CITY OF WESTFIELD, IN

BoardofZoningAppeals_Meeting_Agenda_11_09_2021

Tuesday, November 09, 2021 at 07:00 PM

BOARD OR COMMISSION: **Board of Zoning Appeals (BZA)**

MEETING DATE: **Tuesday, November 09, 2021 at 07:00 PM**

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

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

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

To submit a comment for the record on any Public Hearing item, please email planners@westfield.in.gov

OPENING OF REGULAR MEETING

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

Note the presence of a quorum

Approval of Minutes
October 12, 2021
Documents: BZA Minutes - October 12, 2021

Approval of 2022 BZA Schedule of Meetings and Filing Dates
Documents: 2022 BZA Calendar

Review Rules & Procedures

ITEMS OF BUSINESS:

2110-VU-05 & 2110-VS-39 [PUBLIC HEARING]
206th Street Tiny Home
Susan Viele
The Petitioner requests a Variance of Use to permit a Tiny House on Wheels (THOW) on 0.05 acres +/- in the SF5: Single-family High Density (Villages) District and Variances of Development Standard modifying Minimum Lot Area, Lot Frontage, Building Setback

Lines, Lot Width and Single-story Living Area of the SF5 Zoning District (Articles 4.8(C), (D),(E1),(E2),(E3),(F), (H1), and 13.2) on E 206th Street, generally 60 feet west of the Monon Trail Right-of-way.
(Planner: Caleb Ernest - cernest@westfield.in.gov)
Documents: Exhibit 1: Staff Report | Exhibit 2: Location Map | Exhibit 3: Plat Document (August 16, 1882) | Exhibit 4: Zoning Map (1974) | Exhibit 5: Existing Conditions | Exhibit 6: Existing vs. Proposed Standards | Exhibit 7: Tiny Home Examples | Exhibit 8: Application

2111-VS-40 [PUBLIC HEARING]
Bridlewood Signage
Bridlewood Home Owner's Association by Boulder Designs
The Petitioner requests a Variance of Development Standard to replace existing subdivision entry signs in the Right-of-Way adjacent to an SF4: Single-family High-Density subdivision (UDO 6.17(E)(3)).
(Planner: Rachel Riemenschneider - rriemenschneider@westfield.in.gov)
Documents: Exhibit 1: Staff Report | Exhibit 2: Location Map | Exhibit 3: Zoomed-In Aerial | Exhibit 4: Site Plan | Exhibit 5: Existing Conditions | Exhibit 6: Proposed Signs | Exhibit 7: Public Works Approval | Exhibit 8: Application

2111-VS-41 [PUBLIC HEARING]
17455 Tiller Court
Windows, LLC
The Petitioner requests a Variance of Development Standard to modify the conditions of a previously approved variance (1906-VS-11) to expand a non-masonry dumpster enclosure in an Established Front Yard on 2.27 acres +/- in EI: Enclosed Industrial District.
(Planner: Rachel Riemenschneider - rriemenschneider@westfield.in.gov)
Documents: Exhibit 1: Staff Report | Exhibit 2: Location Map | Exhibit 3: Proposed Enclosure | Exhibit 4: 1906-VS-11 Acknowledgement of Variance | Exhibit 5: Application

2111-VU-06 [PUBLIC HEARING]
133 W 161st Street
Mauricio Gonzalez by Pleasant Cities, LLC
The Petitioner requests an extension of an existing Variance of Use permitting a Construction Trade Office on 2.5 acres +/- in the AG-SF1: Agriculture / Single-Family Rural District (Chapter 13).
(Planner: Daine Crabtree - dcrabtree@westfield.in.gov)
Documents: Exhibit 1: Staff Report | Exhibit 2: Location Map | Exhibit 3: Project Narrative | Exhibit 4: Proposed Findings of Fact | Exhibit 5 - Petitioner's Presentation

2111-VU-07 [PUBLIC HEARING]
Northpoint Gun Sales/Range
Stellhorn Northpoint, LLC
The Petitioner requests a Variance of Use to permit a Firearm Range with an associated Special Handling Retail (gun sales) use on 0.40 acres +/- in the Northpoint PUD District.
(Planner: Daine Crabtree - dcrabtree@westfield.in.gov)
Documents: Exhibit 1: Staff Report | Exhibit 2: Location Map | Exhibit 3: Project

Executive Summary | Exhibit 4: Proposed Amended Secondary Plat | Exhibit 5: Northpoint Concept Plan

2111-VU-08 & 2111-VS-42 [PUBLIC HEARING]
3407 W SR 32
Allen Ray Blythe By Norris Carpentry Service, LLC
The Petitioner requests a Variance of Use to permit an Efficiency Unit Dwelling on 0.5 acres +/- in AG-SF1: Agriculture / Single-family Rural District (UDO 13.2). In addition, the Petitioner requests Variances of Development Standard to modify the Minimum Lot Area, Minimum Lot Frontage, Minimum Front Yard Building Setback, Minimum Side Yard Building Setback, and the Minimum Lot Width on an illegal, nonconforming 0.5 acre +/- lot in the AG-SF1: Agriculture / Single-family Rural District to accommodate a building addition (UDO 4.2(C), (D), (E) & (F)).
(Planner: Rachel Riemenschneider - rriemenschneider@westfield.in.gov)
Documents: Exhibit 1: Staff Report | Exhibit 2: Location Map | Exhibit 3: Site Plan | Exhibit 4: Building Plan | Exhibit 5: Application

2111-VS-43 [PUBLIC HEARING]
726 Wexford Hill Court
Homes by McKenzie
The Petitioner requests a Variance of Development Standard to encroach 3.8 feet into the 22-foot Front Yard Setback in the Chatham Hills PUD District.
(Planner: Pam Howard - phoward@westfield.in.gov)
Documents: Exhibit 1: Staff Report | Exhibit 2: Location Map | Exhibit 3: As-Built Plot Plan | Exhibit 4: Application

ITEMS CONTINUED TO A FUTURE MEETING:
None

REPORTS/COMMENTS:
Plan Commission Liaison
Community Development Department

ADJOURNMENT

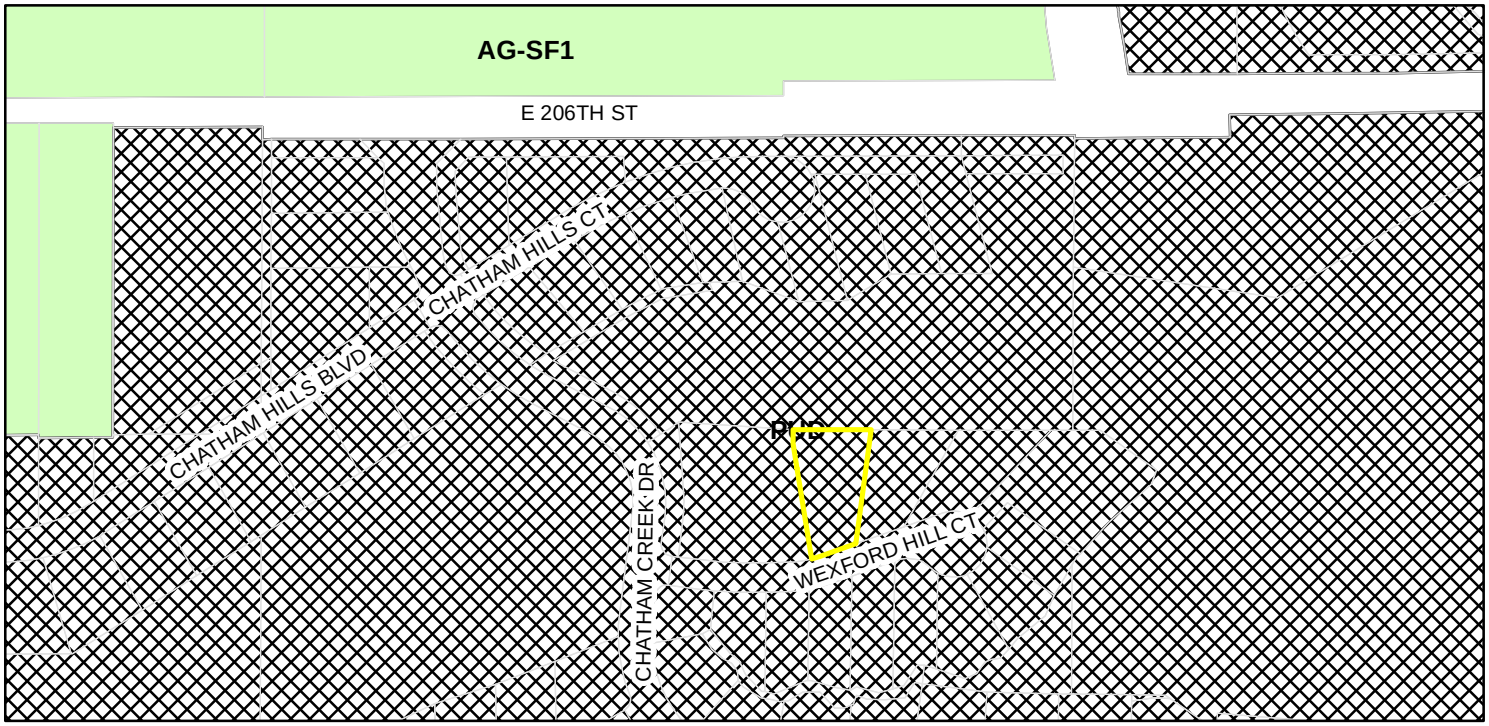
Property Location Map
726 Wexford Hill Court
2111-VS-43

N
W E
S
Not To Scale

Aerial Location Map

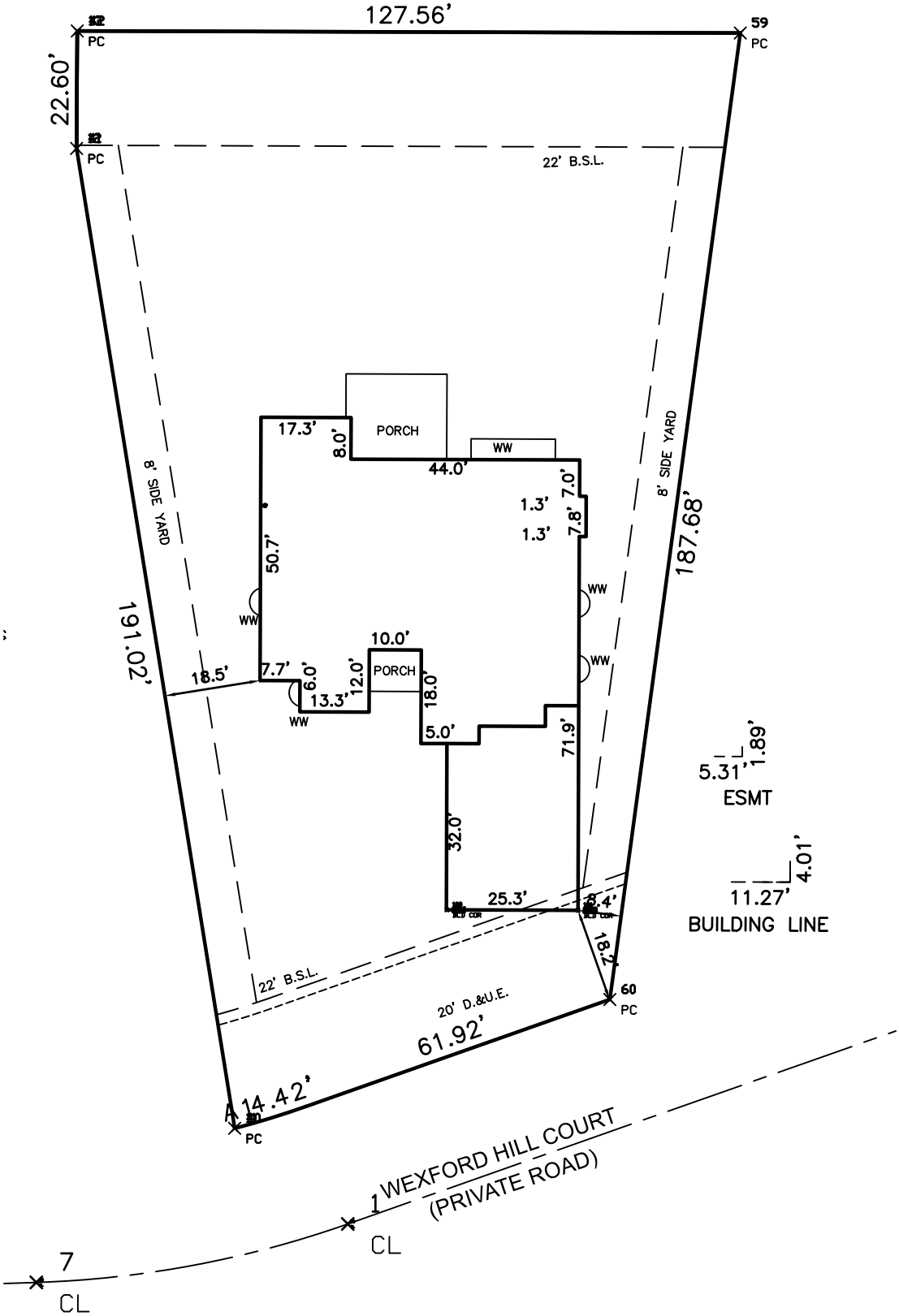
Site

Zoning Map



Zoning

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


127.56'
22.60'
PC
59
PC
22' B.S.L.
PORCH
WW
17.3'
8.0'
44.0'
1.3'
1.3'
7.0'
7.8'
8' SIDE YARD
8' SIDE YARD
187.68'
191.02'
50.7'
WW
WW
WW
10.0'
PORCH
18.5'
7.7'
6.0'
12.0'
13.3'
18.0'
WW
5.0'
71.9'
32.0'
25.3'
8.4'
18.2'
5.31'
1.89'
ESMT
11.27'
4.01'
BUILDING LINE
22' B.S.L.
20' D.&U.E.
60
PC
61.92'
14.42'
A
PC
WEXFORD HILL COURT
(PRIVATE ROAD)
1
CL
7
CL

CITY OF Westfield INDIANA

Westfield Community Development
2728 E. 171st Street | Westfield, IN 46074
317.804.3170 | nwoerner@westfield.in.gov

VARIANCE APPLICATION

OFFICE USE ONLY

DOCKET #: 2111-VS-43 FILING DATE: 10/14/21

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

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: John McKenzie (STAFF NAME) DATE: 10/13/201

PRIOR OR RELATED DOCKET NUMBERS

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

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

APPLICANT INFORMATION

APPLICANT'S NAME: Homes by McKenzie TELEPHONE: 317.281.7061
ADDRESS: 4631 Lisborn Drive, CARMEL, IN 46033 EMAIL: john@mckenziecollection.com

PROPERTY OWNER'S NAME: John Canning TELEPHONE: 407-304-0278
ADDRESS: 4086 Old Light Circle, Arrington, TN 30714 EMAIL: jwcanning@hotmail.com

REPRESENTATIVE'S NAME: John McKenzie TELEPHONE: 317.281.7061
COMPANY: Homes by McKenzie EMAIL: john@mckenziecollection.com
ADDRESS: 4631 Lisborn Drive, CARMEL, IN 46033

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 726 Wexford Hills Court, Westfield, IN 46074

COUNTY PARCEL ID #(S): 0805230002051000

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

PROPERTY AND PROJECT INFORMATION

☐ VARIANCE OF LAND USE CODE CITATION: _____

☒ VARIANCE OF DEVELOPMENT STANDARD(S) CODE CITATION: Sec. 9.1 of Ord. 13-24

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

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

This variance is requested to allow the home to encroach 3.8' into the 22' setback on the Southeast corner of the lot due to an error by the foundation company.

CITY OF Westfield INDIANA

Westfield Community Development
2728 E. 171st Street | Westfield, IN 46074
317.804.3170 | nwoerner@westfield.in.gov

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.

John E. McKenzie

Applicant/Representive (signature)

John McKenzie

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 12th *day of* October, 2021.
State of Indiana, *County of* Hamilton, *SS:*

Megan Jeffries

Notary Public (signature)

Megan Jeffries

Notary Public (printed)

STATE OF NOTARY SEAL INDIANA
MEGAN L JEFFRIES
Notary Public, State of Indiana
Hamilton County
Commission # 654166
My Commission Expires
June 03, 2022

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)*

John Canning

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 12th *day of* October, 2021.
State of Indiana, *County of* Hamilton, *SS:*

Megan Jeffries

Notary Public (signature)

Megan Jeffries

Notary Public (printed)

STATE OF NOTARY SEAL INDIANA
MEGAN L JEFFRIES
Notary Public, State of Indiana
Hamilton County
Commission # 654166
My Commission Expires
June 03, 2022

**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.*

CITY OF Westfield INDIANA

Westfield Community Development
2728 E. 171st Street | Westfield, IN 46074
317.804.3170 | nwoerner@westfield.in.gov

FINDINGS OF FACT (VARIANCE OF DEVELOPMENT STANDARD)

APPLICANT: Homes by McKenzie 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:

It is only encroaching 3.8' into the 22' setback and no adjacent side-yard setbacks are changed.
.

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: No adjacent side-yard setbacks are changed.

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

If we do not receive the variance, the architectural look of the home will be diminished and not pleasing for the neighborhood, also, the garage will not be as usable as originally designed.

CITY OF Westfield INDIANA

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GENERAL INSTRUCTIONS

A. **Pre-Filing Conference**: A pre-filing conference is required for all petitions. An appointment must be made with the 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
- ☐ Draft Public Notice
- ☐ Property Owner Consent
- ☐ Site Plan (to scale)
- ☐ Statement of Intent
- ☐ Legal Description
- ☐ List of Adjoining Property Owners (as provided by County)
- ☐ TAC Delivery Affidavit (if TAC is determined to be necessary)
- ☐ Copy of Property Deed
- Elevations, photographs or other supporting information necessary to explain the nature of the requested variance(s)

C. **Filing Fee Check**: After the filing of an application, the Department will advise the applicant of the applicable filing fee amount, which is due and payable (checks made out to "City of Westfield") within two (2) weeks of filing.

D. **Technical Advisory Committee (TAC)**: The applicant is responsible for submitting a copy of the application and related information to Technical Advisory Committee members prior to filing, if determined by the Department to be necessary. An affidavit confirming delivery of information is required to be completed and signed by the applicant and submitted with the petition. Technical Advisory Committee meetings are held in the City Services Building (2728 East 171st Street, Westfield, IN 46074) in accordance with the Schedule of Meeting and Filing Dates. A representative must be present at this meeting.

E. **Public Hearing and Notice**: All variance petitions require a public hearing by the Board of Zoning Appeals. The public hearing is held at City Hall, 130 Penn Street, Westfield, Indiana, in accordance with the Schedule of Meeting and Filing Dates. Notice of the hearing is required in accordance with the Board's Rules of Procedure:

1. **Newspaper Publication:** Notice of the hearing will be published in the Hamilton County Reporter and The Times. The Department will handle the newspaper publication requirement.
2. **Mailed Public Notice:** The applicant is responsible to send public notice by certified mail with proof of mailing (certificate of mailing) to all interested parties, postmarked at least ten (10) days prior to the hearing. A list of adjacent property owners may be obtained from the **Hamilton County Auditor, Office of Transfers and Mapping** (33 North 9th Street, Noblesville, IN 46060, (317) 776-9624), and shall include all owners of property to a depth of two (2) ownerships of no direct or indirect financial or other interest to the applicant or property owner or one eighth of a mile (1/8), whichever is less.
3. **Public Notice Sign**: The applicant is responsible to post a public notice sign(s) on the property at least ten (10) days prior to the public hearing. The Department will determine sign locations and will make signs available for the applicant to obtain in the office of the Department.
4. **Affidavit of Notice of Public Hearing**: The applicant shall deliver a copy of the mailed notice and a signed affidavit, verifying that the notices were mailed and the public notice sign(s) was posted on the subject property, to the Department at least four (4) calendar days prior to the public hearing.

F. **Ex-parte Communication**: In no event shall applicants or other interested parties contact or attempt to communicate with members of the Board in regard to a filed variance petition prior to the public hearing.

G. **Revised Materials**: If the applicant wishes to submit additional or revised information than what is filed, then the applicant shall submit those to the Department no later than ten (10) days prior to the public hearing.

H. **Board's Consideration**: Following the public hearing, the Board may either approve, approve with conditions, deny or continue the petition.

I. **Resource**: Please see the Board's Rules of Procedure for more detailed procedural information.

WESTFIELD-WASHINGTON
TOWNSHIP BOARD OF ZONING
APPEALS PUBLIC NOTICE

NOTICE IS HEREBY GIVEN THAT the Westfield-Washington Township Advisory Board of Zoning Appeals will hold a public hearing on Tuesday, November 9, 2021, at 7:00 p.m. at Westfield City Hall, 130 Penn Street, Westfield, Indiana, or in a virtual format viewable at https://www.youtube.com/user/CityofWestfieldIN, to consider petition(s) **[insert docket #]**, filed by John McKenzie on behalf of Homes by McKenzie. The request pertains to real estate comprising approximately .46 acres and generally located at 726 Wexford Hills Court, Washington Township, Westfield, Indiana.

The request is for approval of a Variance of Development Standard to allow the corner of the home to encroach 3.8' into the 22' setback on the Southeast corner of the lot.

