of eleven (11) feet along the property's Cherry Street frontage.

As a point of reference, the petitioner also demolished and built a new home on the northwest corner of this intersection (236 North Street) as depicted in Exhibit 6. Prior to the construction of that home, the Board granted the petitioner a Variance of Development Standard to reduce the Minimum Building Setback Line from twenty (20) feet to three and one half (3.5) feet along that property's Cherry Street frontage (1401-VS-02).

Comprehensive Plan: The Westfield-Washington Township Comprehensive Plan identifies this Property within the "Downtown" 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 know as the Grand Junction Master Plan and Addendum, adopted in 2009, and then subsequently the adoption of the Grand Junction Implementation Plan (the "Implementation Plan"), an amendment to the Comprehensive Plan adopted in 2013 (collectively, the "Grand Junction Plan").

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

The studied land use component of the Grand Junction Plan identified several sub-districts. The Property falls within the area identified as the "Neighborhood Sub-District", characterized as follows within the Implementation Plan⁵:

¹ Chapter 13 of the UDO defines "Lot, Corner" as "[a] Lot at the junction of and abutting two (2) or more intersecting Streets (public or Private Streets)."

² Chapter 13 of the UDO defines "Lot Line, Front" as "[a] Lot Line abutting a Street (public or Private Street). A Through Lot and Corner Lot will have multiple Front Lot Lines."

³ Chapter 13 of the UDO defines "Yard, Front" as "[a] Yard extending across the full width of the Lot, the depth of which is the least distance between the Front Lot Line and the Front Yard Building Setback Line."

⁴ Chapter 13 of the UDO defines "Building Setback Line" as "[a] line parallel to a Right-of-way line, edge of a stream, or other Lot Line established on a parcel of land or Lot for the purpose of prohibiting construction of a building or structure in the area between such line and the Right-of-way, stream bank, or other Lot Line."

⁵ 2009 Grand Junction Implementation Plan, page 23.



The Neighborhood Sub-district includes several existing neighborhoods and residential subdivisions that are near to the downtown core (e.g., Newby's Westfield Heights; North Union Heights; Sleepy Hollow; Pine Hollow; John Kerr Subdivision; Kenyon Subdivision; Southridge Subdivision; and Cherry Wood Estates Subdivision). The Sub-district also includes the Westfield Intermediate School campus; the Westfield Middle School campus; the Christ United Methodist campus; and the Union Bible College campus.

These areas are included in the Neighborhood Sub-district because they are the residential and institutional properties which populate and serve the Grand Junction area. It is unlikely that these areas will redevelop in the near future; however, the potential for future redevelopment does exist, and for this reason, a clear vision for the redevelopment of the downtown neighborhoods should be developed.

The specific objectives for the Neighborhood Sub-District, as prioritized in the Implementation Plan, include: (i) provide places for people to live within, or within walking distance of, downtown; (ii) develop vision and standards for future redevelopment of the sub-district; and (iii) develop standards for existing structures in the sub-district.

The Department, in coordination with the GJTG, is currently working on the prioritized objectives of the Implementation Plan; however, the specific objectives noted above for the sub-District are still in progress. As a result, the Department encouraged the petitioner to meet with the GJTG. The GJTG has provided a letter as a result of their meeting with the petitioner, which will be presented at the public hearing.

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 March 8, 2016, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

Conditions: The 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 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.

⁶ Article 10.14(l) Processes and Permits; Variances; Conditions of the UDO.



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 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.

⁷ Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.

Department Comments

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

Recommended Findings for Approval:

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

Finding: It is unlikely that approving the requested variance(s) would be injurious to the public health, safety, morals, and general welfare of the community because the SF3 District permits the proposed residential use and the resulting improvements will otherwise comply with or exceed the applicable standards of the SF3 District. In addition, the requested variance is generally consistent with the front yard setbacks of the existing building on the property.

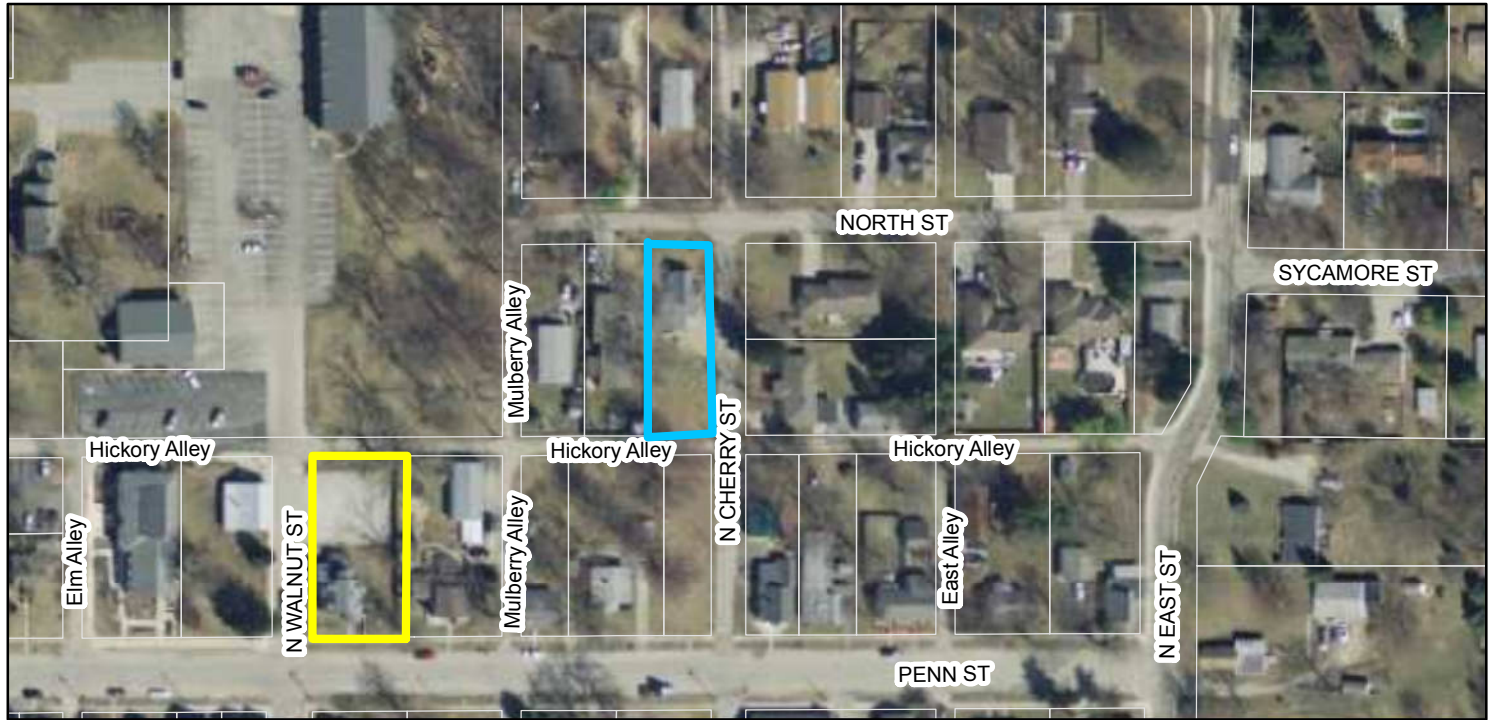
2. *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:*

Finding: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The proposed variance should not have a negative impact on surrounding properties because: (i) the proposed improvement will enhance the value of the subject property; (ii) the improvements will otherwise comply with or exceed the applicable standards of the SF3 District; and (iv) the approval of the variance will allow for the continued use and improvement of the property in a manner substantially consistent with the quality and character of the surrounding area and Comprehensive Plan.

