



CITY OF WESTFIELD, IN
BoardofZoningAppeals_Meeting_Cancelled_01_09_2018

Tuesday, January 09, 2018 at 07:00 PM

BOARD OR COMMISSION: Board of Zoning Appeals (BZA)

MEETING DATE: Tuesday, January 09, 2018 at 07:00 PM

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

THIS MEETING HAS BEEN CANCELLED. ALL ITEMS WITHDRAWN OR CONTINUED.

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

Election of Officers

-Chairperson

-Vice-Chairman

-Pro-Tempore

Approval of minutes - BZA Minutes - December 12, 2017

Documents: [BZA Minutes - December 12, 2017](#)

Review Rules & Procedures

ITEMS OF BUSINESS:

1801-VS-01 [PUBLIC HEARING]

613 W. SR 32

SecurCare Self Storage by Anchor Sign Company

The petitioner is requesting Variances of Standard increase the maximum display area, maximum display area height, and maximum sign height of an Individual Nonresidential Monument Sign in the Eagletown Planned Unit Development (PUD) District (Section 16.7(B)(2-4) of Ordinance 07-07).

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Previously Approved Sign](#) | [Exhibit 4: Proposed Sign](#) | [Exhibit 5: Petitioner's Application](#)

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

MINUTES

Westfield-Washington Board of Zoning Appeals

Minutes of the December 12, 2017 BZA Meeting

Presented for approval: January 9, 2018

Page 1 of 4

The Westfield-Washington Township Board of Zoning Appeals met at 7:00 p.m. on Tuesday, December 12, 2017, at Westfield City Hall.

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

Also present were Pam Howard Associate Planner; Daine Crabtree, Associate Planner; Caleb Ernest, Associate Planner; and Brian Zaiger, City Attorney.

ROLE CALL

Noted presence of a quorum.

APPROVAL OF MINUTES

Schmitz moved to approve the November 14, 2017 meeting minutes as presented.

Raines seconded, and the motion passed 5-0.

REVIEW OF RULES AND PROCEDURES

Howard reviewed BZA rules and procedures.

ITEMS OF BUSINESS

1712-VU-07

[PUBLIC HEARING]

900 East 169th Street

Presley Property Management Group by Coots, Henke & Wheeler

The Petitioner is requesting a Variance of Use to permit a Very High Intensity Retail Use on 5.85 acres +/- in the OI: Open Industrial District (Article 13.2).

Ernest presented an overview of this requested Variance of Use.

Dave Coots with Coots, Henke & Wheeler, representing the petitioner, gave an overview of this proposed 7600 square foot equipment and tool rental facility to be known as Sunbelt Rentals. He addressed petitioner's compliance with the finding of facts and the conforming uses within the OI: Open Industrial District.

Kingshill asked about types of equipment/vehicles will be stored outside.

Harold Edwards, with Sunbelt, responded that small tools, light to medium construction equipment, lawn and garden items, portable generators, etc. would be stored outside.

Smith asked about tools to be rented.

Edwards stated Sunbelt would rent mainly light tools and lawn equipment, small generators, etc.

Kingshill asked about customer base.

Edwards responded that customers would be mainly homeowners and small to medium contractors

Schmitz asked how this would compare to Allisonville location

Edwards responded that the Allisonville location carries larger pieces of equipment.

Public Hearing opened at 7:11 p.m.

No public comment.

Public Hearing closed at 7:11 p.m.

Kingshill agrees this business is consistent with surrounding area uses.

Schmitz motioned to approve 1712-VU-07 with the staff's two conditions:

- 1) Materials resemble/match existing building.
- 2) No omission of smoke, odors, or noise.

Raines seconded and the Motion passed 5-0.

Raines moved to adopt the Department's recommended findings of facts.

Kingshill seconded and the Motion passed 5-0.

1712-VU-08
[PUBLIC HEARING]

227 Jersey Street
Erin O'Rear

The Petitioner is requesting a Variance of Use to permit a community arts center with a commercial component on 0.24 acres +/- in the MF1: Multi-Family Low Density District (Article 13.2).

Crabtree overviewed the details of these request for a Variance of Use. He pointed out that the Wandering Peacock is a community art center with a small retail component defined as Retail, Low Intensity per the Unified Development Ordinance (UDO) and is a pre-existing local business needing to relocate due to the continued development of the Grand Junction Plaza.

