



CITY OF WESTFIELD, IN
BoardofZoningAppeals_Meeting_Agenda_02_15_2017

Wednesday, February 15, 2017 at 07:00 PM

BOARD OR COMMISSION: Board of Zoning Appeals (BZA)

MEETING DATE: Wednesday, February 15, 2017 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 - January 10, 2017

Documents: [BZA Minutes - January 10, 2017](#)

Review Rules & Procedures

ITEMS OF BUSINESS:

PUBLIC HEARINGS

1702-VS-03 [PUBLIC HEARING]

216 Penn Street

Jeff Beaty

The Petitioner is requesting a Variance of Standard to reduce the Minimum Front, Rear, and Side Yard Building Setback Lines in the SF4: Single-Family High Density District (Article 4.7(D)).

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

1702-VS-04 [PUBLIC HEARING]

17030 Westfield Park Road

Scott Eiker (Design and Build Corporation)

The Petitioner is requesting a Variance of Standard to reduce the Minimum Side Yard Setback Line to accommodate an expansion of the existing building in the EI: Enclosed Industrial District (Article 4.24(E)).

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

1702-VS-05 [PUBLIC HEARING]

1821 E. 151st Street (Circle K)

Karen Dodge (Municipal Resources)

The Petitioner is requesting a Variance of Standard to allow a Monument Sign to be permitted for an Outlot in the SB-PD: Special Business / Planned Development District (Article 6.17(J)(8)(b)).

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Proposed Sign Elevation Exhibit](#) | [Exhibit 4: Proposed Sign Location Exhibit](#) | [Exhibit 5: Application](#) | [Exhibit 6: Letter of Grant 83-SE-3](#) | [Exhibit 7: Acknowledgement of Variance 1604-VS-06](#)

CONTINUED

1612-VS-17 [CONTINUED]

18300 Block of Joliet Road (Parcel No. 08-05-31-00-00-004.000)

TNA Enterprises, LLC

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

1609-AA-01 [CONTINUED]

14939 Ditch Road

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

REPORTS/COMMENTS:

Plan Commission Liaison

Economic and Community Development Department

ADJOURNMENT

The Westfield-Washington Township Board of Zoning Appeals met at 7:00 p.m. on Tuesday, January 10, 2017, at the Westfield City Hall. Members present included Ken Kingshill, Martin Raines, Dave Schmitz, Robert Smith, and Jeannine Fortier. Also present were Pam Howard, Associate Planner; Amanda Rubadue, Associate Planner; and Brian Zaiger, City Attorney.

ELECTION OF OFFICERS

Kingshill motioned to nominate Robert Smith as Chairperson and Raines seconded. Upon a call to vote by the Chair, the motion passed with a vote of 5-0.

Kingshill motioned to nominate Dave Schmitz as Vice-chairperson and Raines seconded. Upon a call to vote by the Chair, the motion passed 5-0.

Schmitz motioned to nominate Martin Raines as Pro-Tempore and Kingshill seconded. Upon a call to vote by the Chair, the motion passed 5-0.

APPROVAL OF MINUTES

Kingshill moved to approve the December 13, 2016, meeting minutes.

Raines seconded, and the motion passed 5-0.

Howard reviewed the Rules & Procedures.

ITEMS OF BUSINESS

1701-VS-01

[PUBLIC HEARING]

15442 Carey Road

Daniel and Denise Thompson, H&W

The petitioner is requesting Variances of Standard to allow an Accessory Building in the Established Front Yard (Article 6.1(D)(2)(a)) and to modify the Maximum Building Height (Article 6.1(F)) for an Accessory Building in the AG-SF1: Agriculture / Single-Family Rural District.

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

Russell Brown, attorney Russell Brown, attorney with Clark, Quinn, Moses, Scott, & Grahn LLP, on behalf of the petitioner, presented the details of the proposed request.

Schmitz commented that it looks an attempt was made to line the Accessory Building up with the main building, the issues is that the house is at an angle.

Brown indicated a letter was sent to the neighbors and no comments were received.

Public Hearing opened at 7:09 p.m.

No Public Comment.

Public Hearing closed at 7:10 p.m.

Motion to approve the Variance of Standard with the following condition:

1. The building shall be substantially similar to the elevations provided in Exhibit 4.

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

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

Kingshill seconded and the Motion passed 5-0.

1701-VS-02

[PUBLIC HEARING]

2740 E. 146th Street (Freddy's Frozen Custard & Steakburgers)

Errbody Land, LLC

The Petitioner is requesting a Variance of Standard to allow a Projecting Sign (Article 6.17(J)(8)(b)) in the SB-PD: Special Business / Planned Development District

Rubadue, presented an overview of the requested Variance of Standard, as summarized in the Department report.

Blake Epperson, petitioner, gave an overview and details of the requested Projecting Sign which is a trademark of the restaurant.

Councilors discussed the definition of Sign as well as possible future uses of such Signs.

Public Hearing opened at 7:19 p.m.

No Public Comment.

Public Hearing closed at 7:19 p.m.

Motion to approve the request for a Variance of Standard.

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

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

Kingshill seconded and the Motion passed 5-0.

1609-AA-01

[CONTINUED]

14939 Ditch Road

Indiana Structural Foundations, LLC

The petitioner is appealing an Administrative Determination (1604-AD-02) regarding standards applicable to a concrete business pursuant

to a previously approved Variance of Use (79-V-12).

1612-VS-17
[CONTINUED]

18300 Block of Joliet Road (Parcel No. 08-05-31-00-00-004.000)
TNA Enterprises, LLC

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

REPORTS/COMMENTS

Plan Commission Liaison

Economic and Community Development Department

Schmitz motioned to adjourn the meeting.

Kingshill seconded, and the motion passed.

The meeting adjourned at 7:25 p.m.

Chairperson
Robert Smith, Esq.

Secretary
Matthew S. Skelton, Esq., AICP
Director



Petition Number: 1702-VS-04

Subject Site Address: 17030 Westfield Park Road (the "Property")

Petitioner: Scott Eiker (Design & Build Corporation) (the "Petitioner")

Request: The Petitioner is requesting a Variance of Standard to modify the minimum side yard setback line from twenty (20) feet to ten (10) feet in the EI: Enclosed Industrial Zoning District to accommodate an expansion of the existing building.

Current Zoning: EI: Enclosed Industrial

Current Land Use: Metric Seals (Industrial Use)

Approximate Acreage: 2.1 acres +/-

Exhibits:

1. Staff Report
2. Location Map
3. Site Plan
4. Proposed Elevations
5. Existing Conditions

Staff Reviewer: Daine Crabtree, Associate Planner

OVERVIEW

Location: The subject property is 2.1 acres +/- in size and located at 17030 Westfield Park Road (see **Exhibit 2**). The Property is zoned EI: Enclosed Industrial. Adjacent properties are zoned EI and OI: Open Industrial.

Property History: The original Site Plan¹ for development on the Property was approved on November 27, 1995 by the Westfield-Washington Township Advisory Plan Commission. The Site Plan and Development Plan² for an expansion of the original building was approved at the January 24, 2005, Westfield-Washington Township Advisory Plan Commission Meeting.

Requested Variances: the petitioner is requesting a Variance of Standard to modify the minimum side yard setback from twenty (20) feet to ten (10) feet, as further described herein. The Property falls within the U.S. Highway 31 Overlay District. However, the U.S. Highway 31 Overlay Standards do not apply to the proposed building expansion because the project meets the exemption criteria³. Because Metric Seals existed prior to the adoption of Ordinance No. 00-17

¹ Petition 95-AP-41

² Petitions 0501-SIT-02 & 0501-DP-02

³ Article 5.2(L) Overlay districts; US Highway 31 Overlay District; Exemption.



(August 14, 2000), the Property, buildings, and alterations to existing buildings located on the Property are exempt from the US 31 Overlay Standards.

SUMMARY OF VARIANCE

The Property is currently subject to the Minimum Building Setback Line⁴ Standards of the El: Enclosed Industrial District⁵ set forth in the Westfield-Washington Township Unified Development Ordinance (the "UDO"). The Side Yard Minimum Setback Line is twenty (20) feet.

The Petitioner is requesting a Variance of Development Standard to modify the Side Yard Minimum Setback Line from twenty (20) to ten (10) feet to accommodate a 16,080 square foot expansion of the existing building, as generally illustrated on the Site Plan (see **Exhibit 3**).

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 February 15, 2017, 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.

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

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 Article 4.24(E) Zoning Districts; El: Enclosed Industrial District

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

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



of Hamilton County, Indiana. A copy of the recorded acknowledgement shall be provided to the Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

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

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

DEPARTMENT COMMENTS

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

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

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

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

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

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

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



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

February 15, 2017

1702-VS-04

Exhibit 1

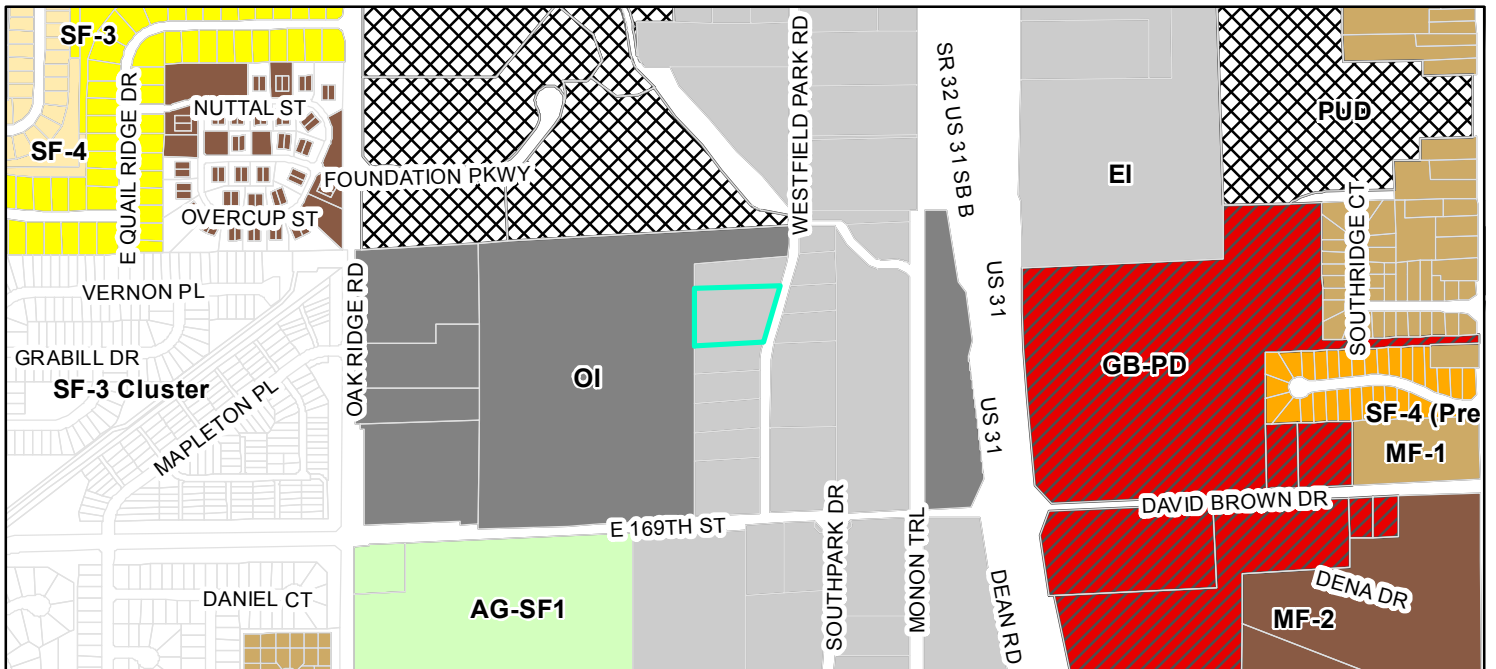
Denial: If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.

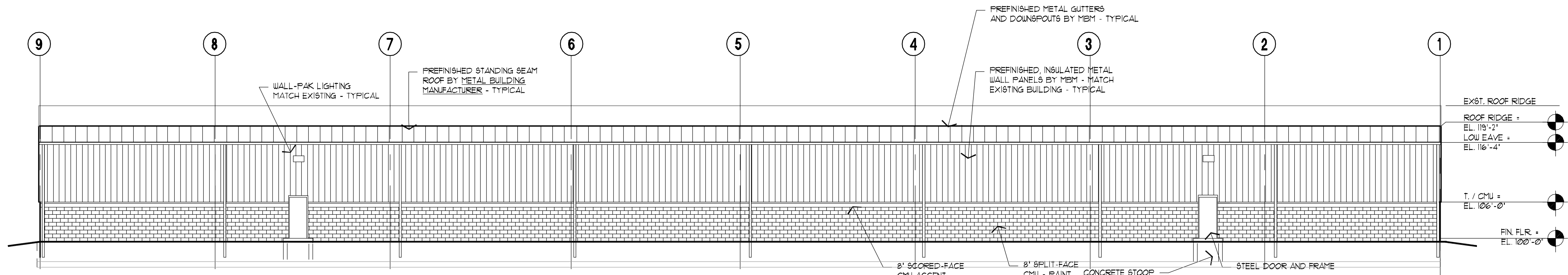
Aerial Location Map

Site

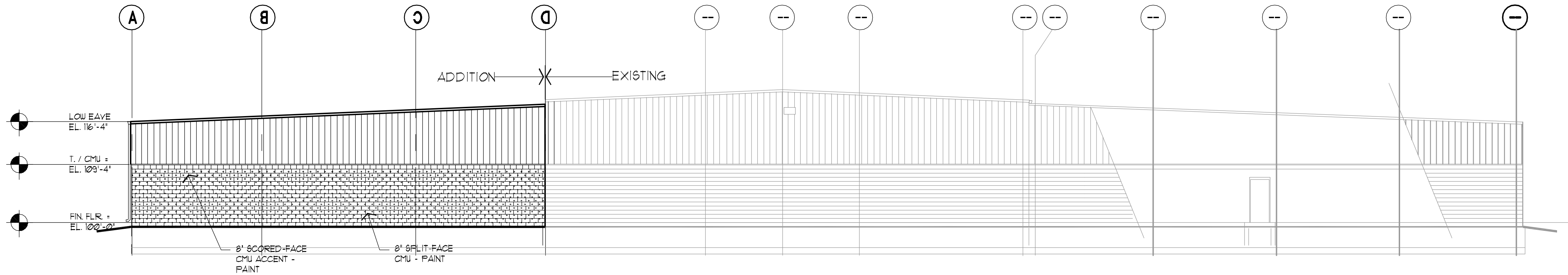


Zoning Map

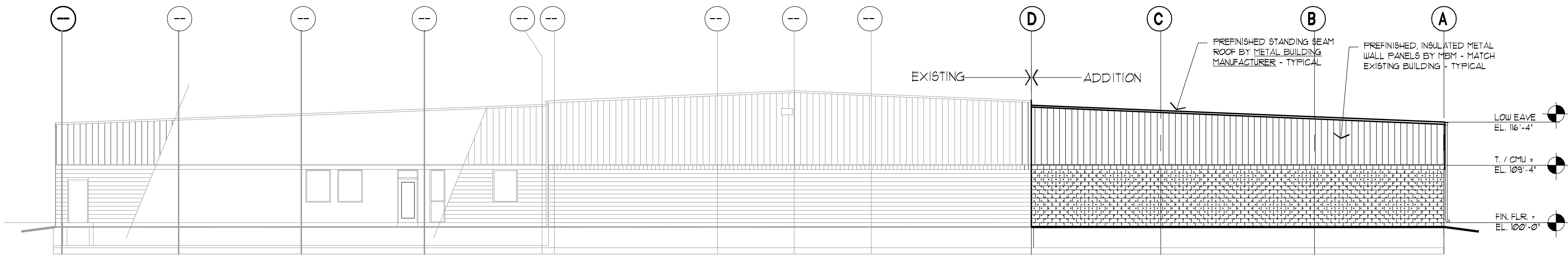




3 NORTH ELEVATION
SCALE: 3/32" = 1'-0"



2 WEST ELEVATION
SCALE: 3/32" = 1'-0"



1 EAST ELEVATION
SCALE: 3/32" = 1'-0"

peterson ARCHITECTURE

298 south 10th street
suite 500
noblesville in 46060
p 317.770.9714
f 317.770.9718
studio@petersonarchitecture.com

ADDITION
METRIC SEALS
17030 WESTFIELD PARK ROAD
WESTFIELD, INDIANA
DESIGN + BUILD, INC.