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

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

Aerial Location Map



Zoning Map

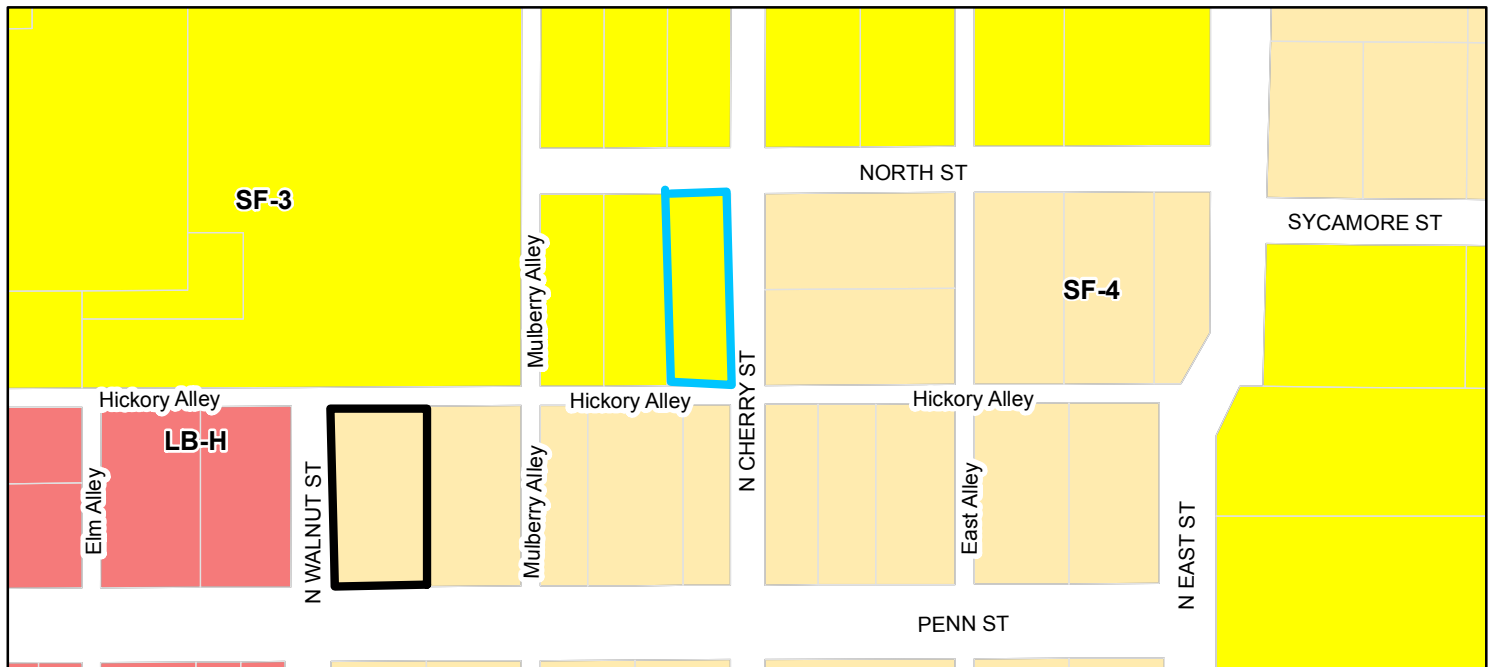


EXHIBIT 3: EXISTING CONDITIONS EXHIBIT

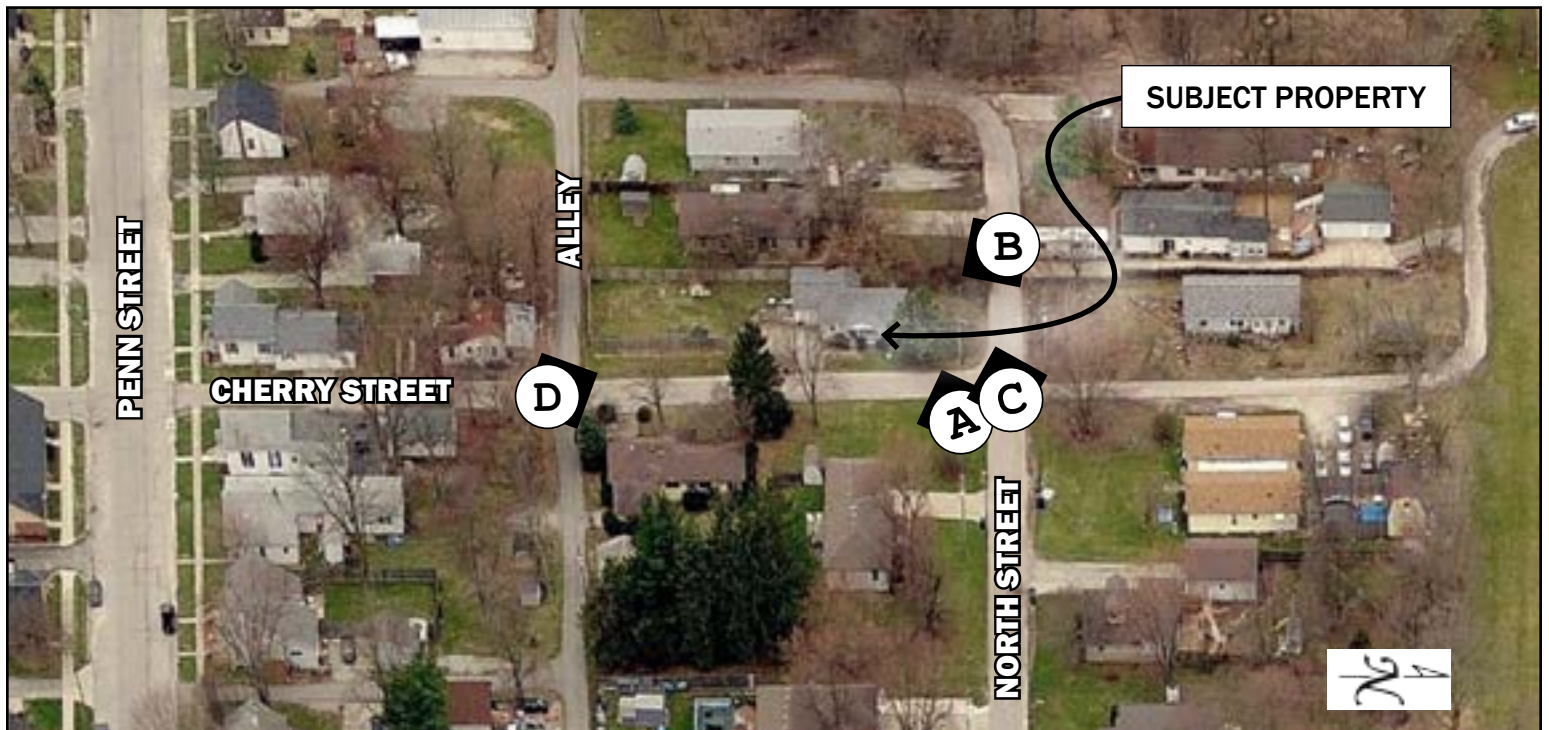


EXHIBIT 4: SITE PLAN EXHIBIT

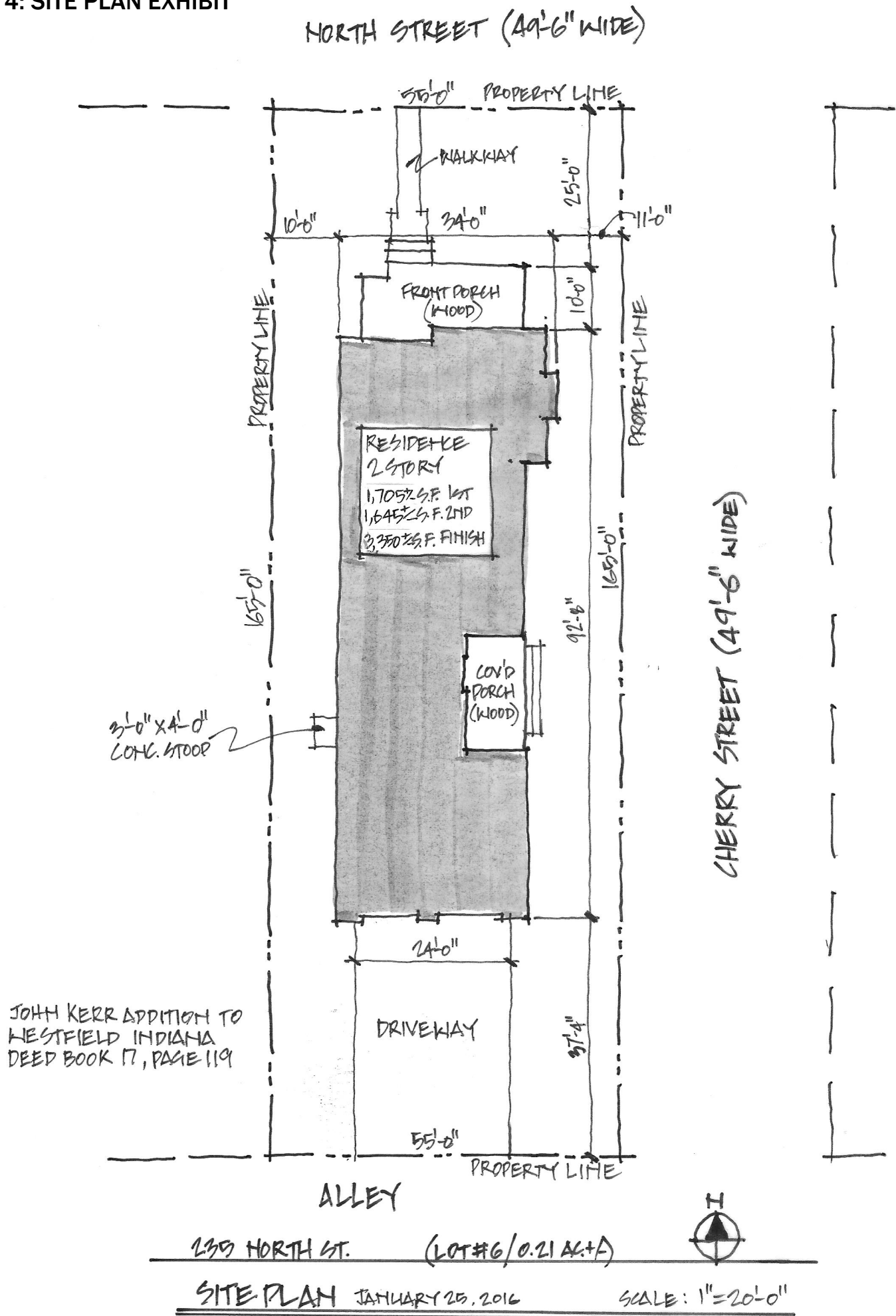
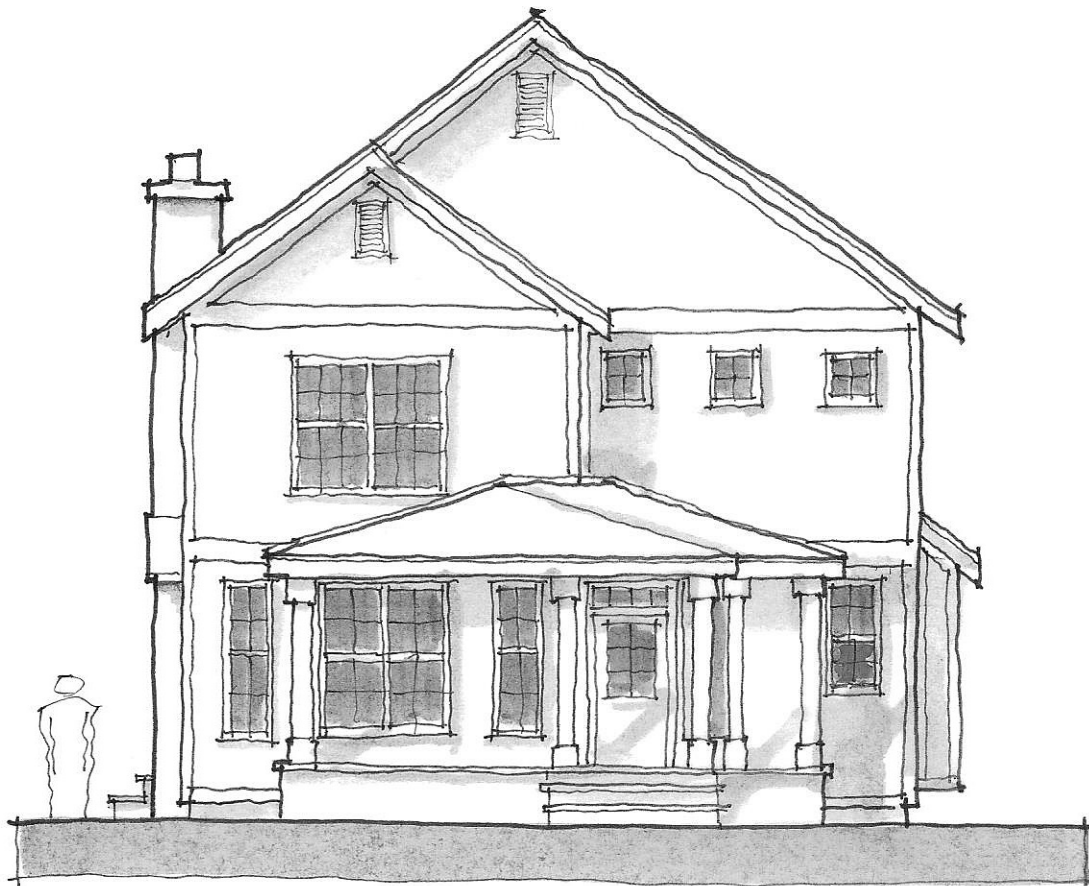
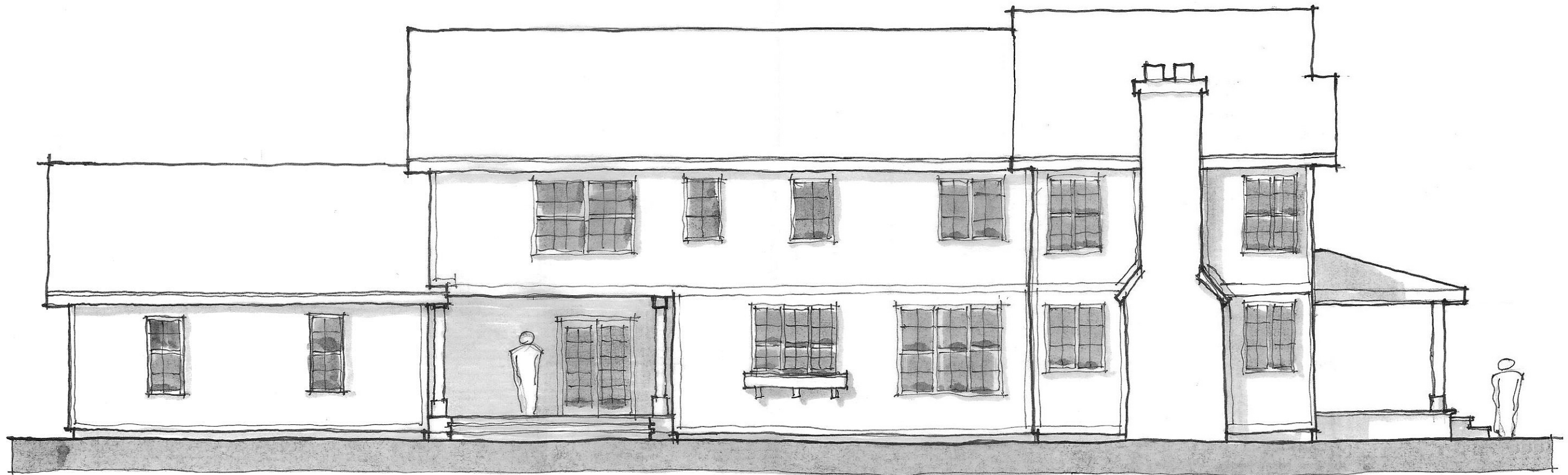


EXHIBIT 5: PROPOSED HOME EXHIBIT



235 RESIDENCE . NORTH ELEVATION 12.10.15
S.B.



235 RESIDENCE . EAST ELEVATION 12.10.15
SB.







Petition Number: 1603-VU-03

Subject Site Address: 16708 Dean Road

Petitioner: Esler Properties, LLC by Robert Esler

Request: The Petitioner is requesting a Variance of Use to allow an automobile repair business within the US Highway 31 Overlay Zone (Article 5.2).