The department has received three written comments of support and those are included in the BZA member packets.

Erin O'Rear, the petitioner, presented an overview of the Wandering Peacock offerings, class times, hours of business, and vision.

Smith asked about age of students.

Erin O'Rear, the petitioner, responded that pottery students start at age eight, other students start at age three, as well as a few teenagers, and other teachers may have toddler classes.

Smith read the three recommended conditions and asked if the petitioner accepts them.

O'Rear stated she understood and accepted the conditions.

Public Hearing for 1712-VU-08 opened at 7:19 p.m.

Teresa Skelton, 547 North Union Street representing Downtown Westfield Association (DWA) and the Grand Junction Task Group (GJTG); stated the petitioner presented to GJTG and they unanimously support this petition and regard her as a valuable part of the community.

Smith asked if there is a parking issue.

Crabtree indicated there is no current problem and parking is available in the Grand Junction area as well as on-street parking.

Howard added that in the downtown (LBH), parking is not typically regulated for business.

Public Hearing for 1712-VU-08 closed at 7:21 p.m.

Kingshill motioned to approve 1712-VU-08 with staff's three conditions:

- 1) That the approval of this variance shall expire on December 31, 2022.
- 2) That any request to extend the time limit for this variance shall be reviewed and approved by the Board of Zoning Appeals prior to December 31, 2022.
- 3) The use of the Property shall be limited in scope and operation to the Petitioner's Narrative, attached hereto and incorporated herein as Exhibit 5. Any expansion or substantial alteration to the scope and operation of the Variance of Use, as determined by the Director, shall require approval by the Board of Zoning Appeals.

Schmitz seconded and the Motion passed 5-0.

Schmitz moved to adopt the Department's recommended findings of facts.

Raines 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).

MINUTES

Westfield-Washington Board of Zoning Appeals

Minutes of the December 12, 2017 BZA Meeting

Presented for approval: January 9, 2018

Page 4 of 4

REPORTS/COMMENTS

Plan Commission Liaison Report.

Economic and Community Development Department—no report

Schmitz motioned to adjourn the meeting.

Raines seconded, and the motion passed.

The meeting adjourned at 7:29 p.m.

Chairperson
Robert Smith, Esq.

Secretary
Matthew S. Skelton, Esq., AICP
Director



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

January 9, 2018

1810-VS-01

Exhibit 1

Petition Number: 1801-VS-01

Subject Site Address: 613 W. SR 32 (The "Property")

Petitioner: SecurCare Self Storage (The "Petitioner")

Representative: Anchor Sign Company

Request: The Petitioner by Anchor Sign Company is requesting a Variance of Standard to increase the maximum display area, maximum display area height, and maximum sign height requirements on an Individual Nonresidential Monument Sign (Section 16.7(B)(2-4) of Ordinance 07-07) on 7.31 acres +/- in the Eagletown Planned Unit Development (PUD) District.

Current Zoning: Eagletown PUD

Current Land Use: Commercial

Approximate Acreage: 7.31 acres +/-

Exhibits:

1. Staff Report
2. Location Map
3. Previously Approved Sign
4. Proposed Sign
5. Petitioner's Application

Staff Reviewer: Matt Pleasant, Associate Planner

OVERVIEW

Location: The subject Property is 7.31 acres +/- in size and is located at 613 W. SR 32 (see **Exhibit 2**) zoned Eagletown PUD (Ord. 07-07). The Property is currently being used as a self-storage facility. The surrounding properties are zoned Springmill Trails PUD to the north, Enclosed Industrial to the east, Open Industrial to the west, and the Maple Knoll PUD bordering the south that are residential properties.

The lot has an existing sign previously approved in 2009 (09-S-019) determined by Staff at the time as Nonresidential Center Sign¹ due to the intended use on the property (see **Exhibit 3**).

Variance Request: Due the change in use of the Property, the Petitioner is requesting a Variance of Standard to allow the previously approved sign to remain for an Individual Nonresidential Sign

¹ Article 12 of the UDO defines Nonresidential Center as: A building or combination of buildings containing three (3) or more tenants, stores, service establishments, offices or other permitted uses which are planned, platted, organized, or managed to function as a unified whole and shares one or more of the following: (1) vehicular access; (2) Parking Areas; (3) signage; (4) landscaping; or (5) design theme; and/or is platted as part of a Subdivision or coordinated shopping center, which may include Outlots for lease or for sale.



by extending the height requirements² of the Westfield-Washington Township Unified Development Ordinance (the "UDO").