CLIENT REVIEW
DEC. 21, 2016

REVISIONS:		----
1	REVISION DATE	----
2	REVISION DATE	----
3	REVISION DATE	----
4	REVISION DATE	----
5	REVISION DATE	----

DRAWN BY: B. HORMANN
CHECKED BY: D. PETERSON
PROJECT NUMBER: 16-0223

EXTERIOR ELEVATIONS

A201

THESE DRAWINGS ARE GIVEN IN CONFIDENCE
AND SHALL BE USED ONLY IN PURSUANT TO THE
AGREEMENT WITH
PETERSON ARCHITECTURE, P.C.
NO OTHER USE OR DUPLICATION MAY BE MADE
WITHOUT THE PRIOR WRITTEN CONSENT OF
PETERSON ARCHITECTURE, P.C.
ALL OTHER COPYRIGHT AND COMMON LAW
RIGHTS ARE HEREBY SPECIFICALLY RESERVED.

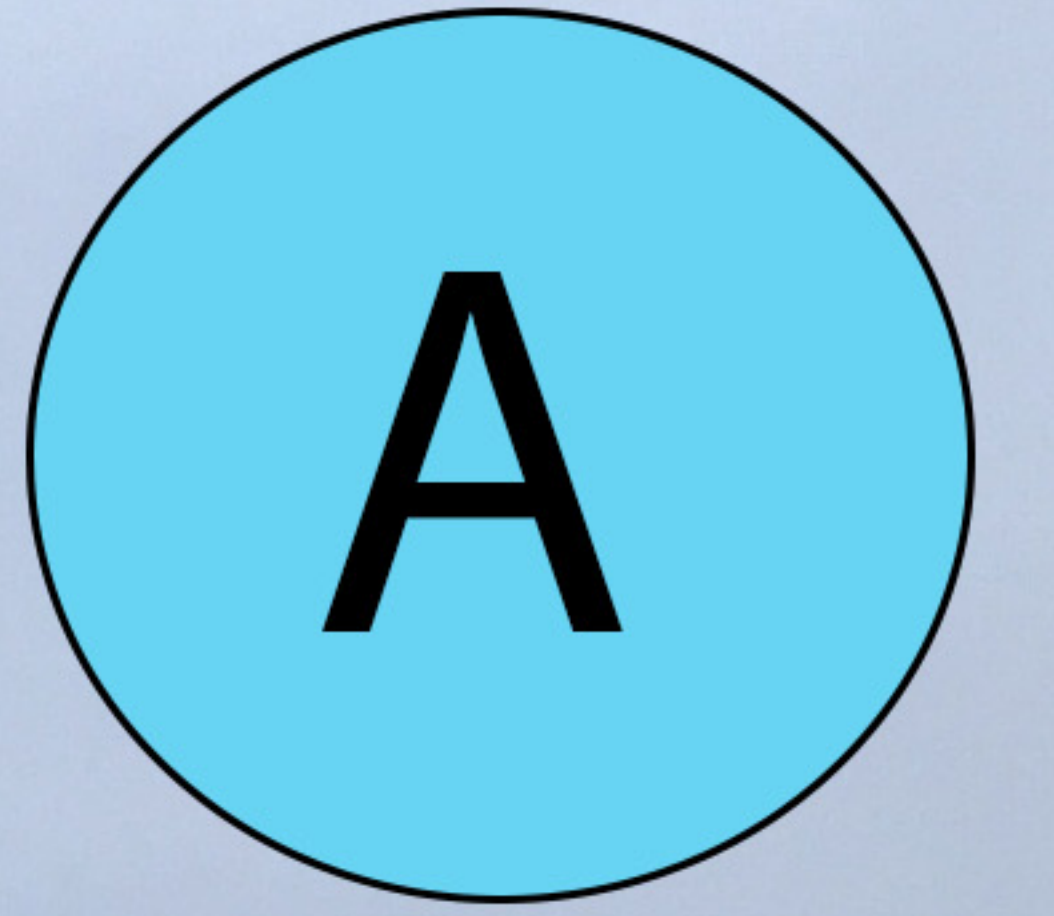
17030 Westfield Park
Road

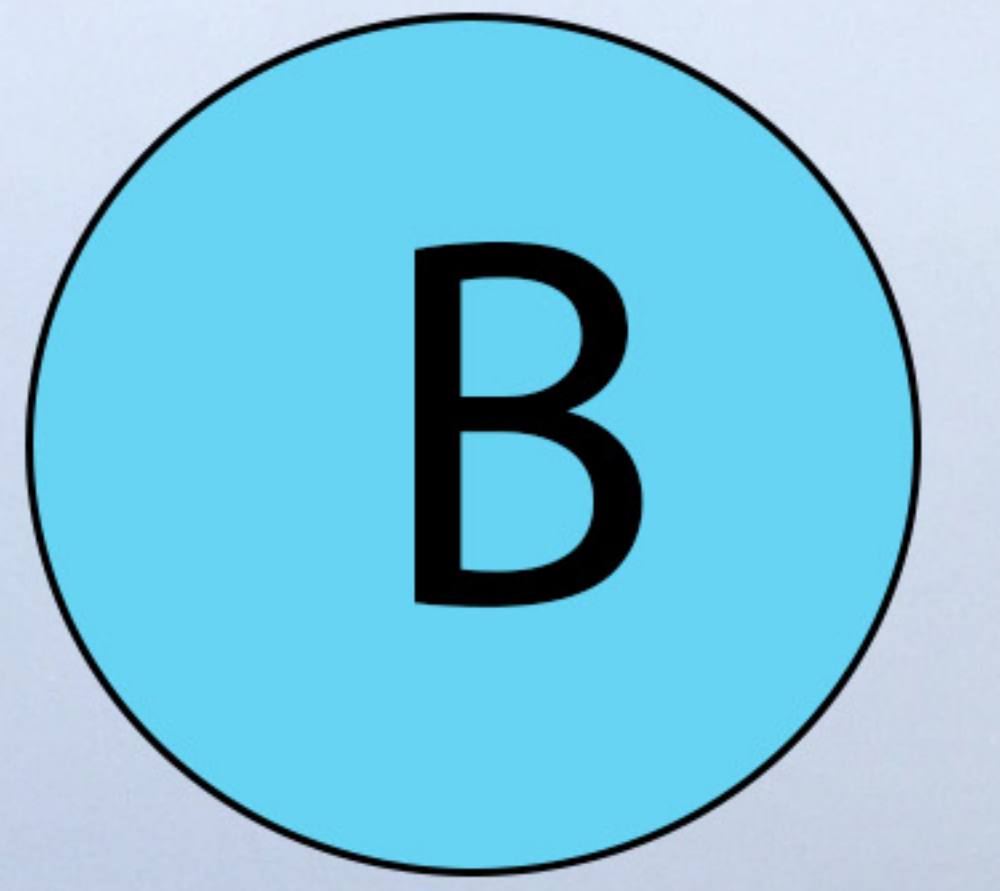
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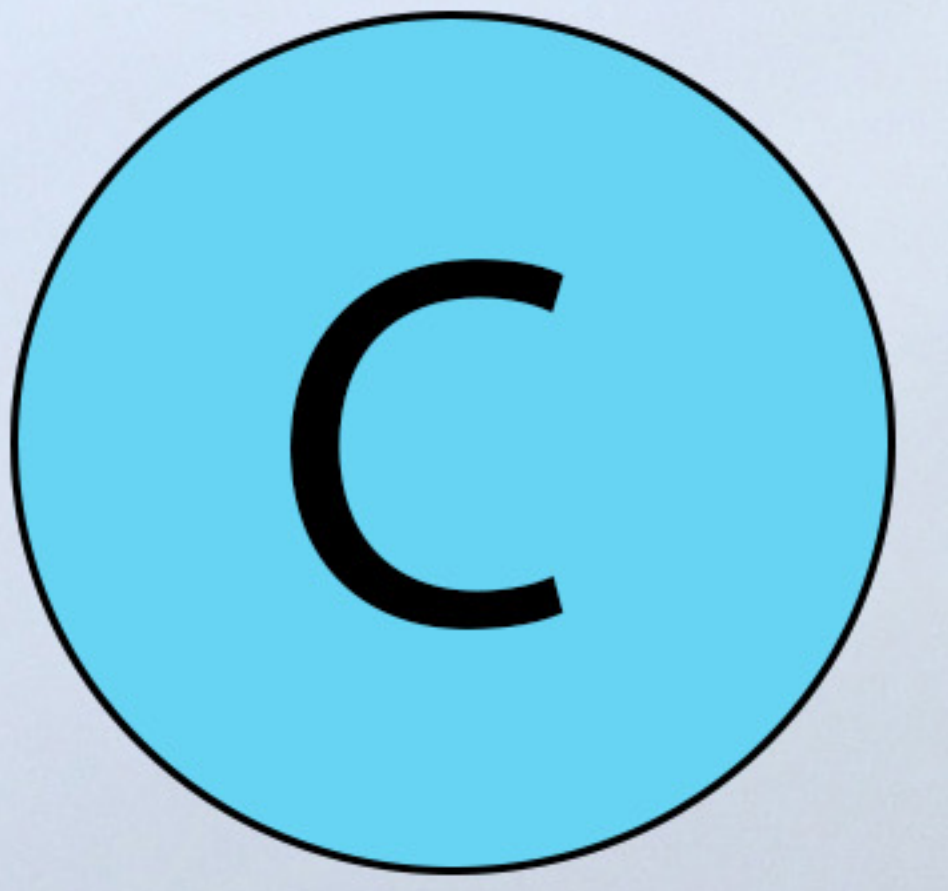
B

C











WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

February 15, 2017

1702-VS-05

Exhibit 1

Petition Number: 1702-VS-05

Subject Site Address: 1821 E 151st Street (the "Property")

Petitioner: MAC's Convenience Stores LLC (the "Petitioner")

Request: The Petitioner is requesting a Variance of Standard to allow a Monument Sign to be permitted for an Outlot in the SB-PD: Special Business / Planned Development District (Article 6.17(J)(8)(b)).

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

Current Land Use: Retail, Gasoline Service Station

Approximate Acreage: 1.545 acres +/-

Exhibits:

1. Staff Report
2. Location Map
3. Proposed Sign Elevation Exhibit
4. Proposed Sign Location Exhibit
5. Application
6. Letter of Grant 83-SE-3
7. Acknowledgement of Variance 1604-VS-06

Staff Reviewer: Pam Howard, Associate Planner

OVERVIEW

Location: The Property is approximately 1.545 acres +/- in size and located at 1821 E 151st Street, an Outlot within the Village Park Plaza shopping center (see Exhibit 2). The Property is zoned the SB-PD: Special Business / Planned Development ("SB-PD") District. Adjacent properties are zoned the SB-PD District or the LB-PD: Local Business/Planned Development District.

Property History: On February 21, 1983 the Board of Zoning Appeals granted a Special Exception to permit operation of a Gasoline Service Station on this site (see **Exhibit 6**).

On April 12, 2016 the Board of Zoning Appeals granted several Variances of Development Standard related to the redevelopment of the site. The approved variances and associated conditions are outlined in the Acknowledgement of Variance (see **Exhibit 7**).

On June 6, 2016 the Advisory Plan Commission approved a Detailed Development Plan for the site, and an Improvement Location Permit was issued on November 23, 2016.



Variances: 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 Exhibit (see Exhibit 3) and Proposed Sign Location Exhibit (see Exhibit 4).

SUMMARY OF VARIANCES

The Petitioner is requesting this variance to allow a 8' tall Monument Sign, with 60 square feet of Sign Area³ per face, to be constructed at the location of the current Pole Sign⁴; as generally illustrated on the Proposed Sign Elevation (see Exhibit 3) and Proposed Sign Location (see Exhibit 4). The proposed Sign would replace the existing Pole Sign.

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.

A Pole Sign currently exists on the site. Pole Signs are no longer permitted in under the UDO⁵, and the existing sign is considered a Legal Nonconforming Sign⁶. On November 29, 2016, the Department received a Sign Permit Application for several new signs on the property. A Legal Nonconforming Sign is no longer permitted to remain if "any new sign is proposed for the property upon which the nonconforming Sign is located⁷."

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."

³ The UDO defines "Sign Area" as "[t]he entire area within a single continuous perimeter enclosing the extreme limits of a sign, including all background area figures and letters. However, such perimeter shall not include any structural elements lying outside the limits of the sign which are not part of the information, visual attraction, or symbolism of the sign. Sign Area shall be computed as the smallest continuous rectangular figure that circumscribes a single sign display including writing, representations, emblems, logos or other displays, exclusive of the supporting framework, base, or structural bracing clearly incidental to the sign display."

⁴ The UDO defines "Sign, Pole" as "[a] Sign which is supported by one or more poles, posts, or braces upon the ground, in excess of six (6) feet in height, not attached to or supported by any building."

⁵ Article 6.17(E) Sign Standards; Prohibitions

⁶ The UDO defines "Nonconforming Sign" as "[a] Sign which does not conform to the regulations of this Ordinance, or any amendment thereto."

⁷ Article 9.6 Nonconforming Signs



COMPREHENSIVE PLAN

The Future Land Use Plan in the Westfield-Washington Township Comprehensive Plan (the "Comprehensive Plan") identifies the properties as "Regional Commercial". The existing commercial center meets many of Comprehensive Plan's development policies for this area, including, but not limited to: (i) Reserve exclusively for regional commercial development; (ii) Permit regional commercial uses only in planned centers with consistent design and architectural style for each center; (iii) require that buildings be designed to enhance the community character; and (iv) required the size, materials, color, and design of buildings to be unique to Westfield. "Franchise" architecture that represents no effort to create a unique design that fits Westfield-Washington Township is not acceptable. The Comprehensive Plan is not law; rather, it is intended to serve as a guide in making land use decisions.

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 February 15, 2017, 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 UDO⁸ 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 UDO⁹ 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.

⁸ Article 10.14(I) Processes and Permits; Variances; Conditions of the UDO.

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



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

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

DEPARTMENT COMMENTS

The Department recommends the Board motions and votes separately for each separate Variance of Development Standard.

Approval: If the Board is inclined to approve the variances, then the Department recommends approval with the conditions and findings as set forth below:

Recommended Condition:

1. The sign be constructed in substantial compliance with the Proposed Sign Elevation Exhibit (see **Exhibit 3**) at the location shown on the Proposed Sign Location Exhibit (see **Exhibit 4**).