Current Zoning: Enclosed Industrial (EI) District, subject to US31 Overlay District

Current Land Use: Commercial

Approximate Acreage: 4.9 acres+/-

Exhibits:

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

Staff Reviewer: Amanda Rubadue, Associate Planner

PROPERTY INFORMATION

The subject property is 4.9 acres +/- in size and located at 16708 Dean Road (the "Property") (see **Exhibit 2**). The Property is zoned the Enclosed Industrial (EI) District and located within the US Highway 31 Overlay District (the "US31 Overlay").

PETITION HISTORY

This petition will receive a public hearing at the March 8, 2016, Board of Zoning Appeals meeting.

Variance of Use: On November 9, 2010, the Board of Zoning Appeals approved a Variance of Use (1011-VU-05) with conditions for the Property to temporarily allow an automobile repair business. The conditions of approval were as follows:

1. The approval shall expire on December 31, 2015.
2. Any request to extend the time limit for this variance shall be reviewed and approved by the Board of Zoning appeals prior to December 31, 2015.
3. A new application shall be submitted by June 30, 2015, to the Community Development Department if an extension to the time limit of the variance is requested.



VARIANCE REQUEST

This Variance of Use request (1603-VU-03) is for an extension of time to continue to temporarily allow the automobile repair business on the Property (the “Variance of Use”), which expired, in accordance with the conditions of approval, on December 31, 2015. The petitioner has requested an extension to October 31, 2020; however, the Department recommends a limit of a three (3) year extension to December 31, 2018, to continue to temporarily allow the Variance of Use on the Property.

ANALYSIS

As summarized by the Department report for the original approval (1011-VU-05), the Property abuts U.S. Highway 31 and is directly impacted by the U.S. 31 Majors Moves project, so although the Variance of Use does not meet the community’s long-term vision for the U.S. 31 corridor, the Department believes the short term use of the Property for the Variance of Use provides and economic benefit and viable short term use of the Property.

Since the approval of the original Variance of Use (1011-VU-05), the City has adopted the Unified Development Ordinance (the “UDO”). The UDO now defines and further qualifies the proposed automobile repair business as “Retail, High Intensity¹” which is not a permitted use within the Enclosed Industrial (EI) District.

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 8, 2016, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals’ Rules of Procedure.

Conditions: The UDO² and Indiana law provide that the Board of Zoning Appeals may impose reasonable conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of the UDO upon any Lot 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 UDO³ 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 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:

If the Board is inclined to approve the time limit extension, then the Department recommends the following written findings of fact, and that the Variance of Use (1603-VU-03) is approved with the condition that approval of the Variance of Use shall expire on December 31, 2018.

Recommended Findings for Approval:

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

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

Finding: It is unlikely that allowing an automobile repair business to continue to locate on the Property for a temporary period of time will be injurious to the public health, safety, morals, and general welfare of the community.

¹Chapter 12 of the UDO defines "Retail, High Intensity" as "building finishes store (large), building supply store (large), department store (large), discount store (large), furniture store (large), grocery/supermarket (large), home electronics/appliance store (large), office supplies (large), sporting goods (large), superstore, variety store (large), auto and motorcycle service uses (e.g., parts sales, tire sales and/or repair, **service garage**, rust proofing, storage, car wash), pet-oriented businesses (e.g., pet shop, obedience schools, grooming) toy store (large)."

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

³Article 10.14(K) Process and Permits; Variances; Acknowledgment 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:*

Finding: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The Property and the surrounding area were developed without the existing U.S. Highway 31 Overlay standards being in effect. None of the surrounding area complies with the Overlay standards. Approving the variance would result in the character of the area to remain unchanged.

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

Finding: The use of an automobile repair business is not permitted within the Enclosed Industrial (EI) zoning and is an excluded use under the U.S. Highway 31 overlay.

- 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 use of an automobile repair business is not permitted within the Enclosed Industrial (EI) zoning and is an excluded use under the U.S. Highway 31 overlay

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

Finding: The Westfield-Washington Comprehensive Plan (the “Comprehensive Plan”) includes this area in the Employment Corridor. The Comprehensive Plan recommends this Highway Corridor be reserved for employment-generating uses and related supporting service uses. The continued use of the Property as an automobile repair business would not interfere substantially with the Comprehensive Plan.



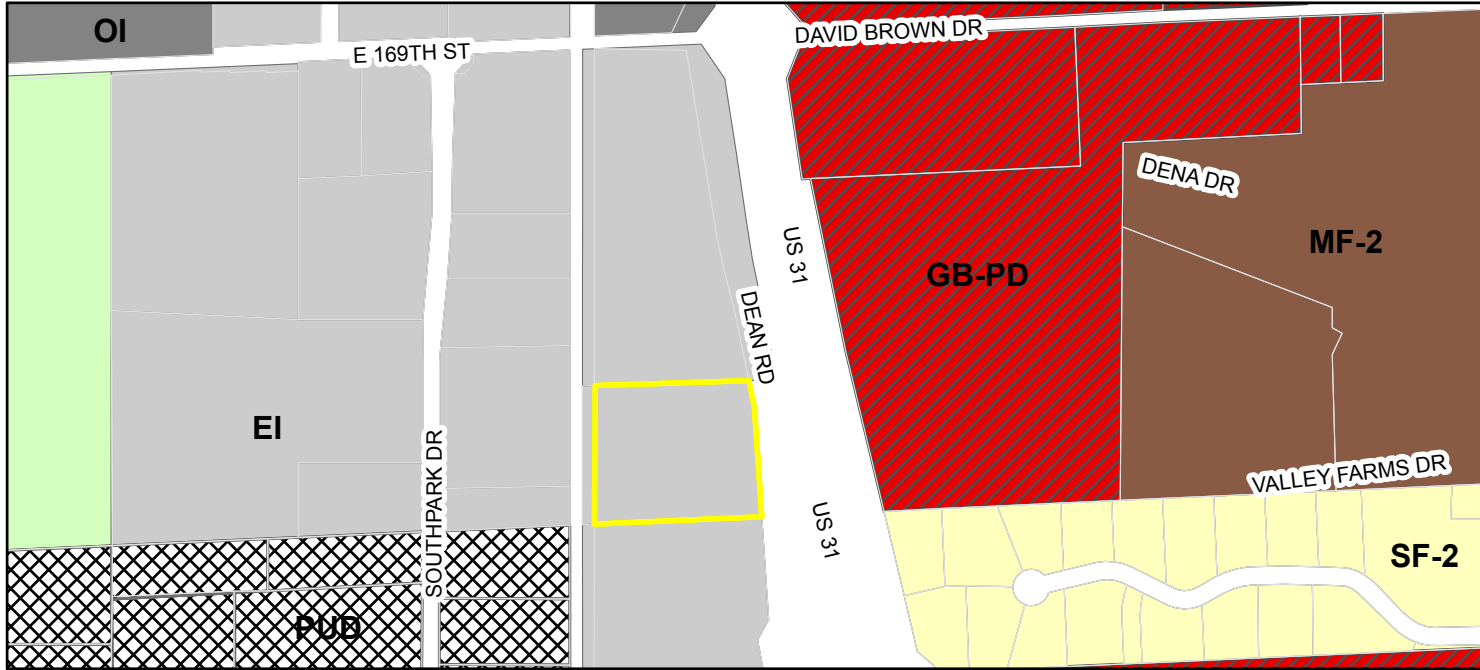
Property Location Map
1603-VU-03
16708 Dean Road



Aerial Location Map



Zoning Map



Parcel	Zoning	MF-1 (Multiple Family - 1)
AG-SF1 (Agriculture - Single Family - 1)		MF-2 (Multiple Family - 2)
EI (Enclosed Industrial)		OI (Open Industrial)
GB-PD (General Business - Planned Development)		PUD (Planned Unit Development)
		SF-2 (Single Family - 2)
		Parcel

Existing Conditions Exhibit



WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM

VARIANCE APPLICATION

OFFICE
USE ONLY

DOCKET #: 1603-VU-03

FILING DATE: 1-28-16

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

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: X Andrew Murray (STAFF NAME) DATE: Jan. 14, 2016

PRIOR OR RELATED DOCKET NUMBERS

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

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

APPLICANT INFORMATION

APPLICANT'S NAME: Robert J. Esler TELEPHONE: 317-867-2627

ADDRESS: 14736 Laredo Ct., Carmel, IN. 46032 EMAIL: bob@bobsgarage.biz

PROPERTY OWNER'S NAME: Esler Properties, LLC TELEPHONE: 317-867-2627

ADDRESS: 16708 Dean Rd., Westfield, In. 46074 EMAIL: bob@bobsgarage.biz

REPRESENTATIVE'S NAME: _____ TELEPHONE: _____

COMPANY: _____ EMAIL: _____

ADDRESS: _____

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 16708 Dean Rd., Westfield, IN. 46074

COUNTY PARCEL ID #(S): 09-09-01-00-00-014.000

EXISTING ZONING DISTRICT(S): Enclosed Industrial EXISTING LAND USE(S): Auto Repair

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): Requesting variance to continue to use this property for another 5 years as an auto repair facility and continuing to make improvements to property and building.

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.

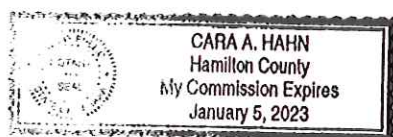
[Signature]
Applicant/Representative (signature)

ROBERT J. ESTER
Applicant/Representative (printed)

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

Witness my hand and Notarial Seal this 28 day of January, 2016

State of IN, County of Hamilton



[Signature]
Notary Public Signature
Cara Hahn
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.

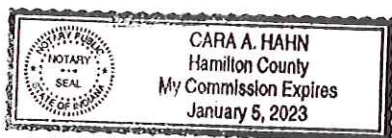
[Signature]
Property Owner (signature)*

ROBERT J. ESTER
Property Owner (printed)

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

Witness my hand and Notarial Seal this 28 day of January, 2016

State of IN, County of Hamilton



[Signature]
Notary Public Signature
Cara Hahn
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: Robert J. Esler

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: I will continue to run an auto repair shop at this location while employing 8 people to service Westfield and Hamilton County with quality and honest auto repairs.
- 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 property will continue to be improved and maintained as it has been for the last 5 years.
- C. The need for the variance arises from some condition particular to the property involved because: of Westfield's change in zoning in the U.S. 31 corridor overlay.
- 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: closing an established and successful business would cause 8 employees to lose their jobs, loss of property and income revenues, and returning the building back to an eye sore.
- E. The variance of use does not interfere substantially with the Comprehensive Plan because: there is currently no construction happening on the U.S. 31 corridor. I would be agreeable to moving my business to another appropriate location when Dean Rd. is extended to 161st St. from 169th St. and there is interest in purchasing the property on the U.S. 31 corridor overlay is realized.

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

NOTICE IS HEREBY GIVEN THAT the Westfield-Washington Township Board of Zoning Appeals will hold a public hearing on March 8, 2016, at 7:00 p.m. at Westfield City Hall, 130 Penn Street, Westfield, Indiana, to consider petition for a variance, filed by Esler Properties LLC. The request pertains to real estate comprising approximately 4.8 acres and generally located at 16708 Dean Rd., Washington Township, Westfield, Indiana.

The request is for a variance of use for the Board of Zoning Appeals to allow the continued use of an auto repair shop.

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

Written suggestions or objections relative to the request may be filed with the Westfield Economic and Community Development Department, at or before the public hearing. Interested persons desiring to present their views upon the request, either in writing or verbally, will be given the opportunity to be heard at the above mentioned time and place, which may be continued from time to time as may be found necessary.

APPLICANT: Esler Properties LLC.
16708 Dean Rd.
P.O. Box 517
Westfield, IN 46074

REPRESENTATIVE: Robert J. Esler

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

[illegible]

RECEIPT OF PAYMENT



NAME Esler Properties, LLC

ADDRESS _____ CITY _____ ZIP _____

DATE RECEIVED 01 / 29 / 16

☒ CHECK # 5043 ☐ CASH ☐ OTHER _____

PAYMENT RECEIVED BY ACS

ACCOUNT # BZA Filing

AMOUNT PAID \$ 550.00

ESLER PROPERTIES, LLC P.O. BOX 517 WESTFIELD, IN 46074		5043
DATE <u>1-29-16</u>		70-2189/719 045
PAY TO THE ORDER OF <u>City of Westfield</u>	\$ <u>550.00</u>	
<u>FIVE HUNDRED FIFTY AND 00/100</u>		DOLLARS
 PNC Bank, N.A. 071 Indianapolis, IN		
FOR <u>Variance</u>		
⑈005043⑈ ⑆071921891⑆ 4642615697⑈		

* Replaces ck #3299
that was payable to Westfield
Washington Township.