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

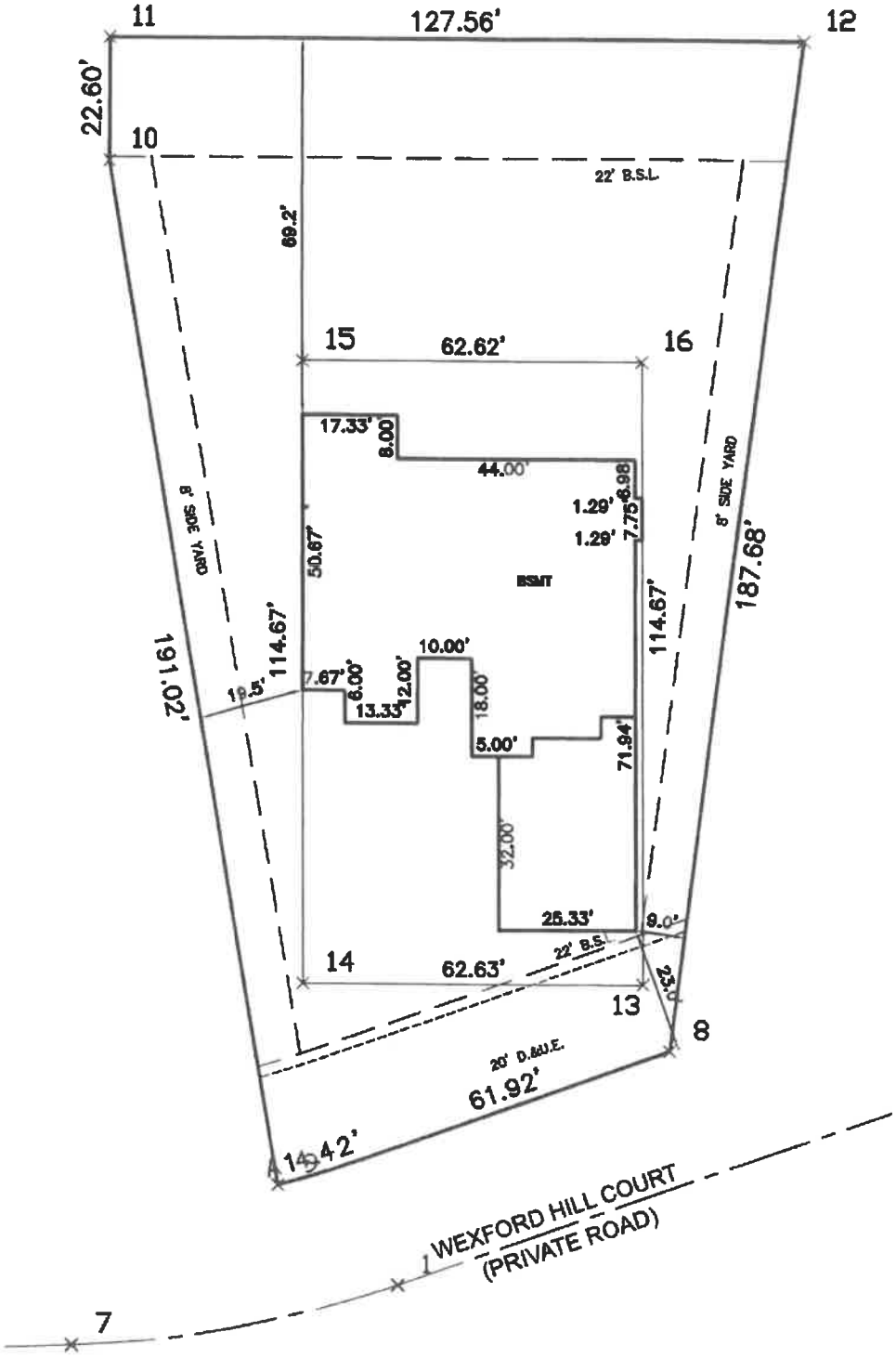
Written suggestions or objections relative to the request may be filed with the Westfield Community Development Department, at or before the public hearing. Interested persons desiring to present their views upon the request, either in writing or verbally, will be given the opportunity to be heard at the above-mentioned time and place. In the case of a virtual meeting, written comments concerning the proposals can be provided before and during the aforementioned public hearing by emailing planners@westfield.in.gov. Such hearing may be continued from time to time as may be found necessary.

Please review the agenda for this meeting on the City's website (www.westfield.in.gov/boards) immediately prior to the scheduled meeting time to confirm that this item has not been continued to the following meeting or that the meeting has not been cancelled.

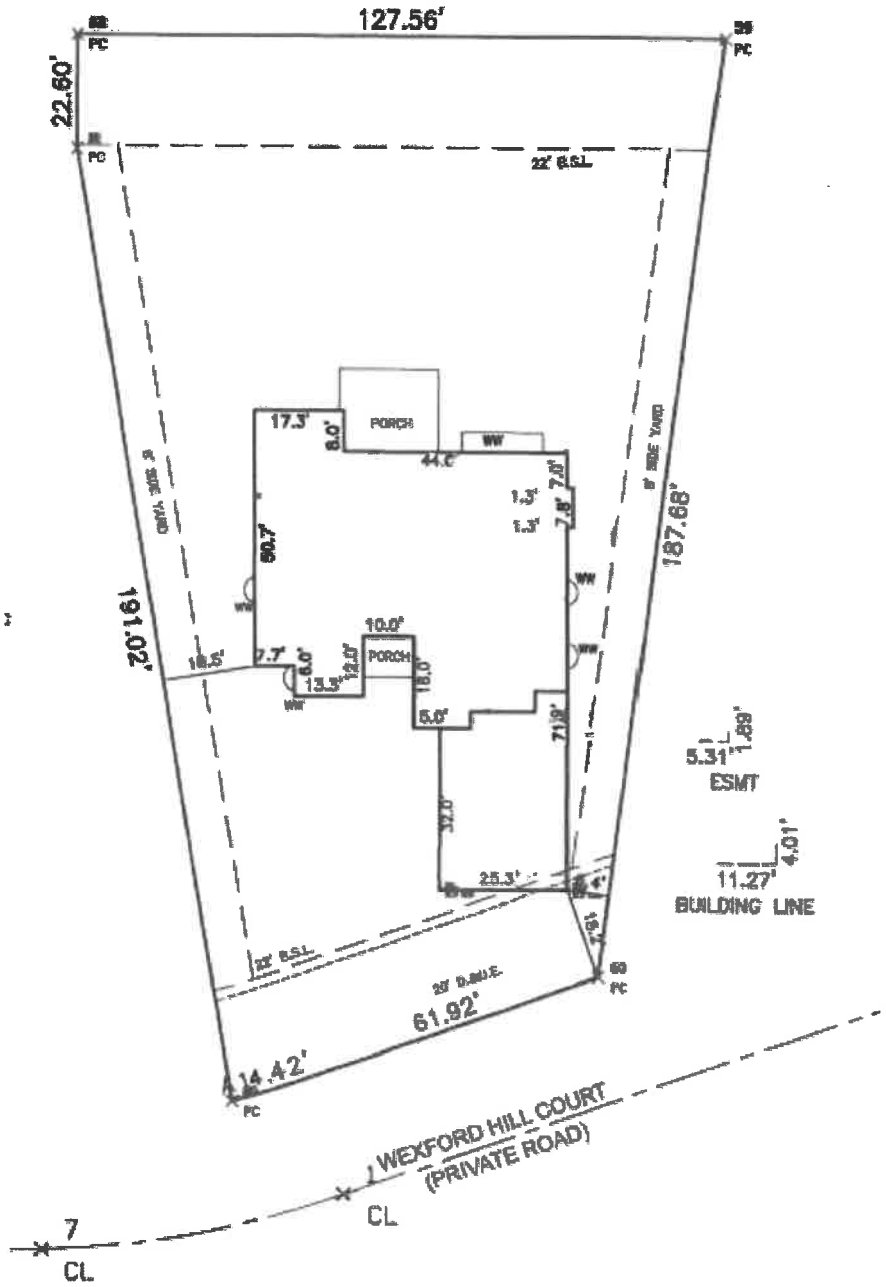
APPLICANT:
Homes by McKenzie
4631 Lisborn Drive
Carmel, IN 46033
317-574-7616

REPRESENTATIVE: (if applicable)
John McKenzie
4631 Lisborn Drive
Carmel, IN 46033
317-281-7061

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



ANY QUESTIONS/ERRORS WITH STAKING DIAGRAM AND/OR STAKES SHOULD BE BROUGHT TO THE SURVEYOR'S AND BUILDER'S ATTENTION IMMEDIATELY. FAILURE TO DO SO, SHALL IMPLY THAT CLIENT/BUILDER/CONTRACTOR AGREE THAT STAKES WERE SET CORRECTLY. FAILURE TO DO SO SHALL ABSOLVE SURVEYOR OF ALL LIABILITY.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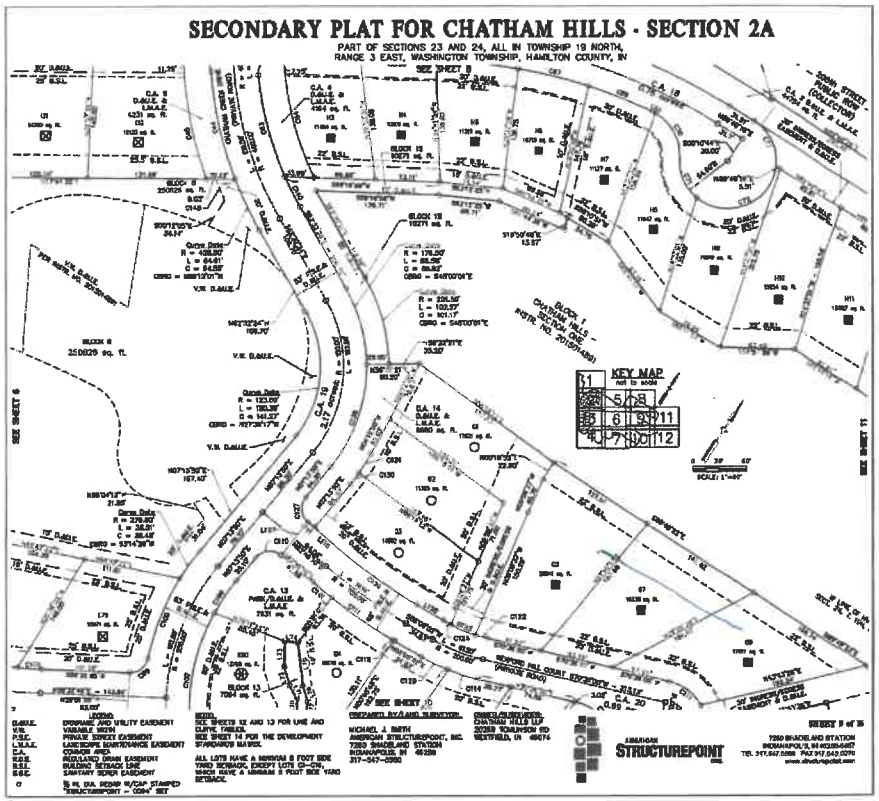
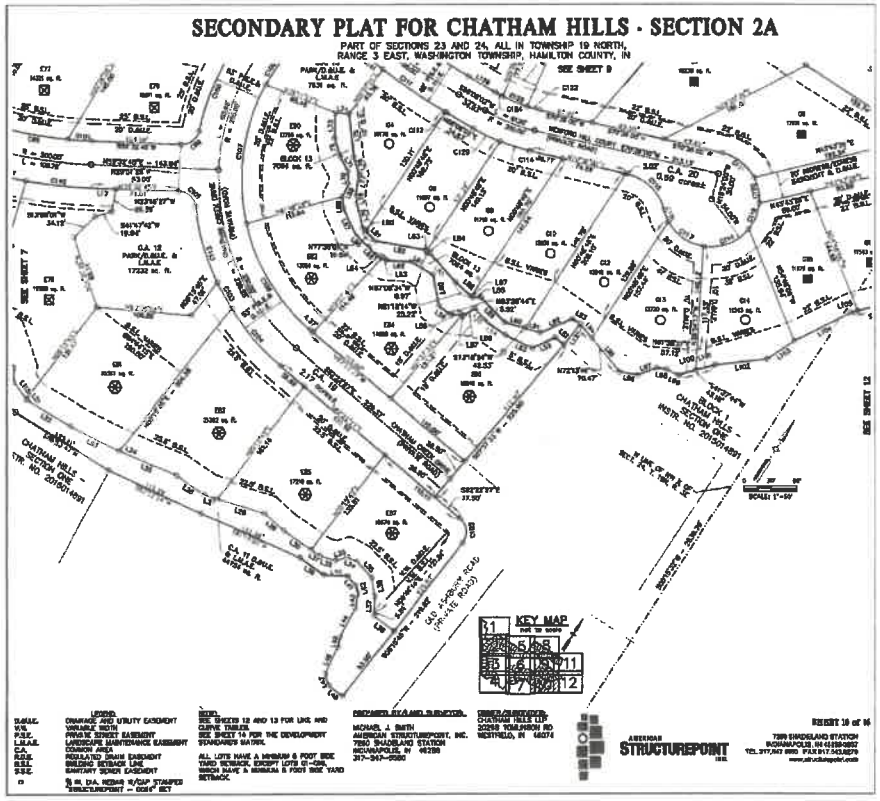
191.02'
10.0'
PORCH
18.5'
7.7'
6.0'
13.3'
12.0'
18.0'
5.0'
71.9'
32.0'
25.3'
7.91'
5.31'
1.89'
ESMT
4.01'
11.27'
BUILDING LINE
20' B.S.L.
20' D.M.E.
61.92'
14.42'
PC
WEXFORD HILL COURT
(PRIVATE ROAD)
CL
7
CL

Service door back of garage





HomeBuilder Services, LLC
3114 W Tulip Tree Drive
Greenfield, IN 46140
317-363-8167
djr.hbs@gmail.com

PLOT PLAN

Prepared For:
Homes by McKenzie

Property Description:

Lot Number G5 in Chatham Hills, Section 2A, an Addition in Hamilton County, Indiana, as per plat thereof recorded as Instrument Number 2016002641, found in the Office of the Recorder of Hamilton County, Indiana.
Address: 726 Wexford Hill Ct.

LOT# G5
20,241 S.F.
Scale: 1"=30'

000.0	PROPOSED GRADE PER PLAN
	GROUND WATER FLOW
	SUBJECT PROPERTY
	CENTER LINE
	RIGHT OF WAY
	FLOW LINE OF SWALE
SAN	SANITARY SEWER LINE
STM	STORM SEWER LINE
	SUB SURFACE DRAIN
WTR	WATER LINE
	EASEMENT LINE
	BUILDING SETBACK LINE
	CONTOUR MINOR
	CONTOUR MAJOR
SF	SILT FENCE

MINIMUM SETBACKS

Min. Side = 8 Feet
Min. Rear = 22 Feet
Min. Front Yard =25 Feet per Lot Matrix 22 Feet per Building Line on Plat.

LOCATION OF UTILITY LATERALS ON PLOT PLAN ARE GENERAL LOCATIONS PER PLAN AND SHOULD BE VERIFIED IN THE FIELD.

THIS PLOT PLAN WAS PREPARED BASED ON INFORMATION TAKEN FROM RECORD PLATS, SUBDIVISION PLANS, RECORD DRAWINGS AND PLANS PROVIDED BY CLIENT. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY SITE CONDITIONS PRIOR TO CONSTRUCTION AND NOTIFY HOME BUILDER SERVICES LLC OF ANY DISCREPANCIES.

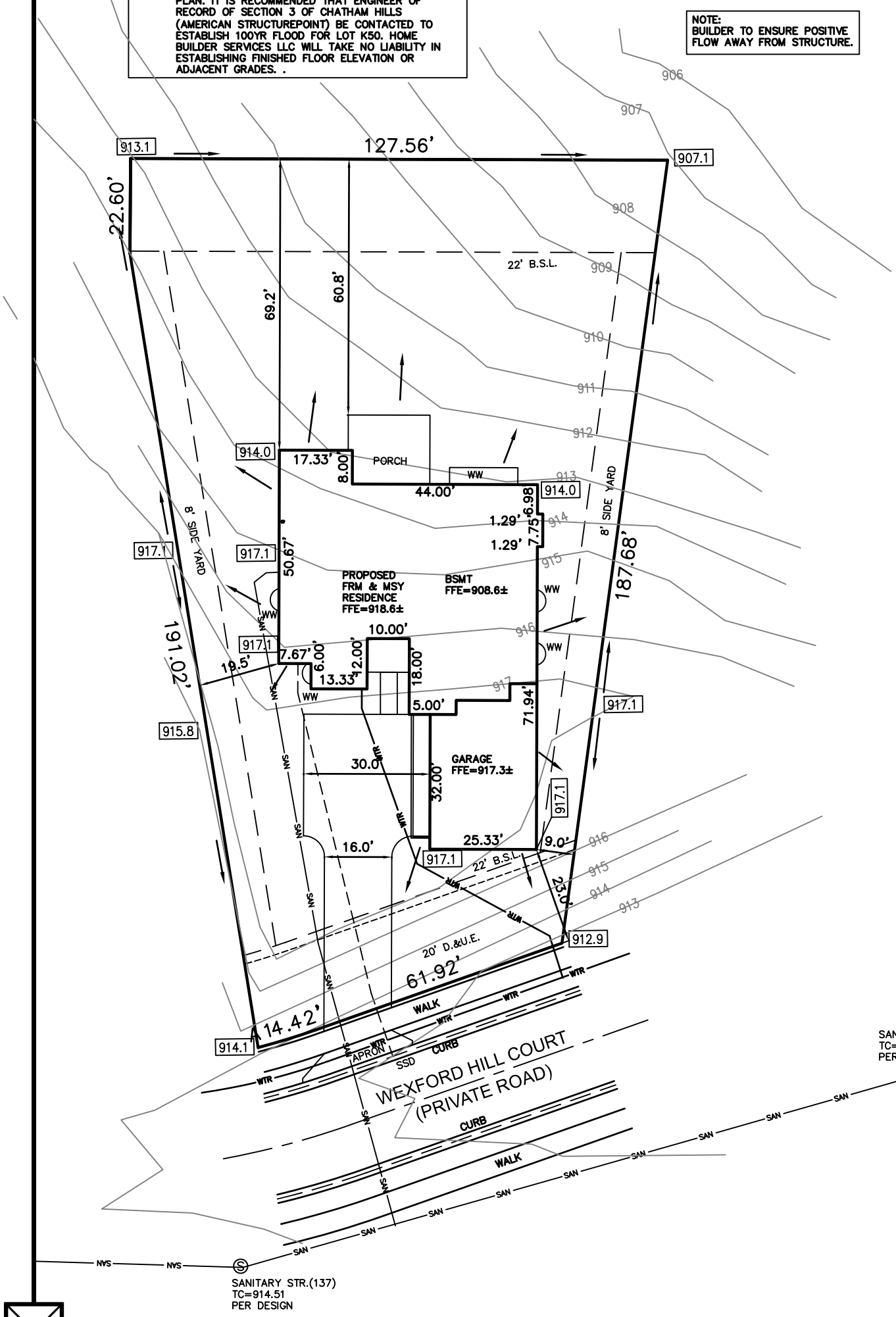
EROSION CONTROL NOTE:
1. Builder shall maintain in good repair all existing erosion control measures necessary to soil erosion for said site during the construction period. Refer to the erosion control for the home builder publication by IDNR Division of Soil Conservation for additional information.
2. Finished grades to be in conformance with subdivision grading plan and plot plan; Excess soil to be disposed of in approved fill area.
3. All sediment tracked onto roadway to be removed by scrapping at the end of each work day.
4. All disturbed areas to be permanently seeded after finished grading has occurred.
5. All sediment control practices to be maintained during construction process to ensure proper functioning.

NOTE:
LIMITED FLOOD INFORMATION AVAILABLE. NO FEMA OR DNR STUDY OF ADJACENT CREEK. LOT L1 OF SECTION 4 CHATHAM HILLS DEVELOPMENT PLAN PREPARED BY CRIPE (FLOOD PROTECTION GRADE) = 906. LOT L1 IS LOCATED ACROSS THE STREET FROM K50 AND NORTH AND ADJACENT OF LOT K51. LOT NUMBER L2 IS EAST AND ADJACENT TO L1 AND THE FLOOD PROTECTION GRADE DROPS TO 902 PER PLAN. IT IS RECOMMENDED THAT ENGINEER OF RECORD OF SECTION 3 OF CHATHAM HILLS (AMERICAN STRUCTUREPOINT) BE CONTACTED TO ESTABLISH 100YR FLOOD FOR LOT K50. HOME BUILDER SERVICES LLC WILL TAKE NO LIABILITY IN ESTABLISHING FINISHED FLOOR ELEVATION OR ADJACENT GRADES. .

NOTE:
BUILDER TO ENSURE POSITIVE FLOW AWAY FROM STRUCTURE.

SQUARE FOOTAGE:

RESIDENCE – 3,960 ± SF
DRIVEWAY APRON – 114 ± SF
CONC. DRIVEWAY – 1,578 ± SF
PUBLIC WALK – 3084 ± SF
PRIVATE WALK – 40 ± SF



CHRISTOPHER L. HINKLE
REGISTERED
No. 10911288
STATE OF
INDIANA
PROFESSIONAL ENGINEER

Date: March 24, 2021

HAMILTON COUNTY AUDITOR

I, ROBIN M. MILLS, 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.