SUMMARY OF VARIANCES

The Petitioner is requesting the following changes to allow the existing Monument Sign to remain:

Sign height standard on a Monument Sign for an Individual Nonresidential Sign shall be permitted up to 14 feet - 9 ½ inches, sign display area shall be permitted up to 80sqft, and sign display height standard permitted up to 12ft and 1 ½ inches as depicted in **Exhibit 3** of the originally approved sign.

If the Board is inclined to approve the Variance request, the Department recommends a condition to include the Petitioner submit a compliant landscape plan with the plantings be installed no later than June 30, 2018.

COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan shows the project designated in the Regional Commercial and Highway Corridor³.

The Regional Commercial designation encourages commercial development that intend to benefit the economic health of the community. These uses should be located only on arterial streets designed to carry large traffic volumes and within a planned commercial center. Uses include big-box retail, offices, and attached residential dwellings. Large masses of asphalt are discouraged by requiring parking areas to be broken up with landscaping or by being located on more than one side of the buildings⁴.

Some general guidelines for development in this Regional Commercial Area include: buildings must be unique to Westfield, develop alternative transportation facilities, landscaped parking, and appropriately scaled transitional uses from retail to office to residential.

The Highway Corridor encourages signs that are attractive, sized, and designed in relation to the buildings and to the traffic conditions in which they are seen⁵.

² Article 6.17(H) Maximum Sign Area for a Monument Sign Standard: Six (6) feet; however, may be nine (9) feet only when incorporating a sign base and sign cap features. Monument signs incorporating a cap or base shall have a minimum base height of six (6) inches, a maximum base height of twenty-four (24) inches and a minimum cap height of two (2) inches. Total aggregate sign cap and base height shall not exceed three (3) feet, defined in the UDO.

³ Page 24; Chapter 2: Land Use Plan: Land Use Classifications and Development Policies; Westfield-Washington Township Comprehensive Plan.

⁴ Pages 50-52; Chapter 2: Land Use Plan: Commercial; Westfield-Washington Township Comprehensive Plan.

⁵ Pages 53-55; Chapter 2: Land Use Plan: Highway Corridors; Westfield-Washington Township Comprehensive Plan.



PROCEDURAL

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

Conditions: The UDO⁶ and Indiana law provide that the Board of Zoning Appeals 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 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.

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.

DEPARTMENT COMMENTS

Approval: If the Board is inclined to approve the Variance of Development Standard (1801-VS-01), then the Department recommends the Variance of Development Standard (1801-VS-01) approval with the following condition:

The Petitioner submit a compliant landscape plan to be approved by the Department, with the plantings be installed no later than June 30, 2018.

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

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 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 Eagletown PUD.

- 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 legalize an already existing structure; (ii) the improvements will otherwise comply with or exceed the applicable standards of the Eagletown PUD District; and (iii) the approval of the variance will allow for the continued use and improvement of the property in a manner substantially consistent with the quality and character of the surrounding area and Comprehensive Plan.

- 3) **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, in accordance with the Eagletown PUD. The Petitioner may be forced to remove the sign structure and resurrect a new one. The use is permitted by the Eagletown PUD and the proposed improvements would otherwise be permitted and comply with the Eagletown PUD.

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



WESTFIELD-WASHINGTON TOWNSHIP

BOARD OF ZONING APPEALS

January 9, 2018

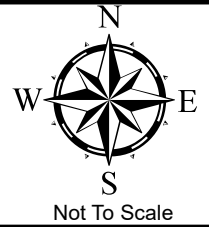
1810-VS-01

Exhibit 1

next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.