2500

ADJOINER
(NOTIFICATION LIST)

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

FILED

DATE TAKEN: 1-20-16

JAN 20 2016

TIME TAKEN: 9:43

Duon Coxendale
AUDITOR HAMILTON COUNTY

NAME OF PROPERTY OWNER: Esler Properties LLC

NAME OF PETITIONER: Robert Esler

LEGAL DESCRIPTION OR PARCEL NUMBER OF PROPERTY:

09-09-01-00-00-014.000

ZONING AUTHORITY APPLYING TO

- | | |
|---|--|
| ☐ ARCADIA | ☐ FISHERS PLAN COMMISSION |
| ☐ ATLANTA | ☐ HAMILTON COUNTY PLANNING |
| ☐ CARMEL BZA | ☐ NOBLESVILLE HOME OCCUPATION |
| ☐ CARMEL PLANNING | ☐ NOBLESVILLE PUBLIC HEARING |
| ☐ CICERO | ☐ SHERIDAN |
| ☐ FISHERS & FALL BZA | ☒ WESTFIELD |

SIGNATURE OF APPLICANT: By Phone - Robert Esler

DATE: 1-20-16

PERSON TO CONTACT: Robert 317-867-2627

PHONE NUMBER: _____

FOR OFFICE USE ONLY

EMPLOYEE INITIALS: _____

PAYMENT RECEIVED: _____

RECEIPT NUMBER: _____

E-MAIL WHEN COMPLETED: _____

HAMILTON COUNTY TRANSFER AND MAPPING
33 N. NINTH ST. • NOBLESVILLE, IN 46060
plats@hamiltoncounty.in.gov
P: 317.776.9624 F: 317.776.9682

HAMILTON COUNTY AUDITOR

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

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

DAWN COVERDALE, HAMILTON COUNTY AUDITOR

DATED: *Barton Griesenauer* 1/26/2016

SUBJECT PROPERTY:

09-09-01-00-00-014.000	Subject
Esler Properties LLC	
14736 Laredo Ct	
Carmel	IN 46032

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

HAMILTON COUNTY NOTIFICATION LIST

PLEASE NOTIFY THE FOLLOWING PERSONS

08-09-12-00-00-003.000	Neighbor
Menonna, Mary Catherine	
7905 Rosa Dr	
Indianapolis	IN 46237
08-09-12-00-00-004.000	Neighbor
Alvis, Patricia K Trustee of Patricia K Alvis Rev Trust, C Philip Smiley Trustee of Family Trust, James R & Judith G Alvis CoTrustees of James R Alvis Revocable Trust	
11030 Presbyterian Dr	
Indianapolis	IN 46236
09-09-01-00-00-012.000	Neighbor
Roush Real Estate LLC	
P O Box 391	
Westfield	IN 46074
09-09-01-00-00-013.000	Neighbor
Habig Brothers, Lynn Habig, Steven J Habig & Frank J Habig T/C	
8002 Meridian St N	
Indianapolis	IN 46260
09-09-01-00-00-014.001	Neighbor
Edward Hines Lumber Co	
1000 Corporate Grove Dr	
Buffalo Grove	IL 60089
09-09-01-00-00-015.000	Neighbor
Mountain Trace Development LLC dba Englewood Building Group	
860 E 86th St Ste 5	
Indianapolis	IN 46240
09-09-01-00-00-021.002	Neighbor
C K Properties Llc	
P O Box 930	
Westfield	IN 46074
09-09-01-00-00-021.202	Neighbor

Headfirst Holdings LLC			
16708 Southpark Dr			
Westfield	IN		46074
09-09-01-00-00-021.302			Neighbor
Teamm Realty LLC			
P O Box 930			
Westfield	IN		46074
09-09-01-00-00-021.402			Neighbor
South Park Investments LLC			
P O Box 930			
Westfield	IN		46074
09-09-01-00-00-021.502			Neighbor
Welsh Development LLC			
1040 3rd Ave SW			
Carmel	IN		46032
09-09-01-00-00-021.602			Neighbor
Time Financial Corporation			
14300 Clay Terrace Blvd Ste 249			
Carmel	IN		46032
09-09-01-00-00-021.802			Neighbor
Halle Properties LLC			
20225 Scottsdale Rd			
Scottsdale	AZ		85255
09-09-12-00-00-002.004			Neighbor
K A T LLC			
16540 Southpark Dr			
Westfield	IN		46074
09-09-12-00-00-002.005			Neighbor
Southpark Real Estate LLC			
16525 Southpark Dr			
Westfield	IN		46074
09-09-12-00-00-002.102			Neighbor
Welsh Development LLC			

1040 3rd Ave SW		
Carmel	IN	46032
09-09-12-00-00-002.202		Neighbor
16535 Southpark LLC		
2159 GLEBE ST STE 250		
Carmel	IN	46032
09-09-12-00-00-002.302		Neighbor
T H E LLC		
16545 South Park Dr		
Westfield	IN	46074
09-09-12-00-00-010.000		Neighbor
PTI Westfield LLC		
40 Skokie Blvd Ste 610		
Northbrook	IL	60062
09-09-12-02-01-001.000		Neighbor
Yang, Ta Lang & Linh Leha		
1400 Woodside Dr		
Westfield	IN	46074
09-09-12-02-01-002.000		Neighbor
Yang, Ta Lang & Linh Leha		
1400 Woodside Dr		
Westfield	IN	46074 9515
09-09-12-02-01-019.000		Neighbor
Yang, Ta Lang & Linh Leha		
1400 Woodside Dr		
Westfield	IN	46074 9515
09-09-12-02-01-020.000		Neighbor
Yang, Ta Lang & Linh Leha		
1400 Woodside Dr		
Westfield	IN	46074 9515

Adjoiner Notification Map

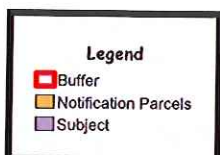
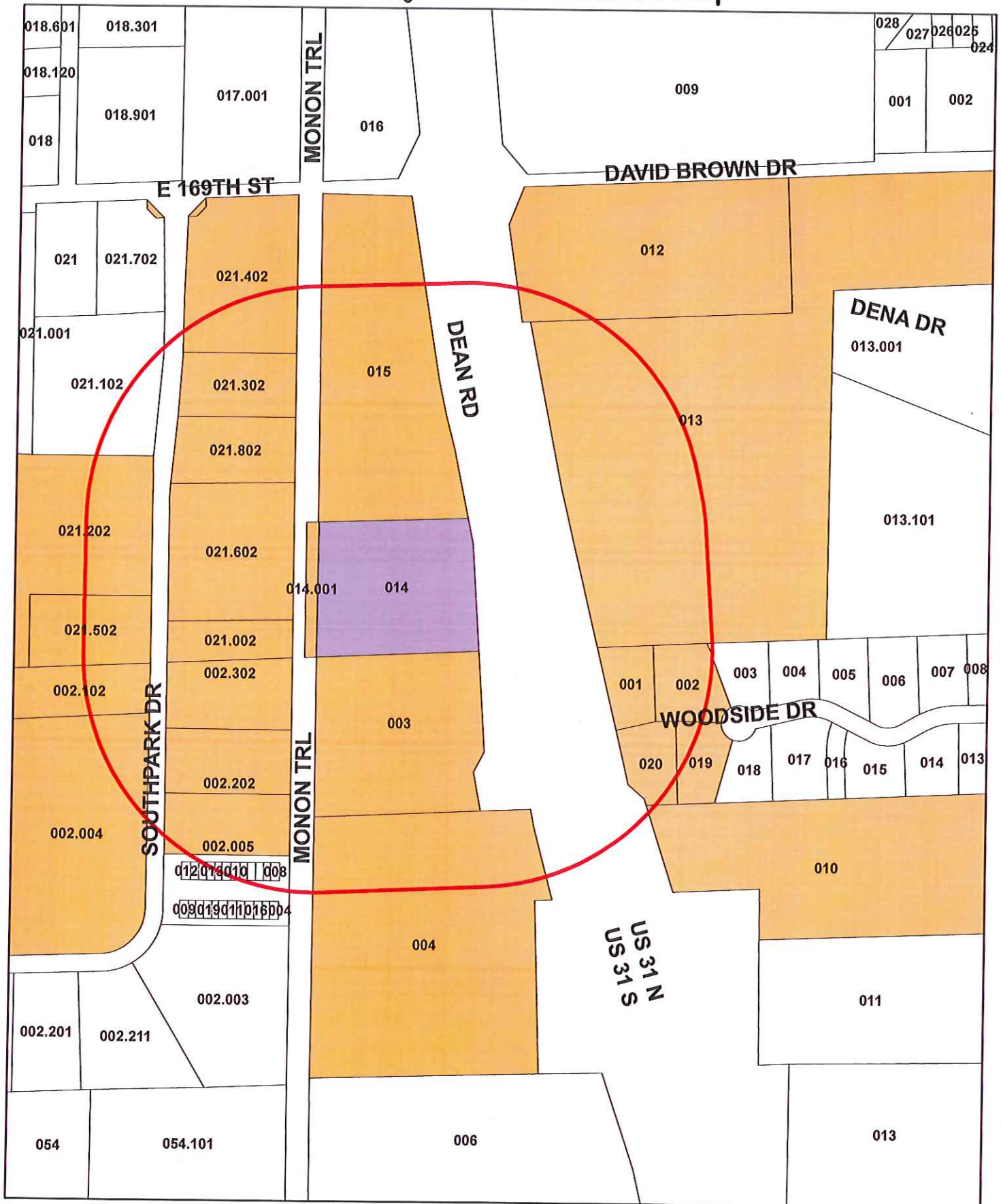