Recommended Findings for Approval:

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

Finding: It is unlikely that approving the requested variance(s) would be injurious to the public health, safety, morals, and general welfare of the community because the proposed sign will be placed at a location that increase visibility to motorists attempting to locate the Property. Additionally, it will be smaller in size and the current sign.

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

Finding: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The use of the property will not change, nor the scope of the business.



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

February 15, 2017

1702-VS-05

Exhibit 1

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

Finding: The zoning ordinance's sign standards do not necessarily recognize the unique function of an outdoor mall creating a practical difficulty in the safe signage and traffic flow of the development, particularly as a result of the upgrade of US 31. The variance should more practically accommodate these unique circumstances.

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.



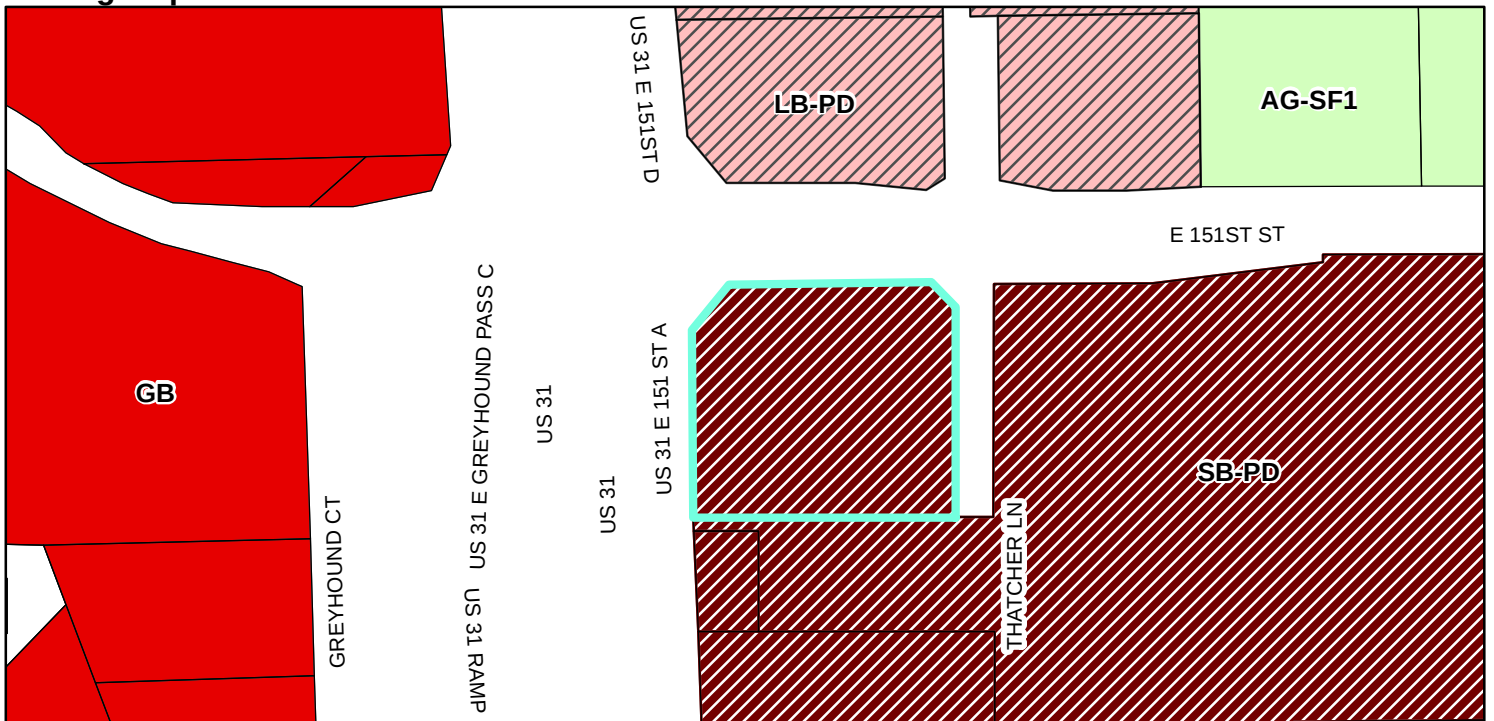
Location Map Belmont Woods 1703-REZ-01, 1703-ODP-02, & 1703-SPP-02



Aerial Location Map

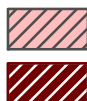


Zoning Map



Zoning

-  AG-SF1 (Agriculture - Single Family - 1)
-  GB (General Business)



- LB-PD (Local Business - Planned Development)
- SB-PD (Special Business - Planned Development)

PLANTING NOTES

- CONSULT PLANT LIST FOR PLANT SIZES AND SPECIFICATIONS.
- CONTRACTOR IS RESPONSIBLE FOR LOCATING AND PROTECTING ALL UTILITIES PRIOR TO INSTALLATION. NOTIFY OWNER IF FIELD CONDITIONS WARRANT ADJUSTMENT OF PLANT LOCATIONS.
- CONTRACTOR IS RESPONSIBLE FOR ALL PLANTS DRAWN ON PLANS. PLANT LIST QUANTITIES ARE FOR CONVENIENCE ONLY.
- ALL SHRUB AND GROUND COVER BEDS (EXISTING AND NEW) TO BE MULCHED WITH A MINIMUM OF 2 INCHES OF DOUBLE SHREDDED HARDWOOD MULCH. ALL MULCH AREAS TO HAVE A WEED BARRIER INSTALLED.
- CONTRACTOR TO PROVIDE A FULL 1 YEAR GUARANTEE ON ALL PLANTS INSTALLED AND PROVIDE COMPLETE MAINTENANCE ON ALL WORK DONE BEGINNING ON THE DAY OF APPROVAL FROM OWNER'S REPRESENTATIVE AND CONTINUING FOR A THREE MONTH DURATION AT WHICH TIME OWNER'S REPRESENTATIVE WILL DECLARE JOB ACCEPTANCE.
- EACH PLANTING TO BE FREE FROM DISEASE, INSECT INFESTATION AND MECHANICAL INJURIES AND, IN ALL RESPECTS, BE READY FOR FIELD PLANTING.
- ALL PLANTS TO CONFORM TO THE AMERICAN STANDARD FOR NURSERYMEN STOCK (ANSI-1986) IN REGARDS TO SIZING, GROWING AND B&B SPECIFICATIONS.
- PLANTING HOLES TO BE DUG A MINIMUM OF TWICE THE WIDTH AND 6-8 INCHES DEEPER THAN THE SIZE OF THE ROOT BALL OF BOTH SHRUB AND TREE. AND TO BE AMENDED WITH ORGANIC SOIL CONDITIONER, (I.E. NATURE'S HELPER OR PRO MIX).
- IN AREAS WHERE BEDROCK OR HEAVILY COMPACTED ROCK FILL IS ENCOUNTERED, THE PLANTING HOLES ARE TO BE DUG TO A MINIMUM OF THREE TIMES THE WIDTH AND ONE FOOT DEEPER THAN THE SIZE OF THE ROOT BALL. NOTIFY LANDSCAPE ARCHITECT IF FIELD CONDITIONS WARRANT ADJUSTMENT OF PLANT LOCATIONS.
- EXISTING GRASS TO BE REMOVED, IF PRESENT, AND TOPSOIL TO BE SPREAD SMOOTH AND HAND-RAKED TO REMOVE ALL ROCKS AND DEBRIS LARGER THAN 1 INCH IN DIAMETER PRIOR TO LAYING SOD OR SEEDING.
- ALL CHANGES TO DESIGN OR PLANT SUBSTITUTIONS ARE TO BE AUTHORIZED BY THE OWNER.
- TOPSOIL MIX TO BE 3 PARTS SCREENED TOPSOIL AND 1 PART ORGANIC MATERIAL. (I.E. NATURE'S HELPER OR PRO MIX).
- MIN. 6" CLEAN TOPSOIL TO BE PLACED ON ALL LANDSCAPE AREAS AND SLOPES 2:1 (H:V) OR FLATTER.
- ALL PARKING ISLANDS ARE TO MATCH EXISTING UNLESS OTHERWISE NOTED.
- CONTRACTOR SHALL SUBMIT TO GANT EAGLE AN IRRIGATION SYSTEM DESIGN THAT COVERS ALL NEW PLANTINGS. SYSTEM SHALL BE FED FROM THE PROPOSED KIOSK.
- THE CONTRACTOR SHALL REPLACE ANY AND ALL LANDSCAPING THAT IS DAMAGED AS THE RESULT OF CONSTRUCTION ACTIVITIES.
- ALL MULCH BEDS SHALL HAVE A CHEMICAL BARRIER (SNAPSHOT) INSTALLED. START WITH WEED FREE SOIL.
- INSTALL CLEAN, WASHED SOD WHERE INDICATED ON LANDSCAPING PLAN.



- MULCH- DOUBLE SHRED HARDWOOD BARK
- HEAVY CONCRETE PAD & SIDEWALKS
- CONCRETE
- GRASS/ SEED
- SOD

SPECIFICATIONS FOR SODDING

MATERIALS

- SOD SHALL BE HARVESTED, DELIVERED AND INSTALLED WITHIN A PERIOD OF 48 HOURS. SOD NOT TRANSPORTED WITHIN THIS PERIOD SHALL BE INSPECTED AND APPROVED PRIOR TO INSTALLATION.
- THE SOD SHALL BE KEPT MOIST AND COVERED DURING HAULING AND PREPARATION FOR PLACEMENT.
- SOD SHALL BE MACHINE CUT AT A UNIFORM SOIL THICKNESS OF 0.75 INCHES, PLUS OR MINUS 0.25 INCHES. AT THE TIME OF CUTTING, MEASUREMENTS FOR THICKNESS SHALL EXCLUDE TOP GROWTH AND THATCH.

SITE PREPARATION

- A SUBSOILER, PLOW OR OTHER IMPLEMENT SHALL BE USED TO REDUCE SOIL COMPACTION AND ALLOW MAXIMUM INFILTRATION. MAXIMIZING INFILTRATION WILL HELP CONTROL BOTH RUNOFF RATE AND WATER QUALITY. SUBSOILING SHALL NOT BE CONDUCTED ON SLIP-PRONE AREAS WHERE SOIL PREPARATION SHOULD BE LIMITED ONLY TO WHAT IS NECESSARY FOR ESTABLISHING VEGETATION.
- THE AREA SHALL BE GRADED AND TOPSOIL SPREAD WHERE NEEDED. (SEE TOPSOILING)
- SOIL AMENDMENTS:
 - LIME—AGRICULTURAL GROUND LIMESTONE SHALL BE APPLIED TO ACIDIC SOILS AS RECOMMENDED BY A SOIL TEST. IN LIEU OF A SOIL TEST, LIME SHALL BE APPLIED AT THE RATE OF 100 LB./1,000 SQ. FT. OR 2 TONS/AC.
 - FERTILIZER—FERTILIZER SHALL BE APPLIED AS RECOMMENDED BY A SOIL TEST. IN LIEU OF A 2800 LBS TEST FERTILIZER SHALL BE APPLIED AT A RATE OF 12 LB./1,000 SQ. FT. OR 500 LB./AC. OF 10-10-10 OR 12-12-12 ANALYSIS.
 - THE LIME AND FERTILIZER SHALL BE WORKED INTO THE SOIL WITH A DISK HARROW, SPRING-TOOTH HARROW, OR OTHER SUITABLE FIELD IMPLEMENT TO A DEPTH OF 3 INCHES.
- BEFORE LAYING SOD, THE SURFACE SHALL BE UNIFORMLY GRADED AND CLEARED OF ALL DEBRIS, STONES AND CLODS LARGER THAN 3-IN. DIAMETER.

SOD INSTALLATION

- DURING PERIODS OF EXCESSIVELY HIGH TEMPERATURES, THE SOIL SHALL BE LIGHTLY IRRIGATED IMMEDIATELY BEFORE LAYING THE SOD.
- SOD SHALL NOT BE PLACED ON FROZEN SOIL.
- THE FIRST ROW OF SOD SHALL BE LAID IN A STRAIGHT LINE WITH SUBSEQUENT ROWS PLACED PARALLEL TO AND TIGHTLY WEDGED AGAINST EACH OTHER. LATERAL JOINTS SHALL BE STAGGERED IN A BRICK-LIKE PATTERN. ENSURE THAT SOD IS NOT STRETCHED OR OVERLAPPED AND THAT ALL JOINTS ARE BUTTED TIGHT IN ORDER TO PREVENT VOIDS THAT WOULD DRY THE ROOTS.
- ON SLOPING AREAS WHERE EROSION MAY BE A PROBLEM, SOD SHALL BE LAID WITH THE LONG EDGE PARALLEL TO THE CONTOUR AND WITH STAGGERED JOINTS. THE SOD SHALL BE SECURED WITH PEGS OR STAPLES.
- AS SODDING IS COMPLETED IN ANY ONE SECTION, THE ENTIRE AREA SHALL BE ROLLED OR TAMPED TO ENSURE SOLID CONTACT OF ROOTS WITH THE SOIL SURFACE. SOD SHALL BE WATERED IMMEDIATELY AFTER ROLLING OR TAMPING UNTIL THE SOD AND SOIL SURFACE BELOW THE SOD ARE THOROUGHLY WET. THE OPERATIONS OF LAYING, TAMPING AND IRRIGATING FOR ANY PIECE OF SOD SHALL BE COMPLETED WITHIN 8 HOURS.