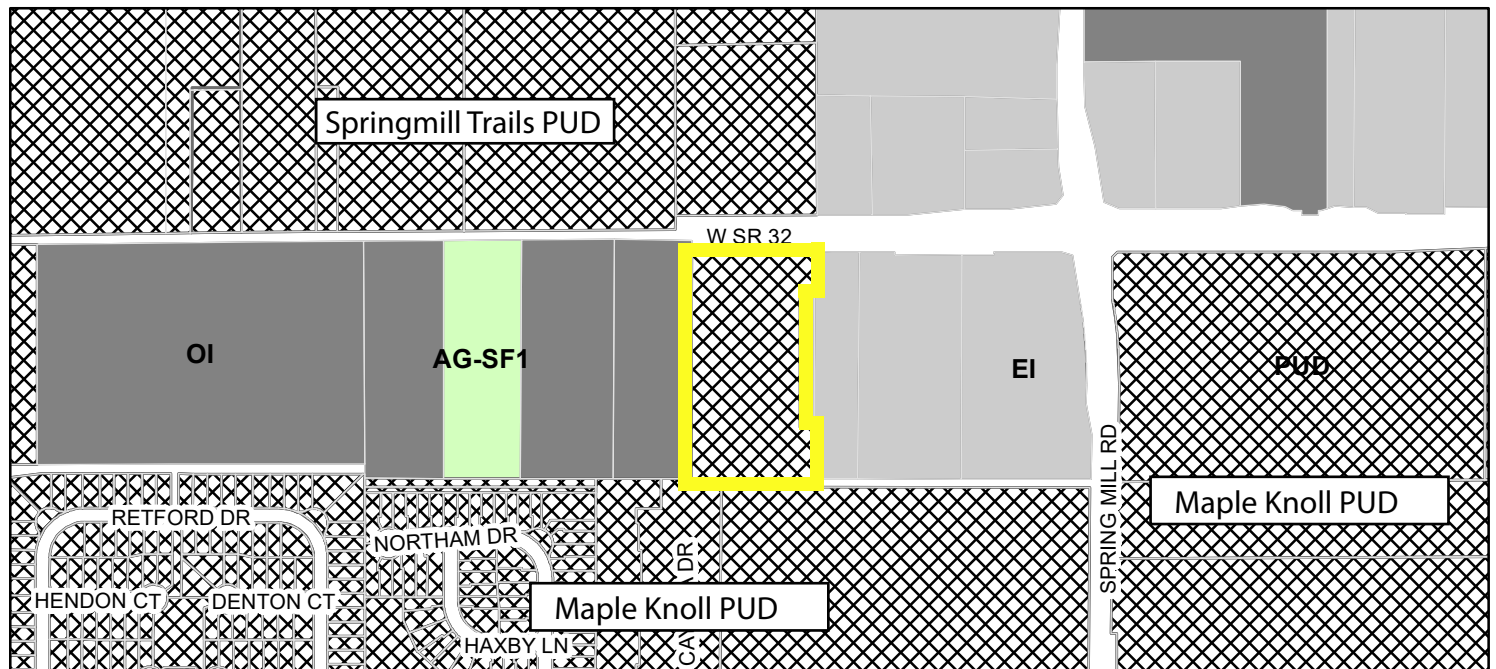
Property Location Map
1801-VS-01
SecurCare Self Storage Sign



Aerial Location Map



Zoning Map



Legend

	Parcel		OI (Open Industrial)
	AG-SF1 (Agriculture - Single Family - 1)		PUD (Planned Unit Development)
	EI (Enclosed Industrial)		