Image capture: Apr 2014 Photos are copyrighted by their owners



BOB'S GARAGE

Photo - Apr 2014



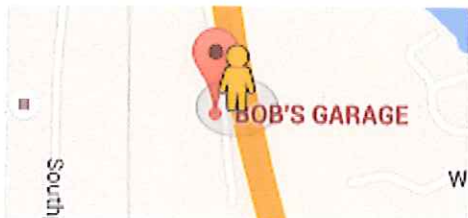


Image capture: Dec 2012 Photos are copyrighted by their owners 



BOB'S GARAGE

Photo - Dec 2012



Google maps

Address **16899 U.S. 31**

Address is approximate

Save tree
Download Google
phone at goog

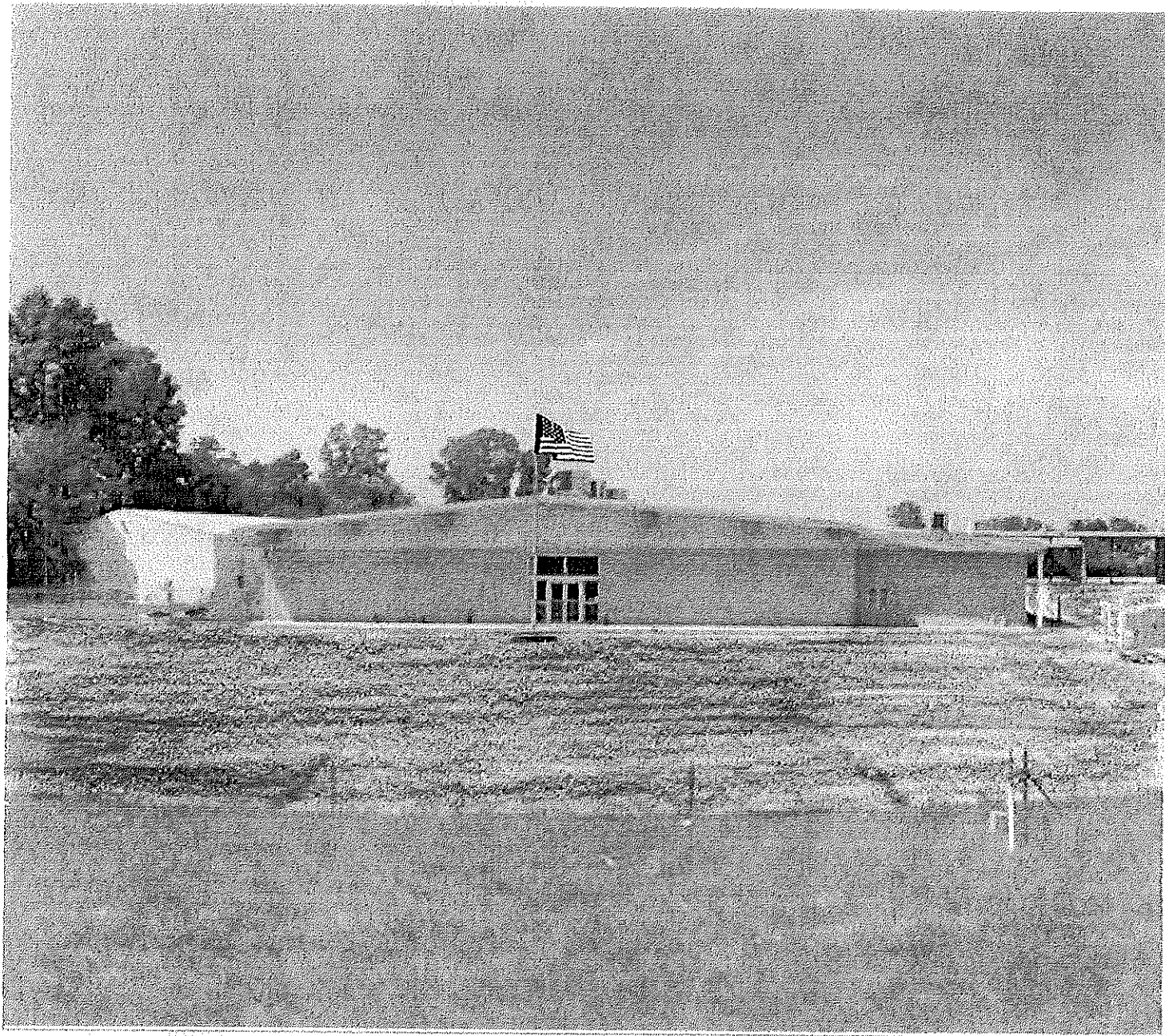




EXHIBIT "A"

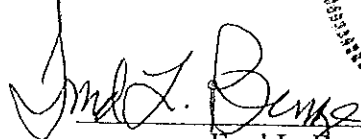
PROJECT: 0710215
CODE : 5311
PARCEL NO.: 249- Fee Simple with Partial Limitation of Access
Form WL-2
Key Number 29-09-01-000-014.000-015

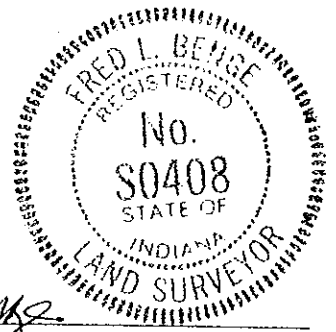
Sheet 1 of 1

Part of the Southeast Quarter of Section 1, Township 18 North, Range 3 East in Washington Township, Hamilton County, Indiana, and being that part of the grantors' land lying within the right of way lines depicted on the attached Right of Way Parcel Plat, marked **Exhibit "B"**, described as follows: Beginning at a point on the south line of said quarter section South 87 degrees 27 minutes 51 seconds West 1,978.42 feet from the southeast corner of said quarter section which point is on the western boundary of U.S. 31; thence continuing South 87 degrees 27 minutes 51 seconds West 117.66 feet along said line; thence North 3 degrees 55 minutes 35 seconds West 301.55 feet to point "24901" on said plat; thence North 11 degrees 37 minutes 11 seconds West 72.89 feet to the north line of said grantors' land; thence North 87 degrees 27 minutes 51 seconds East 70.73 feet along said line to the western boundary of U.S. 31; thence along said boundary southeasterly 379.19 feet along an arc to the left and having a radius of 11,546.02 feet and subtended by a long chord having a bearing of South 12 degrees 31 minutes 17 seconds East and a length of 379.17 feet to the point of beginning, containing 0.765 acres more or less.

TOGETHER with the permanent extinguishment of all rights and easements of ingress and egress to, from, and across the limited access facility (to be known as U.S. 31 and as Project 0710215), to and from the grantors' abutting lands, along the lines described as follows: Beginning at a point on the South line of said quarter section South 87 degrees 27 minutes 51 seconds West 2,016.68 feet from the southeast corner of said quarter section, which point is on the south line of said grantors' land; thence North 7 degrees 10 minutes 12 seconds West 78.09 feet to point "24902" on said plat; thence North 3 degrees 28 minutes 23 seconds West 154.98 feet to point "24912" on said plat; thence North 4 degrees 33 minutes 08 seconds West 34.31 feet to the western boundary of U.S. 31 designated as point "24910" on said plat and the terminus. This restriction shall be a covenant running with the land and shall be binding on all successors in title to the said abutting lands.

This description was prepared for the Indiana Department of Transportation, by Fred L. Bengé, Indiana Registered Land Surveyor, License Number LS80040408, on the 8th day of April, 2011

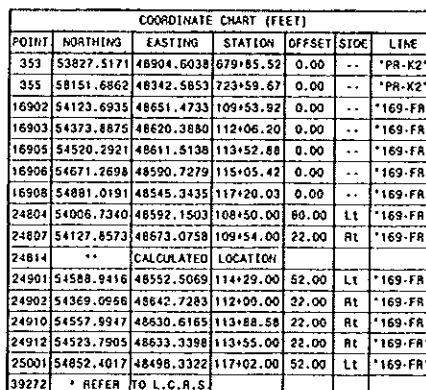

Fred L. Bengé



PREPARED BY R.W. ARMSTRONG & ASSOCIATES, INC.
FOR THE INDIANA DEPARTMENT OF TRANSPORTATION

0 100 200

SCALE: 1" = 200'



NOTE: STATION AND OFFSETS CONTROL OVER BOTH NORTH & EAST
COORDINATES AND BEARINGS & DISTANCES

* SEE LOCATION CONTROL ROUTE SURVEY FOR ADDITIONAL POINTS

** CALCULATED LOCATION

SURVEYOR'S STATEMENT

TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAT, TOGETHER WITH THE "LOCATION CONTROL ROUTE SURVEY" RECORDED AS INSTRUMENT NO. 2009053214 IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA, (UNINCORPORATED AND MADE A PART HEREOF BY REFERENCE) COMPOSE A ROUTE SURVEY EXECUTED IN ACCORDANCE WITH INDIANA ADMINISTRATIVE CODE 865 IAC 1-12, ("RULE 12").

OWNER: HOWARD B. SAMUELS, TRUSTEE

PARCEL: 249

ROAD: U.S. 31

COUNTY: HAMILTON

SECTION:

TOWNSHIP: 18 NORTH

RANGE: 3 EAST

PROJECT: 0710215

DES. No.: 0900266

CODE: 5311



HATCHED AREA IS
THE APPROXIMATE
TAXING

DRAWN BY: D. TRUEBLOOD DATE: 04-05-11

CHECKED BY: F BENGE DATE: 04-07-11

QUITCLAIM DEED INSTR. 12010006827

DATED: 02-11-2010

KEY No. 29-09-01-000-014,000-015

TAKING ≈ 0.765 A.C.

FRED L. BENGEE

DATE _____

REG. LAND SURVEYOR No. LS0408



FRED L. BERGE 48 DATE



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

March 8, 2016
1603-VS-03
Exhibit 1

Petition Number: 1603-VS-03

Subject Site Address: 17319 Joliet Road (the "Property")

Petitioner: Renee Beckner
(the "Petitioner")

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

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

Current Land Use: Agriculture and Single-Family Residence

Approximate Acreage: 10 acres

Exhibits:

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

Staff Reviewer: Pam Howard, Associate Planner

Petition History

This petition will receive a public hearing at the March 8, 2016, Board of Zoning Appeals meeting.

Analysis

Location: The subject property is 10 acres +/- in size and located at 17319 Joliet Road (see Exhibit 2). The Property is zoned the AG-SF1: Agriculture/Single-Family Rural District. The Property contains a single-family residence which is currently being rented out, as well land that is currently being farmed. The surrounding properties are also zoned AG-SF1.

Variance Request: The Petitioner is requesting this variance to reduce the Minimum Lot Frontage¹, as generally illustrated on the Proposed Site Plan (see Exhibit 3).

Article 4.2(D) AG-SF-1 Agriculture/Single-Family Rural District; Minimum Lot Frontage:
250 Feet

Comprehensive Plan: The Westfield-Washington Township Comprehensive Plan identifies this Property within the "Existing Rural Southwest" land use classification.

¹ The UDO defines "Lot Frontage" as "[t]he length of the Front Lot Line." The UDO defines "Lot Line, Front" as "[a] Lot Line abutting a Street (public or Private Street). A through Lot and Corner Lot will have multiple Front Lot Lines."



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 March 8, 2016, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

Conditions: The UDO² and Indiana law provide that the Board of Zoning Appeals may impose reasonable conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of the UDO upon any Lot benefited by a variance as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject Lot or upon public facilities and services. Such conditions shall be expressly set forth in the order granting the variance.

Acknowledgement of Variance: If the Board of Zoning Appeals approves this petition, then the UDO³ requires that the approval of the variance shall be memorialized in an acknowledgement of variance instrument prepared by the Department. The acknowledgement shall: (i) specify the granted variance and any commitments made or conditions imposed in granting of the variance; (ii) be signed by the Director, Property Owner and Applicant (if Applicant is different than Property Owner); and (iii) be recorded against the subject property in the Office of the Recorder of Hamilton County, Indiana. A copy of the recorded acknowledgement shall be provided to the Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

Variances of 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.

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

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



Department Comments

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

Recommended Condition:

1. A 25' access easement for the existing driveway be included on the Secondary Plat.

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. The use and access to the property is 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 the use and value of adjacent property will be affected in a substantially adverse manner. The use of the property is not proposed to 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 subdivide the property. The use of the property is not proposed to change, is a permitted use, and otherwise complies with the Unified Development Ordinance.