MAINTENANCE

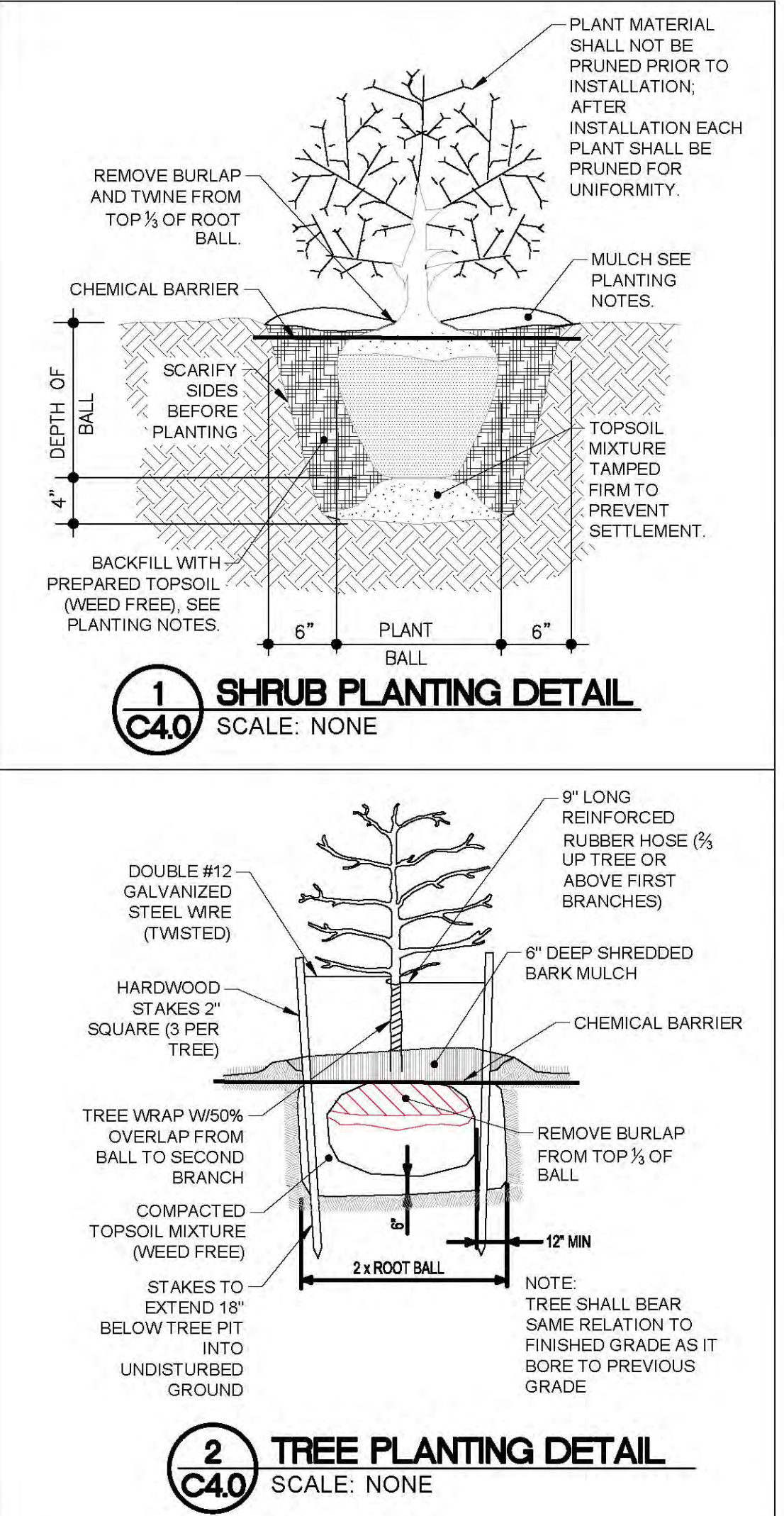
- IN THE ABSENCE OF ADEQUATE RAINFALL, WATERING SHALL BE PERFORMED DAILY OR AS OFTEN AS NECESSARY DURING THE FIRST WEEK WITH SUFFICIENT QUANTITIES TO MAINTAIN MOIST SOIL TO A DEPTH OF 4-6 INCHES.
- AFTER THE FIRST WEEK, SOD SHALL BE WATERED AS NECESSARY TO MAINTAIN ADEQUATE MOISTURE AND ENSURE ESTABLISHMENT.
- THE FIRST MOWING SHALL NOT BE ATTEMPTED UNTIL SOD IS FIRMLY ROOTED.

PLANT SCHEDULE						
SYMBOL	ITEM	COMMON NAME	TYPE	SCIENTIFIC NAME	START SIZE	MATURE SIZE
	A	GREEN GEM BOXWOOD	E	BUXUS 'GREEN GEM'	3 GAL 15"	52" H2'
	B	ROYAL BURGUNDY BARBERRY	D	BERBERIS THUNBERGII ATROPURPUREA	3 GAL 15"	53" H2'
	C	SAYBROOK GOLD JUNIPER	E	JUNIPERUS CHINENSIS 'SAYBROOK GOLD'	5 GAL 18"	56" H3'
	D	DWARF BURNING BUSH	D	EUONYMUS ALATUS 'COMPACTUS'	8&B 24"/36"	58" H6'
	F	DWARF FOTHERGILLA	D	FOTHERGILLA GARDENII 'BLUE NIST'	3 GAL 18"	52" H2'
	G	SMARAGD AMERICAN ARBOVITAE	E	THUJA OCCIDENTALIS 'SMARAGD'	10 GAL 42"/48"	53" H12'
	H	ROSTERNY COLUMNAR CRABAPPLE	D	MALUS BACCATA 'COLUMNARIS'	2" CALIPER	56" H15'
	J	AUTUMN FLAME MAPLE	D	ACER RUBRUM 'AUTUMN FLAME'	3" CALIPER	535" H35'
	K	THUNDERCLOUD PLUM	D	PRUNUS CERASIFERA 'THUNDERCLOUD'	2" CAL	520" H20'
NOTES						
1. E = EVERGREEN D = DECIDUOUS						
2. LANDSCAPE PARAMETERS: LOW MAINTENANCE - HARDY - SCREENING - STAY WITHIN P.L. -						
3. LOCATION OF PLANTING BEDS ARE SUBJECT TO CHANGE PER FINAL GRADE						

GRASS SPECIFICATION:

- GRASS SEED SHALL BE FRESH, CLEAN, DRY NEW-CROP SEED COMPLYING WITH THE ASSOCIATION OF OFFICIAL SEED ANALYSTS' RULES FOR TESTING SEEDS FOR PURITY AND GERMINATION TOLERANCES.
- A WEED BARRIER SHALL BE INSTALLED IN ALL MULCHED ISLAND BEDS.
- ALL AREAS TO BE SEEDED SHALL RECEIVE NO LESS THAN FIVE POUNDS OF SEED PER ONE THOUSAND SQUARE FEET. APPLY SEED AND PROTECT WITH STRAW MULCH AS REQUIRED FOR NEW LAWNS. GRASS SEED MIX SHALL CONSIST OF THE FOLLOWING:

SEED/LAWN MIXTURE				
PROPORTION	NAME	MIN. %	MIN. % PURE SEED	MAX. % WEED SEED
50%	Baron Bluegrass	80	85	0.50
35%	Pennlawn Fescue	85	99	0.50
15%	Manhattan II Perennial Rye	90	99	0.50



CLIENT:



CIRCLE K STORES, INC.
4080 W. JONATHAN MOORE PIKE
COLUMBUS, IN 47201

CONSULTANT:



Wellert Corporation
5136 Beach Road • Medina, Ohio 44256
T. 330.239.2699 • F. 330.239.0272

NO.	DATE	REVISION DESCRIPTION
1	2/16/16	SUBMITTED FOR ZONING PERMIT
2	3/30/16	REVISED PER CITY COMMENTS
3	05/27/16	REVISED PER CITY REVIEW COMMENTS



PROJECT TITLE:

RAZE AND REBUILD
CIRCLE K
SITE #2281

SITE ADDRESS:

1821 E. 151ST ST
WESTFIELD, IN 46033
HAMILTON COUNTY

SCALE:

1" = 20'

DATE:

02/15/2016

DESIGNED BY:

BSW

DRAWN BY:

BSW

CHECKED BY:

RWW

FILE NAME:

150617-C4.dwg

JOB NUMBER:

150617

DRAWING TITLE:

LANDSCAPING PLAN

SHEET NO:

C4.0

Town of Westfield

130 PENN STREET
P.O. BOX 322
WESTFIELD, INDIANA 46074

February 22, 1983

Shell Oil Company
Attention: Mr. James L. Tuohy
1930 Indiana Tower
Indianapolis, IN 46204

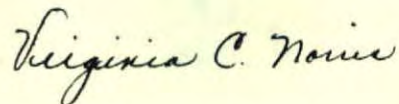
Re: Shell Oil Company Special Exception Application
#83-SE-3

Dear Mr. Tuohy:

On Monday, February 21, 1983, the Westfield-Washington Board of Zoning Appeals met to consider your application #83-SE-3 requesting a Special Exception to permit operation of a gasoline service station (and convenience food sales) and for signage as per plans filed for the property located at 1821 East 151st Street.

This letter is to inform you that the Board of Zoning Appeals, by a vote of four to zero, unanimously approved and granted the Special Exception.

Yours truly,



Virginia C. Norris
Secretary, Westfield-Washington
Board of Zoning Appeals



2016024805 VARIANCE \$24.00
06/01/2016 11:26:36A 7 PGS
Jennifer Hayden
HAMILTON County Recorder IN
Recorded as Presented
[Barcode]

ACKNOWLEDGEMENT OF VARIANCE

Document Cross Reference Number: 200600044140

Mayor
Andy Cook

City Council
Jim Ake
Steve Hoover
Robert L. Horkay
Chuck Lehman
Robert J. Smith
Cindy L. Spoljaric
Robert W. Stokes

Clerk Treasurer
Cindy J. Gossard

This ACKNOWLEDGEMENT, made this 19th day of April, 2016, by Matthew S. Skelton, Economic and Community Development Director, City of Westfield, Indiana (the "Director") WITNESSETH:

WHEREAS, on February 21, 1983, the Board of Zoning Appeals (the "Board") heard Petition No. 83-SE-3 (the "Special Exception") filed by Shell Oil Company for a Special Exception to allow a gasoline service station for property commonly known as 1821 E. 151st Street (Parcel No. 09-10-18-00-00-015.001) and more particularly described in Exhibit A (the "Property");

WHEREAS, the Board voted to approve the Special Exception, as per plans filed; and

WHEREAS, on Tuesday, April 12, 2016, the Board held a public hearing on Petition No. 1604-VS-06 (the "Petition"), filed by MAC's Convenience Stores LLC (the "Petitioner") for the following Variances of Development Standard from the Westfield-Washington Township Unified Development Ordinance as they pertain to the Property:

1. Petitioner requests a Variance of Development Standard from Article 4.23(F) of the Unified Development Ordinance to reduce the Minimum Front Yard Setback along US Highway 31 from sixty (60) feet to twenty-eight (28) feet and reduce the Rear Yard Setback from twenty (20) feet to ten (10) feet.
2. Petitioner requests a Variance of Development Standard from Article 6.1(H)(2) and (5) of the Unified Development Ordinance to permit the accessory enclosure within an Established Front Yard and permit the enclosure's gates to be oriented towards a right-of-way.
3. The petitioner requests a Variance of Development Standard from Article 6.8 of the Unified Development Ordinance to:
 - a. Reduce the Minimum Lot Landscaping Requirements (Article 6.8(K)) from fifteen (15) shade trees to seven (7) shade trees.
 - b. Reduce the External Street Frontage Landscaping Requirements (Article 6.8(M)) as follows: (a) reduce the number of Shade/Evergreen trees from eight (8) to two (2) along the Lot's US Highway 31 frontage; (b) reduce the number of Shade/Evergreen trees from seven (7) to two (2) along the Lot's 151st Street frontage; (c) reduce the number of Shade/Evergreen trees from

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Westfield, IN 46074
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- eight (8) to one (1) along the Lot's Thatcher Lane frontage; and (d) reduce the number of Shrubs from sixty-three (63) to thirty-five (35) along the Lot's Thatcher Lane frontage.
- c. Exempt the Lot from the Interior Parking Area Landscaping (Article 6.8(O)(1)) requirements.
4. Petitioner requests a Variance of Development Standard to exempt the Lot from Article 6.12(C)(1)(b)(iii) and Article 6.12(C)(1)(c)(iii) of the Unified Development Ordinance to permit an outside storage area to be permitted in an Established Front Yard and not require a gate access into the outside storage area.

WHEREAS, the Board voted to approve the Petition with the following conditions:

1. Landscaping shall be installed as shown on the presented landscape plan, attached hereto as **Exhibit B**.
2. Outdoor sales items shall not be visible from outside the enclosed display area.

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 granted Variances of Development Standard approved by the Board on April 12, 2016. Unless otherwise modified herein, the Variances 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 Variances 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

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MAC's Convenience Stores LLC, the Property Owner, hereby acknowledges the accuracy of the information contained in this Acknowledgement of Variance and any conditions and limitations placed on the Petition and Property as set forth herein.

IN WITNESS WHEREOF, the Property Owner has executed this instrument, on the 9th day of May, 2016.

MAC's Convenience Stores LLC

Signature: _____

Printed Name: _____

Title: _____

Date: _____

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

STATE OF _____

COUNTY OF _____

SS:

Signed and acknowledged before me this _____ day of _____, 2016.

(SEAL)

Signature of Notary Public

Printed name of Notary Public

My County of Residence: _____

My Commission Expires: _____



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: Pamela L. Howard

Prepared by:

Pamela L. Howard, Associate Planner, City of Westfield
2728 East 171st Street, Westfield, IN 46074, (317) 804-3170

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EXHIBIT A

1821 E. 151st Street, Carmel, Indiana 46033

Parcel No: 09-10-18-00-00-015.001

LAND DESCRIPTION: (INSTRUMENT NUMBER 200600044140)

Part of the Southwest Quarter of Section 18, Township 18 North, Range 4 East in Washington Township, Hamilton County, Indiana, described as follows:

Commencing at the Northwest corner of the Southwest corner of Section 18, Township 18 North, Range 4 East; thence North 89 degrees 19 minutes 32 seconds East (assumed bearing) on the North line of said Southwest Quarter 418.79 feet; thence South 00 degrees 00 minutes 00 seconds 16.50 feet to the place of beginning of the real estate herein described, being on the existing County Road Southerly right-of-way line of 151st Street; thence South 00 degrees 00 minutes 00 seconds 287.99 feet; thence North 90 degrees 00 minutes 00 seconds West 306.14 feet to the Easterly limited access right-of-way line of U. S. Highway No. 31 as established by a Warranty Deed to the State of Indiana for a Limited Access facility as recorded in Deed Record 279, pages 612-614 in the Office of the Recorder of Hamilton County, Indiana; thence Northerly on said right-of-way line curving to the left an arc distance of 202.77 feet on a curve having a radius of 11,546.18 feet to a point which bears North 03 degrees 26 minutes 28 seconds West from the last described point, said point being the intersection of said Easterly right-of-way line and the Southeastern Limited Access Right-of-Way line of 151st Street; thence North 38 degrees 27 minutes 35 seconds East on said Southwestern right-of-way Limited Access Right-of-way line 89.82 feet to the terminus of said limited access right-of-way line on the Southern right-of-way of said 151st Street; thence North 89 degrees 19 minutes 05 seconds East on said Southern right-of-way line 150.00 feet as granted to the State of Indiana by a Right-of-way Grant for I.S.H.C. Project F-24(3) dated 1954 in Deed Record 139, page 364 in said Recorder's Office; thence North 00 degrees 40 minutes 56 seconds West 12.14 feet to the existing county road right-of-way line for 151st Street; thence North 89 degrees 19 minutes 32 seconds East on said right-of-way parallel with the North line of said Southwest Quarter 112.61 feet to the place of beginning.

TOGETHER with a non-exclusive easement for ingress and egress as set-out in Grant of Easement dated July 16, 1990 and recorded December 26, 1990 as Instrument Number 90-315-35 in the Office of the Recorder of Hamilton County, Indiana.

EXCEPT: (INSTRUMENT number 200300092005)

A part of the land of Shell Oil Company (as described in Instrument Number 83-3497, Office of the Hamilton County Recorder) being a part of the Southwest Quarter of Section 18, Township 18 North, Range 4 East, Hamilton County, Indiana, described as follows:

Commencing at the Northwest corner of said Southwest Quarter Section; thence North 88 degrees 59 minutes 50 seconds East (all bearings in this description are referenced from the North line of the Southwest Quarter of Section 18, Township 18 North, Range 4 East, the bearing of which being assumed as North 88 degrees 59 minutes 50 seconds East) along the north line of said Quarter-Section 418.32 feet; thence South 01 degrees 00 minutes 10 seconds East 40.00 feet to the Point of Beginning of this description, being on the South Right-of-Way of 151st Street; thence South 00 degrees 19 minutes 42 seconds West 264.49 feet; thence South 89 degrees 40 minutes 17 seconds West 32.79 feet; thence North 00 degrees 19 minutes 42 seconds West 228.66 feet; thence North 44 degrees 45 minutes 22 seconds West 30.69 feet; thence South 89 degrees 39 minutes 30 seconds West 225.82 feet; thence North 38 degrees 07 minutes 53 seconds East 13.75 feet to said South Right-of-Way; thence North 88 degrees 59 minutes 50 seconds East along said South Right-of-Way 271.56 feet to the Point of Beginning. Containing 11,847 square feet, or 0.272 acres, more or less.