ROBIN M. MILLS, HAMILTON COUNTY AUDITOR

DATED: Michael R. Cussel 10/12/2021

SUBJECT PROPERTY:

08-05-23-00-02-051.000		**Subject**
Canning, John W & Meredith h&w		
922 Reliance Dr		
Franklin	TN	37067

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

HAMILTON COUNTY NOTIFICATION LIST

PLEASE NOTIFY THE FOLLOWING PERSONS

08-05-23-00-01-088.000 **Neighbor**
Chatham Hills LLP
1100 Chatham Hills Blvd
Westfield IN 46074

08-05-23-00-02-049.000 **Neighbor**
Williams, Mark & Lindsay h&w
92 Old Ashbury Rd
Westfield IN 46074

08-05-23-00-02-050.000 **Neighbor**
Doyle, Amy
5121 S Estes St
Littleton CO 80123

08-05-23-00-02-052.000 **Neighbor**
Chatham Hills LLP
1100 Chatham Hills Blvd
Westfield IN 46074

08-05-23-00-02-053.000 **Neighbor**
Wedgewood Building Company LLC
32 1st St NE
Carmel IN 46032

08-05-23-00-02-054.000 **Neighbor**
Wedgewood Building Company LLC
32 1st St NE
Carmel IN 46032

08-05-23-00-02-055.000 **Neighbor**
Wheat Lusiak, Abigale S
748 Wexford Hill Ct
Westfield IN 46074

08-05-23-00-02-056.000 **Neighbor**
Homes by McKenzie Inc

4631 Lisbom Dr

Carmel IN 46033

08-05-23-00-02-058.000 **Neighbor**

Ross, Christopher M & Paula S Dennett Ross h&w

135 E Hoover St

Westfield IN 46074

08-05-23-00-02-069.000 **Neighbor**

Chatham Hills LLP

1100 Chatham Hills Blvd

Westfield IN 46074

08-05-23-00-02-070.000 **Neighbor**

Chatham Hills LLP

1100 Chatham Hills Blvd

Westfield IN 46074

08-05-23-00-02-071.000 **Neighbor**

Wedgewood Building Company LLC

32 1st St NE

Carmel IN 46032

08-05-23-00-02-072.000 **Neighbor**

Chumley, Clark R

743 Chatham Hills Ct

Westfield IN 46074

08-05-23-00-02-073.000 **Neighbor**

Gallagher, Amy K & Michael P w&h

749 Chatham Hills Ct

Westfield IN 46074

08-05-23-00-02-074.000 **Neighbor**

Dossett, Traci L & Jason T w&h

755 Chatham Hills Ct

Westfield IN 46074

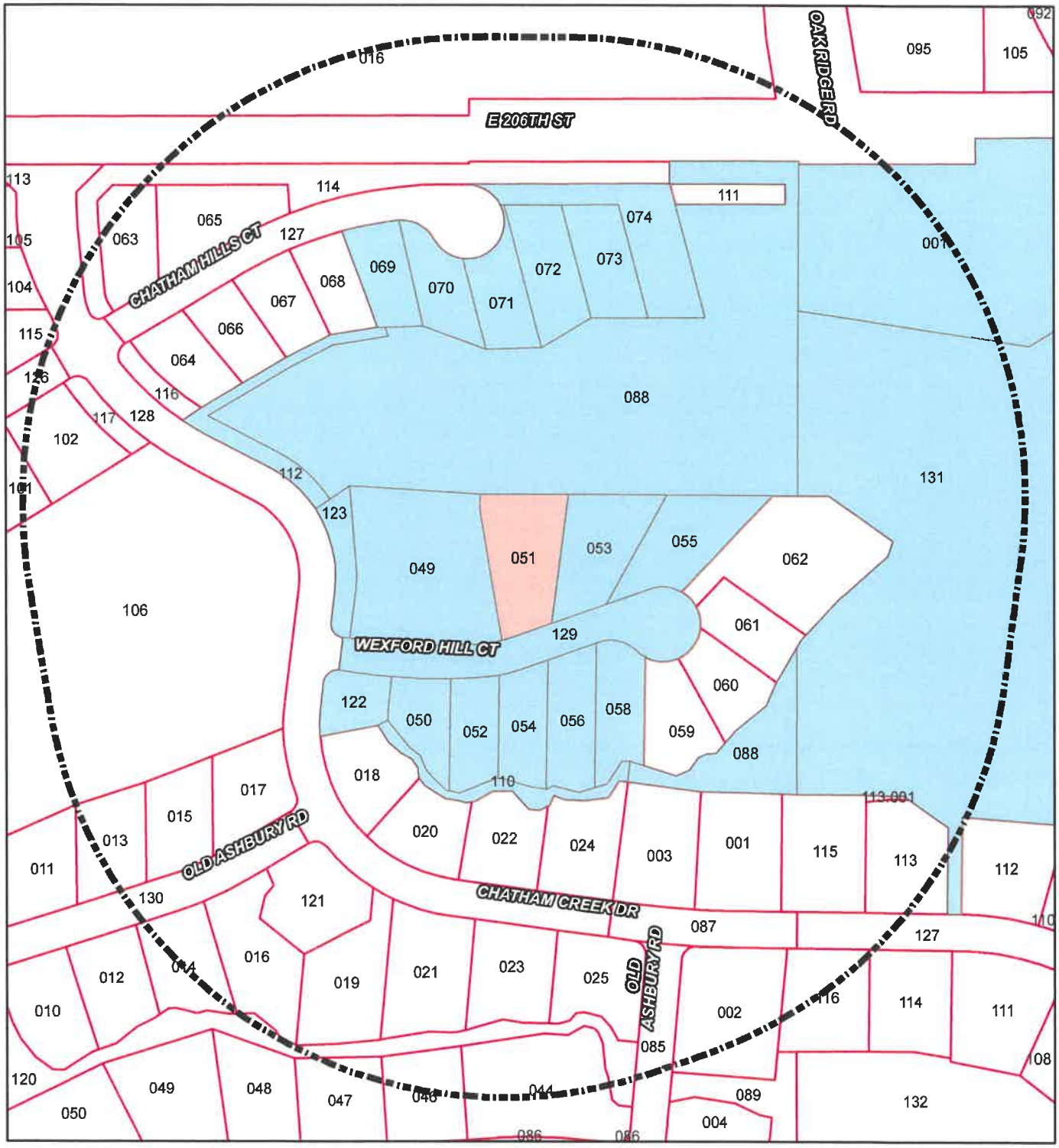
08-05-23-00-02-110.000 **Neighbor**

Chatham Hills LLP

1100 Chatham Hills Blvd

Westfield	IN	46074
08-05-23-00-02-112.000		**Neighbor**
Chatham Hills LLP		
1100 Chatham Hills Blvd		
Westfield	IN	46074
08-05-23-00-02-122.000		**Neighbor**
Chatham Hills LLP		
1100 Chatham Hills Blvd		
Westfield	IN	46074
08-05-23-00-02-123.000		**Neighbor**
Chatham Hills LLP		
1100 Chatham Hills Blvd		
Westfield	IN	46074
08-05-23-00-02-129.000		**Neighbor**
Chatham Hills LLP		
1100 Chatham Hills Blvd		
Westfield	IN	46074
08-05-24-00-00-001.000		**Neighbor**
Hinkle Creek Farms LLC		
3535 161st St E		
Carmel	IN	46033
08-05-24-00-02-131.000		**Neighbor**
Chatham Hills LLP		
1100 Chatham Hills Blvd		
Westfield	IN	46074

Adjoiner Notification Map



Legend

- Subject Parcel(s)
- Notification Parcel(s)
- Buffer
- 001 Parcel Number
- Parcel Boundary

N

Westfield–Washington Township Board of Zoning Appeals (BZA)

Minutes of the Tuesday, October 12, 2021 BZA Meeting

Presented for approval: November 9, 2021

The Westfield-Washington Township Board of Zoning Appeals met at 7:00 p.m. on Tuesday, October 12, 2021 at Westfield City Hall.

Active Links for this Meeting:

October 12, 2021 BZA Agenda & Exhibits **October 12, 2021 YouTube Video**

Minutes are also available to be acquired or viewed at the City of Westfield Community Development office.

OPENING OF MEETING *YouTube Time: 0:09*

ROLL CALL

BZA Members Present In-Person: Jeff Boller, Jeannine Fortier, Victor McCarty, Brian Morales, and Dave Schmitz.

BZA Members Present Virtually: None

BZA Members Absent: All present.

City Staff Present: Daine Crabtree, Associate Planner, and Rachel Riemenschneider, Associate Planner.

Legal Counsel Present: Beth Copeland with Taft Stettinius & Hollister LLP.

APPROVAL OF MINUTES

Boller motioned to approve the September 14, 2021 Minutes.
McCarty seconded. Motion passed. Vote 5-0.

REVIEW RULES AND PROCEDURES

Crabtree reviewed BZA rules and procedures.

CHANGES TO AGENDA

Item Withdrawn

2109-VS-33

603 West 216th Street / *Michael Quinn*

The Petitioner requests a Variance of Development Standard to modify the Minimum Lot Frontage from 250 feet to zero (0) feet for an 8.96 acre +/- existing illegal, nonconforming lot in the AG-SF1: Agriculture/Single-Family Rural District (Article 4.2(D)).

Item Continued

2110-VU-05 & 2110-VS-39

206th Street Tiny Home / *Susan Viele*

The Petitioner requests Variances of Development Standard to encroach ten (10) feet into the twenty (20) foot Minimum Front Yard Building Setback (south lot line) and to permit an Accessory Building within seventy-five (75) feet of a Right-of-way and within an Established Front Yard on 0.74 acres +/- in the SF5: Single-Family High Density (Villages) District (Articles 4.8(E)(1) and 6.1(D)(2)(a)).

ITEMS OF BUSINESS

2109-VS-35 [PUBLIC HEARING] *YouTube Time: 4:00*
3810 W 146th Street / *Indy Latin School*

The Petitioner requests a Variance of Development Standard to delay Minimum Lot Landscaping and Buffer Yard requirements on the undeveloped portion of 30.84 acres +/- property in the AG-SF1: Agriculture / Single Family Rural District (Article 6.8(K) & (N)).
(Planner: Rachel Riemenschneider – rriemenschneider@westfield.in.gov

Petitioner Presentation.

Public Hearing for 2109-VS-35 opened at 7:12 p.m.

- No public comments.

Public Hearing for 2109-VS-35 closed at 7:14 p.m.

Schmitz motioned to approve 2109-VS-35 subject to the modifications in language and four Staff conditions stated with the motion.
McCarty seconded. Motion passed. Vote 5-0.

Schmitz motioned to adopt Staff's Findings of Fact for 2109-VS-35.
Fortier seconded. Motion passed. Vote 5-0.

2110-VS-37 [PUBLIC HEARING] *YouTube Time: 18:21*
15431 Spring Winds Drive / *Adam and Leah Alexander*

The Petitioners request a Variance of Development Standard to encroach three (3) feet into the thirty (30) foot Rear Yard Setback of the SF2: Single-Family Low-Density District, the underlying zoning district of the Mapleridge Planned Unit Development (PUD) District (Article 4.5(E)(3)(a)).
(*Planner: Caleb Ernest – cernest@westfield.in.gov*)

Petitioner Presentation.

Public Hearing for 2110-VS-37 opened at 7:25 p.m.

- One written public comment received.

Public Hearing for 2110-VS-37 closed at 7:26 p.m.

Boller motioned to approve 2110-VS-37 subject to the two Staff conditions stated with the motion.
Morales seconded. Motion passed. Vote 5-0.

Schmitz motioned to adopt Staff's Findings of Fact for 2110-VS-37.
Fortier seconded. Motion passed. Vote 5-0

2110-VS-38 [PUBLIC HEARING] *YouTube Time: 29:02*
220 East 206th Street / *Chris Preissler*

The Petitioner requests Variances of Development Standard to encroach ten (10) feet into the twenty (20) foot Minimum Front Yard Building Setback (south lot line) and to permit an Accessory Building within seventy-five (75) feet of a Right-of-way and within an Established Front Yard on 0.74 acres +/- in the SF5: Single-Family High Density (Villages) District (Articles 4.8(E)(1) and 6.1(D)(2)(a)).
(Planner: Daine Crabtree – dcrabtree@westfield.in.gov)

Petitioner Presentation.

Public Hearing for 2110-VS-38 opened at 7:35 p.m.

- One written comment received.

Public Hearing for 2110-VS-38 closed at 7:38 p.m.

McCarty motioned to approve 2110-VS-38 subject to the three Staff conditions stated with the motion. Fortier seconded. Motion passed. Vote 5-0.

Schmitz motioned to adopt Staff's Findings of Fact for 2110-VS-38.
Boller seconded. Motion passed. Vote 5-0.

2110-VU-04 [PUBLIC HEARING] *YouTube Time: 49:29*
228 Maple Street / *Bailey Speek*

The Petitioner requests Variances of Development Standard to encroach ten (10) feet into the twenty (20) foot Minimum Front Yard Building Setback (south lot line) and to permit an Accessory Building within seventy-five (75) feet of a Right-of-way and within an Established Front Yard on 0.74 acres +/- in the SF5: Single-Family High Density (Villages) District (Articles 4.8(E)(1) and 6.1(D)(2)(a)).
(Planner: Daine Crabtree – dcrabtree@westfield.in.gov)

Public Hearing for 2110-VU-04 opened at 7:52 p.m.

- No public comments.

Public Hearing for 2110-VU-04 closed at 7:53 p.m.

Fortier motioned to approve 2110-VU-04 subject to the two Staff conditions stated with the motion. McCarty seconded. Motion passed. Vote 5-0.

Schmitz motioned to adopt Staff's Findings of Fact for 2110-VU-04.
Boller seconded. Motion passed. Vote 5-0.

ITEMS CONTINUED TO A FUTURE MEETING
NONE

REPORTS/COMMENTS: *YouTube Time: 100:09*

- Plan Commission Liaison
- Community Development Department

ADJOURNMENT *YouTube Time: 1:00:45*

Fortier motioned to adjourn the meeting. McCarty seconded. Motion passed. Vote 5-0.
The meeting adjourned at 8:02 p.m.

Chairperson Dave Schmitz	Secretary Kevin M. Todd, AICP Director

Petition Number:	2110-VU-05 & 1220-VS-39
Subject Site Address:	0 E. 206th Street, generally 60 feet west from the Monon Trail Right-of-way. (the "Property")
Petitioner:	Susan Viele (the "Petitioner")
Request:	The Petitioner requests a Variance of Use to permit a Tiny House on Wheels (THOW) in the SF5: Single-family High Density District (Villages) and Variances of Development Standard from the Minimum Lot Area, Lot Frontage, Building Setback Lines, Lot Width and Single-story Living Area of the SF5 Zoning District (Articles 4.8(C),(D),(E1),(E2),(E3),(F), (H1), and 13.2).
Current Zoning:	SF5 District
Current Land Use:	Vacant
Approximate Acreage:	0.1 acres +/-
Exhibits:	1. Staff Report 2. Location Map 3. Plat Document (August 16, 1882) 4. Zoning Map (1974) 5. Existing Conditions 6. Existing vs. Proposed Standards 7. Tiny Home Examples 8. Application
Staff Reviewer:	Caleb Ernest, Associate Planner

OVERVIEW

Location: The subject property is 0.1 acres +/- in size and located at 0 E. 206th Street, generally 60 feet west from the Monon Trail Right-of-way (see **Exhibit 2**). The Property is zoned the SF5 District. The adjacent property to the west, north and east are zoned the OI: Open Industrial District. The adjacent property to the south is also zoned the SF5 District.

Property History: The Petitioner supplied a plat document dating back to August 16, 1882 showing the location of the Property (see **Exhibit 3**). The zoning for the Property is SF5 and can be confirmed as having been always zoned SF5 as far back as 1974 (see **Exhibit 4**). The Property has since not been rezoned or platted as far as the City can tell at this time. This Property is

currently considered Legal Nonconforming[1] according to the City's Unified Development Ordinance (UDO) Chapter 9.4(C). However, because the Property does not meet standards 9.4(C)(2) and 9.4(C)(3) of the UDO, the Property cannot be built on.

Requested Variances: The Petitioner is requesting a Variance of Use to permit a Tiny House on Wheels (THOW) (the "Tiny House") in the SF5 District. The Petitioner is also requesting Variances of Development Standard from the Minimum Lot Area, Lot Frontage, Building Setback Lines, Lot Width and Single-story Living Area of the SF5 District.

SUMMARY OF VARIANCES

The Petitioner is proposing to build a Tiny House on the Property. The City does not currently have a land use classification that accurately represents a Tiny House use as proposed (see the Statement of Intent in **Exhibit 8**). The Petitioner is requesting a Variance of Use to permit a Tiny House on the Property and as described in the Statement of Intent in **Exhibit 8**.

The Property is currently zoned the SF5 District. The Petitioner is not able to build a home on the Property and comply with the SF5 District standards because of the Property's current existing conditions (see **Exhibits 5, 6 and 8**). Therefore, the Petitioner is additionally requesting Variances of Development Standard, to accommodate the Tiny House, as follows:

- Minimum Lot Area from 7,000 square feet to 2,300 square feet;
- Minimum Lot Frontage from forty (40) feet to thirty-six (36) feet;
- Minimum Building Setback Lines:
    - Front Yard from twenty (20) feet to sixteen (16) feet;
    - Side Yard from eight (8) feet to zero (0) feet;
    - Rear Yard from twenty (20) feet to four (4) feet;
- Minimum Lot Width from forty (40) feet to thirty-six (36) feet; and,
- Minimum Single-story Living Area from 800 square feet to 240 square feet.

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[1] The UDO defines "Legal Nonconforming" as "…different than illegal nonconforming because a legal nonconforming property is caused by an amendment to this Ordinance, not as a result of a change to the property, that has resulted in the property no longer conforming to the policies and standards of the applicable Zoning District. When this situation occurs, then the property is deemed legal nonconforming and shall be subject to the terms of this Article. A property is legal nonconforming if changes to the property are a result of improvements and/or changes to Rights-of-way adjacent to the property (e.g., streets, trails) and such improvements and/ or changes to Rights-of-way cause the property to no longer conform to the policies and standards of the applicable Zoning District."

PETITIONER HISTORY

This variance request was first scheduled for the October 12, 2021, Board of Zoning Appeals (the "Board") meeting. The Petitioner requested a continuance to the next scheduled Board of Zoning Appeals meeting on November 9, 2021.

COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan identifies this Property within the "Villages"[2] land use classification. The Villages land use is separated into different sections. The section where the Property is located is called Hortonville. The Hortonville section contemplates uses that would encourage food and entertainment, attached dwellings, detached dwellings, commercial, including retail and services, offices and institutional uses.

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of this petition. This petition is scheduled to receive its public hearing at the October 12, 2021, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

Conditions: The UDO[3] 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 UDO[4] 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

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

Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

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

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

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.

Report continued on next page.

DEPARTMENT COMMENTS:

Approval: If the Board finds that adequate evidence is shown that the Variance of Use and Variances of Development Standard meet the applicable review criteria, then the Department recommends approval of the Variances (2110-VU-05 & 2110-VS-39), with the recommended conditions and findings as set forth below:

Recommended Conditions of Approval (Variance of Use):

1. That the Tiny House land use shall only be approved as described in the Statement of Intent (**Exhibit 8**);
2. That the Petitioner shall only build a Tiny House substantially compliant with the examples shown in **Exhibit 7**;
3. That the Tiny House can be on wheels or a foundation;
4. That the Petitioner shall install landscaping around the exterior of the Tiny House;
5. That the Petitioner shall submit an Improvement Location Permit for the construction of the Tiny House on the Property;
6. That the Petitioner shall follow Appendix Q (Tiny Houses) of the 2020 Indiana Residential Code (of the 2018 IRC);
7. That the Petitioner shall obtain a Certificate of Occupancy before occupying the Tiny House;
8. That the Petitioner shall record an acknowledgement of this approval with the Hamilton County Recorder's Office and return a copy of the recorded instrument to the Community Development Department.

Recommended Conditions of Approval (Variances of Development Standard):

1. That the Minimum Single-story Living Area Variance only applies to a Tiny House constructed in substantial compliance with **Exhibit 7**.
2. That the Petitioner shall record an acknowledgement of this approval with the Hamilton County Recorder's Office and return a copy of the recorded instrument to the Community Development Department.

Report continued on next page.

Recommended Findings for Approval (Variance of Use):

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

   Finding: It is unlikely that approving the requested variance of use would be injurious to the public health, safety, morals, and general welfare of the community. The use will be residential as contemplated by the zoning district and a tiny house will be built to look like a house, only smaller due to the existing conditions of the lot's size.

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

   Finding: It is unlikely that the use and value of adjacent property will be affected in a substantially adverse manner. The zoning will remain residential and consistent with surrounding property's zoning districts. Additionally, as shown on Exhibit X (existing conditions), the Tiny House built on the Property will improve the value of the surrounding properties.

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

   Finding: The existing conditions of the Property create an undevelopable lot with the current zoning district's standards.

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

   Finding: Strict application of the terms of this zoning ordinance currently create an undevelopable lot and without approval of a variance, a permitted residential structure cannot be built to the zoning standards.

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

   Finding: This use does not substantially alter the characteristics of the Property and will maintain the residential land use contemplated in the comprehensive plan.

Recommended Findings for Approval (Variances of Development Standard):

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

   Finding: It is unlikely that approving the requested variance would be injurious to the public health, safety, morals, and general welfare of the community because the proposed use will remain residential as contemplated by the existing zoning district.

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

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

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

   Finding: Strict adherence to the zoning ordinance would result in the inability to build on the lot.

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.