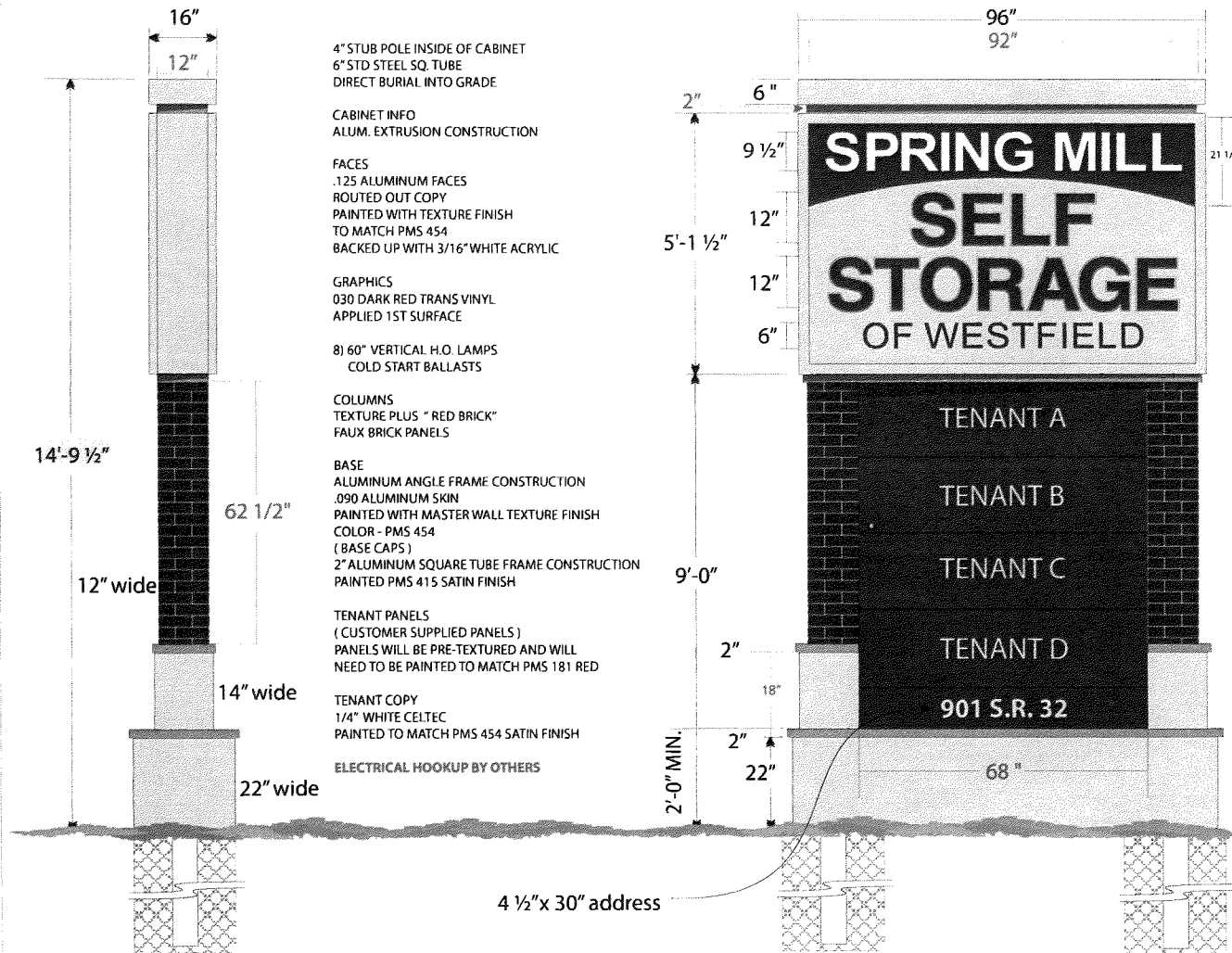
Job #: 31268-01 **Sign Type:** Monument Sign

Production Type: D/F Illuminated Sign

Scale: 1/2" = 1'-0"

Network File Location: (P) Drive: 2008 / Indianapolis / Gene B. Glick / Spring Mill Self Storage 5A

Font(s) Used: Helvetica



COMPANY & SALES INFORMATION

Company: Gene B. Glick

Community: Spring Mill Self Storage of Westfield

Sales Branch: Indianapolis

Account Manager: Sandra Nordmeyer

SIGN PANEL INFORMATION

Material 1: Aluminum Extrusion

Material 2: n/a

Color: To Match Building color

Color: n/a

Size: 5'-1 1/2" x 8'-0"