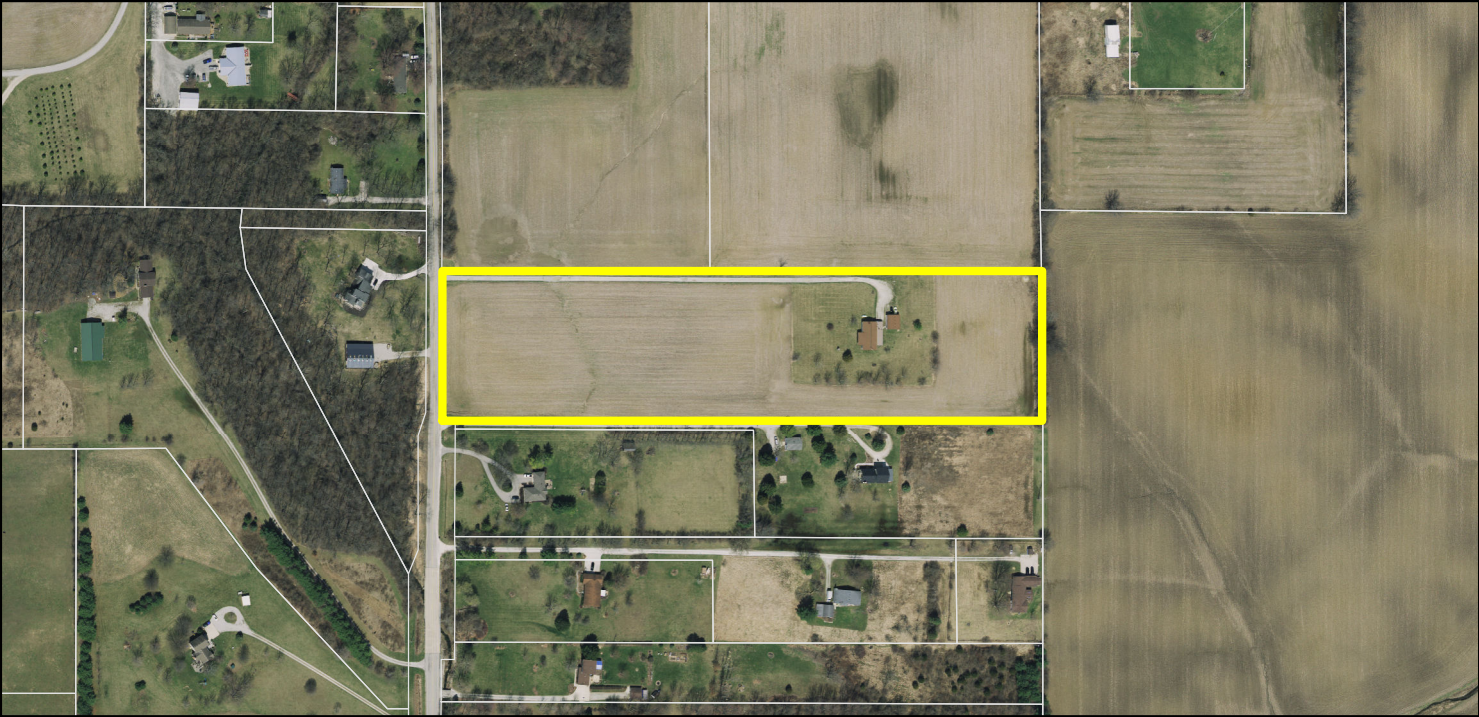


Property Location Map
17319 Joliet Road
1603-VS-03

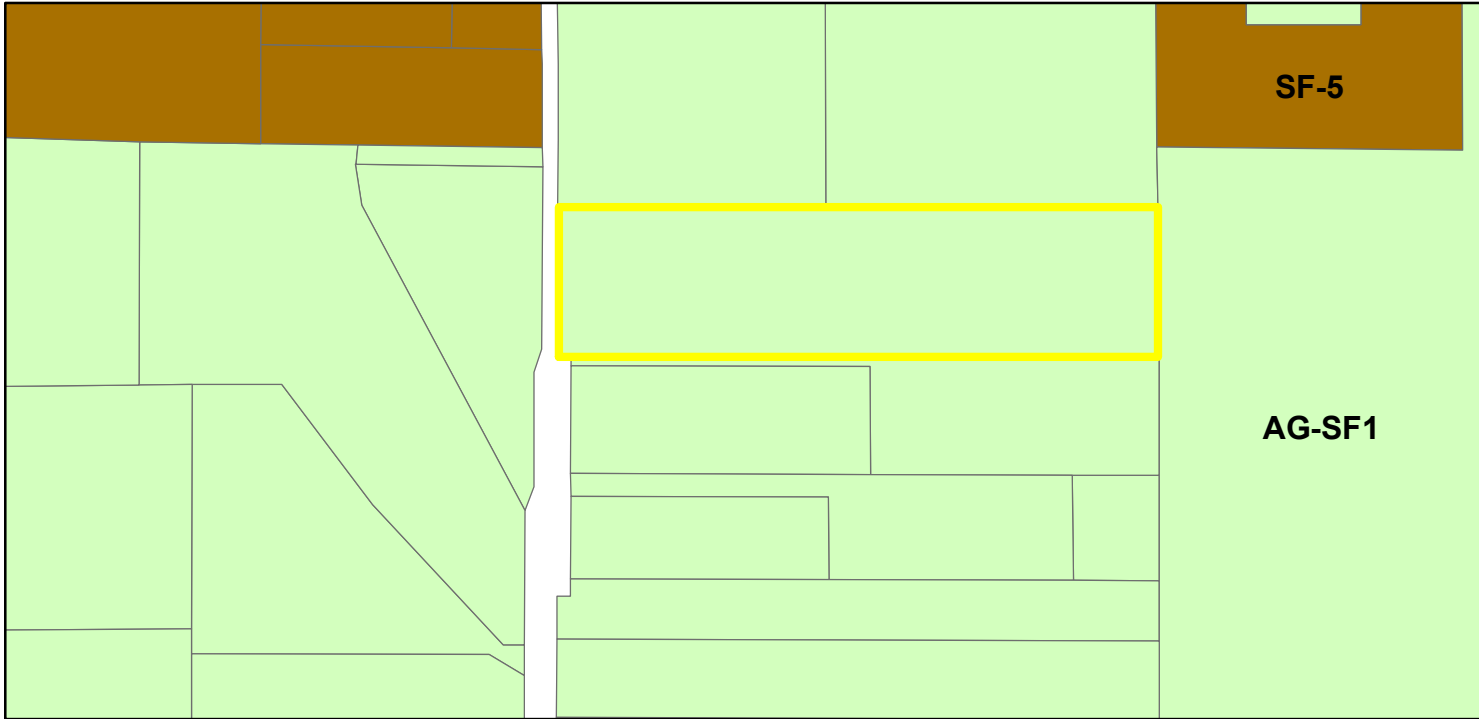


Aerial Location Map

 Subject Parcel



Zoning Map



Zoning

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

Proposed Site Plan



February 25, 2016

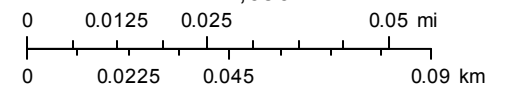
○ Addresses

Facilities

 Parking

 Playground

1:1,680



Basemap information here



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

March 8, 2016
1603-VS-04
Exhibit 1

Petition Number: 1603-VS-04

Subject Site Address: 2714 E. 146th Street (the "Property")

Petitioner: The National Bank of Indianapolis by Faegre Baker Daniels, LLP
(the "Petitioner")

Request: The petitioner is requesting a Variance of Development Standard to allow a Monument Sign to be permitted for an Outlot (Article 6.17(J)(8)(b)).

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

Current Land Use: Commercial, Bank

Approximate Acreage: 1.05 acres

Exhibits:

1. Staff Report
2. Location Map
3. Proposed Sign Elevations
4. Proposed Sign Location

Staff Reviewer: Pam Howard, Associate Planner

Petition History

This petition will receive a public hearing at the March 8, 2016, Board of Zoning Appeals meeting.

Analysis

Location: The subject property is 1.05 acres +/- in size and located at 2714 E. 146th Street (see Exhibit 2) within the Cool Creek Village commercial center. The Property is zoned the SB-PD: Special Business/Planned Development District. The surrounding properties on the north side of 146th Street are also zoned SB-PD. The properties located on the south side of 146th Street are residential.

Variance Request: The Petitioner is requesting this variance to allow a Monument Sign¹ to be permitted for an Outlot², as generally illustrated on the Proposed Sign Elevation (see Exhibit 3) and Proposed Sign Location (see Exhibit 4). This sign would be utilized by both the bank and the adjacent Outlot which formerly housed Bagger Dave's restaurant.

¹ The UDO defines "Sign, Monument (or Ground)" as "[a] Sign which is permanently fixed to the ground."

² The UDO defines "Outlot" as "[a] Lot within a Nonresidential Center that typically abuts a Street on one Lot Line and either a Street or other vehicular access (i.e. Private Street) shared with other Lots within the Nonresidential Center on another Lot Line."



Article 6.17(J)(8)(b) Sign Standards; Nonresidential Center Signs; Outlot Signage; Sign Type: The total permitted sign area allocation may be divided between Wall, Awning, and Under Canopy Signs; however, all Sign Area shall be deducted from the total sign allocation for the Outlot. Outlots within a nonresidential center shall not be permitted Monument Signs.

Comprehensive Plan: The Westfield-Washington Township Comprehensive Plan identifies this Property within the "Suburban Residential" land use classification.

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 March 8, 2016, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

Conditions: The UDO³ 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 UDO⁴ 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:

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

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



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

Department Comments

The department has requested that the Petitioner enter into a written commitment with the city and the owner of the adjacent Outlot that outlines the use, costs, and maintenance of the sign. The Petitioner has indicated that they are in the process of working with all parties involved and it is their intention to have this in place prior to the Public Hearing. An update on this item will be provided during the Hearing.

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

Recommended Condition:

1. A written commitment with the city and the owner of the adjacent Outlot that outlines the use, costs, and maintenance of the sign as approved by the Director be in place prior to the issuance of a Sign Permit.

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. The proposed sign will be placed at a location that increase visibility to motorists attempting to locate the Property.

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 use of the property will not change, nor the scope of the business.

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 zoning ordinance's sign standards do not take into account the unique layout of this Nonresidential Center. The position of the In-line Tenant building along the road instead of behind the Outlots, decreases the advantage that many other Outlots have. Additionally, the existing Monument Sign for the Center does not currently have any spaces available for the Outlots to utilize.

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

Recommended Findings for Denial:

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

Finding: The zoning ordinance currently establishes a reasonable standard for sign area. The requested variance to permit Monument Sign is inconsistent with other permitted signage in the community and thus would likely create an unsafe distraction for motorists.

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 use of the property will not change, nor the scope of the business.

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

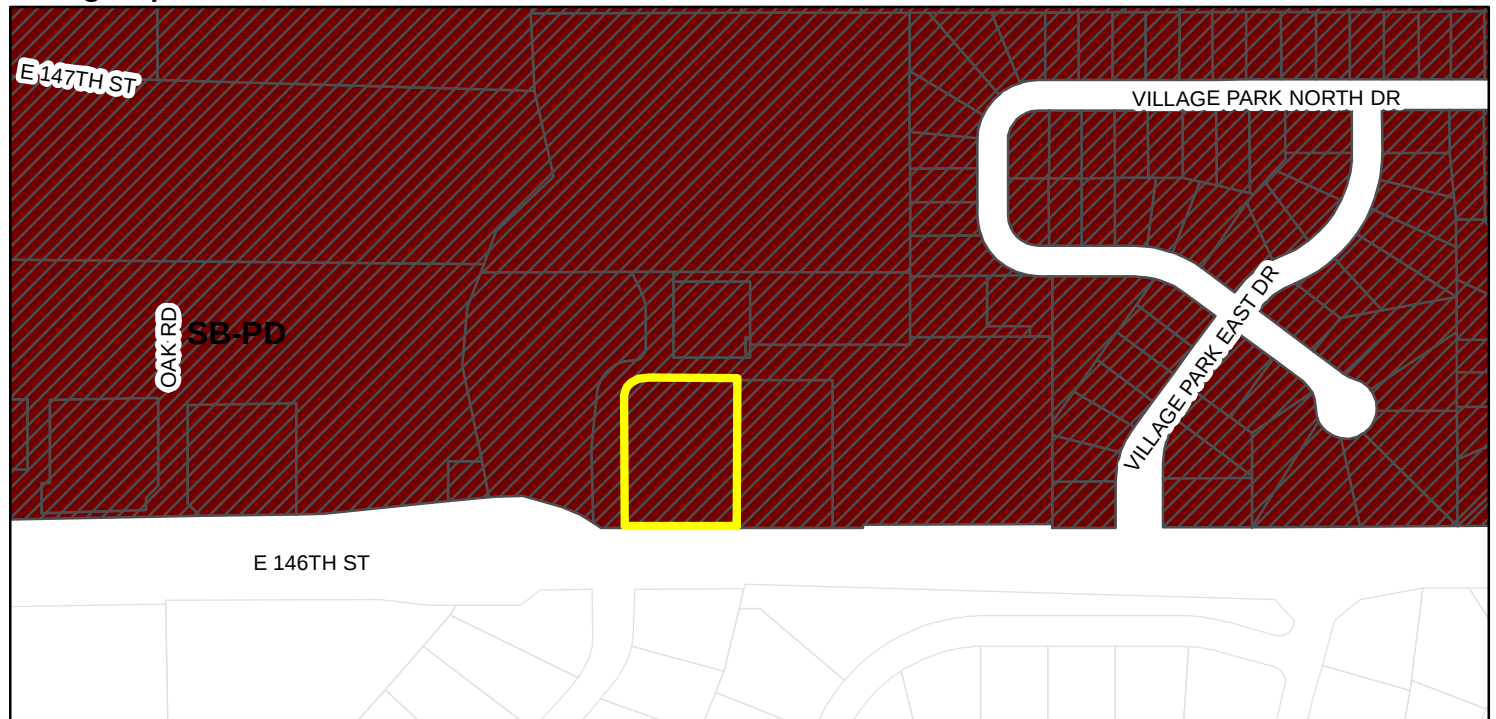
Finding: The zoning ordinance currently establishes a reasonable standard for permitted signs, including flexibility in the placement of permitted signs. Additionally, the existing Monument Sign for the Center is not at the maximum size permitted by the ordinance and could be enlarged to accommodate the remaining Outlots. Strict application of the ordinance would not inhibit the use of the property and thus would not be a practical difficulty.