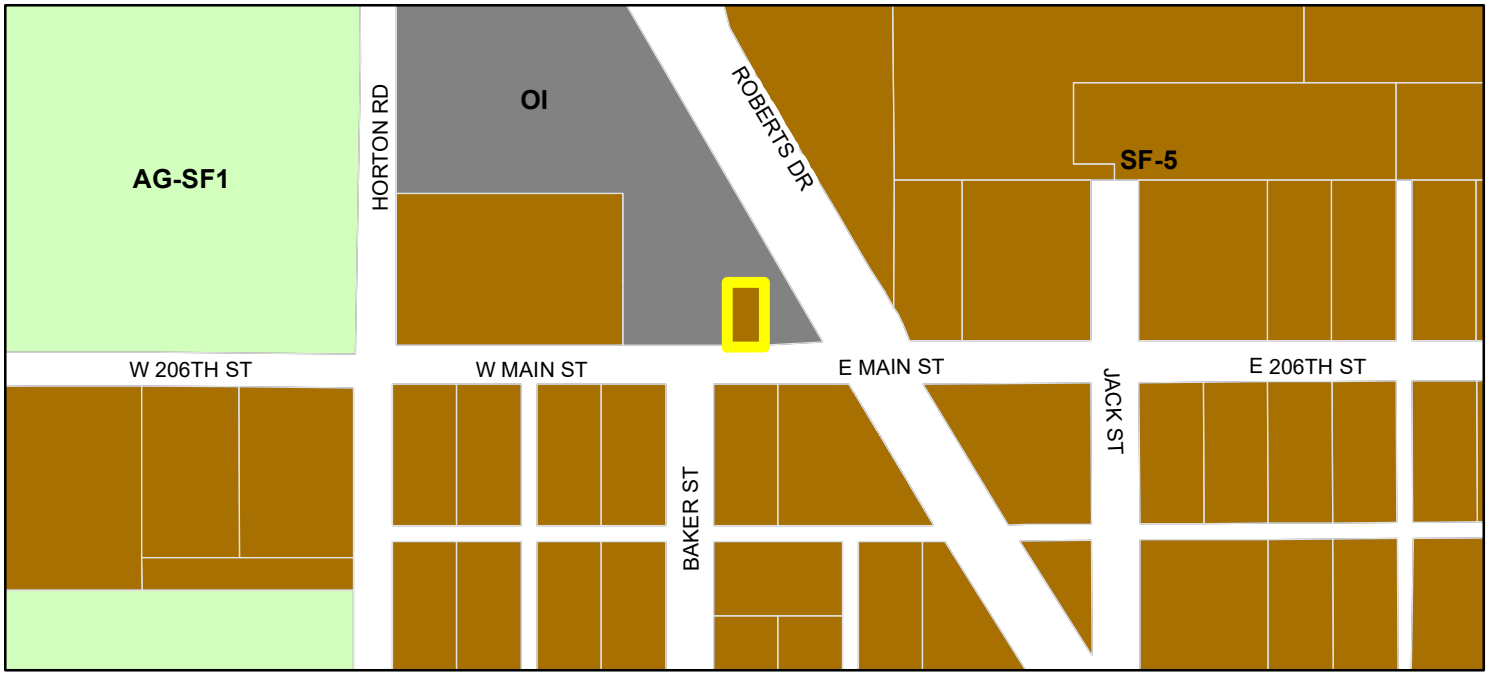
Property Location Map
0 E. 206th Street
Variance of Use & Variance of Development Standard
2110-VU-05 & 2110-VS-39

N
W E
S
Not To Scale

Aerial Location Map

Site

Zoning Map



Parcel

Zoning

Zoning - All

- AG-SF1 (Agriculture - Single Family - 1)
- OI (Open Industrial)
- SF-5 (Single Family - 5)

OB 35 - 579

Horton

The Town of Horton was laid out by H W Horton August 16th 1882 for the exception in Surveyors Record

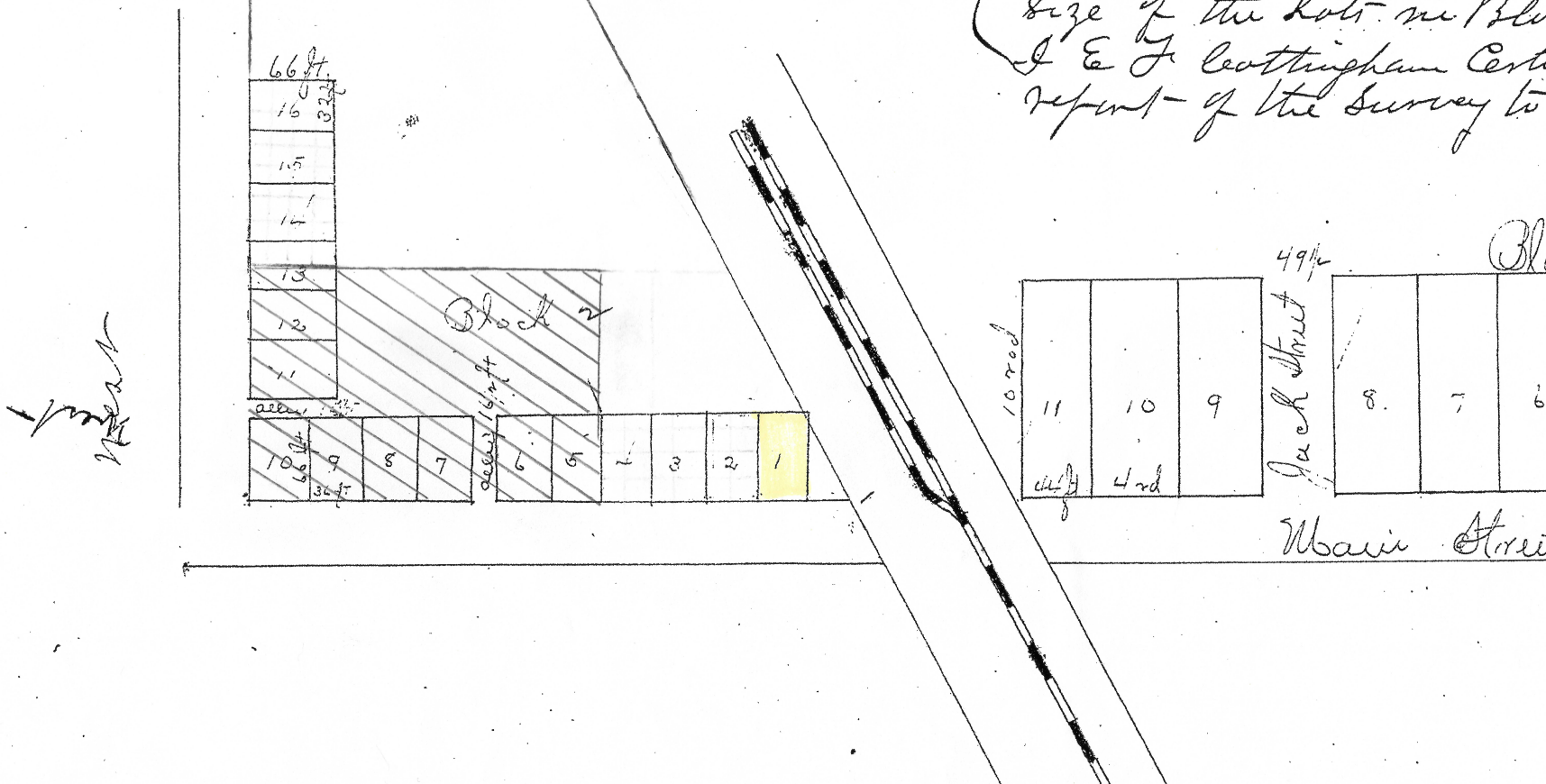
Hubert W Horton

Before me Jas C Fisher Recorder in and for said County of Hamilton State of Indiana H W Horton acknowledged this Plat to be his free act & deed

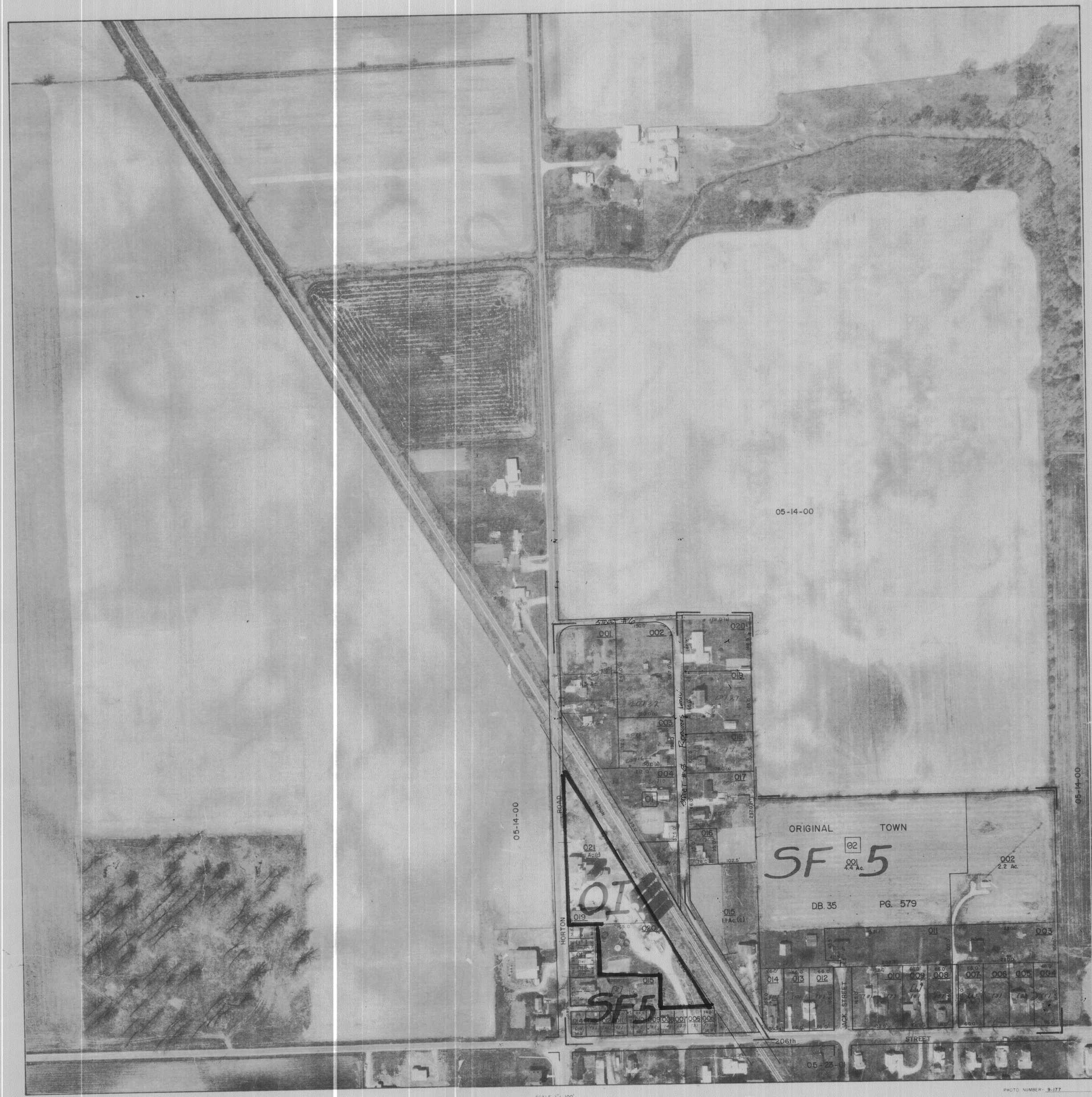
J C Fisher
R H C

North

Survey of the T
Block 1 Beginning 22 f
Range 3 East and Run
Inclusive to be A. L. H
4th and 5th and a Street 49
Block 1 are 4 rods w
which is 44 ft wide by
Block No 2 Beginning
of South East Quarter of
Running East with a line
Inclusive with an alle
Lots running north n
16½ ft wide between Lo
size of the Lots in Blo
J E J Cottingham Certi
report of the Survey to



"Plat the Town of "Horton"



DATE OF PHOTOGRAPHY APR. 1974

SCALE 1" = 100'

PHOTO NUMBER- 9-177

PREPARED BY	PREPARED FOR	REAL PROPERTY MAP	CONGRESSIONAL TOWNSHIP NUMBER
CLT BALANCED GOVERNMENTAL SERVICES COLE LAYER TRUMBLE COMPANY [illegible]	HAMILTON COUNTY INDIANA BOARD OF COMMISSIONERS HAMILTON COUNTY COURTHOUSE Noblesville, Indiana 46060	WASHINGTON TOWNSHIP HAMILTON COUNTY, INDIANA	1/4 OR 1/4 X 1/4: S W 1/4 SECTION 14 TOWNSHIP 19 NORTH, RANGE 03 EAST MAP NUMBER: 05-14-03

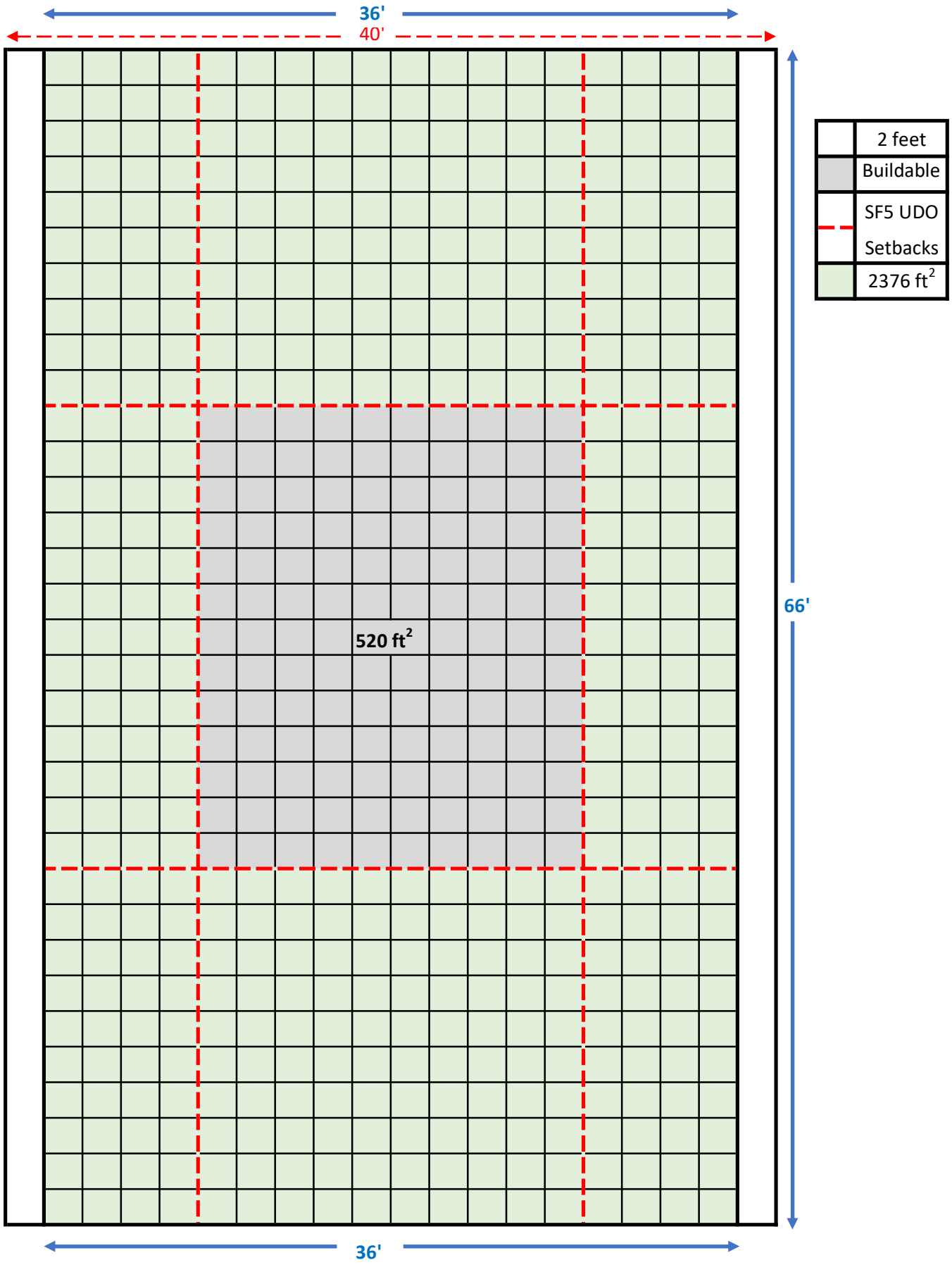
HAMILTON COUNTY, INDIANA SECTION 14 TOWNSHIP 19 NORTH, RANGE 03 EAST SW 1/4

Applicant's Property
206th Street
Monon Trail Heading South
toward 206th Street

Applicant's Property
Westbound E. 206th

Lot/Home across the street from Applicant’s Property

Applicant's Property with Ordinance Setbacks



PROPOSED VARIANCE of DEVELOPMENT STANDARDS

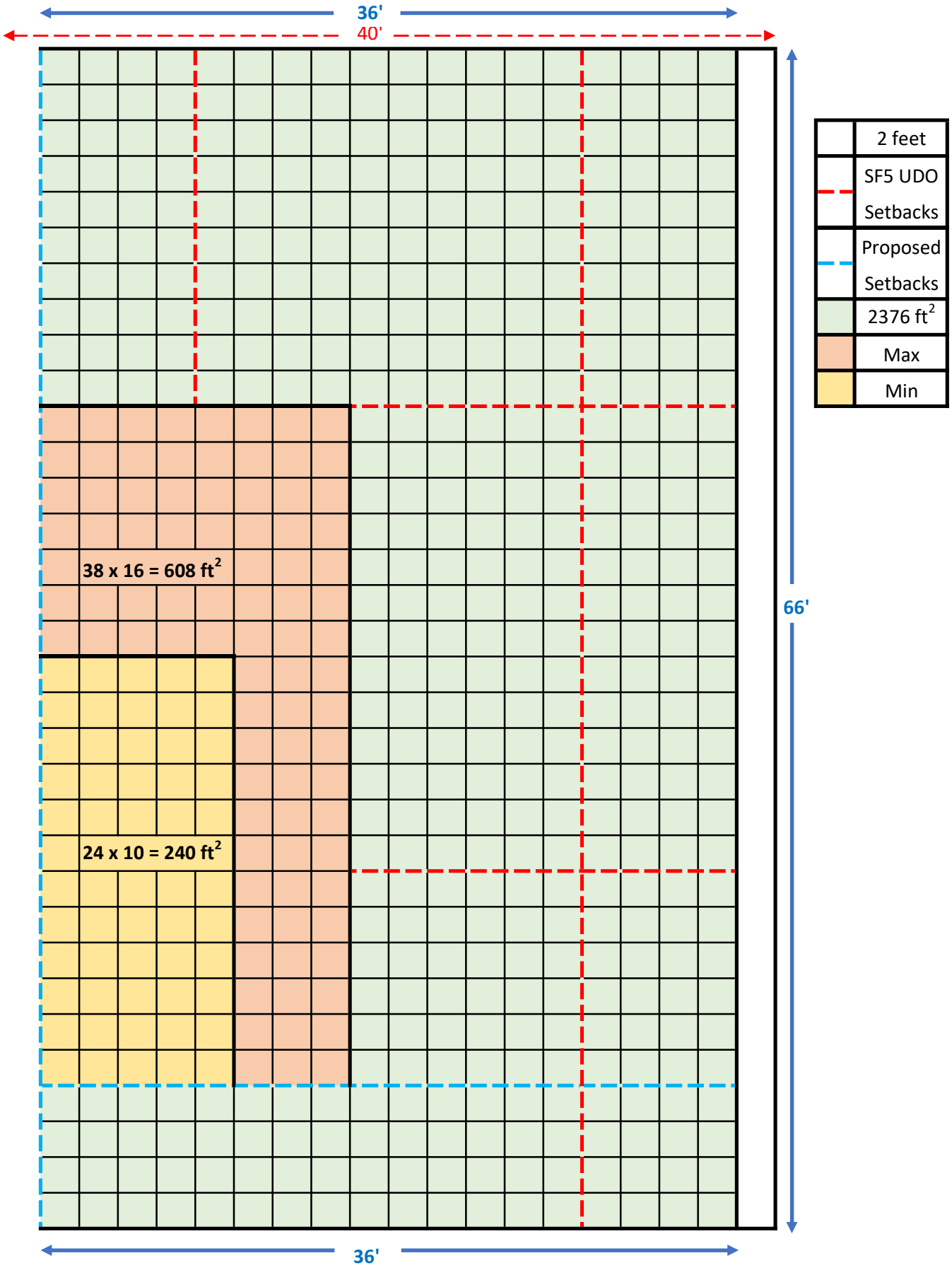


Image source: Maverick Tiny Homes

DREAM Farm House Tiny House

Starting At 174,000

CITY OF Westfield INDIANA

Westfield Community Development
2728 E. 171st Street | Westfield, IN 46074
317.804.3170 | nwoerner@westfield.in.gov

VARIANCE APPLICATION

OFFICE USE ONLY

DOCKET #: _____ FILING DATE: _____

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

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: Caleb Ernest (STAFF NAME) DATE: 08/14/2021

PRIOR OR RELATED DOCKET NUMBERS

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

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

APPLICANT INFORMATION

APPLICANT'S NAME: Susan Viele TELEPHONE: 317-459-2745
ADDRESS: 11188 Bluebird Court, Fishers, IN 46037 EMAIL: theviele7@gmail.com

PROPERTY OWNER'S NAME: Susan and David Viele TELEPHONE: 317-459-2745
ADDRESS: 11188 Bluebird Court, Fishers, IN 46037 EMAIL: theviele7@gmail.com

REPRESENTATIVE'S NAME: N/A TELEPHONE: N/A
COMPANY: N/A EMAIL: N/A
ADDRESS: N/A

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: Section 14, Township 19, Range 3 Horton Original, Section 2, Lot 1 (0 East 206th Street, Sheridan, IN 46069)

COUNTY PARCEL ID #(S): 08-05-14-03-01-005.000

EXISTING ZONING DISTRICT(S): SF5:Single-family HDD (villages) EXISTING LAND USE(S): Residential

PROPERTY AND PROJECT INFORMATION

☒ VARIANCE OF LAND USE CODE CITATION: UDO Article 4.8 (B)

☒ VARIANCE OF DEVELOPMENT STANDARD(S) CODE CITATION: UDO Article 4.8 (C)(D)(E)(F)(H)

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

STATEMENT OF INTENT (EXPLANATION OF REQUEST - ATTACH SEPARATE SHEET IF NECESSARY): See Attached.