EXCEPT: (INSTRUMENT NUMBER 2012030910)

A part of the Southwest Quarter of Section 18, Township 18 North, Range 4 East, Hamilton County, Indiana, and being that part of the grantor's land lying within the right-of-way lines depicted on the attached Tight of Way Parcel Plat, marked Exhibit "B", described as follows: Commencing at the Northwest corner of said quarter section; thence North 89 degrees 38 minutes 20 seconds East 418.79 feet along the north line of said quarter section to the prolonged east line of said grantor's land; thence South 0 degrees 09 minutes 28 seconds West 304.49 feet along said line prolonged and along said line to the southeast corner of said grantor's land; thence North 89 degrees 50 minutes 32 seconds West 304.03 feet along the south line of said grantor's land to the point of beginning of this description, designated as point "19715" on said plat; thence continuing North 89 degrees 50 minutes 32 seconds West 1.73 feet along said line to the eastern boundary of U.S. 31; thence along said boundary Northerly 202.77 feet along an arc to the left having a radius of 11,546.16 feet and subtended by a long chord having a bearing of North 3 degrees 19 minutes 04 seconds West and a length of 202.77 feet to the southeastern boundary of the intersection of said U.S. 31 and 151st Street; thence North 38 degrees 37 minutes 03 seconds East 61.47 feet along said boundary to the south boundary of said 151st Street; thence South 89 degrees 51 minutes 20 seconds East 11.27 feet along said boundary to point "19712" on said plat; thence South 40 degrees 44 minutes 25 seconds West 54.72 feet to point "19713" on said plat; thence South 15 degrees 20 minutes 06 seconds West 10.59 feet to point "19714" on said plat; thence South 0 degree 40 minutes 39 seconds East 198.77 feet to the point of beginning and containing 0.039 acres more or less.

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EXHIBIT B

Landscape Plan

[see following pages]

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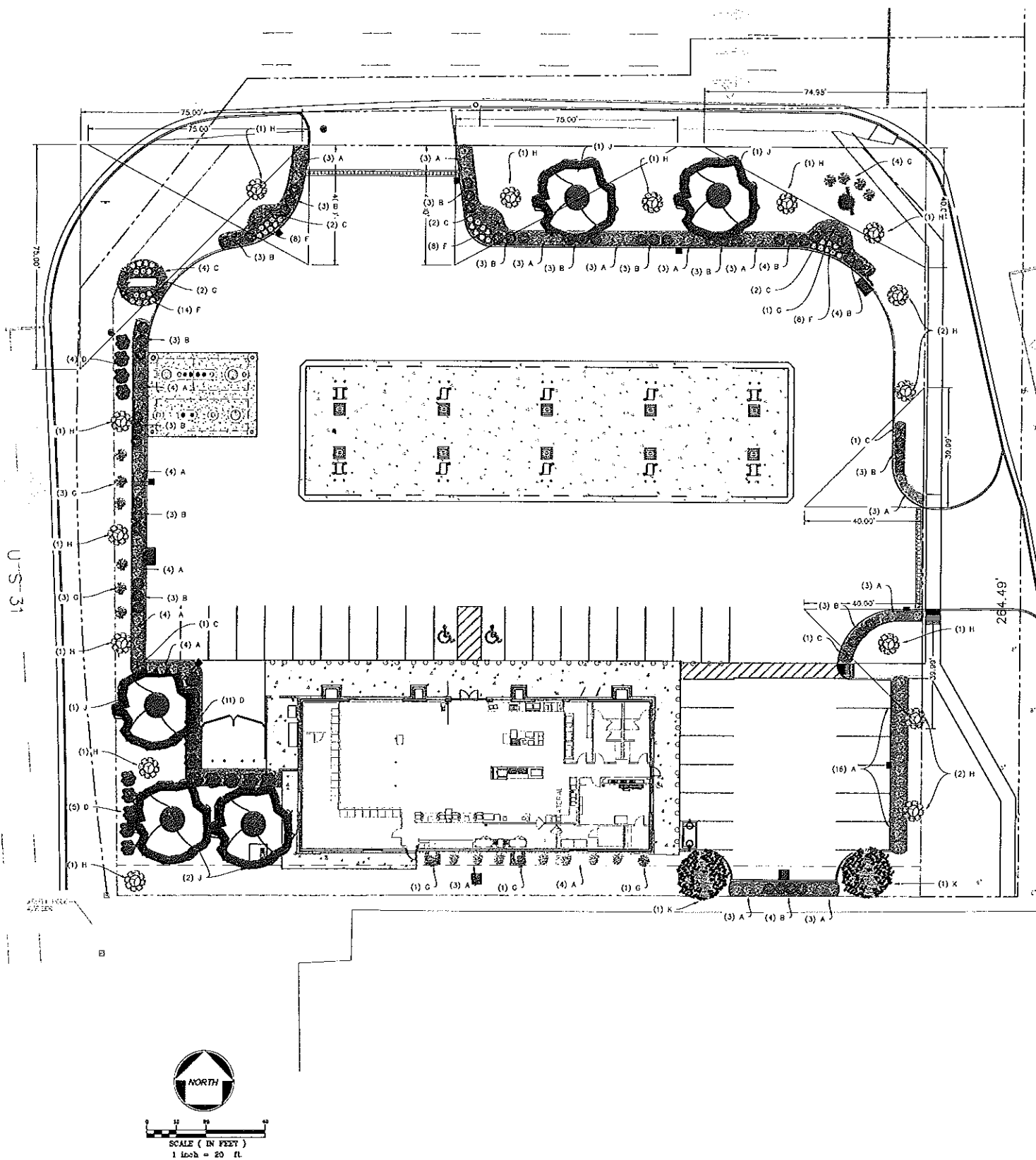
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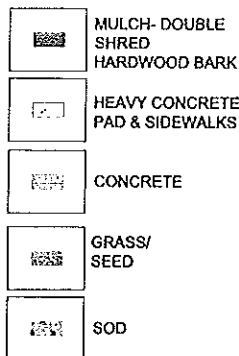
1. CONSULT PLANT LIST FOR PLANT SIZES AND SPECIFICATIONS.
2. CONTRACTOR IS RESPONSIBLE FOR LOCATING AND PROTECTING ALL UTILITIES PRIOR TO INSTALLATION. NOTIFY OWNER OF FIELD CONDITIONS WARRANT ADJUSTMENT OF PLANT LOCATIONS.
3. CONTRACTOR IS RESPONSIBLE FOR ALL PLANTS GROWN ON PLANS. PLANT LIST QUANTITIES ARE FOR CONVENIENCE ONLY.
4. ALL SHRUB AND GRASS COVER BEDS (EXISTING AND NEW) TO BE MULCHED WITH A MINIMUM OF 2 INCHES OF COARSE SPREADDED HARDWOOD MULCH. ALL MULCH AREAS TO HAVE A REED BARRIER INSTALLED.
5. CONTRACTOR TO PROVIDE A FULL 1 YEAR GUARANTEE ON ALL PLANTING. CONTRACTOR TO PROVIDE CORRECT MAINTENANCE ON ALL WORK DONE. BEGINNING ON THE DAY OF APPROVAL FROM OWNER'S REPRESENTATIVE AND CONTINUING FOR A THREE MONTH PERIOD AT WHICH TIME OWNER'S REPRESENTATIVE WILL RELEASE JOB PAYMENT.

6. EACH PLANTING TO BE FREE FROM DISEASE, INSEST INFESTATION AND MECHANICAL INJURES AND, IN ALL RESPECTS, BE READY FOR FIELD PLANTING.
7. ALL PLANTS TO CONFORM TO THE AMERICAN STANDARD FOR NURSERY STOCK (ANSI-158) IN REGARDS TO SIZE, GROWING AND BLEM SPECIFICATIONS.
8. PLANTING HOLES TO BE OF A MINIMUM OF TWICE THE WIDTH AND 6-8 INCHES DEEPER THAN THE SIZE OF THE ROOT BALL OF BOTH SHRUBS AND TREES, AND TO BE AMENDED WITH ORGANIC SOIL CONDITIONER (I.E. NATURES HELPERS OR FIBRO MIX).
9. IN AREAS WHERE BEDROCK OR HEAVILY COMPACTED ROCK FILL IS ENCOUNTERED, PLANTING HOLES ARE TO BE OF AT LEAST A MINIMUM OF THREE TIMES THE WIDTH AND ONE FOOT DEEPER THAN THE SIZE OF THE ROOT BALL. NOTIFY LANDSCAPE ARCHITECT OF FIELD CONDITIONS IMMEDIATE ADJUSTMENT OF PLANTING SPECIFICATIONS.

10. EXISTING GRASS TO BE REMOVED, IF PRESENT, AND TOPSOIL TO BE SPREAD SMOOTH AND HAND-RAKED TO REMOVE ALL ROOTS AND DEBRIS. LAYERS AT LEAST 1' THIN IN DIAMETER PRIOR TO LAYING 50% OR SEEDING.
11. ALL CHANGES TO DESIGN OR PLANT SUBSTITUTIONS ARE TO BE AUTHORIZED BY THE OWNER.
12. TOPSOIL MUST BE 3 PARTS SUBSTITUTED TOPSOIL AND 1 PART ORGANIC MATERIAL (I.E. NATURE'S HELPERS OR PRO MIX).
13. MIN. 6" CLEAN TOPSOIL TO BE PLACED ON ALL LANDSCAPE AREAS AND SLOPES 2:1 (H:V) OR FLATTER.
14. ALL PARKING ISLANDS ARE TO MATCH EXISTING UNLESS OTHERWISE NOTED.
15. CONTRACTOR SHALL SUBMIT TO DART EAGLE AN IRRIGATION SYSTEM DESIGN THAT COVERS ALL NEW PLANTINGS. SYSTEM SHALL BE DESIGNED TO PROVIDE PROPER IRRIGATION FOR ALL PLANTINGS.

16. THE CONTRACTOR SHALL REPLACE ANY AND ALL LANDSCAPING THAT IS DAMAGED AS THE RESULT OF CONSTRUCTION ACTIVITIES.
17. ALL MULCH BEDS SHALL HAVE A CHEMICAL BARRIER (SNAPSHOT), INSTALLED. START WITH WEED FREE SOIL.
18. INSTALL CLEAN, WASHED SOD WHERE INDICATED ON LANDSCAPING PLAN.





PLANT SCHEDULE						
SYMBOL	ITEM	COMMON NAME	TYPE	SCIENTIFIC NAME	START SIZE	MATURE SIZE
	A	GREEN BELL BERRYWOOD	E	ELAEAGNUS 'GREEN BELL'	3 GAL 1 1/2"	5' H
	B	ROYAL BURSAVY BASSWOOD	D	FRAXINUS 'ROYAL BURSAVY'	3 GAL 1 1/2"	5' H
	C	SHAWNEE GOLD PINE	E	QUERCUS 'SHAWNEE GOLD'	3 GAL 1 1/2"	5' H
	D	DAIRY BURNING BUSH	D	LYTHRUM 'DAIRY BURNING BUSH'	3 GAL 1 1/2"	5' H
	E	DAIRY BURNING BUSH	D	LYTHRUM 'DAIRY BURNING BUSH'	3 GAL 1 1/2"	5' H
	F	DAIRY BURNING BUSH	D	LYTHRUM 'DAIRY BURNING BUSH'	3 GAL 1 1/2"	5' H
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	H	ROYAL BURSAVY BASSWOOD	D	FRAXINUS 'ROYAL BURSAVY'	3 GAL 1 1/2"	5' H
	I	SHAWNEE GOLD PINE	E	QUERCUS 'SHAWNEE GOLD'	3 GAL 1 1/2"	5' H
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	K	SHAWNEE GOLD PINE	E	QUERCUS 'SHAWNEE GOLD'	3 GAL 1 1/2"	5' H

CIRCLE K STORES, INC.
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CONSULTANT
W
Engineers • Planners • Surveyors
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5196 Beach Road • Modesto, Ohio 44268
T. 330.239.2693 • F. 330.232.0272

NO.	DATE	REVISION DESCRIPTION
1	2/15/18	SUBMITTED FOR ZONING PERMIT
2	3/22/18	REVISED PER CITY COMMENTS

SPECIFICATIONS FOR SODDING

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- THE AREA SHALL BE GRADED AND TOPSOIL SPREAD WHERE NEEDED. (SEE TOPSOILING)
- SOIL AMENDMENTS:
 - LIME—AGRICULTURAL GROUND LIMESTONE SHALL BE APPLIED TO ACIDIC SOILS AS RECOMMENDED BY A SOIL TEST. IN LIEU OF A SOIL TEST, LIME SHALL BE APPLIED AT THE RATE OF 100 LB./1,000 SQ. FT. OR 2 TONS/AC.
 - FERTILIZER—FERTILIZER SHALL BE APPLIED AS RECOMMENDED BY A SOIL TEST. IN LIEU OF A SOIL TEST, FERTILIZER SHALL BE APPLIED AT A RATE OF 12 LB./1,000 SQ. FT. OR 500 LB./AC OF 13-10-10 OR 12-12-12 ANALYSIS.
 - THE LIME AND FERTILIZER SHALL BE WORKED INTO THE SOIL WITH A DISK HARROW, SPRING-TOOTH HARROW, OR OTHER SUITABLE FIELD IMPLEMENT TO A DEPTH OF 3 INCHES.
- BEFORE LAYING SOD, THE SURFACE SHALL BE UNIFORMLY GRADED AND CLEARED OF ALL DEBRIS, STONES AND CLODS LARGER THAN 3-IN. DIAMETER.

SOD INSTALLATION

- DURING PERIODS OF EXCESSIVELY HIGH TEMPERATURES, THE SOIL SHALL BE LIGHTLY IRRIGATED IMMEDIATELY BEFORE LAYING THE SOD.
- SOD SHALL NOT BE PLACED ON FROZEN SOIL.
- THE FIRST ROW OF SOD SHALL BE LAID IN A STRAIGHT LINE WITH SUBSEQUENT ROWS PLACED PARALLEL TO AND TIGHTLY WEDGED AGAINST EACH OTHER. LATERAL JOINTS SHALL BE STAGGERED IN A BROOKLINE PATTERN. ENSURE THAT SOD IS NOT STRETCHED OR OVERLAPPED AND THAT ALL JOINTS ARE BUTTED TIGHT IN ORDER TO PREVENT VOIDS THAT WOULD DRY THE ROOTS.
- ON SLOPING AREAS WHERE EROSION MAY BE A PROBLEM, SOD SHALL BE LAID WITH THE LONG EDGE PARALLEL TO THE CONTOUR AND WITH STAGGERED JOINTS. THE SOD SHALL BE SECURED WITH PEGS OR STAPLES.
- AS SODDING IS COMPLETED IN ANY ONE SECTION, THE ENTIRE AREA SHALL BE ROLLED OR TAMPED TO ENSURE SOLID CONTACT OF ROOTS WITH THE SOIL SURFACE. SOD SHALL BE WATERED IMMEDIATELY AFTER ROLLING OR TAMPING UNTIL THE SOD AND SOIL SURFACE BELOW THE SOD ARE THOROUGHLY WET. THE OPERATIONS OF LAYING, TAMPING AND IRRIGATING FOR ANY PIECE OF SOD SHALL BE COMPLETED WITHIN 8 HOURS.