Aerial Location Map

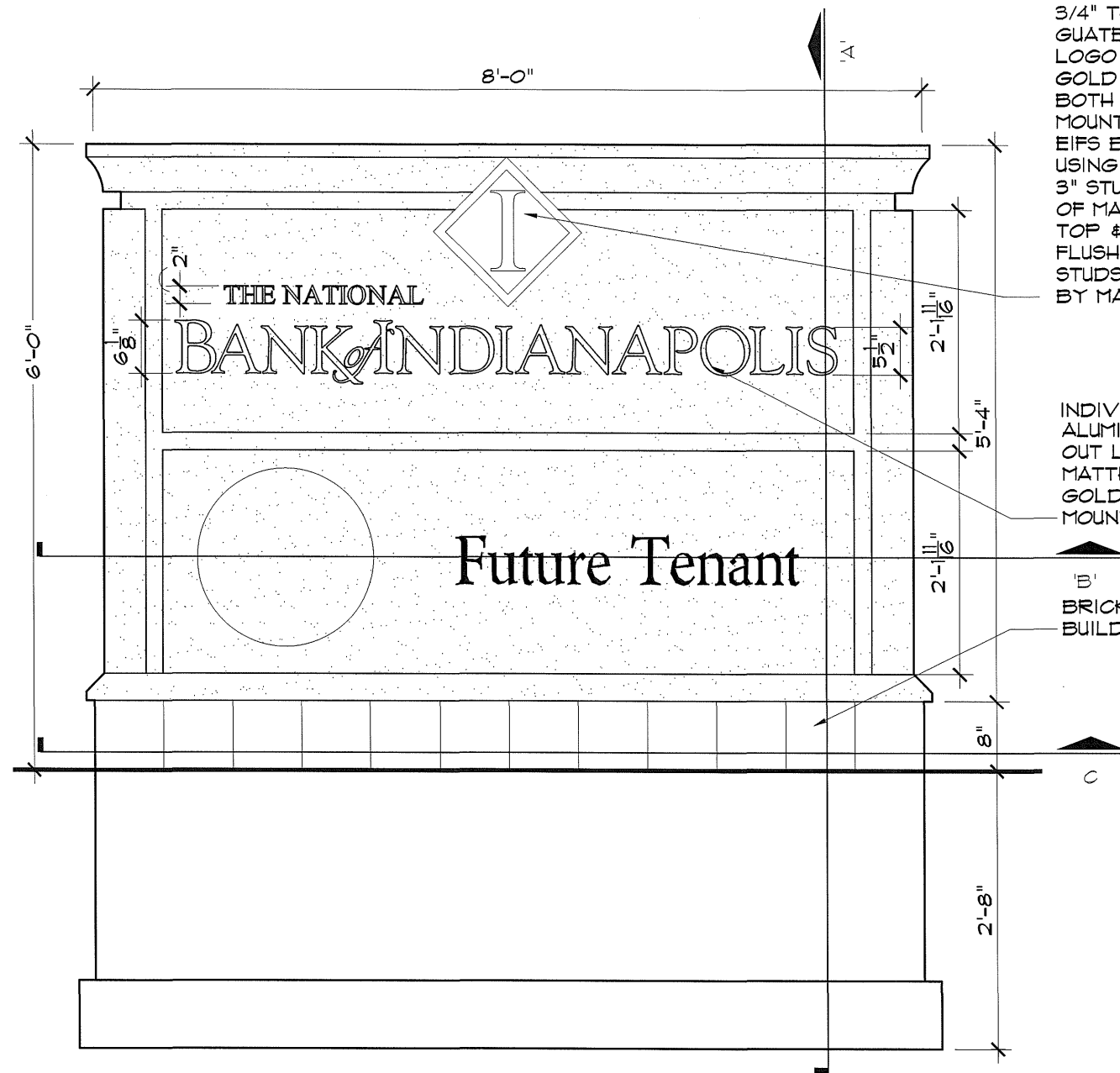
 Subject Parcel



Zoning Map



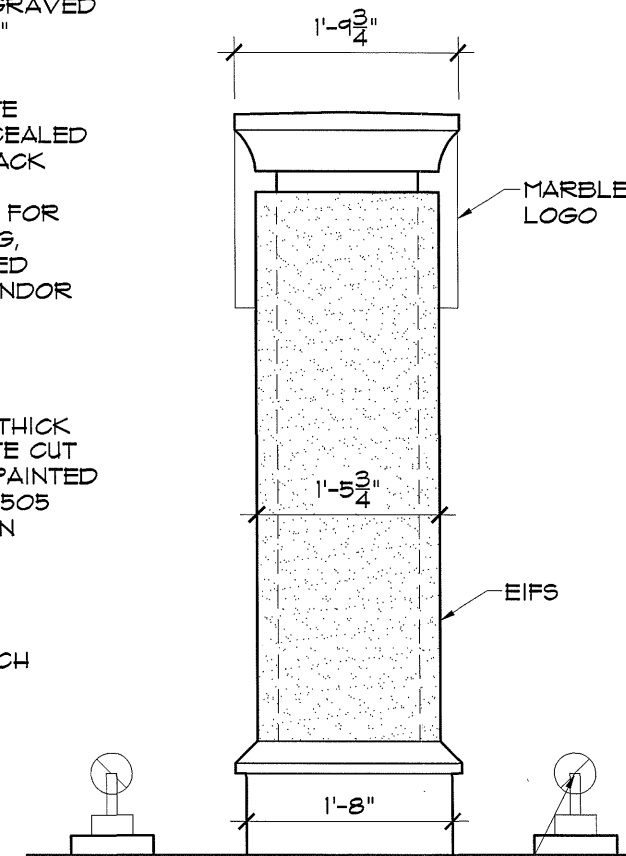
Zoning  SB-PD (Special Business - Planned Development)
 Parcel



3/4" THICK, VERDE
GUATEMALAN MARBLE
LOGO WITH ENGRAVED
GOLD FILLED "I"
BOTH SIDES,
MOUNT TO
EIFS BACKPLATE
USING (2) CONCEALED
3" STUDS ON BACK
OF MARBLE
TOP & BOTTOM FOR
FLUSH MOUNTING,
STUDS PROVIDED
BY MARBLE VENDOR

INDIVIDUAL 1/4" THICK
ALUMINUM PLATE CUT
OUT LETTERS PAINTED
MATTHEWS #20505
GOLD, POST/PIN
MOUNTED

BRICK TO MATCH
BUILDING

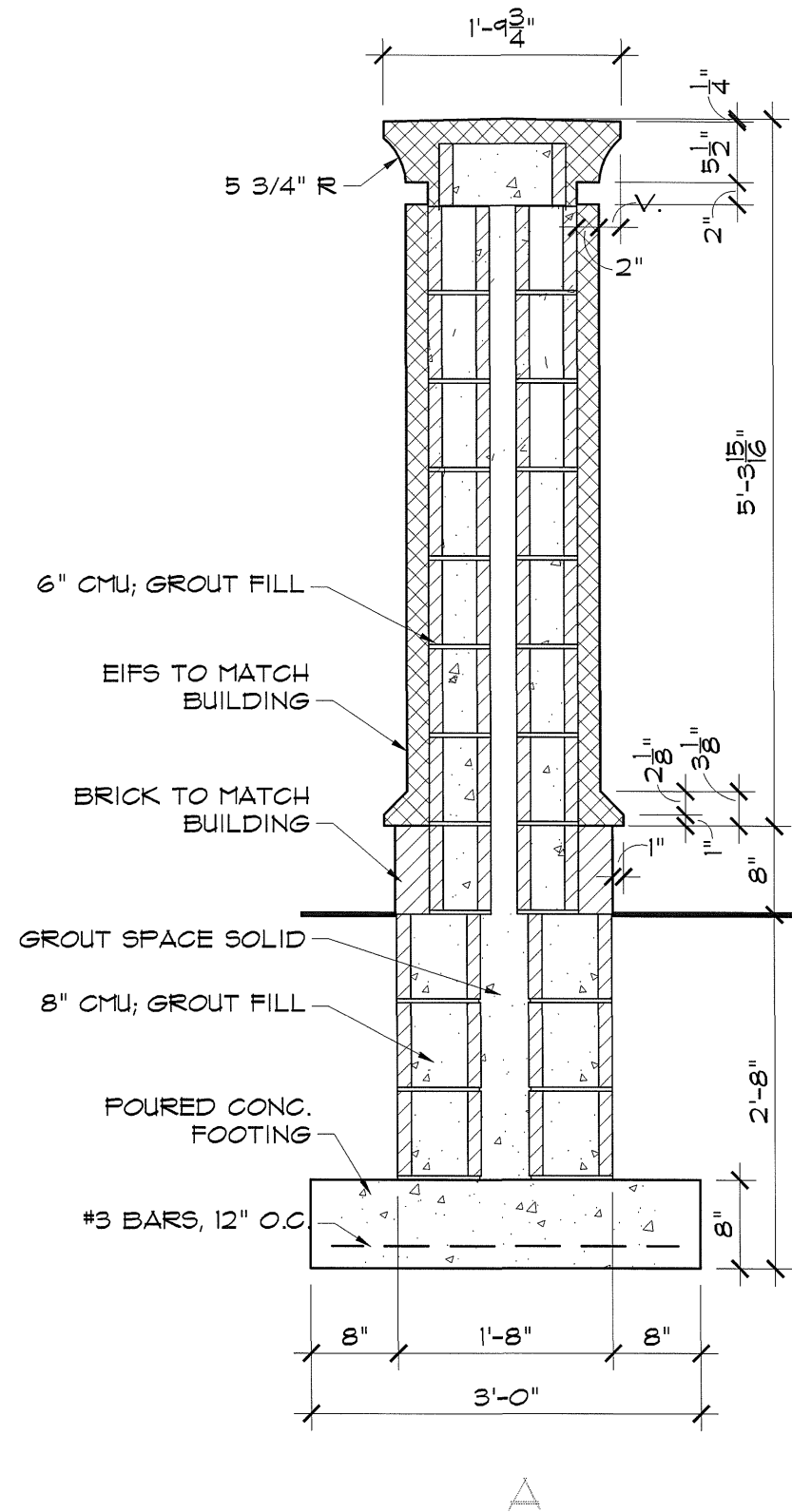


MONUMENT SIGN ELEVATION

SCALE: 3/4" = 1'-0"

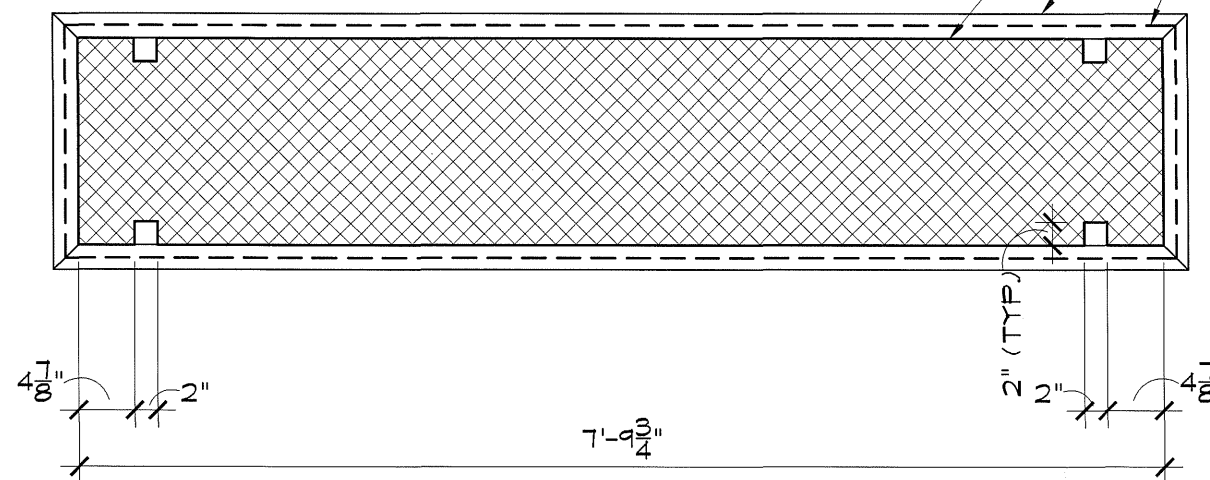
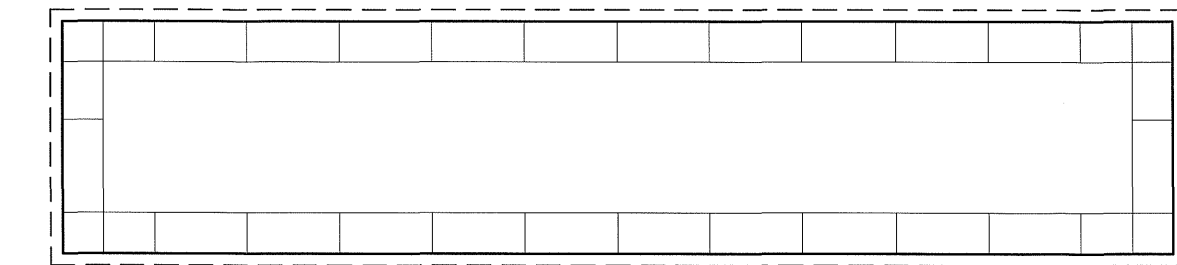
TYP. SIDE ELEVATION