STATEMENT OF INTENT
0 East 206th Street
08-05-14-03-01-005.000

Susan Viele (the "Applicant") respectfully requests approval of the requested Variance of Use and Variance of Development Standards for parcel number 08-05-14-03-01-005.000 (the "Property") which is located just WEST of the NORTH side of E. 206th and the Monon Trail. The Property's existing zoning is SF5: Single-Family High-Density District (villages). The Property size is 2,376 ft^2 which is 4,624 ft^2 smaller than the Ordinances Minimum Lot Area, Article 4.8(A)(C).

As of date, the City of Westfield and the Westfield-Washington Township Unified Development Ordinance ("UDO") do not address any standards for the utilization of "Tiny Homes".

Tiny Homes differ from Single-Family Dwellings, Mobile/Manufactured Homes, and Recreational Vehicles in many ways. For example: They are built specifically to be smaller than your standard "Single-Family Dwelling"; unlike manufactured homes, they are built with the same type of materials as a standard "Single-Family Dwelling"; and they are built with the intention of permanent occupancy, unlike a recreational vehicle.

The requested variance of **use** will allow the property owner to utilize their land for the intended purpose of a residential dwelling by allowing a Tiny House on Wheels (THOW) to occupy the property. The requested variances of **Development Standards** are all being requested as the property does not meet the minimum requirements as outlined by the UDO and would create a significant hardship to the property owners by causing the property to be zoned out of existence.

The Applicant proposes the following variances from the UDO:

4.8	Variance	ARTICLE	SF5: Single-family HDD	UDO	1st Preference	2nd Preference	3rd Preference
(B)	USE	10.14(G)(1)	Permitted Uses	SFD; Home Bus.; Res. Fac.	Tiny House on Wheels*	Temp. Use Permit for THOW	Tiny House on Foundation**
(C)	DS	10.14(G)(2)	**Minimum Lot Area**	7,000 ft^2	2300 ft^2	2300 ft^2	2300 ft^2
(D)	DS	10.14(G)(2)	**Minimum Lot Frontage**	40'	35'	35'	35'
(E) 1	DS	10.14(G)(2)	Front Yard Setback	20'	N/A	N/A	16'
(E) 2	DS	10.14(G)(2)	Side Yard Setback	8'	N/A	N/A	0' on Monon side
(E) 3	DS	10.14(G)(2)	Rear Yard Setback	20'	N/A	N/A	4'
(F)	DS	10.14(G)(2)	**Minimum Lot Width**	40'	36'	36'	36'
(H)	DS	10.14(G)(2)	**Minimum Living Area**	800 ft^2	240 ft^2	240 ft^2	240 ft^2
					* THOW		**THOF

LOCATION: As depicted in the exhibits, the property is bordered by the Monon Trail to the EAST, grain elevators to the WEST and NORTH, and a mobile home to the SOUTH

OTHER: The Applicant would like to make the Board aware of two items that were unable to be fully resolved prior to the filing of this Application:

1) The Applicant is seeking a shared driveway easement with Double A. Grain, LLC
2) The Original Plat of the Town of "Horton" shows Applicant's Property, Lot #1, Block #2 to touch the boundary line for what was then the railroad. The current aerial maps show the small piece of land just EAST of lot #1 belongs to Double A. Grain, LLC (parcel # 08-05-14-03-01-021.000).

PROPOSED CONDITIONS: The Applicant recommends the following conditions to be included with any other Conditions determined by the Board:

1) The Applicant will only use a reputable Tiny House builder which attempts to meet the standards laid out under NFPA 5000 and IBC Section 302.1.
2) The Applicant will provide landscaping around the entire exterior of the THOW.

CITY OF Westfield INDIANA

Westfield Community Development
2728 E. 171st Street | Westfield, IN 46074
317.804.3170 | nwoerner@westfield.in.gov

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.

Susan Viele
Applicant/Representive (signature)

Susan Viele
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 3 *day of* SEPTEMBER, 2021
State of IN, *County of* HAMILTON *SS:*

Kim Ayres
Notary Public (signature)

Kim AYRES
Notary Public (printed)

KIM AYRES
Notary Public - Seal
Marion County - State of Indiana
Commission Number NP0639564
My Commission Expires Nov 1, 2028

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.

Susan Viele
Property Owner (signature)*

Susan Viele
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 3 *day of* SEPTEMBER, 2021
State of IN, *County of* HAMILTON *SS:*

Kim Ayres
Notary Public (signature)

Kim AYRES
Notary Public (printed)

KIM AYRES
Notary Public - Seal
Marion County - State of Indiana
Commission Number NP0639564
My Commission Expires Nov 1, 2028

**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.*

CITY OF Westfield INDIANA

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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.

_____ N/A -- see prior page

Applicant/Representive (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.

David A. Viele David Viele

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 3 *day of* SEPTEMBER, 20 21
State of IN, *County of* HAMILTON *SS:*_____

Kim Ayres Kim AYRES

Notary Public (signature) **Notary Public (printed)**

KIM AYRES
Notary Public - Seal
Marion County - State of Indiana
Commission Number NP0639564
My Commission Expires Nov 1, 2028

**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.*

CITY OF Westfield INDIANA

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317.804.3170 | nwoerner@westfield.in.gov

FINDINGS OF FACT (VARIANCE OF USE)

APPLICANT: Susan C. Viele **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:

It is unlikely that approving the requested variances will be injurious to the public health, safety, morals, and/or general welfare of the community because the use will still be residential, however, the proposed variance request for a "Tiny House" to be placed on the applican't property is the only possibility due to the lot size. A Tiny House is built to look like a "regular" house with "regular" materials, unlike a mobile/manufactured home.

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:

It is unlikely that the use and value of the adjacent property will be affected in a substantially adverse manner because the use of the property zoning will remain residential. As seen on the attached maps and photos, due to the location of the applicant's property as well as the irregular shape(s) of the adjacent properties, the proposed style of home being being recommended by the property owner will more likely, than not, improve the vaue of the adjacent properties. In addition, as seen on the zoning map, the applican't property is surrounded by several different zoning disctricts already.

C. The need for the variance arises from some condition particular to the property involved because:

The need for the variance particular to this property arises because the lot is only 36' x 66'. Given the size of this vacant platted residential lot, it would

The need for the variance particular to this property arises because the lot size is only 36' x 66'. Given the small size of of this vacant residential platted lot, it would be impossible to construct a single-family dwelling within the existing building codes. Tiny Houses are built with the expectation they will be occupied as permanent homes and they are built by using regular building materials but to a much smaller scale. Due to the current condition of this particular property, could be considered a great opportunity to embrace the Tiny Home movement with this parcel.

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

The strict application of the terms of the Ordinance will constitute a significant hardship to the applicant because without approval to vary from the currently permitted residential structure, the property owner will be prohibited from using the property for its zoned purpose.

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

Approval of this variance of use does not interfere with the Comprehensive Plan for the following reasons: 1) the property itself will stay as residential; 2) a Tiny House, after landscaping is added, will hide the wheels and it will look like a regular home; 3) the Property is surrounded by different zoning codes already. For example, directly WEST of the applicant's property is a a grain elevetor (390); directly SOUTH of the applicant's property, as seen in attached photos, is a mobile/manufactured home (540); and directly EAST of applican't property is the Monon Trail.

CITY OF Westfield INDIANA

Westfield Community Development
2728 E. 171st Street | Westfield, IN 46074
317.804.3170 | nwoerner@westfield.in.gov

FINDINGS OF FACT (VARIANCE OF DEVELOPMENT STANDARD)

APPLICANT: Susan C. Viele **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:
It is unlikely that approving the requested variances will be injurious to the public health, safety, morals, and general welfare of the community because the majority of the variances being sought are due to the limits imposed by the property itself.

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:
It is unlikely that the use and value of the adjacent property wil be affected in a substantially adverse manner because the use of the property zoning will remain residential. As seen on the attached maps and photos, due to the location of the applicant's property as well as the irregular shape(s) of adjacent properties, the proposed style of home to be placed on the property is more likely, than not, improve the value of the adjacent properties. In addition, as seen on the zoning map, the zoning districts surrounding applicant's property are already inconsistent (540, 390, 510, 101, and 500).

C. The strict application of the terms of the Ordinance will result in practlcal difficulties in the use of the property because:
The strict adherence to the zoning ordinance would result in the inability to place ANY structure on the property, thus creating a SIGNIFCANT hardship for the property owner as the current Ordinance prevents the property owner the ability to utilize their property in any manner.

CITY OF Westfield INDIANA

Westfield Community Development
2728 E. 171st Street | Westfield, IN 46074
317.804.3170 | nwoerner@westfield.in.gov

GENERAL INSTRUCTIONS

A. **Pre-Filing Conference**: A pre-filing conference is required for all petitions. An appointment must be made with the 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
- ■ Draft Public Notice
- ■ Property Owner Consent
- ■ Site Plan (to scale)
- ■ Statement of Intent
- ■ Legal Description
- ■ List of Adjoining Property Owners (as provided by County)
- ☐ TAC Delivery Affidavit (if TAC is determined to be necessary)
- ■ Copy of Property Deed
- 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.

Petition Number:	2111-VS-41
Subject Site Address:	17455 Tiller Court (the "Property")
Petitioner:	Windows LLC (the "Petitioner")
Request:	Windows LLC requests a Variance of Development Standard to modify the conditions of a previously approved variance (1906-VS-11) to expand a non-masonry dumpster enclosure in an Established Front Yard on 2.27 acres +/- in EI: Enclosed Industrial District.
Current Zoning:	Enclosed Industrial
Current Land Use:	Industrial
Approximate Acreage:	2.27 acres +/-
Exhibits:	1. Staff Report 2. Location Map 3. Proposed Dumpster Enclosure 4. Acknowledgment of Variance 1906-VS-11 5. Application
Staff Reviewer:	Rachel Riemenschneider, Associate Planner

OVERVIEW

Location: The subject property is located at 17455 Tiller Court (see **Exhibit 2**). The Property is zoned Enclosed Industrial and State Highway 32 Overlay District. Adjacent properties to the North are zoned the Austrian Pine Planned Unit Development (PUD) district; all other adjacent properties are also zoned Enclosed Industrial.

Property History: On June 11, 2019 the Board of Zoning Appeals granted several Variances of Development Standard related to the construction of the dumpster. The approved variances and associated conditions are outlined in the Acknowledgement of Variance (see **Exhibit 4**). There have been no complaints or code enforcement action at this Property

---

SUMMARY OF VARIANCE

The Petitioner is proposing to modify the conditions of a previously approved variance (1906-VS-11). In 2019 the Property received a variance from Articles 5.3(H), 5.3(J)(2)(I), 5.3(L)(3)(c), and 6.1(H)(2-6).They are proposing to increase the length of their Dumpster Enclosure by 25 feet.

COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan identifies this Property as being within the "Employment Corridor"[1] land use classification. Desired land uses in Employment Corridor areas include (i) office & service uses, (ii) research & development, and (iii) retail and institutional uses that are subordinate to and supportive of the office and service uses.

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of the Variance of Development Standard. This petition is scheduled to receive its public hearing at the November 9, 2021, 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 Unified Development Ordinance (UDO)[2] 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 the 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 UDO[3] requires that the approval of the variance shall be memorialized in an acknowledgement of variance instrument prepared by the Department. The acknowledgement shall: (i) specify the granted variance and any commitments made or conditions imposed in granting of the variance; (ii) be signed by the Director, Property Owner and Applicant (if Applicant is different than Property Owner); and (iii) be recorded against the subject property in the Office of the Recorder of Hamilton County, Indiana. A copy of the recorded acknowledgement shall be provided to the Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

Variance of 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. Variances 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

---

[1] Westfield-Washington Township Comprehensive Plan, Land Use Concept Map (p. 24).
[2] Article 10.14(I) Processes and Permits; Variances; Conditions of the UDO.
[3] Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.

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

DEPARTMENT COMMENTS

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

Recommended Conditions for Approval:

1. The Dumpster Enclosure expansion shall be built as shown on the Proposed Dumpster Enclosure exhibit **(Exhibit 3)**; and
2. That the Petitioner shall record an acknowledgement of this approval with the Hamilton County Recorder's Office and return a copy of the recorded instrument to the Community Development Department.

Recommended Findings for Approval of the Variance of Development Standard:

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

   Finding: It is unlikely that approving the requested variance would be injurious to the public health, safety, morals, and general welfare of the community. The existing use and proposed improvements would otherwise comply with the applicable standards of the UDO and the previous variance. There have been no complaints or code enforcement actions at the Property.

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

   Finding: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The 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. The Property is in an industrial area where larger outdoor trash and storage areas are expected.

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

   Finding: Strict adherence to the zoning ordinance would result in the inability to improve the Property, as proposed, in accordance with the Unified Development Ordinance. The current user requires additional dumpsters to continue operating and growing.

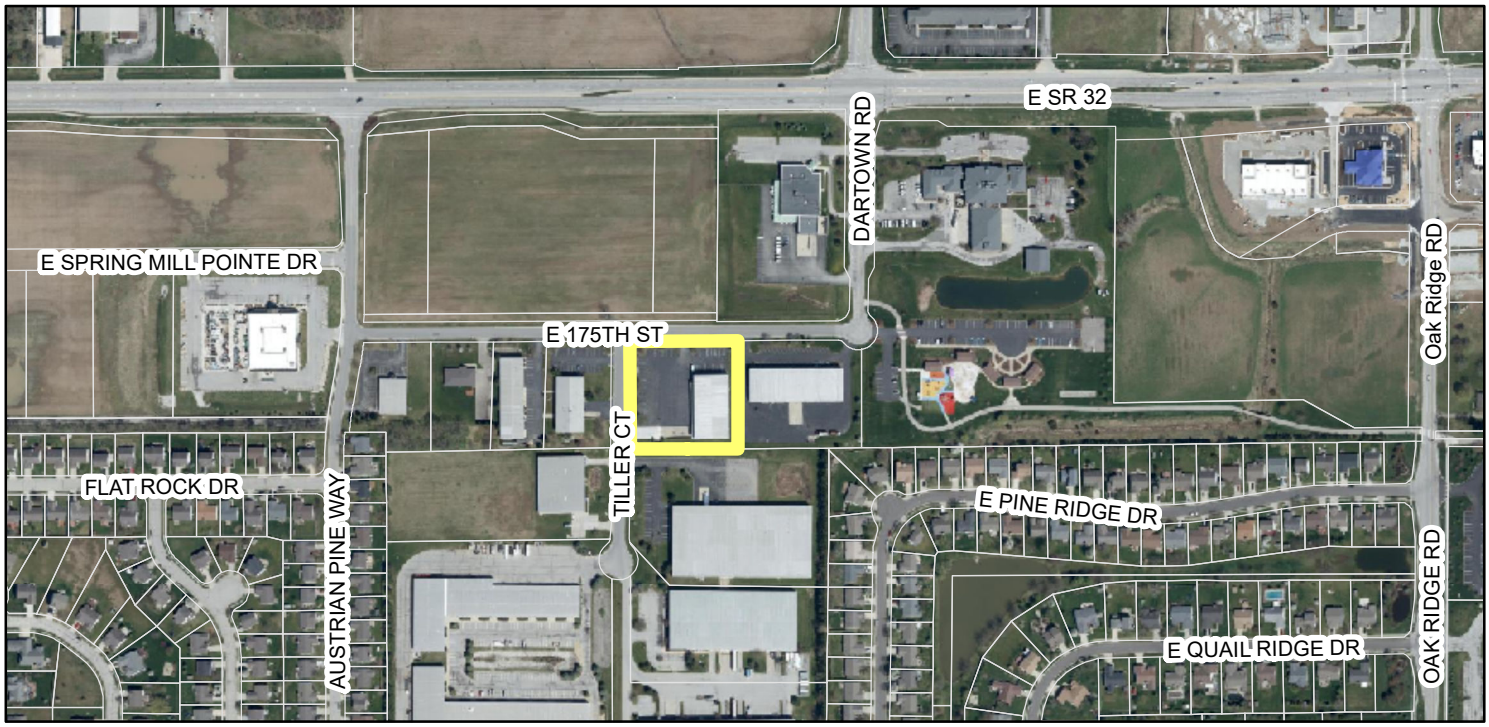
Denial: If the Board is inclined to deny the requested variances, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings consistent with the public hearing evidence and Board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

Property Location Map
17455 Tiller Court
2111-VS-41

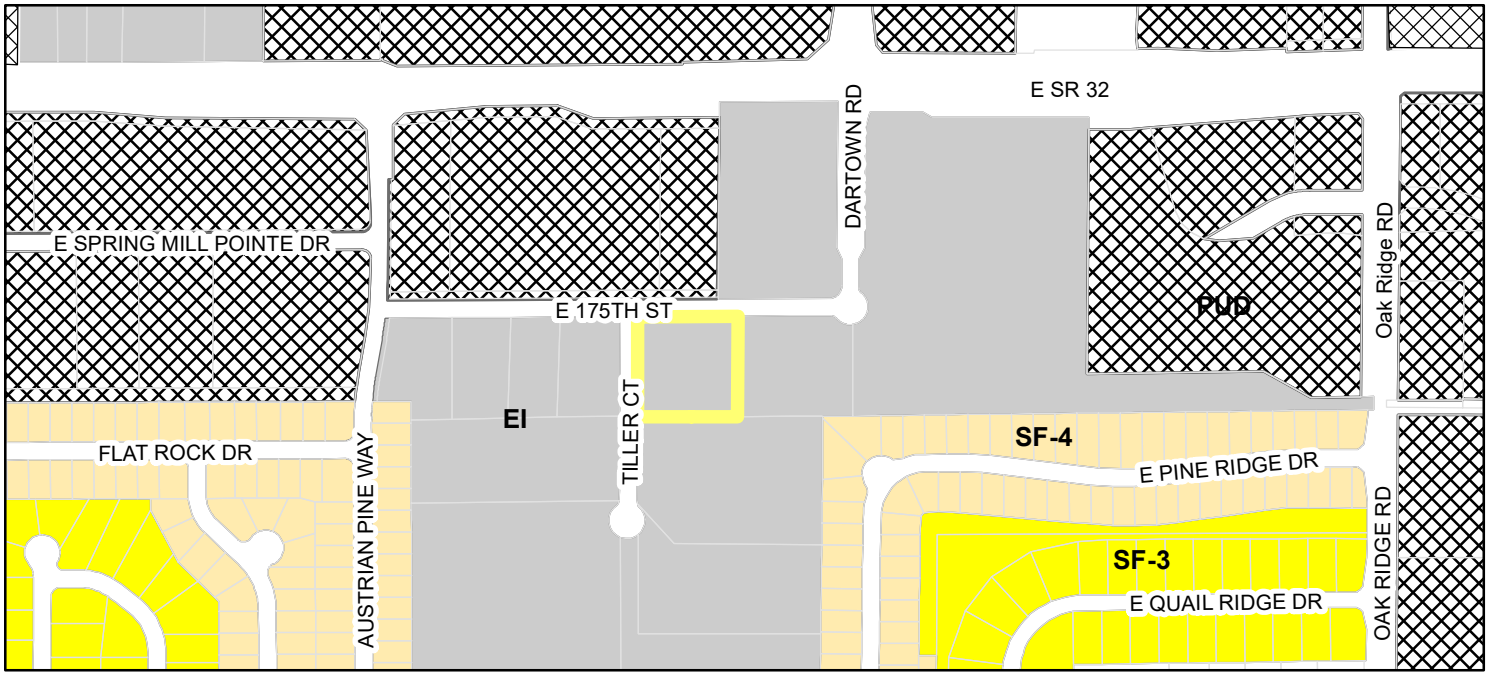
N
W E
S
Not To Scale

Aerial Location Map

Site



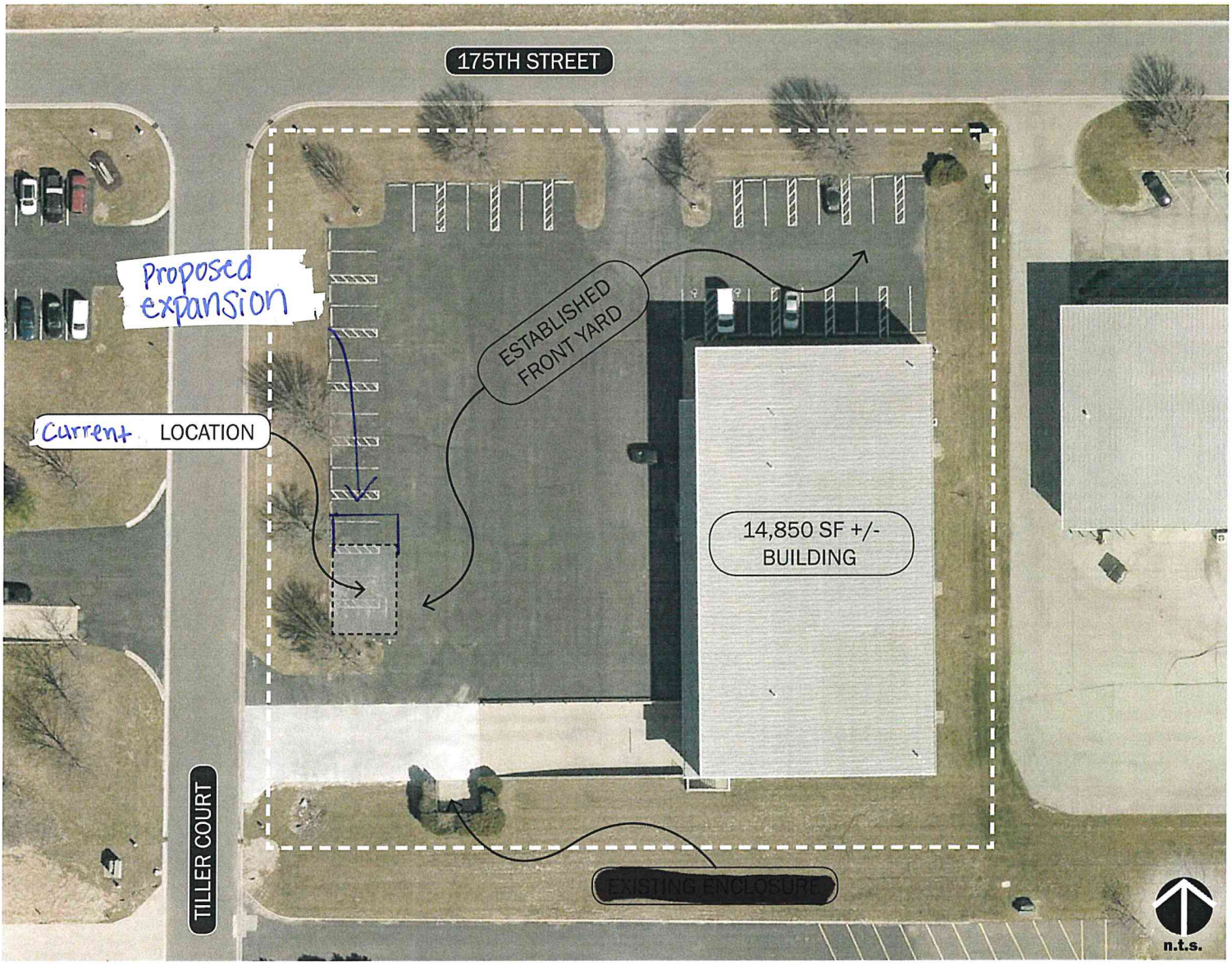
Zoning Map



Site
Parcel

Zoning

- EI (Enclosed Industrial)
- PUD (Planned Unit Development)
- SF-3 (Single Family - 3)
- SF-4 (Single Family - 4)