Size: n/a

Sign Face: .090 Aluminum

Sign Face: n/a

COLOR INFORMATION

Qt. of Paint Colors: 1

Qt. of Vinyl Colors: 1

PMS: 454

FDC: 033 Red Trans

PMS: n/a

FDC: n/a

PMS: n/a

FDC: n/a

PMS: n/a

FDC: n/a

DIGITAL / LAMINATE INFORMATION

Printer: n/a

Ink: n/a

Laminate: n/a

Size: n/a

SIGN SHAPE / ROUTING INFORMATION

n/a

MOUNTING INFORMATION

Mounting: n/a

Finial(s): n/a

Size: n/a

Finial Color: n/a

Type: n/a

Distance A. G. : n/a

Color: n/a

Distance B. G. : n/a

Mounting Notes: n/a

ADDITIONAL PRODUCTION INFORMATION

n/a

n/a

DATE / DESIGN INFORMATION

Designer: BW

Design Status: 3RD Version

Date of Current Status: 09-02-08

Design Updated By: BW

Design Style: Custom

redirections
SIGN & DESIGN

5157 East 64th Street

Indianapolis, Indiana 46220

Phone: 317-731-5157 Fax: 317-731-5095

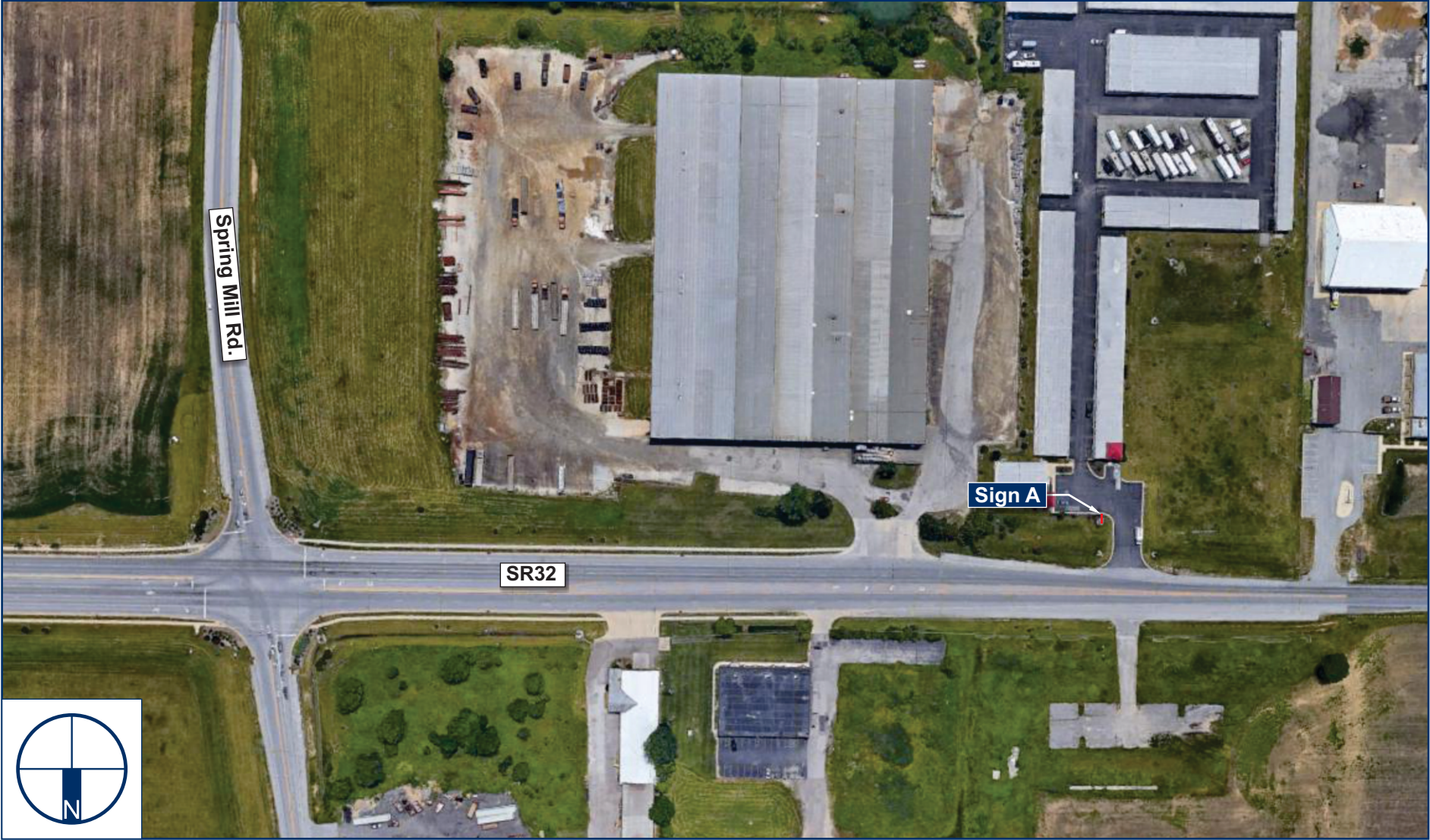
www.re-directions.com

APPROVED:

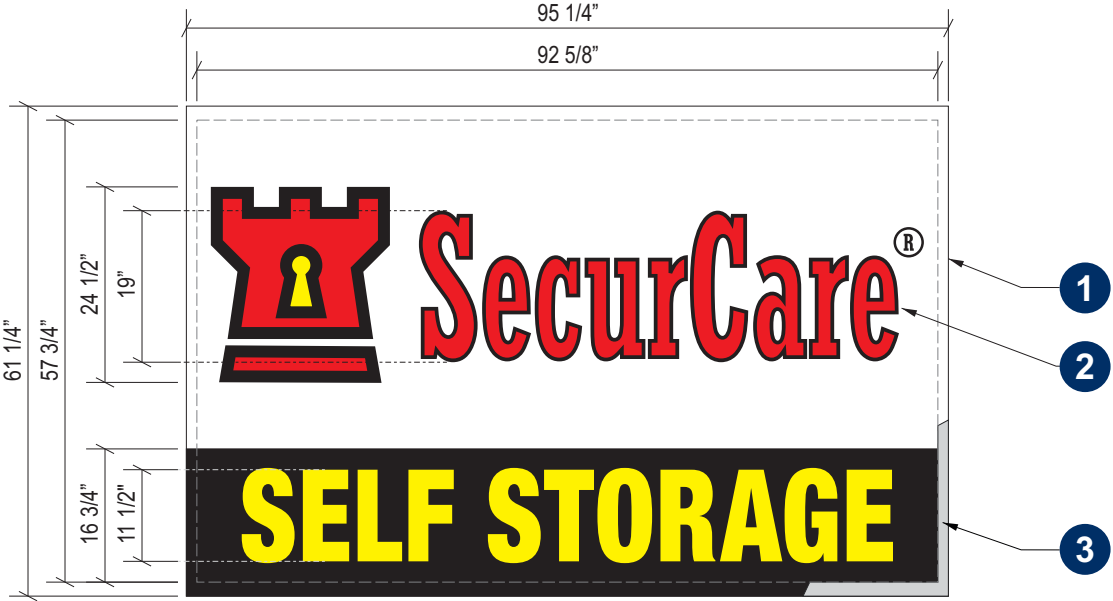
REJECTED / REVISE:

© Copyright 2006 by Redirections Sign & Design, this rendering is the exclusive property of Redirections Sign & Design and is not to be reproduced, copied or exhibited in any fashion.

SIGN A	SecurCare Replacement Panel
Type:	New 3/16" Lexan panel w/ applied vinyl
Actual Size:	61 1/4" x 95 1/4"
Viewable Size:	57 3/4" x 92 5/8"
Square Footage:	40.51



SIGN A	SecurCare Replacement Panel
Type:	New 3/16" Lexan panel w/ applied vinyl
Actual Size:	61 1/4" x 95 1/4"
Viewable Size:	57 3/4" x 92 5/8"
Square Footage:	40.51



New Replacement Panel - Existing D/F Pylon
QTY 2 (1 SET) Scale: 1/2" = 1'-0"

Specifications:	
1. New 3/16" white lexan	
2. Applied vinyl;	
■ 3M 3030-33 Red	
■ 3630-015 Yellow	
■ 3M7725-22 Black	
3. Existing Retainers	



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): _____



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)

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 ____ day of _____, 20____.

State of _____, County of _____, SS:

Notary Public Signature

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.

Property Owner (signature)*

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 ____ day of _____, 20____.

State of _____, County of _____, SS:

Notary Public Signature

Notary Public (printed)

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

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



APPLICANT: _____

DOCKET #: _____

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

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

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 need for the variance arises from some condition particular to the property involved because: _____

D. The strict application of the terms of the Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought because: _____

E. The variance of use does not interfere substantially with the Comprehensive Plan because: _____

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: _____

WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM

VARIANCE APPLICATIONS



GENERAL INSTRUCTIONS

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

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.

Rusty Akers
Applicant/Representative (signature)

Rusty Akers
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 1st day of DECEMBER, 2017.

State of SC County of CHARLESTON SS:
JILL A. HOPKINS
NOTARY PUBLIC, STATE OF SOUTH CAROLINA
My Commission Expires 12/01/2025

Jill A. Hopkins
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.

Tamara D. Fischer
Property Owner (signature)*

Tamara D. Fischer, Authorized Person
Property Owner (printed) for owner, NST Property Holdings, LLC

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 1st day of December, 2017.

State of Colorado County of Arapahoe SS:

KAREN S. GERKEN
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID # 20144808048
MY COMMISSION EXPIRES FEBRUARY 19, 2018

Karen S. Gerken
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.