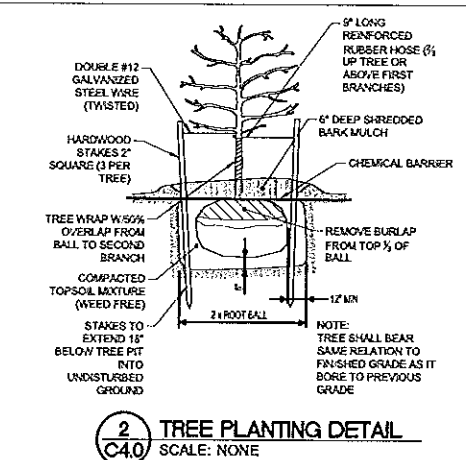
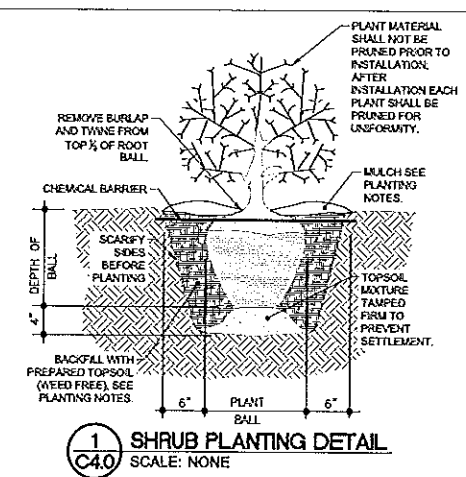
MAINTENANCE

- IN THE ABSENCE OF ADEQUATE RAINFALL, WATERING SHALL BE PERFORMED DAILY OR AS OFTEN AS NECESSARY DURING THE FIRST WEEK WITH SUFFICIENT QUANTITIES TO MAINTAIN MOIST SOIL TO A DEPTH OF 4-6 INCHES.
- AFTER THE FIRST WEEK, SOD SHALL BE WATERED AS NECESSARY TO MAINTAIN ADEQUATE MOISTURE AND ENSURE ESTABLISHMENT.
- THE FIRST MOWING SHALL NOT BE ATTEMPTED UNTIL SOD IS FIRMLY ROOTED.

GRASS SPECIFICATION:

- GRASS SEED SHALL BE FRESH, CLEAN, DRY NEW-CROP SEED COMPLYING WITH THE ASSOCIATION OF OFFICIAL SEED ANALYSTS "RULES FOR TESTING SEEDS" FOR PURITY AND GERMINATION TOLERANCES.
- A WEED BARRIER SHALL BE INSTALLED IN ALL MALDED ISLAND BEDS.
- ALL AREAS TO BE SEEDDED SHALL RECEIVE NO LESS THAN FIVE POUNDS OF SEED PER ONE THOUSAND SQUARE FEET. APPLY SEED AND PROTECT WITH STRAW MULCH AS REQUIRED FOR NEW LAWNS. GRASS SEED MIX SHALL CONSIST OF THE FOLLOWING:

PROPORTION	NAME	MIN. %	MAX. % PURE SEED	MAX. % WEED SEED
50%	Baton Bluegrass	80	85	0.50
35%	Parliament Fescue	85	99	0.50
15%	Manhattan II Perennial Ry	90	99	0.50



RAZE AND REBUILD CIRCLE K SITE #2281

1821 E. 151ST ST
WESTFIELD, IN 46033
HAMILTON COUNTY

SCALE: 1" = 20'
DATE: 02/15/2016
DESIGNED BY: BSW
DRAWN BY: BSW
CHECKED BY: RWN
FILE NAME: 150617-C4.swg
JOB NUMBER: 150617

LANDSCAPING PLAN

SHEET NO.
C4.0



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

February 15, 2017

1702-VS-03

Exhibit 1

Petition Number: 1702-VS-03

Subject Site Address: 216 Penn Street (The "Property")

Petitioner: Jeff Beaty (The "Petitioner")

Request: The Petitioner is requesting a Variance of Standard to reduce the Minimum Front, Rear, and Side Yard Building Setback Line in the SF4: Single-Family High Density District (Article 4.7(D)).

Current Zoning: SF4: Single-Family High Density District

Current Land Use: Residential

Approximate Acreage: 0.14 acres+/-

Exhibits:

1. Staff Report
2. Location Map
3. Existing Lot
4. Site Plan
5. Conceptual Architecture
6. Petitioner's Application

Staff Reviewer: Matt Pleasant, Associate Planner

OVERVIEW

Location: The subject Property is 0.14 acres +/- in size and is located at 216 Penn Street (see **Exhibit 2**) within the Asa Bales Subdivision. The Property is currently a residential use. The surrounding properties are zoned SF3 to the north, and SF4 to the east, south, and west and are residentially used. The Property currently contains a single-family home (see **Exhibit 3**) which the Petitioner intends to demolish in order to rebuild a new home.

Variance Request: The Petitioner is requesting a variance to allow the construction of a new home, as generally illustrated on the Site Plan Exhibit (see **Exhibit 4**) by reducing the setback requirements.



SUMMARY OF VARIANCES

The Property is located along an Alley¹ and a public street. As a result, the Minimum Building Setback Line² for the Front Yard applies to Penn Street and the standard is twenty-five (25) feet. The Minimum Building Setback Line for the Side Yard applies to both the east and west side of the parcel, and the standard is eight (8) feet. The Minimum Building Setback Line for the Rear Yard applies to the north side of parcel abutting the alley and the standard is twenty-five (25) feet.

	UDO (Article 4.7(D))	Variance
Front Yard Setback	25 Feet	6 Feet
Rear Yard Setback	25 Feet	20 Feet
Side Yard Setback	8 Feet	5.5 Feet

The lot dimensions are 157 feet by 41 feet (see **Exhibit 4**).

COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan identifies the 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 known 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. The studied land use component of the Implementation Plan identified several sub-districts.

In 2015, the Grand Junction Addendum: Sub-Districts of the Grand Junction was adopted, and then amended in May, 2016, to include the Junction Sub-District (the "Sub-District Addendum").

¹ Chapter 13 of the UDO defines "Alley" as "[a] Right-of-way which provides a secondary means of access to abutting lands. An Alley is not a Street for purposes of this Ordinance." As a result, the Property is not considered a "Corner Lot".

² 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."

The subject property is located within the Junction Sub-District. The Sub-District Addendum further identifies this property as being located within the “Penn Street Corridor” sub-area. The Sub-District Addendum provides a detailed vision for the Junction Sub-Districts, as established by the Implementation Plan, and the various sub-areas established by the Sub-District Addendum.



The vision for the Junction Sub-District is to accommodate future mixed-use development and redevelopment with the core of downtown by balancing the historic charm and character with contemporary, place for visitors and residents to connect, shop, eat, live, work and be entertained. The Junction Sub-District is intended to serve as a focal point for the community, and is where a complete range of goods, services and entertainment are located.

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” specifically being in the “Penn Street Corridor”, characterized as follows within the Sub-District Addendum:

The Penn Street Corridor extends a half block north and south of Penn Street, bound on the west by Asa Bales Park and extending east of East Street. This corridor includes the existing City Hall and single-family homes. Many of these structures have since been converted to low intensity non-residential uses. This area of the Junction Sub-District could be identified as most closely resembling Westfield’s “old town”³.

This sub-district encourages a higher density of all types. The built environment should continue to mirror the “old town” character that includes: small lots and house sizes; narrow two-story house fronts; detached or rear load garages; access from alleys; front porches; and minimal setbacks.⁴

The Plan also notes of “Historical Assets”⁵ within the Penn Street Corridor where buildings can be rated as “contributing” and “notable”:

³ Page 21 of the Grand Junction Addendum, Sub-Districts of the Grand Junction

⁴ Page 24 of the Grand Junction Addendum, Sub-Districts of the Grand Junction

⁵ Pages 30-33 of the Grand Junction Addendum, Sub-Districts of the Grand Junction

Most of the buildings surveyed were rated as “contributing, which was given to buildings meeting the basic criteria of being pre-1940, but that are not necessarily important enough to stand on their own as individually significant: rather, such buildings generally contribute to the larger density or continuity of the area’s historic fabric. Two (2) structures were rated as “notable”, meaning further research may reveal that the property could be eligible for National Register listing.

The addendum recommends the development of review criteria to be applied to any potential demolition activities of an Interim Report Building. The intent of this review criteria would be to determine what, if any, level of preservation may be desirable with respect to that building. Such review criteria may include coordination with the Indiana Historical Society or other organizations to further determine the historical significance of the building.

The Property located at 216 Penn Street is listed as a “contributing” structure. As of today, there is no city review process in relation to Historic Preservation. In lieu of a more formal Historic Review Process, the Grand Junction Task Group has reviewed this proposal which did not express any historical concerns with the removal of this building.

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 February 15, 2017, 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.

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

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.

of Hamilton County, Indiana. A copy of the recorded acknowledgement shall be provided to the Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

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

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

DEPARTMENT COMMENTS

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

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

Finding: It is unlikely that approving the requested variance would be injurious to the public health, safety, morals, and general welfare of the community because the existing use and proposed improvements will otherwise comply with the applicable standards of the SF4 District.

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

Finding: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The proposed variance should not have a negative impact on surrounding properties because: (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 SF4 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) **Criteria:** *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:*



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

February 15, 2017

1702-VS-03

Exhibit 1

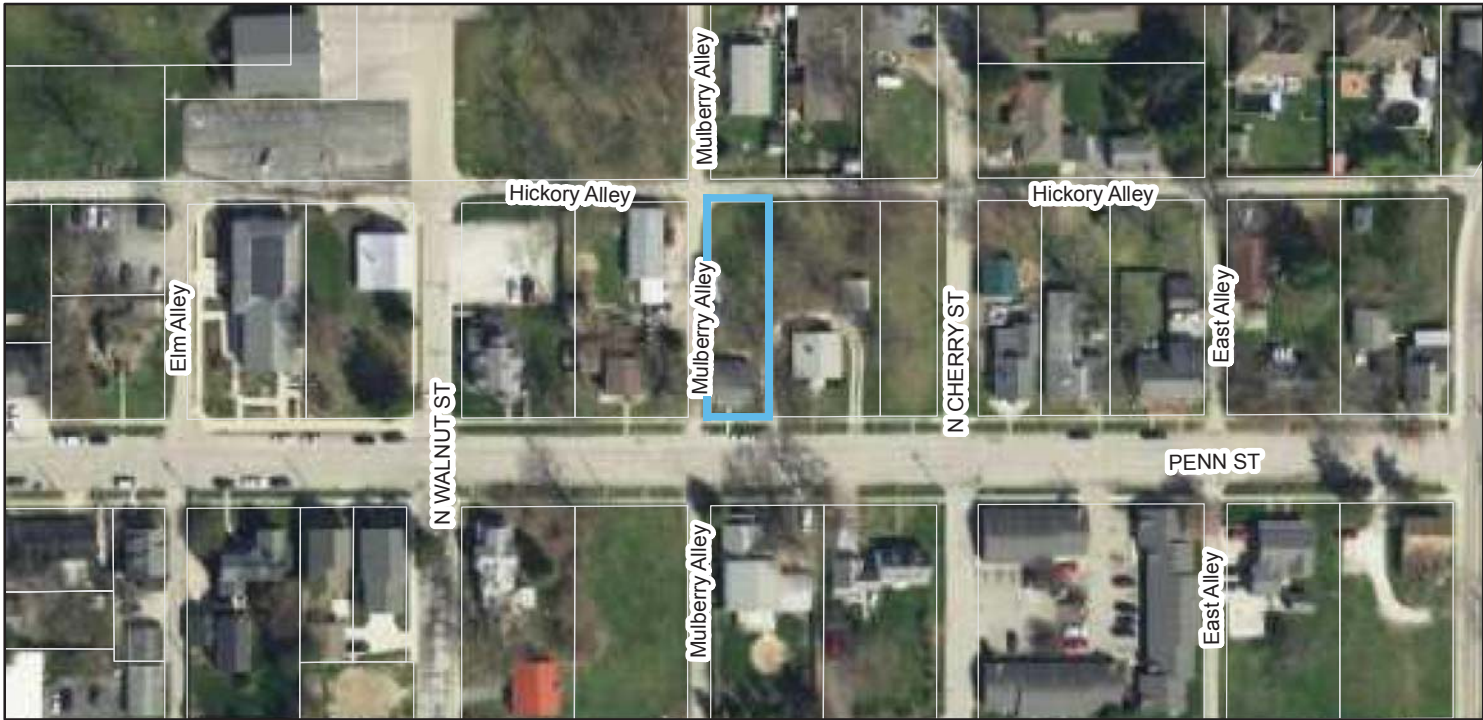
Finding: Strict adherence to the zoning ordinance would result in the inability to improve the property, as proposed, in accordance with the Unified Development Ordinance. The use is permitted by the Unified Development Ordinance and the proposed improvements would otherwise be permitted and comply with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

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

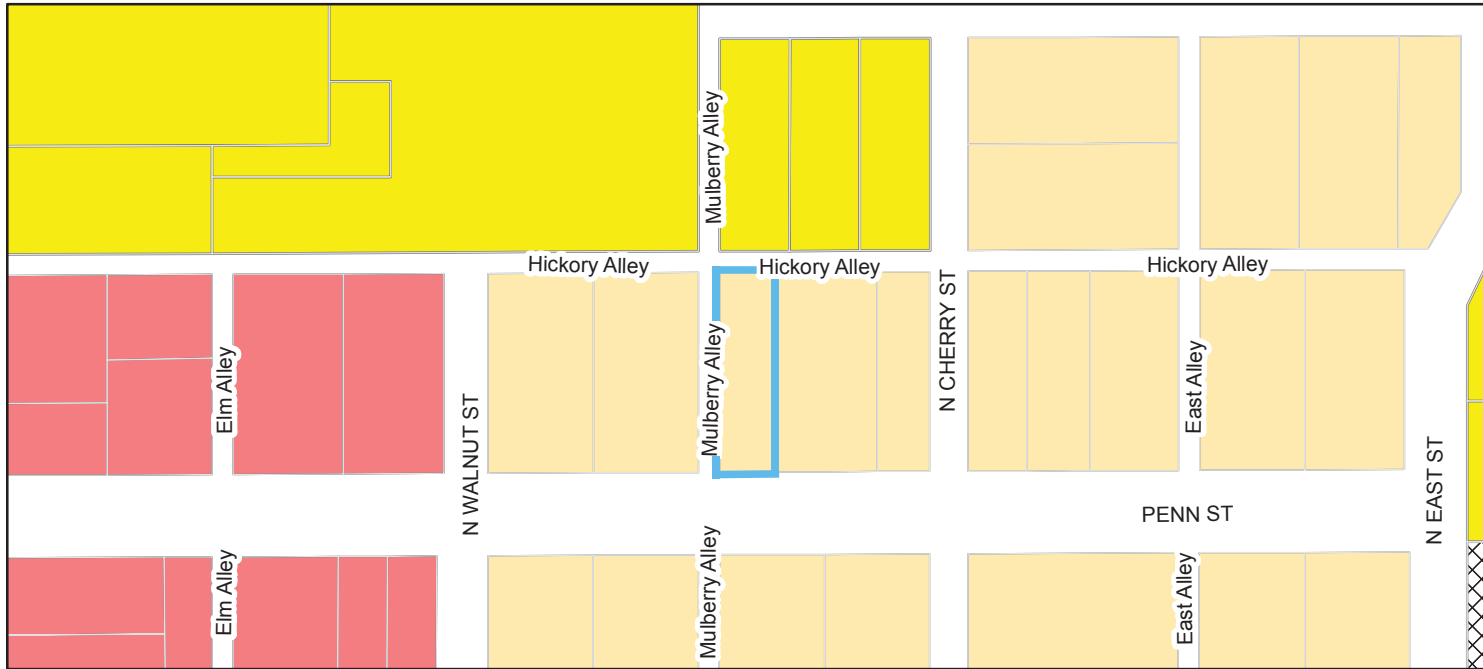
Property Location Map
216 Penn Street
1702-VS-03