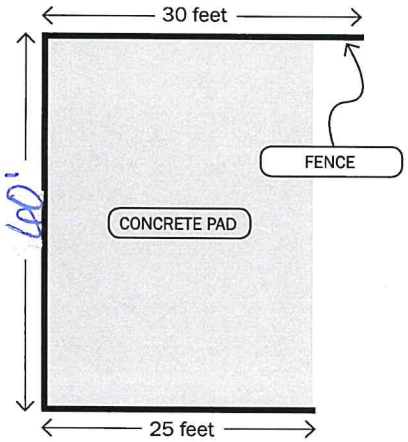
EXISTING PROPERTY CONDITIONS

17455 TILLER COURT

WESTFIELD, INDIANA

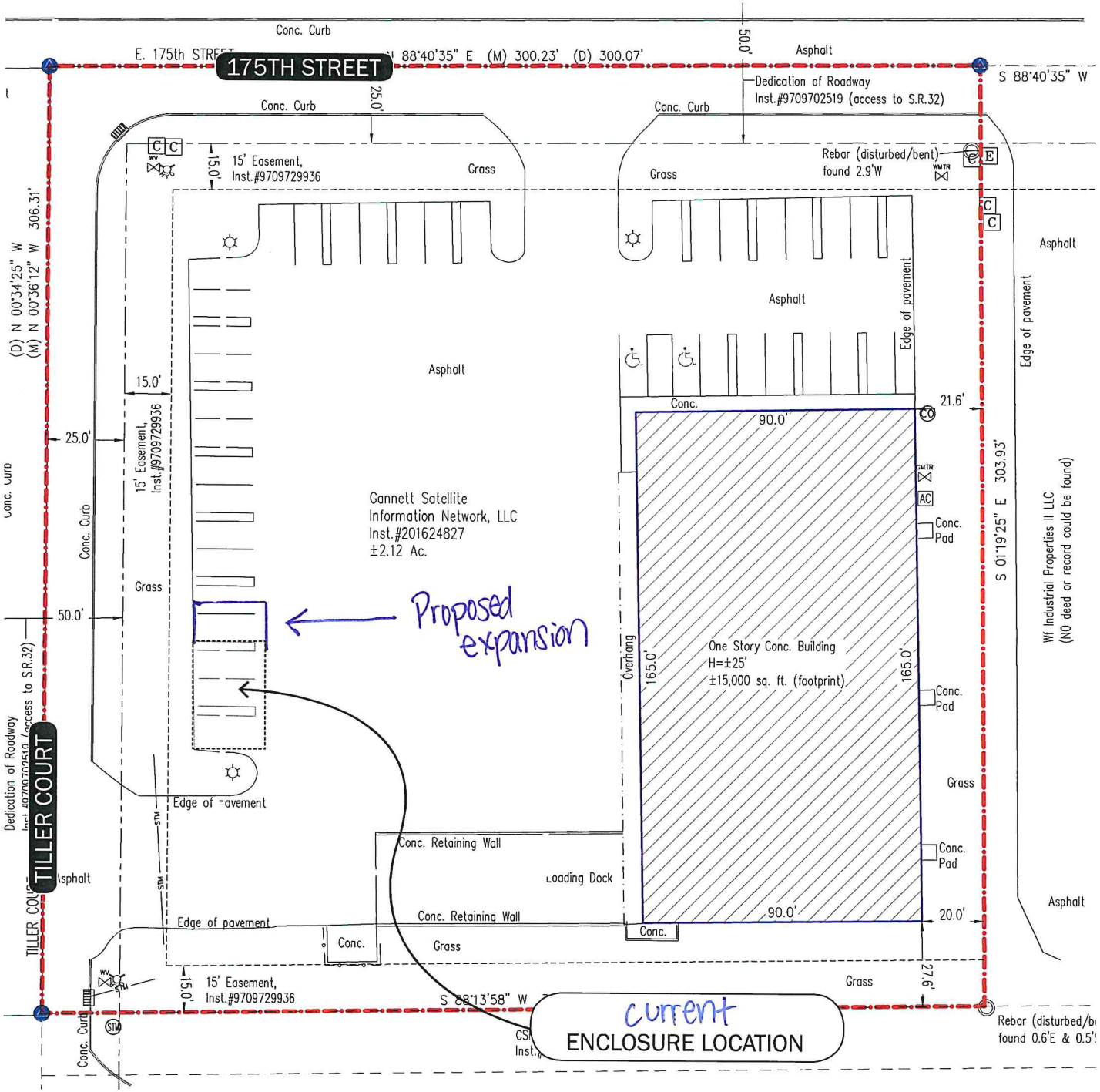
ENCLOSURE DETAILS

PLAN VIEW



SHADOW BOX FENCE

METAL LINING



SITE PLAN EXHIBIT

17455 TILLER COURT

WESTFIELD, INDIANA

n.t.s.

05.17.19

ACKNOWLEDGEMENT OF VARIANCE

Document Cross Reference Number: 2017034794

This **ACKNOWLEDGEMENT**, made this 12th day of June, 2019, by Matthew S. Skelton, Economic and Community Development Director, City of Westfield, Indiana (the "Director") WITNESSETH:

WHEREAS, on Tuesday, June 11, 2019, the Westfield-Washington Township Board of Zoning Appeals (the "Board") heard Petition No. 1906-VS-11 (the "Petition"), filed by SPG Properties I, LLC (the "Property Owner"), for Variances of Standard from the Westfield-Washington Township Unified Development Ordinance regarding property commonly known as 17455 Tiller Court, Westfield, IN 46074 (Parcel No: 09-09-02-00-00-004.200) and more particularly described in **Exhibit A** (the "Property").

The Property Owner requested approval of Variances of Development Standard to permit a non-masonry dumpster enclosure without a gate or man door within the Established Front Yard in the EI: Enclosed Industrial District and State Highway 32 Overlay District (Articles 5.3(H), 5.3(J)(2)(l), 5.3(L)(3)(c), and 6.1(H)(2-6)).

WHEREAS, the Board voted three (3) to zero (0) to approve the Petition with the condition that the Dumpster Enclosure shall be built as described in the Statement of Intent and as shown on the Proposed Dumpster Enclosure Exhibit attached hereto as **Exhibit B**.

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 Variances approved by the Board on June 11, 2019. Unless otherwise modified herein, the Variances 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 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.

CITY OF WESTFIELD, COMMUNITY DEVELOPMENT DEPARTMENT

_____

Matthew S. Skelton, Esq., Director

SPG Properties I, LLC, the Property Owners, 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.

SPG Properties I, LLC

Signature: _____

Printed Name: _____

Title: _____

Date:_____

STATE OF_____)
) SS:
COUNTY OF_____)

Before me, a Notary Public in and for said County and State, personally appeared the above party, who acknowledged their authority and the execution of the foregoing Acknowledgement of Variance to be their voluntary act and deed.

IN WITNESS WHEREOF, my hand and Notarial Seal this _____ day of_____, 2019.

(SEAL) _____
Signature of Notary Public

Printed: _____

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: Pam Howard

Prepared by: Pam Howard, Senior Planner, City of Westfield
2728 East 171st Street, Westfield, IN 46074, (317) 804-3170

EXHIBIT A

Legal Description

Part of the North Half of the Northeast Quarter of Section 2, Township 18 North, Range 3 East in Washington Township, Hamilton County, Indiana, described as follows:

Commencing at the Northeast corner of the Northeast Quarter of Section 2, Township 18 North, Range 3 East; thence South 88 degrees 40 minutes 35 seconds West (assumed bearing) on the North line of said Northeast Quarter 1493.37 feet to the Southwest corner of the East half of the Southeast Quarter of Section 35, Township 19 North, Range 3 East; thence South 00 degrees 34 minutes 25 seconds East parallel with the East line of said Northeast Quarter 615.00 feet; thence South 88 degrees 40 minutes 35 seconds West parallel with the North line of said Northeast Quarter 320.11 feet to the point of beginning of this description; thence South 01 degree 19 minutes 25 seconds East, perpendicular with said North line 303.93 feet; thence South 88 degrees 13 minutes 58 seconds West, 304.09 feet; thence North 00 degrees 34 minutes 25 seconds West, parallel to the East line of said Quarter, 306.31 feet; thence North 88 degrees 40 minutes 35 seconds East, parallel to the North line of said Quarter, 300.07 feet, to the point of beginning.

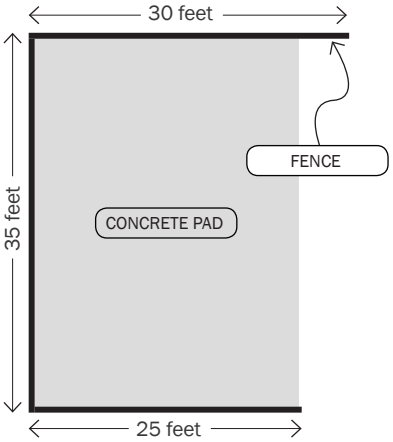
EXHIBIT B

Proposed Dumpster Enclosure Exhibit

[See following page]

ENCLOSURE DETAILS

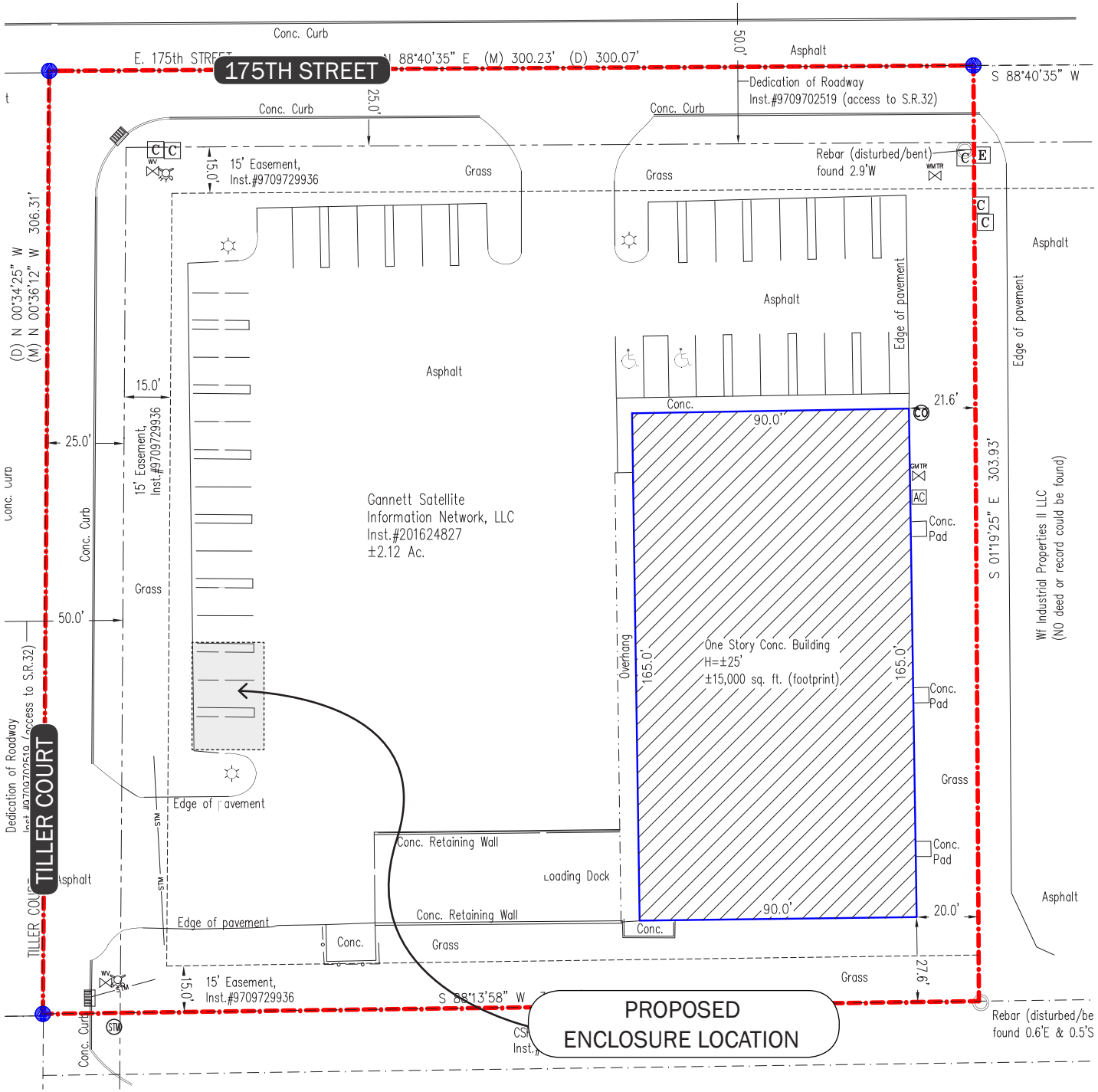
PLAN VIEW



SHADOW BOX FENCE

8 feet

METAL LINING



SITE PLAN EXHIBIT

17455 TILLER COURT

WESTFIELD, INDIANA

n.t.s.

05.17.19

CITY OF Westfield INDIANA

Westfield Community Development
2728 E. 171st Street | Westfield, IN 46074
317.804.3170 | nwoerner@westfield.in.gov

VARIANCE APPLICATION

OFFICE USE ONLY

DOCKET #: _____ FILING DATE: _____

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

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: Pamela Howard/ Rachel Riemenschne (STAFF NAME) DATE: 9/28/21

PRIOR OR RELATED DOCKET NUMBERS

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

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

APPLICANT INFORMATION

APPLICANT'S NAME: Windows LLC TELEPHONE: 317-739-4208
ADDRESS: 1320 City Center Dr Carmel IN, 46032 EMAIL: lwright@windowsbyrba.com

PROPERTY OWNER'S NAME: SGP Properties I, LLC TELEPHONE: 317-639-0457
ADDRESS: 1 American Square, Ste 1800, Indianapolis IN, 46282 EMAIL: patrick.lindley@cushwake.com

REPRESENTATIVE'S NAME: Laurin Wright TELEPHONE: 317-739-4208
COMPANY: Windows LLC, AKA Renewal by Andersen EMAIL: lwright@windowsbyrba.com
ADDRESS: 1320 City Center Dr Carmel IN, 46032

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 17455 Tiller Court, Westfield IN 46074

COUNTY PARCEL ID #(S): 09-09-02-00-00-004.200

EXISTING ZONING DISTRICT(S): EI: Enclosed Industrial EXISTING LAND USE(S): Enclosed Industrial

PROPERTY AND PROJECT INFORMATION

☐ VARIANCE OF LAND USE CODE CITATION: _____

☒ VARIANCE OF DEVELOPMENT STANDARD(S) CODE CITATION: Modify previous conditions

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

STATEMENT OF INTENT (EXPLANATION OF REQUEST - ATTACH SEPARATE SHEET IF NECESSARY): Please see attached

CITY OF Westfield INDIANA

Westfield Community Development
2728 E. 171st Street | Westfield, IN 46074
317.804.3170 | nwoerner@westfield.in.gov

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.

Lauren Wright
Applicant/Representive (signature)

Lauren Wright
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 4th *day of* October, 2021
State of Indiana, *County of* Hamilton, *SS:*

Notary Public (signature)

Juan Pablo Perez
Notary Public (printed)

Juan Pablo Perez
Notary Public Seal State of Indiana
Hamilton County
Commission Number NP0715718
My Commission Expires 09/07/2026

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)*

Patrick B. Lindley
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 4th *day of* October, 2021
State of Indiana, *County of* Marion, *SS:*

Notary Public (signature)

NANCY C. GOOTEE
Notary Public (printed) NP0627160

NOTARY PUBLIC SEAL STATE OF INDIANA
NANCY C GOOTEE
My Commission Expires
July 24, 2027
Commission Number NP0627160
Marion County

**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.*

CITY OF Westfield INDIANA

Westfield Community Development
2728 E. 171st Street | Westfield, IN 46074
317.804.3170 | nwoerner@westfield.in.gov

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: _____

CITY OF Westfield INDIANA

Westfield Community Development
2728 E. 171st Street | Westfield, IN 46074
317.804.3170 | nwoerner@westfield.in.gov

FINDINGS OF FACT (VARIANCE OF DEVELOPMENT STANDARD)

APPLICANT: Windows LLC DOCKET #:

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

A. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because: It is unlikely that approving the requested variances will be injurious to the public healthy, safety, morals and general welfare of the community because an enclosure is contemplated and permitted with the industrial district, and the design is consistent and compatible with other enclosures in the surrounding industrial park and community

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: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The variances should not have a negative impact on adjacent surrounding properties because the variances will facilitate the continued occupancy of the property and the proposed improvements are consistent and compatible with other enclosures in the surrounding industrial park

C. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property because: Strict adherence to the zoning ordinance would not allow for an enclosure necessary to accommodate the proposed use, which is otherwise permitted.

CITY OF Westfield INDIANA

Westfield Community Development
2728 E. 171st Street | Westfield, IN 46074
317.804.3170 | nwoerner@westfield.in.gov

GENERAL INSTRUCTIONS

A. **Pre-Filing Conference:** A pre-filing conference is required for all petitions. An appointment must be made with the 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
- ☐ Draft Public Notice
- ☐ Property Owner Consent
- ☐ Site Plan (to scale)
- ☐ Statement of Intent
- ☐ Legal Description
- ☐ List of Adjoining Property Owners (as provided by County)
- ☐ TAC Delivery Affidavit (if TAC is determined to be necessary)
- ☐ Copy of Property Deed
- 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.

AFFIDAVIT OF CONSENT OF PROPERTY OWNER

The undersigned, **SGP Properties I, LLC,** being the owner of property located at **17455 Tiller Ct,** Westfield, Hamilton County, Indiana (Parcel No. 09-09-02-00-00-004.200) (the "Real Estate"), hereby consents to and authorizes **Windows LLC** to file all necessary petitions pertaining to the Real Estate for variance(s) of development standard with the City of Westfield, Hamilton County, Indiana.

Property Owner Signature	Property Owner Signature
Patrick B. Lindley Property Owner (printed)	Property Owner (printed)
Manager Property Owner Title	Property Owner Title
10-4-2021 Date	Date

SIGNATURE OF NOTARY PUBLIC

NANCY C GOOTEE
My Commission Expires
July 24, 2027
Commission Number NP0627160
Marion County

State of Indiana, County of Marion, SS:

Subscribed and Sworn before me this 4th day of October, 2021.

Printed Name of Notary Public NANCY C. GOOTEE NP0627160

My Commission Expires July 24, 2027

STATEMENT OF INTENT
17455 TILLER COURT

Windows LLC (AKA Renewal by Andersen, the "Applicant") respectfully requests approval of the requested Variances of Development Standard for the property located at 17455 Tiller Court (the "Property"). The Property's existing zoning is the EI: Enclosed Industrial District. The Property currently includes a 14,850-square foot enclosed industrial building, as depicted in the exhibits.

The requested variances will allow the expansion of the current enclosure that will accommodate multiple thirty-yard dumpsters. The additional dumpsters are necessary for the operations of the current occupant of this space.

As a result, due to the existing site conditions and the necessary functionality of the proposed dumpsters, the following Variances of Development Standard are requested to accommodate the expansion of the enclosure. This statement of intent is a requested modification to the statement of intent that was provided when the previous variance for this property was applied for and approved. The standards summarized below are identified in coordination with the City's Economic and Community Development Department and include overlapping standards within the Unified Development Ordinance as a result of applying the State Highway 32 Overlay District.

1. **LOCATION**: As depicted in the exhibits, the property is bordered by Tiller Court on the west and 175th Street on the north, and the existing building is located in the southeast corner of the property. As a result, there is no location for a dumpster enclosure on the property in any yard except an Established Front Yard. The requested variance is to allow for the enclosure to be located within an Established Front Yard.

Article 6.1(H)(2) Accessory Use and Building Standards; Screening of Receptacles and Loading Area (Location) "Enclosures shall not be located in an Established Front Yard or in any required Side or Rear Yard."