SCALE: 3/4" = 1'-0"



MONUMENT SIGN SECTION

SCALE: 3/4" = 1'-0"



MONUMENT SIGN PLAN/SECTION

SCALE: 3/4" = 1'-0"

630 N. Delaware Street
Indianapolis, IN 46204

BRENNER DESIGN
Architecture
Interior
Construction Management

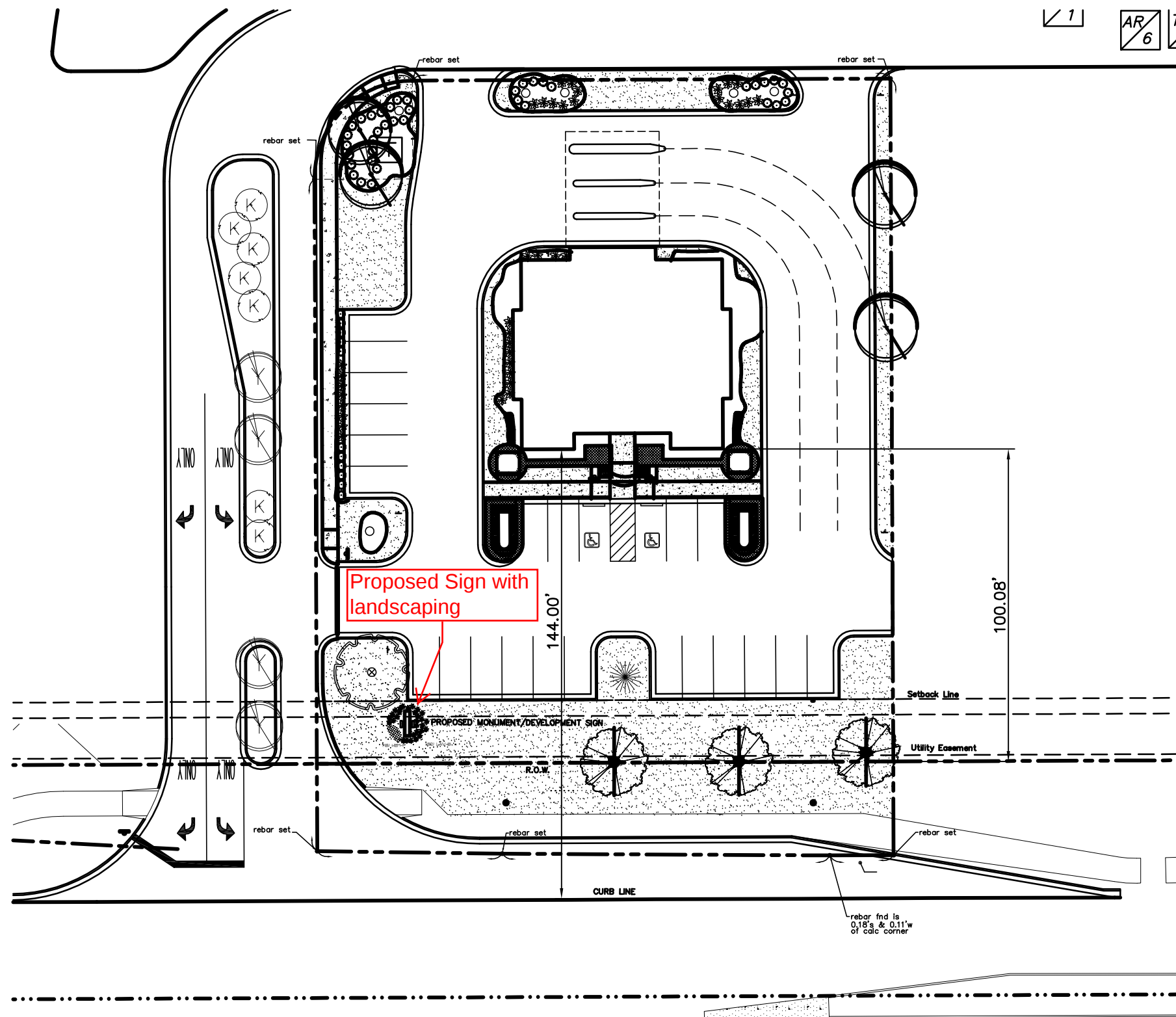
317.262.1220 tel
317.262.1260 fax
www.brennerdesign.com

THE NATIONAL BANK OF INDIANAPOLIS
WESTFIELD COOL CREEK VILLAGE BRANCH
2714 E. 146TH STREET
CARMEL, IN 46033

SHEET NO.

30 DEC 15

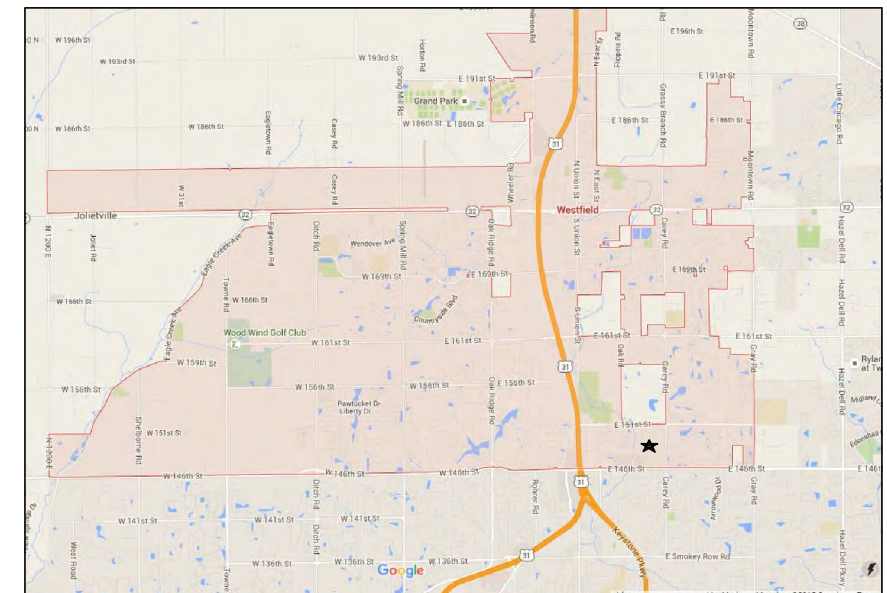
S3



SITE/LANDSCAPE PLAN

GENERAL NOTES

1. NBI = THE NATIONAL BANK OF INDIANAPOLIS
2. CONTRACTOR SHALL HAVE FULL USE OF UP TO THREE PARKING SPACES ADJACENT TO THE WORK AREA FOR THEIR USE. CONTRACTOR SHALL NOT BLOCK TRAFFIC TO ANY DRIVES OR PARKING. NBI MAY REQUEST TEMPORARY SITE SIGNAGE FOR TRAFFIC CONTROL AND WILL PROVIDE WORDING FOR SIGNAGE.
3. BRICK TO MATCH THE ORIGINAL BUILDING BRICK AS CLOSELY AS POSSIBLE. PROVIDE SAMPLES TO ARCHITECT FOR APPROVAL PRIOR TO BEGINNING WORK.
BUILDING BRICK: 8x8, BELDEN BRICK, CIENNA VELOUR
SOURCE: INDIANA BRICK CORPORATION
4. ALL TRASH AND DEBRIS TO BE REMOVED FROM THE SITE DAILY. NO DUMPSTER SHALL BE ALLOWED ON SITE.
5. RESTROOM FACILITIES ON SITE MAY BE USED BY WORKERS. COORDINATE WITH THE BUILDING MANAGER.
6. ELECTRICAL POWER FOR GROUND LIGHTS TO TIE INTO EXISTING SITE LIGHTING.
7. REPAIR AND RESEED GRASS AREAS WHERE DISTURBED BY TRENCHING AND/OR BORING.



VICINITY PLAN

SCALE: NTS

SHEET NO.

SITE/LANDSCAPE PLAN

30 DEC 15

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BRENNER DESIGN, P.C.



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CARMEL, IN 46033

30 DEC 13

BRANDED DESIGN, LTD.

SHEET NO.
S4

The Westfield Washington Township Board of Zoning Appeals met at 7:00 p.m. on Tuesday, February 9, 2016, at Westfield City Hall. Members present included Martin Raines, Ron Rothrock, Bill Sanders, Dave Schmitz and Robert Smith. Also present were Kevin Todd, Senior Planner; and Brian Zaiger, City Attorney.

APPROVAL OF MINUTES

Election of Officers was tabled to March 8, 2016, meeting.

Schmitz moved to approve the January 12, 2016, meeting minutes.

Rothrock seconded, and the motion passed 5-0.

Todd reviewed the Public Hearing Rules and Procedures.

ITEMS OF BUSINESS

1601-VU-02

[PUBLIC HEARING]

518 East Main Street

Rock's Auto Exchange

The petitioner is requesting a Variance of Use to allow sales of pre-owned automobiles in the SF3: Single-Family Medium Density District (Chapter 13: Use Table).

Todd presented an overview of the requested variance, as summarized in the Department report. Todd distributed a letter of support from the Grand Junction Task Group and noted the Department recommends approval of the Variance of Use with the conditions outlined in the Department report.

Brian Ewen, the petitioner, gave a brief presentation.

Public Hearing opened at 7:12 p.m.

Mic Mead, 15466 Oak Road, representing the Grand Junction Task Group; stated the group's support of the petitioner with the conditions outlined in their submitted letter.

Steve Reitmeyer, 1572 Westfield Boulevard; stated his support of the petition as a temporary use and that he believes the petitioner will take pride in the maintenance and upkeep of the property.

Juliann Baldwin, 117 Hillcrest; stated a concern that the proposed use would cause traffic problems on State Highway 32 and will negatively impact home values and that there should be a better place to have this use.

Public Hearing closed at 7:20 p.m.

Rothrock motioned to approve petition 1601-VU-02 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);
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;
10. That individual vehicle pricing and other displayed vehicle information be limited to a maximum of four (4) window “stickers” or tags per vehicle.
11. That outdoor speakers for music and/or announcements be prohibited.

Smith seconded and the motion passed 5-0.

Raines moved to adopt the Department’s recommended findings of fact.

Motion passed 5-0.

REPORTS/COMMENTS

Plan Commission Liaison report by Schmitz.

Economic and Community Development Department, no report.

Schmitz motioned to adjourn the meeting.

Smith seconded, and the motion passed.

The meeting adjourned at 7:27 p.m.

Chairperson
Martin Raines

Secretary
Matthew S. Skelton, Esq., ACIP
Director



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

March 8, 2016
1603-VS-04
Exhibit 5

Recommended Condition:

1. Unless otherwise agreed to by the City, Aa written commitment with the city and the owner of the adjacent Outlot that outlines the use, costs, and maintenance of the sign as approved by the Director be in place prior to the issuance of a Sign Permit.