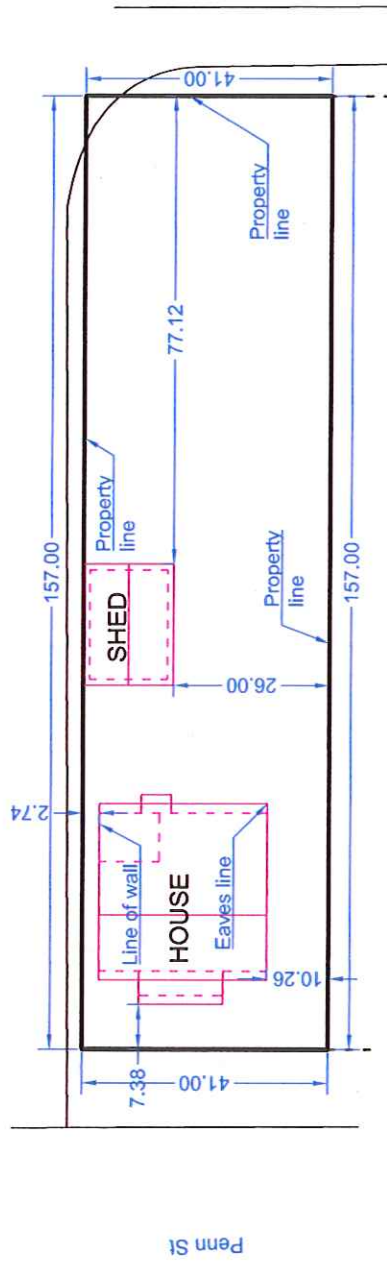
Aerial Location Map



Zoning Map



Zoning		PUD		SF-4
		LB-H		SF-3







216 PENN STREET PRPOPOSED LAYOUT (LOT 41' X 157')

PROPOSED SIDE ENTRY
GARAGE 5.5' SETBACK

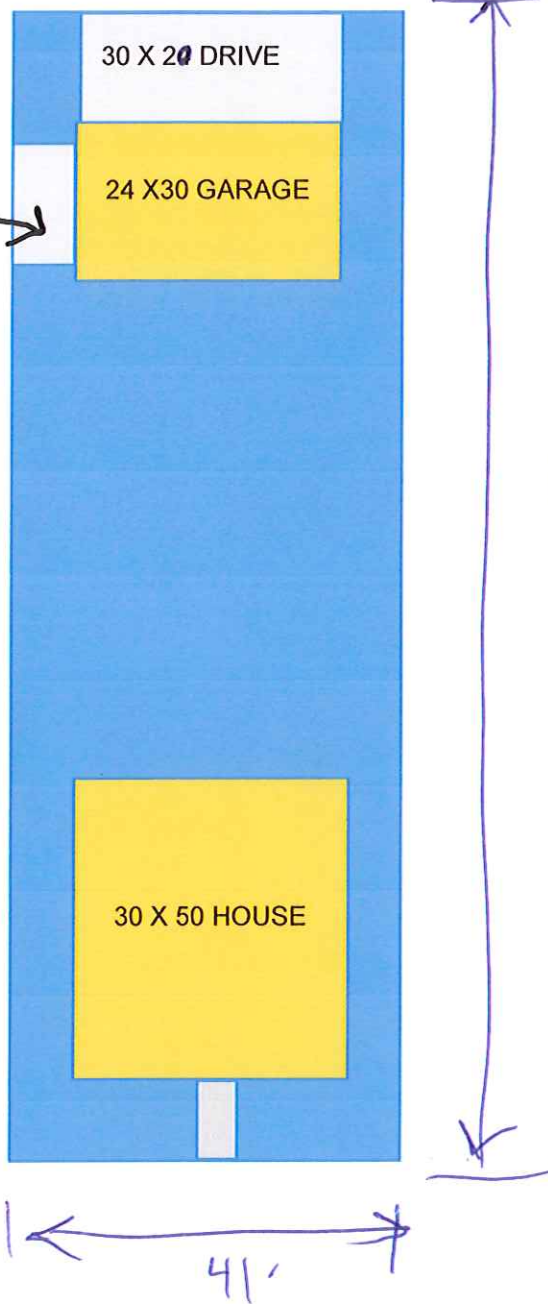


Exhibit 5: Conceptual Architecture







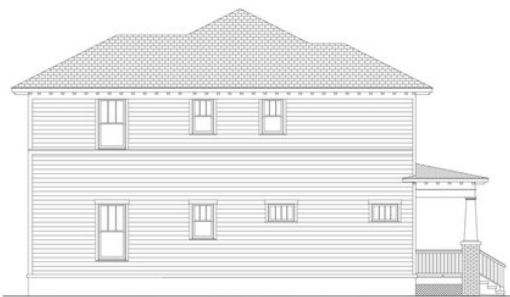
FRONT ELEVATION
1/8" = 1'-0"



SIDE 1 ELEVATION
1/8" = 1'-0"



BACK ELEVATION
1/8" = 1'-0"



SIDE 2 ELEVATION
1/8" = 1'-0"



12-28-2016

WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM

VARIANCE APPLICATION



OFFICE
USE ONLY

DOCKET #: 1702-VS-03

FILING DATE: 12/28/2016

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

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: (STAFF NAME) DATE:

PRIOR OR RELATED DOCKET NUMBERS

CHANGE OF ZONING: AMENDMENTS: DEVELOPMENT PLAN:

PRIMARY PLAT: SECONDARY PLAT: VARIANCE(S):

APPLICANT INFORMATION

APPLICANT'S NAME: JEFF BEATY TELEPHONE: 317 710 8586

ADDRESS: 3728 SLIPPERY ROCK G. EMAIL: jsj1beaty@gmail.com

PROPERTY OWNER'S NAME: JEFF + SANDY BEATY TELEPHONE:

ADDRESS: 3728 SLIPPERY ROCK G. EMAIL:

REPRESENTATIVE'S NAME: JEFF BEATY TELEPHONE:

COMPANY: EMAIL:

ADDRESS:

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 216 Penn Street

COUNTY PARCEL ID #(S): 09-06-31-03-03032.000

EXISTING ZONING DISTRICT(S): EXISTING LAND USE(S): SF-4

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):

* See attached *

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



APPLICANT: _____

DOCKET #: _____

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

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

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

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

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)

JEFF BEATY
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 Dec, 2016.

State of IN, County of Hamilton, SS:



[Signature]
Notary Public Signature

Travis Cearlock
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.

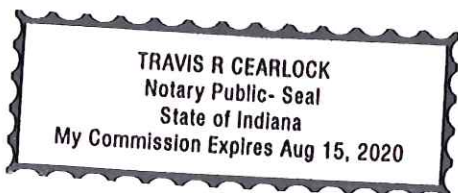
[Signature]
Property Owner (signature)*

JEFF BEATY
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 Dec, 2016.

State of IN, County of Hamilton, SS:



[Signature]
Notary Public Signature

Travis Cearlock
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.

Legal Description

09-06-31-03-03-032.000

216 Penn Street

Westfield, IN 46074

Section: 31 Township: 19 Range:4

STATEMENT OF INTENT

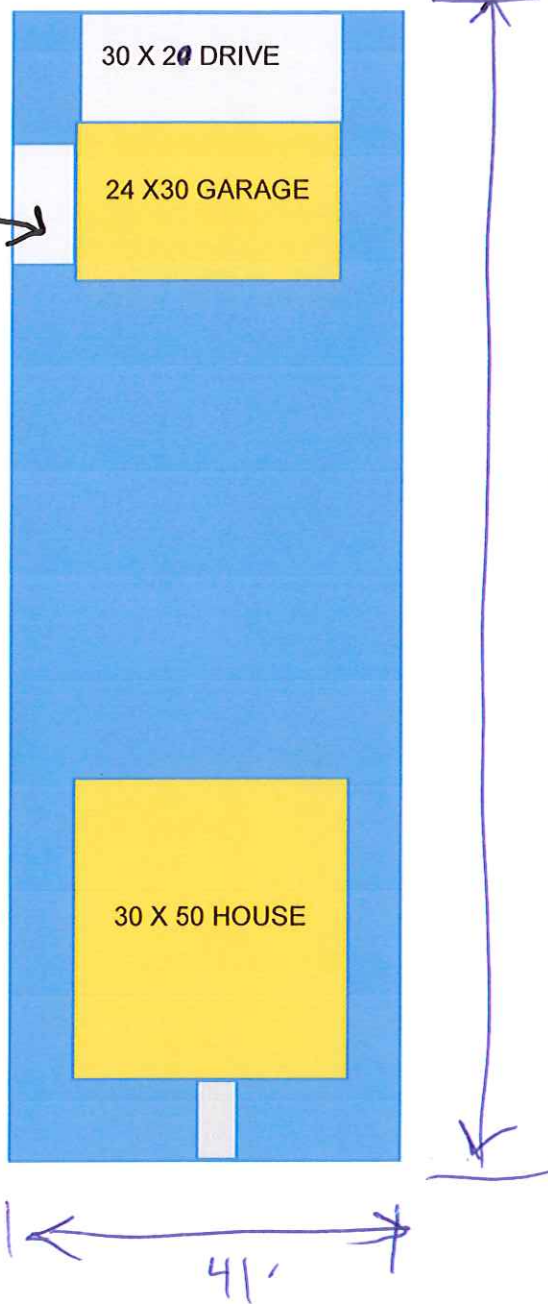
216 Penn Street

Westfield, IN 46074

The intent for 216 Penn Street is to construct a cottage/craftsman style home CENTERED on the lot. The house will be a maximum of 30 x 50 feet with a detached garage 30 x 24 feet. In order to achieve this, I am requesting a variance on the setback requirements of 8 feet to 5.5 feet on the East and West boundaries of properties. Additionally, I would like to maintain the current setback on the Penn Street side of the property. Finally, I would like a 20' set back on the Rear (North) side of property

216 PENN STREET PRPOPOSED LAYOUT (LOT 41' X 157')

PROPOSED SIDE ENTRY
GARAGE 5.5' SETBACK



Beaty, Jeffrey

From: Phil Sundling <psundling@westfield.in.gov>
Sent: Tuesday, December 20, 2016 8:19 AM
To: Beaty, Jeffrey
Cc: Matt Pleasant
Subject: RE: ALLEY WAY QUESTION FOR 216 PENN STREET

Jeff,

Thanks for passing this along – I took a look at what you've provided and feel comfortable with the setback, as shown. Please let me know if you need anything additional, thanks Jeff.

Phil Sundling, PE

City Engineer

City of Westfield
Public Works
2706 E. 171st Street
Westfield, IN 46074

Desk: (317) 804-3136

Mobile: (317) 517-1945

Email: psundling@westfield.in.gov

[Need to send me a file over 10 MB?](#)

From: Beaty, Jeffrey [mailto:Jeffrey.Beaty@hilti.com]
Sent: Sunday, December 18, 2016 5:55 PM
To: Phil Sundling <psundling@westfield.in.gov>
Cc: Matt Pleasant <mpleasant@westfield.in.gov>
Subject: ALLEY WAY QUESTION FOR 216 PENN STREET

Phil,

Recently met with Matt Pleasant to discuss the variance needed to construct a new home at 216 Penn Street. During our meeting it was suggest I reach out to you in regards to the alley way intersection and any setback requirements? I have attached the proposed new lot/structure layout.

Please let us know your thoughts.

Thanks

Jeff

Jeff Beaty

Account Manager | Interior Finish | Central Indiana

Hilti North America

4074 Pendleton Way | Indianapolis, IN 46226

5400 S 122nd E Ave | Tulsa, OK 74146

P 800-879-8000 | M 317-710-8586 | F 317-568-3738

E jeff.beaty@hilti.com



☐ AG-SF1 (Agriculture - Single Family - 1)
☒ AG-SF1I (Agriculture - Single Family - 1 In-town)
☐ EI (Enclosed Industrial)
☒ EUBS (Enclosed Industrial, Single-Sided Street Access)

Basemap information here

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

22 day of February, 2007

Robin McMillan Auditor of Hamilton County

Parcel # 09-06-31-03-03-032.000

2007009905 SWD \$24.00
02/22/2007 02:18:21P 4 PGS
Jennifer J Hayden
HAMILTON County Recorder IN
Recorded as Presented

SPECIAL WARRANTY DEED

File # 26102431Y

Order No. 2924701; Lender Ref. No. 0415817667

THIS INDENTURE WITNESSETH, That JPMorgan Chase Bank, as Trustee (Grantor), CONVEYS AND SPECIALLY WARRANTS to Jeffrey L. Beaty and Sandra Beaty, Husband and Wife, (Grantee), for the sum of Ten and No/100--Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Hamilton County, in the State of Indiana:

SEE ATTACHED LEGAL DESCRIPTION

Grantor further certifies that there is no Gross Income Tax due the State of Indiana at this time with respect to this conveyance.

Subject to real estate property taxes for 2006 due and payable in 2007, and subject to real estate property taxes payable thereafter.

Taxing Unit: Westfield; Parcel Number 09-06-31-03-03-032.000

Subject to any and all easements, agreements and restrictions of record.

The address of such real estate is commonly known as 216 Penn Street, Westfield, Indiana 46074

Investors Titlecorp
8910 Purdue Rd, Ste. 150
Indianapolis, IN 46268

Grantees' Post office mailing address is

3728 Slippery Rock Court
Noblesville IN 46062

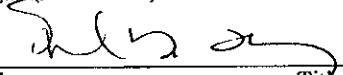
Tax bills should be sent to Grantee at such address unless otherwise indicated below.

Grantor covenants that it is seized and possessed of said land and has a right to convey it, and warrants title against the lawful claims of all persons claiming by, through, and under it, but not further otherwise.

The undersigned person(s) executing this deed on behalf of Grantor represent(s) and certifies/certify that she/he/they is/are (a) duly elected managing member/officer(s) of Grantor and has/have been fully empowered, by proper entity resolution of Grantor, to execute and deliver this Deed; that Grantor has full entity capacity to convey the real estate described herein; and that all necessary entity action for the making of such conveyance has been taken and done.

IN WITNESS WHEREOF, Grantor has executed this Deed this 25 day of Jan 2007.

Grantor:
JPMorgan Chase Bank, as Trustee

By 
Signature Title

By Sharmel Dawson-Tyau VP
Printed Title

By _____
Signature Title

By _____
Printed Title

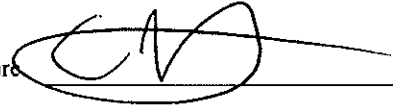
STATE OF * CA)
COUNTY OF * San Diego) SS:

Before me, a Notary Public in and for said County and State, personally appeared Sharmel Dawson-Tyau the VP, and _____, the _____, respectively, for and on behalf of, JPMorgan Chase Bank, as Trustee, who acknowledged the execution of the foregoing Deed, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 25 day of Jan, 2007.