Article 5.3(H) Stage Highway 32 Overlay District; Accessory Buildings: "No Accessory Building shall be erected in the Established Front Yard…"

Article 5.3(L)(3)(c) State Highway 32 Overlay District; Miscellaneous Requirements; Walls and Fencing: "Walls and fencing shall not be located in an Established Front Yard."

2. **MATERIALS**: As depicted in the exhibits, the proposed design of the enclosure is an eight-foot tall wood shadow box fence lined on the interior with a metal sheet (at the request of the Fire Marshal). The enclosure size is proposed with approximate dimensions of 35 feet by 30 feet. Due to the size and location of the enclosure, a block wall is cost-prohibitive and results in an undesirably permanent structure. The shadow box fence is more consistent with other enclosures in the industrial park and it also provides for the flexibility to remove the fence enclosure when the larger dumpsters are no longer warranted. The requested variance is to allow for the enclosure consist of the materials and design depicted in the exhibits.

Article 6.1(H)(3) and (4) Accessory Use and Building Standards; Screening of Receptacles and Loading Area (Materials): "(3) Screening methods shall include a solid enclosure on all sides not less than six

(6) feet in height above grade or two (2) feet above the receptacle, whichever is greater. The solid enclosure shall be a Masonry Material that matches or complements the Principal Building. (4) Enclosures shall be constructed of a Masonry Material that matches or complements the Principal Building, as illustrated in FIGURE 6.1(2): DUMPSTER ENCLOSURES."

Article 5.3(J)(2)(l) State Highway 32 Overlay District; Architectural Design Requirements; Accessory Buildings: "All Accessory Buildings shall be architecturally compatible with the Principal Building(s) with which they are associated."

3. **GATE & OPENING**: Due to the size of the enclosure's opening and the functionality that a gate will not be durable with the anticipated frequency at which the dumpsters will be emptied, the requested variance is to allow the enclosure without a gate or pedestrian access opening. As depicted in the exhibits, the opening of the enclosure would be oriented away from the right-of-way and towards the building.

Article 6.1(H)(5) and (6) Accessory Use and Building Standards; Screening of Receptacles and Loading Area (Gates and Openings): "(5) Enclosures shall be equipped with opaque gates, as illustrated in FIGURE 6.1(2): DUMPSTER ENCLOSURES, that shall not be oriented towards residential properties or the Right-of-way, where possible. (6) Enclosures shall have separate pedestrian access openings that are configured to conceal the dumpster from view for daily access to dumpsters for waste disposal. Pedestrian access openings shall be substantially similar to those illustrated in FIGURE 6.1(3): DUMPSTER MAN-DOORS."

The design of the enclosure is consistent with or exceeds the design of other enclosures in the surrounding industrial park and elsewhere within the community.

The site is located within the "Employment Corridor" land use classification of the 2007 Comprehensive Plan. As proposed, the land use and development pattern of the property will continue to meet the economic and design objectives and policies of the Comprehensive Plan, and will continue to be complimentary to the surrounding area.

Petition Number:	2111-VS-40
Subject Site Address:	Northwest and Southwest Corners of Carey Road and Saddlehorn Drive (the "Property")
Petitioner:	Bridlewood HOA (the "Petitioner")
Representative:	Boulder Designs
Request:	Bridlewood Home Owner's Association by Boulder Designs requests a Variance of Development Standard to replace existing subdivision entry signs in the Right-of-Way adjacent to an SF4: Single-family High Density subdivision (UDO 6.17(E)(3))
Current Zoning:	Right-of-Way
Current Land Use:	Right-of-Way & Existing Signage
Approximate Acreage:	N/A
Exhibits:	1. Staff Report 2. Location Map 3. Zoomed-In Aerial 4. Site Plan 5. Existing Conditions 6. Proposed Signs 7. Public Works Approval 8. Application
Staff Reviewer:	Rachel Riemenschneider, Associate Planner

OVERVIEW

Location: The subject property is located at Northwest and Southwest Corners of Carey Road and Saddlehorn Drive (see **Exhibit 2**). The Property is in the right-of-way. Adjacent properties to the West are zoned SF4: Single-family High Density district; properties across Carey Road to the east are zoned the Bridgewater Club PUD district.

Variance Request: The Petitioner is requesting a Variance of Development Standard to allow subdivision entry signs in the right of way.

SUMMARY OF VARIANCE

The Petitioner is proposing to replace existing subdivision entry signs. The existing signs are in the right-of-way. The Petitioner requests to place the new signs in the same location as the existing signs. Signs are not permitted in the right-of-way per the UDO 6.17(E)(3).

COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan identifies this Property as being within the "Existing Suburban"[1] land use classification. Desired land uses in Existing Suburban include detached & attached dwellings, institutional uses, and recreational uses.

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of the Variance of Development Standard. This petition is scheduled to receive its public hearing at the November 9, 2021, 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 Unified Development Ordinance (UDO)[2] 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 the 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 UDO[3] requires that the approval of the variance shall be memorialized in an acknowledgement of variance instrument prepared by the Department. The acknowledgement shall: (i) specify the granted variance and any commitments made or conditions imposed in granting of the variance; (ii) be signed by the Director, Property Owner and Applicant (if Applicant is different than Property Owner); and (iii) be recorded against the subject property in the Office of the Recorder of Hamilton County, Indiana. A copy of the recorded acknowledgement shall be provided to the Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

Variance of 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. Variances may be approved under Indiana Code § 36-7-4-918.5 only upon a determination in writing that:

---

[1] Westfield-Washington Township Comprehensive Plan, Land Use Concept Map (p. 24).
[2] Article 10.14(I) Processes and Permits; Variances; Conditions of the UDO.
[3] Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.

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

DEPARTMENT COMMENTS

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

Recommended Conditions for Approval:

1. The existing subdivision entry signs will be removed;
2. The new subdivision entry signs will be placed in generally the same location as the existing signs as shown on the site plan (**Exhibit 4**);
3. The new subdivision entry signs will be landscaped similarly to the existing signs, with screening from adjacent properties; and
4. That the Petitioner shall record an acknowledgement of this approval with the Hamilton County Recorder's Office and return a copy of the recorded instrument to the Community Development Department.

Recommended Findings for Approval of the Variance of Development Standard:

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

   Finding: It is unlikely that approving the requested variance would be injurious to the public health, safety, morals, and general welfare of the community because the new signs will be placed in the same location as the existing signs. The existing signs have been in their current location for approximately 25 years. The Westfield Public Works Department has approved the proposed encroachment of the proposed signs into the public right-of-way.

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

   Finding: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The number and size of the proposed signs will be similar to the existing signs.

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

   Finding: Strict adherence to the zoning ordinance would result in either (a) keeping the existing signage or (b) finding a different place to locate the new signs, likely on private property.

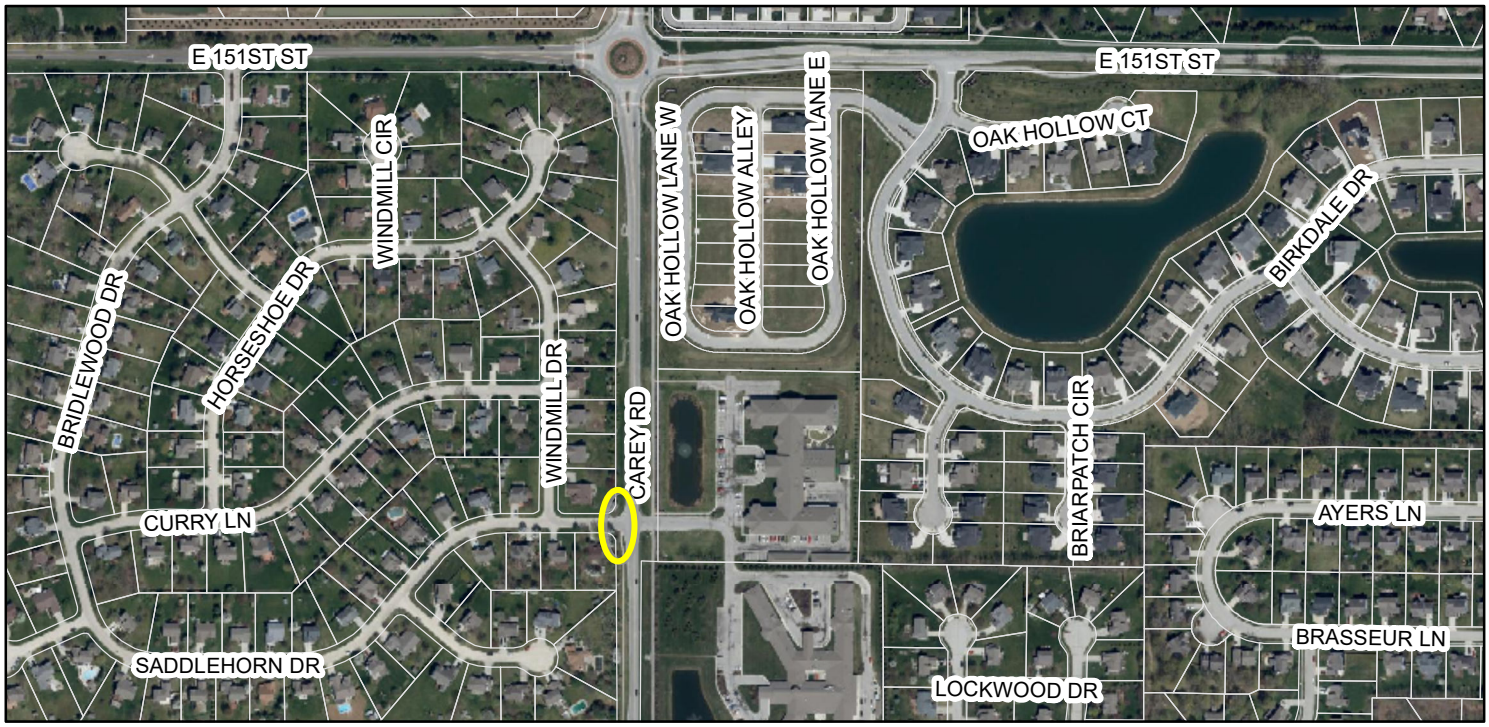
Denial: If the Board is inclined to deny the requested variances, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings consistent with the public hearing evidence and Board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

Property Location Map
Bridlewood Signs
Northwest and Southwest Corners of Carey Road and Saddlehorn Drive
2111-VS-40

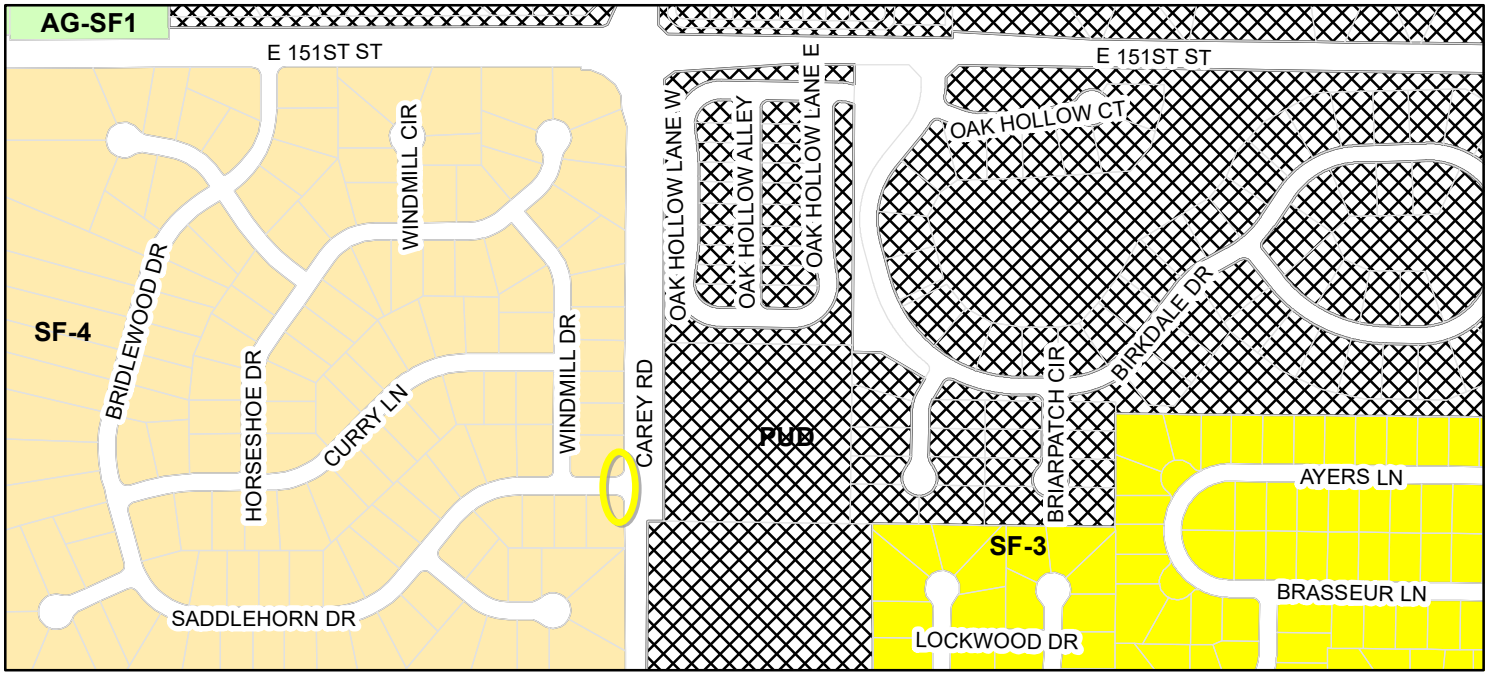
N
W E
S
Not To Scale

Aerial Location Map

Site



Zoning Map



Parcel

Zoning

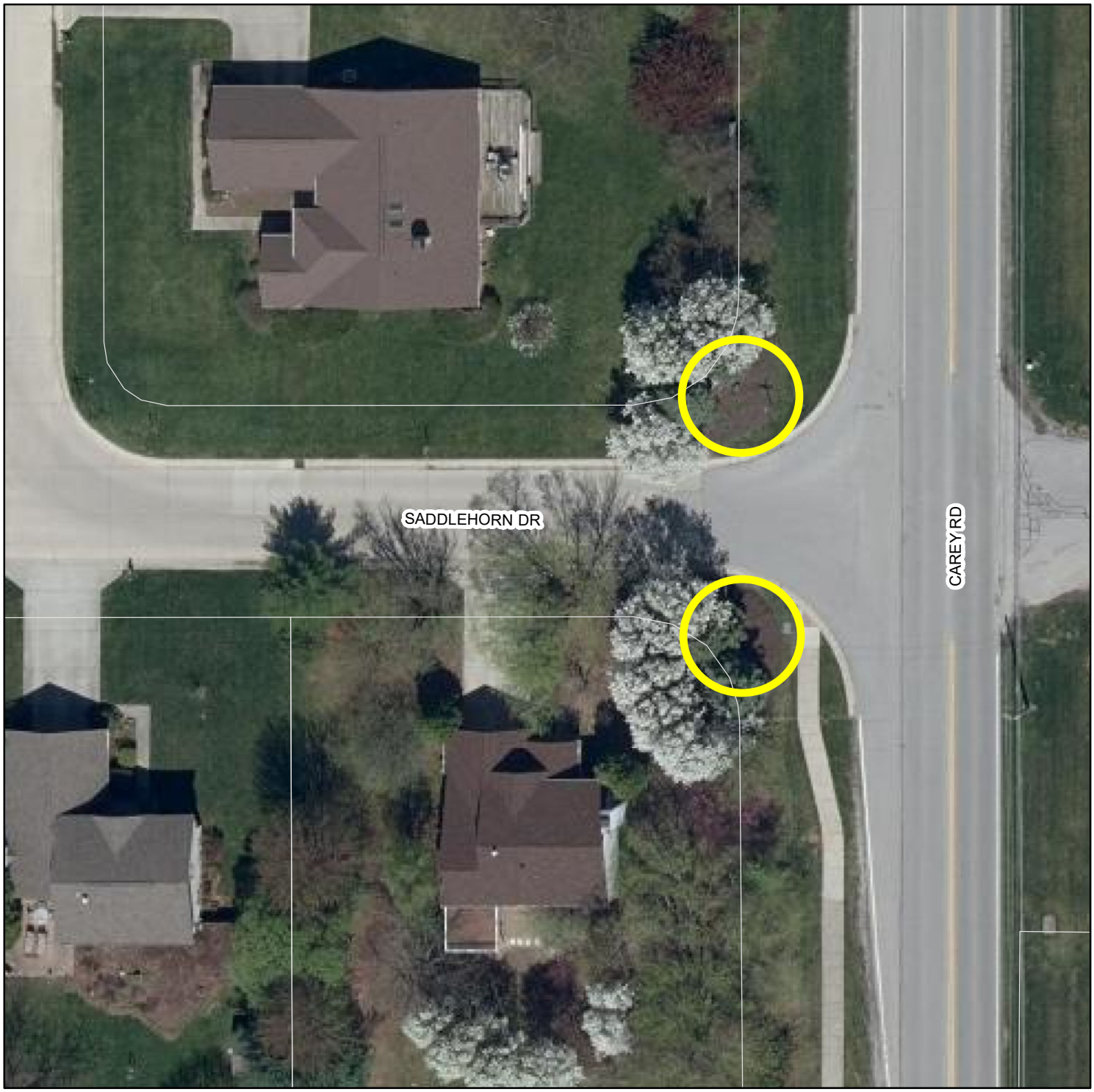
- AG-SF1 (Agriculture - Single Family - 1)
- PUD (Planned Unit Development)
- SF-3 (Single Family - 3)
- SF-4 (Single Family - 4)

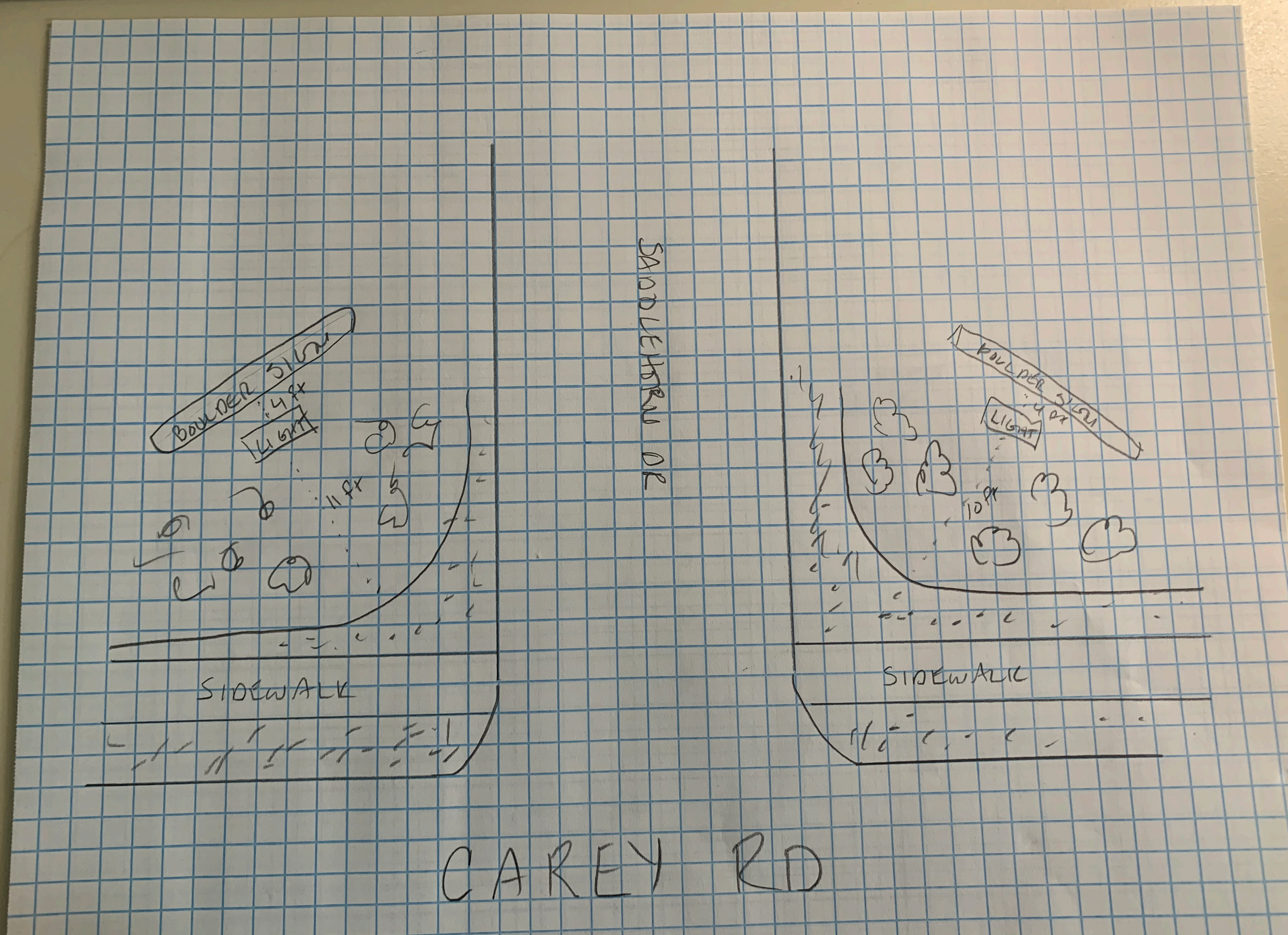
Property Location Map
Bridlewood Signs
Northwest and Southwest Corners
of Carey Road and Saddlehorn Drive
2111-VS-40

N
W E
S
Not To Scale

Aerial Location Map

Site




BOULDER SIGN
4 ft
LIGHT
11 ft
SIDEWALK
SANDLEHORN DR
BOULDER SIGN
4 ft
LIGHT
10 ft
SIDEWALK
CAREY RD

Carey Rd
BRIDLEWOOD
BRIDLEWOOD

Boulder Designs

PROOF BRIDLEWOOD FINAL

* NOTE THAT NO TWO BOULDERS ARE THE SAME. *ALL FONTS AND IMAGES MAY VARY SLIGHTLY ON COMPLETED PRODUCT.
PROOFS SHOWN ARE NOT EXACT REPRESENTATIONS AND LIKE ALL NATURAL MATERIALS VARIATION IS NORMAL.