My Commission Expires: _____

Signature



Printed

Notary Public

Residing in San Diego County, State of CA.

Return deed to: Investors Titlecorp, 8910 Purdue Rd, Indianapolis, IN 46268

"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". Jason Harlow

Prepared by PHYLLIS A. CARMER, Attorney-at-Law, for Investors Titlecorp, 8910 Purdue Rd., Suite 150, Indianapolis, Indiana 46268 / Telephone (317) 870-2250.

Exhibit "A"

The West One-half (½) of Lot Numbered 57 in Asa Bales First Addition to the Town of Westfield in Hamilton County, Indiana, as per plat thereof recorded in Deed Record F, page 1, and as reflected in Plat Book 1, page 54, in the Office of the Recorder of Hamilton County, Indiana.

1525

ADJOINER
(NOTIFICATION LIST)

FILED

NOV 30 2016

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

DATE TAKEN: 11/30/16
TIME TAKEN: 2:07 PM

NAME OF PROPERTY OWNER: JEFFREY L. & SANDRA BEATY

NAME OF PETITIONER: JEFFREY BEATY

LEGAL DESCRIPTION OR PARCEL NUMBER OF PROPERTY:

09-06-31-03-03-032.000 216 PENN STREET WESTFIELD 46074

SECTION: 31 TOWNSHIP: 19 RANGE: 4
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: [Signature]

DATE: 11/30/2016

PERSON TO CONTACT: JEFFREY BEATY

PHONE NUMBER: 317-710-8586

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:

Michael R. Crusell 12/06/2016

SUBJECT PROPERTY:

09-06-31-03-03-032.000

Subject

Beaty, Jeffrey L & Sandra

3728 Slippery Rock Ct

Noblesville

IN

46062

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

HAMILTON COUNTY NOTIFICATION LIST

PLEASE NOTIFY THE FOLLOWING PERSONS

09-06-31-03-02-031.000	Neighbor
-------------------------------	-----------------

Hunt, Carl R & Lisa A

18 SLEEPY HOLLOW DR

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

09-06-31-03-02-032.000	Neighbor
-------------------------------	-----------------

Thurman, Jay K & Patricia A

19 SLEEPY HOLLOW DR

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

09-06-31-03-02-033.000	Neighbor
-------------------------------	-----------------

Olson, Kenneth R

20 SLEEPY HOLLOW DR

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

09-06-31-03-02-060.000	Neighbor
-------------------------------	-----------------

Christ United Methodist Church

318 Union St N

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

09-06-31-03-02-060.001	Neighbor
-------------------------------	-----------------

Christ United Methodist Church of Westfield Inc

318 Union St N

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

09-06-31-03-02-061.000	Neighbor
-------------------------------	-----------------

Christ United Methodist Church

318 Union St N

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

09-06-31-03-03-002.000	Neighbor
-------------------------------	-----------------

Christ United Methodist Church

318 Union St N

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

09-06-31-03-03-006.000	Neighbor
-------------------------------	-----------------

Miranda, Felix A

216 NORTH ST

Westfield IN 46074

09-06-31-03-03-007.000

Neighbor

Lee, John M & Pamela S h&w

218 North St

Westfield IN 46074

09-06-31-03-03-026.000

Neighbor

Callahan Capital Inc

135 Union St N

Westfield IN 46074

09-06-31-03-03-027.000

Neighbor

North Ridge Holdings LLC

176 Straughn Ln

Westfield IN 46074

09-06-31-03-03-028.000

Neighbor

Hicks, Linda L

217 E NORTH ST

Westfield IN 46074

09-06-31-03-03-030.000

Neighbor

Wilcox, Michael D & Elizabeth A

9932 S R 29 N

Logansport IN 46947

09-06-31-03-03-031.000

Neighbor

Craig, Gary D & Gena L

215 E NORTH ST

Westfield IN 46074

09-06-31-03-03-033.000

Neighbor

Adkins, Debra

210 Penn St

Westfield IN 46074

09-06-31-03-03-035.000

Neighbor

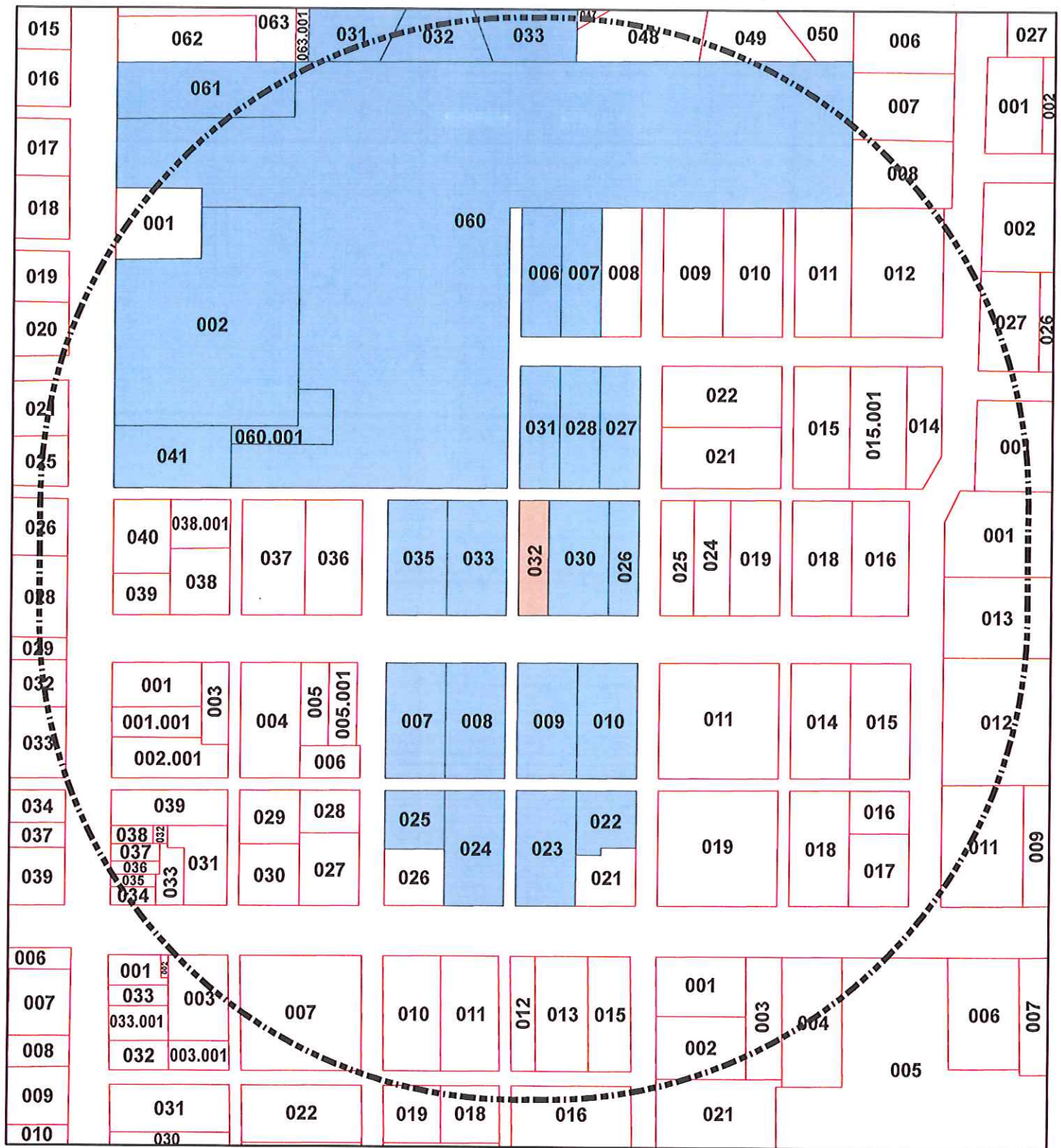
Town Of Westfield

130 Penn St

Westfield	IN	46074
09-06-31-03-03-041.000		Neighbor
Town of Westfield		
130 Penn St		
Westfield	IN	46074
09-06-31-03-04-007.000		Neighbor
McCarty, Kenneth K		
PO BOX 497		
Westfield	IN	46074
09-06-31-03-04-008.000		Neighbor
Lorren, Michael T		
9684 W 1025 S		
Fortville	IN	46040
09-06-31-03-04-009.000		Neighbor
Jackson, Ruth & Robert Griepentrog jtrs		
215 Penn St		
Westfield	IN	46074
09-06-31-03-04-010.000		Neighbor
Hahn, Chad D		
2320 Pheasant Run		
Westfield	IN	46074
09-06-31-03-04-022.000		Neighbor
Norman Investment Co LLC		
230 E MAIN ST		
Westfield	IN	46074
09-06-31-03-04-023.000		Neighbor
21st Amendement Inc		
1158 W 86TH ST		
Indianapolis	IN	46260
09-06-31-03-04-024.000		Neighbor
Lorren, Michael T		
9684 W 1025 S		

Fortville	IN	46040
09-06-31-03-04-025.000		Neighbor
Bash Boutique LLC		
149 N Walnut St		
Westfield	IN	46074

Adjoiner Notification Map



Legend

-  **Subject Parcel(s)**
 **Notification Parcel(s)**
 **Buffer**

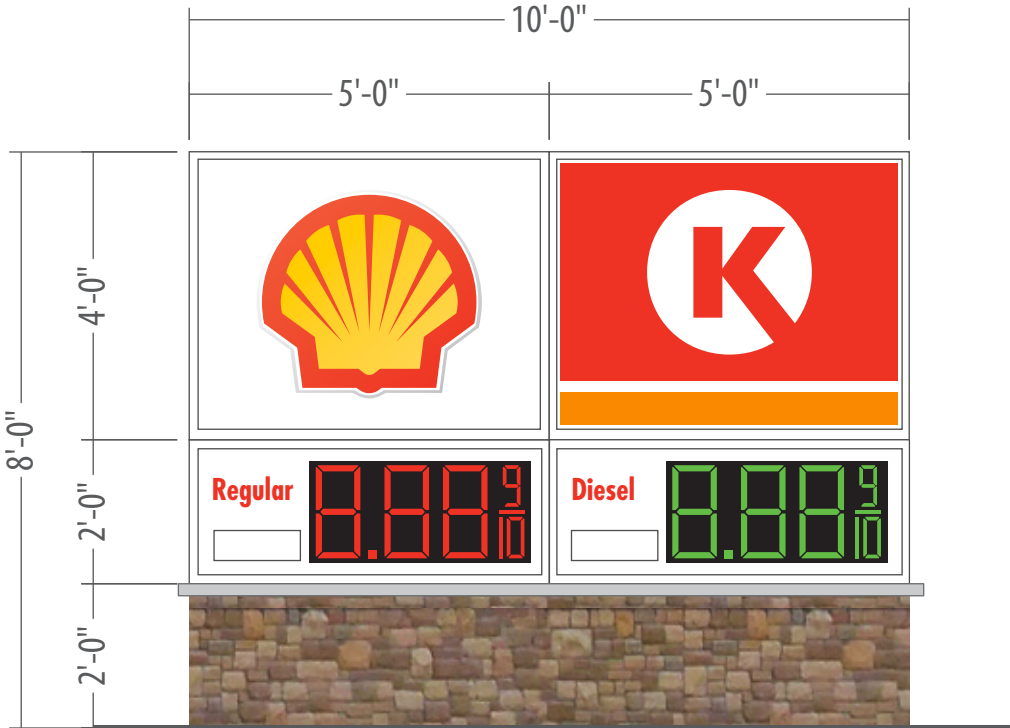
001 Parcel Number

Parcel Boundary





EXISTING



PROPOSED SIGN
60.0 SF

- Custom internally illuminated mounument sign
- Circle K and Shell logo upper cabinets per corporate art standards
- Shell RVle LED fuel signs with 16" pricers
- Masonry base as required by code
- Toggles to be covered with decals



CORPORATE
IDENTIFICATION
SOLUTIONS

CUSTOMER	Circle K
SITE NUMBER	2281

LOCATION	Westfield, IN
ACCOUNT REP	Ben DeHayes

DRAWN BY	MH
DATE	02/09/17

REVISION	09
SCALE	NTS

CORPORATE ID SOLUTIONS
5563 N Elston Ave.
Chicago, IL 60630
P: 773-763-9600 F: 773-763-9606
www.CorporateIDSolutions.com

CUSTOMER ACCEPTANCE

THIS DRAWING IS THE PROPERTY OF CORPORATE IDENTIFICATION SOLUTIONS, INC. CHICAGO, ILLINOIS, AND CONTAINS PROPRIETARY AND CONFIDENTIAL INFORMATION. THIS DRAWING IS TRANSFERRED TO THE CUSTOMERS AND SUPPLIERS OF CORPORATE IDENTIFICATION SOLUTIONS, INC BY WAY OF LOAN. THIS DRAWING MAY NOT BE COPIED OR REPRODUCED, IN WHOLE OR IN PART, NOR MAY IT OR THE INFORMATION IT CONTAINS BE DISCLOSED OR TRANSFERRED TO ANY OTHER PARTY OR PERSONS WITHOUT THE PRIOR WRITTEN CONSENT OF CORPORATE IDENTIFICATION SOLUTIONS, INC.

SIGNATURE _____

DATE _____



VARIANCE APPLICATION

OFFICE
USE ONLY

DOCKET #: _____ FILING DATE: _____

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

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: _____ (STAFF NAME) DATE: _____

PRIOR OR RELATED DOCKET NUMBERS

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

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

APPLICANT INFORMATION

APPLICANT'S NAME: _____ TELEPHONE: _____

ADDRESS: _____ EMAIL: _____

PROPERTY OWNER'S NAME: _____ TELEPHONE: _____

ADDRESS: _____ EMAIL: _____

REPRESENTATIVE'S NAME: _____ TELEPHONE: _____

COMPANY: _____ EMAIL: _____

ADDRESS: _____

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: _____

COUNTY PARCEL ID #(S): _____

EXISTING ZONING DISTRICT(S): _____ EXISTING LAND USE(S): _____

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): _____

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



APPLICANT: _____

DOCKET #: _____

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

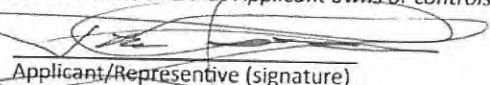
A. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because: _____

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

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

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.

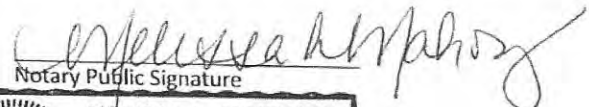

Applicant/Representative (signature)

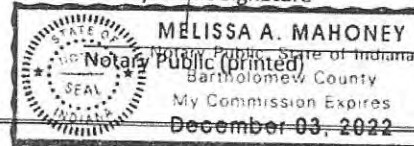
JOE CARROLL
Applicant/Representative (printed)

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 3rd day of January 2017.

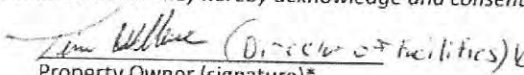
State of Indiana County of Bartholomew ss: new


Notary Public Signature



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.

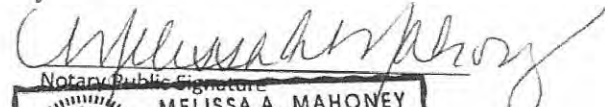

Property Owner (signature)*

Mac's Convenience Stores LLC
by: Tim Wallace (Director of Facilities)
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 3rd day of January 2017.

State of Indiana County of Bartholomew ss: new


Notary Public Signature



*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.