From: John Rankin
To: "c.obrien@boulderdesignsdco.com"; Rene Nunez
Cc: Rachel Riemenschneider
Subject: RE: Bridlewood - Boulder Designs - Encroachment permits
Date: Tuesday, September 28, 2021 1:36:35 PM
Attachments: Current Bridlewood signs Carey Rd.jpg
Bridlewood - Carey Rd with new signs.jpg
bridlewood final boulder image.jpg
image001.png

Rene,
I have reviewed the existing monument signage and what is being proposed. The City of Westfield Public Works Department accepts the replacement of the monument signage at Saddlehorn Dr and Carry Rd. Please be sure that an encroachment permit is filed and they are free to start after that.
Thank you,
John Rankin

John Rankin | Infrastructure Plan Reviewer

Public Works | 2728 East 171st Street | Westfield, IN 46074
jrankin@westfield.in.gov | 317-450-0923

From: c.obrien@boulderdesignsdco.com <c.obrien@boulderdesignsdco.com>
Sent: Tuesday, September 28, 2021 8:43 AM
To: Rene Nunez <rnunez@westfield.in.gov>; John Rankin <jrankin@westfield.in.gov>
Cc: Rachel Riemenschneider <rriemenschneider@westfield.in.gov>
Subject: RE: Bridlewood - Boulder Designs - Encroachment permits

WARNING: This external email is from c.obrien@boulderdesignsdco.com.

John
Attached are three images to illustrate the project to replace the current signs for Bridlewood off of Carey Rd.
One picture shows the signs as they exist today. One picture is a mockup of what it will look like when the signs are replaced. The final image shows how the sign will look in more detail. The plan is to replace the existing signs with the new signs, and in the same place. The new signs will be 6 feet wide by 4 feet tall.
I am happy to address questions.

Colleen O'Brien

Boulder Designs – Indianapolis Metro area
What can we personalize for you?
317-527-6602
c.obrien@boulderdesignsdco.com
Schedule 15 minutes with me: www.calendly.com/clobrien

From: Rene Nunez <rnunez@westfield.in.gov>
Sent: Tuesday, September 28, 2021 8:27 AM
To: c.obrien@boulderdesignsdco.com
Cc: Rachel Riemenschneider <rriemenschneider@westfield.in.gov>; John Rankin <jrankin@westfield.in.gov>
Subject: Re: Bridlewood - Boulder Designs - Encroachment permits
Colleen,

Please submit all exhibits to John Rankin. I have included him in this email.

Thanks

Sent from my iPhone

Rene Nunez | Encroachment Inspector

Public Works | 2728 East 171st Street | Westfield, IN 46074
rnunez@westfield.in.gov | 317-766-2987

> On Sep 27, 2021, at 3:23 PM, c.obrien@boulderdesignsdco.com wrote:
>
>
> WARNING: This external email is from c.obrien@boulderdesignsdco.com<mailto:c.obrien@boulderdesignsdco.com>.
> Rene
>
> Attached is a current picture of the signs, and a mockup of what the new signs will be.
>
> The new signs will be 6 feet wide by 4 feet tall.
>
> Is this what you needed?
>
> Colleen O'Brien
> Boulder Designs – Indianapolis Metro area
> What can we personalize for you?
> 317-527-6602
> c.obrien@boulderdesignsdco.com<mailto:c.obrien@boulderdesignsdco.com>
> Schedule 15 minutes with me: www.calendly.com/clobrien<http://www.calendly.com/clobrien>
>
> From: Rene Nunez <rnunez@westfield.in.gov>
> Sent: Monday, September 27, 2021 3:06 PM
> To: c.obrien@boulderdesignsdco.com
> Cc: Rachel Riemenschneider <rriemenschneider@westfield.in.gov>
> Subject: Re: Bridlewood - Boulder Designs - Encroachment permits
>
> Colleen,
>
> In speaking with the City's Infrastructure Plan Reviewer, you will need to submit a detailed exhibit for the sign replacement off of Carey Rd & Saddlehorn Dr. We want to make sure the new sign is compliant with todays standards since it is currently in the City's right of way.
>
> Sent from my iPad
> Rene Nunez | Encroachment Inspector
>
> Public Works | 2728 East 171st Street | Westfield, IN 46074
> rnunez@westfield.in.gov<mailto:rnunez@westfield.in.gov> | 317-766-2987
>

CITY OF
Westfield
INDIANA

Westfield Community Development
2728 E. 171st Street | Westfield, IN 46074
317.804.3170 | nwoerner@westfield.in.gov

VARIANCE APPLICATION

OFFICE USE ONLY

DOCKET #: _____ FILING DATE: _____

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

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: Rachel Reimenschneider (STAFF NAME) DATE: 9/27/2021

PRIOR OR RELATED DOCKET NUMBERS

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

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

APPLICANT INFORMATION

APPLICANT'S NAME: Bridlewood HOA TELEPHONE: 317-682-0571
ADDRESS: _____ EMAIL: erica@yourhoahelp.com

PROPERTY OWNER'S NAME: _____ TELEPHONE: _____
ADDRESS: _____ EMAIL: _____

REPRESENTATIVE'S NAME: Colleen OBrien TELEPHONE: 317-527-6602
COMPANY: Boulder Designs EMAIL: c.obrien@boulderdesignsdco.com
ADDRESS: 6861 Hawthorn Park Dr Indianapolis, IN 46229

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: Bridlewood entryway at Carey Rd and Saddlehorn Dr

COUNTY PARCEL ID #(S): _____

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

PROPERTY AND PROJECT INFORMATION

☐ VARIANCE OF LAND USE CODE CITATION: _____

☒ VARIANCE OF DEVELOPMENT STANDARD(S) CODE CITATION: 6.17E3

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

STATEMENT OF INTENT (EXPLANATION OF REQUEST - ATTACH SEPARATE SHEET IF NECESSARY):
Replacing the existing wood signs that are deteriorating with new stone signage with a much longer lifespan. The existing signs are in the right of way.

CITY OF Westfield INDIANA

Westfield Community Development
2728 E. 171st Street | Westfield, IN 46074
317.804.3170 | nwoerner@westfield.in.gov

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.

Erica Reveles/Agent
Applicant/Representive (signature)

Erica Reveles/Agent
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 30th *day of* September, *20*21
State of Indiana, *County of* Hancock, *SS:*_____

Notary Public (signature)

Tial Tin Rem
Notary Public (printed)

TIAL TIN REM
Notary Public - Seal
Marion County - State of Indiana
Commission Number NP0734432
My Commission Expires Jun 22, 2029

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.

Erica Reveles/Agent
Property Owner (signature)*

Erica Reveles/Agent
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 30th *day of* September, *20*21
State of Indiana, *County of* Hancock, *SS:*_____

Notary Public (signature)

Tial Tin Rem
Notary Public (printed)

TIAL TIN REM
Notary Public - Seal
Marion County - State of Indiana
Commission Number NP0734432
My Commission Expires Jun 22, 2029

**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.*

CITY OF
Westfield
INDIANA

Westfield Community Development
2728 E. 171st Street | Westfield, IN 46074
317.804.3170 | nwoerner@westfield.in.gov

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/Representive (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) Todd Burton

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 1 *day of* November, *20*21
State of Indiana, *County of* Hamilton, *SS:*_____

Notary Public (signature) _____ Notary Public (printed) Julie Sole

JULIE E. SOLE
Comm. Exp. October 4, 2024
Comm. #691639
NOTARY PUBLIC
SEAL
Hamilton County
STATE OF INDIANA

**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.*

CITY OF Westfield INDIANA

Westfield Community Development
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317.804.3170 | nwoerner@westfield.in.gov

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: _____

CITY OF Westfield INDIANA

Westfield Community Development
2728 E. 171st Street | Westfield, IN 46074
317.804.3170 | nwoerner@westfield.in.gov

FINDINGS OF FACT (VARIANCE OF DEVELOPMENT STANDARD)

APPLICANT: Bridlewood HOA 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: Existing signage, set back from the streets and sidewalks, will be replaced in the same spot currently displayed.

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

C. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property because: New signage would not be able to displayed effectively for drivers to see the signage.

CITY OF
Westfield
INDIANA

Westfield Community Development
2728 E. 171st Street | Westfield, IN 46074
317.804.3170 | nwoerner@westfield.in.gov

GENERAL INSTRUCTIONS

A. **Pre-Filing Conference**: A pre-filing conference is required for all petitions. An appointment must be made with the 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
- ☐ Draft Public Notice
- ☐ Property Owner Consent
- ☐ Site Plan (to scale)
- ☐ Statement of Intent
- ☐ Legal Description
- ☐ List of Adjoining Property Owners (as provided by County)
- ☐ TAC Delivery Affidavit (if TAC is determined to be necessary)
- ☐ Copy of Property Deed

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.

Petition Number:	2111-VS-42 & 2111-VU-08
Subject Site Address:	3407 W SR 32 (the "Property")
Petitioner:	Allan Ray Blythe (the "Petitioner")
Representative:	Norris Carpentry Service, LLC
Request:	Variance of Standard: The Petitioner requests a Variance of Development Standard to modify the Minimum Lot Area from 3 acres to 0.5 acres, the Minimum Lot Frontage from 250 feet to 85 feet, the Minimum Front Yard Building Setback Line from 100 feet to 35 feet, the Minimum Side Yard Building Setback Line from 30 feet to 10 feet, and the Minimum Lot Width from 100 feet to 85 feet on 0.5 acres +/- in the AG-SF1: Agriculture / Single-family Rural District for a building addition. Variance of Use: The Petitioner requests a Variance of Use to permit an Efficiency Unit Dwelling on 0.5 acres +/- in AG-SF1: Agriculture / Single-family Rural District.
Current Zoning:	AG-SF1: Agriculture / Single-family Rural
Current Land Use:	Residential
Approximate Acreage:	0.50 acres+/-
Exhibits:	1. Staff Report 2. Location Map 3. Site Plan 4. Building Plan 5. Application
Staff Reviewer:	Rachel Riemenschneider, Associate Planner

OVERVIEW

Location: The subject Property is 0.50 acres +/- in size and is located at 3407 W SR 32 (the "Property") (see **Exhibit 2**). The Property is zoned AG-SF1: Agriculture / Single-family Rural.

Property History: Per County records, the home on the Property was built around 1950; there is no building permit on file with the City. The parcel and the parcels west of this Property were created in 1979, after zoning standards were adopted by Westfield in 1977. Because the lot does

not meet the zoning standards for AG-SF1 and was created after 1977, the Property is considered illegal nonconforming. The Petitioner did not come to own the Property until 2019.

VARIANCE REQUESTS

Variance of Use: The Petitioner is requesting a variance of use to allow an Efficiency Unit Dwelling, at 3407 W SR 32, currently zoned AG-SF1: Agriculture / Single-family Rural. The Petitioner is interested in constructing an addition which will serve dwelling for his aging relative.

The use classification "Efficiency Unit Dwelling"[1] is not a permitted use within the AG-SF1 District.

Variance of Standard: The Petitioner is requesting four Variances of Development Standard:

1. Minimum Lot Area from 3 acres to 0.5 acres
2. Minimum Lot Frontage from 250 feet to 85 feet
3. Minimum Building Setback Line
    a. Front Yard from 100 feet to 35 feet
    b. Side Yard (west only) from 30 feet to 10 feet
4. Minimum Lot Width from 100 feet to 85 feet

Because this is an illegal nonconforming lot, it must be brought into compliance via variances of development standard before any construction may take place on the lot.

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Use and Variance of Development Standard. This petition is scheduled to receive its public hearing at the November 9, 2021, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

Conditions: The UDO[2] 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

[1] Chapter 12 of the UDO defines "Dwelling, Efficiency Unit" as "A Dwelling Unit consisting of one (1) principal room, including sanitary, cooking, living, sleeping facilities, and/or dining alcove."

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

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 UDO[3] requires that the approval of the variance shall be memorialized in an acknowledgement of variance instrument prepared by the Department. The acknowledgement shall: (i) specify the granted variance and any commitments made or conditions imposed in granting of the variance; (ii) be signed by the Director, Property Owner and Applicant (if Applicant is different than Property Owner); and (iii) be recorded against the subject property in the Office of the Recorder of Hamilton County, Indiana. A copy of the recorded acknowledgement shall be provided to the Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

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

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

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.

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

DEPARTMENT COMMENTS:

If the Board is inclined to approve the Variances, the staff recommends the following conditions for both the Variance of Use and the Variance of Standard:

Recommended Conditions for Approval:

1. That the Efficiency Dwelling Unit be constructed in substantial compliance with the Site Plan (**Exhibit 3**) and Building Plan (**Exhibit 4**), and
2. That the Petitioner records an Acknowledgement of Variance with the Hamilton County Recorder's Office and returns a copy of the recorded instrument to the Community Development Department.

Recommended Findings for Variance of Use (2111-VU-08):

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

   Finding: It is unlikely that allowing an Efficiency Dwelling Unit to locate on the Property will be injurious to the public health, safety, morals, and general welfare of the community because the residential use of the Property will not substantially change.

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

   Finding: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner as the proposed use is of similar character and quality to the adjacent properties.

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

   Finding: The proposed use of "Efficiency Dwelling Unit" is not permitted within any zoning district set forth by the UDO.

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

   Finding: Because the subject Property is considered illegal nonconforming, any expansion of the existing structure is not permitted until brought into compliance.

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

   Finding: The Westfield-Washington Comprehensive Plan (the "Comprehensive Plan") includes this Property in the area designated as "Employment Corridor." However, the residence on the Property is part of a well-established residential area consisting of nine homes. The redevelopment of this Property as an employment generating use would likely only occur along with the neighboring residential properties.

Denial: If the Board is inclined to reject or deny the Variance of Use, then the Department recommends denying the Variance of Use, 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.

Recommended Findings for Variance of Development Standard (2111-VS-42):

1) *The approval will not be injurious to the public health, safety, morals, and general welfare of the community.*
   Finding: The Variance of Development Standard requests will not be injurious to the public health, safety, morals, and general welfare of the community because, with the exception of the east side yard setback variance, all other lot standard variance requests are merely to bring the existing lot and structure into compliance.

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

   Finding: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner as the proposed use is of similar character and quality to the adjacent properties.

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

   Finding: The strict application of the zoning ordinance will result in the inability to improve the Property in any way that requires an Improvement Location Permit from the City of Westfield.

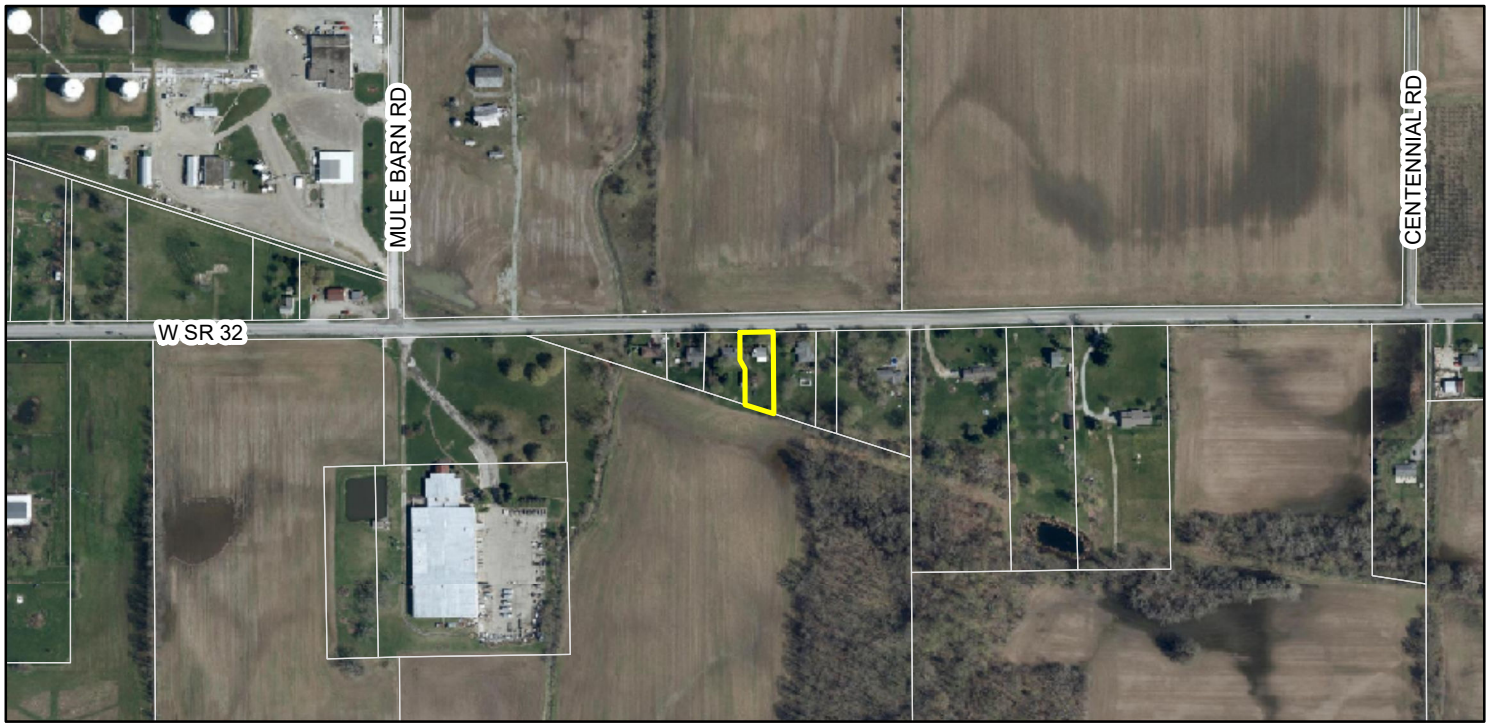
Denial: If the Board is inclined to reject or deny the Variance of Development Standard, then the Department recommends denying the Variance of Development Standard, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant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

Property Location Map
3407 W SR 32
2111-VS-42 & 2111-VU-08

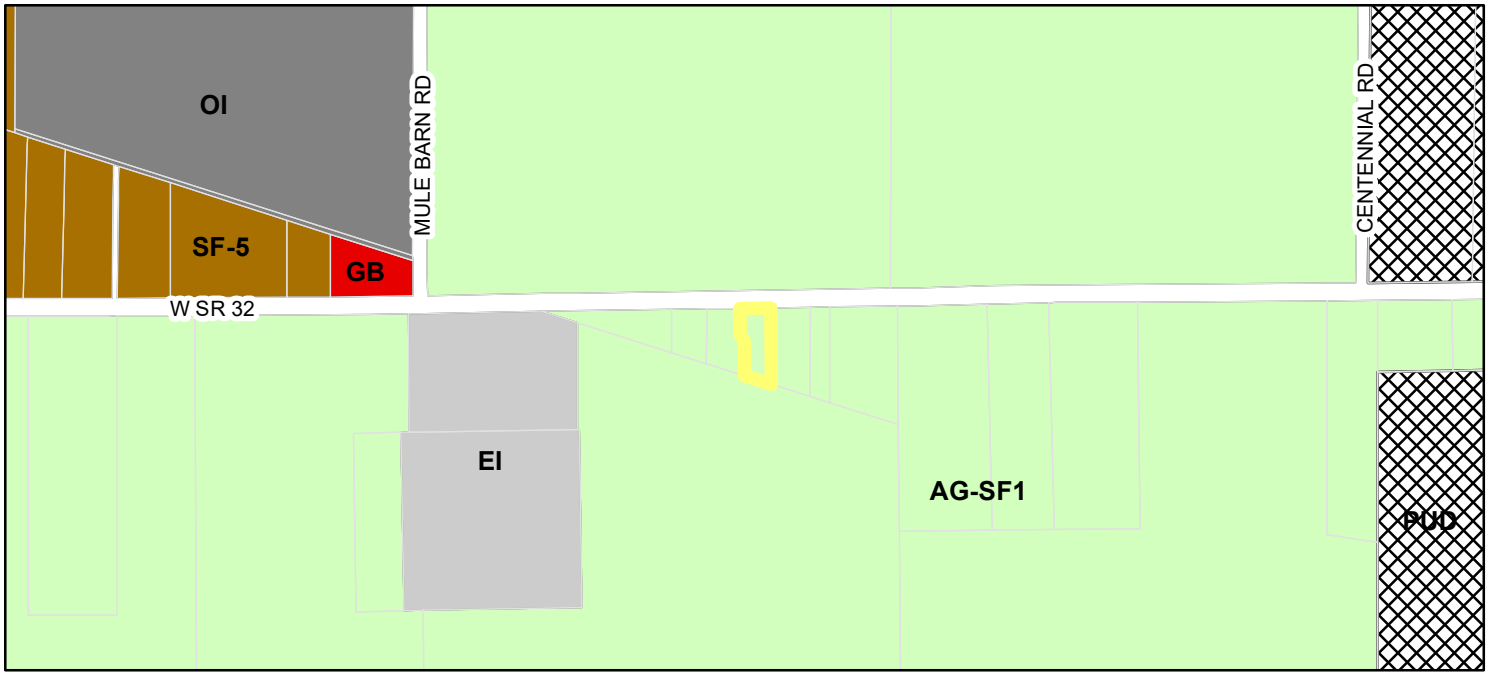
N
W E
S
Not To Scale

Aerial Location Map

Site



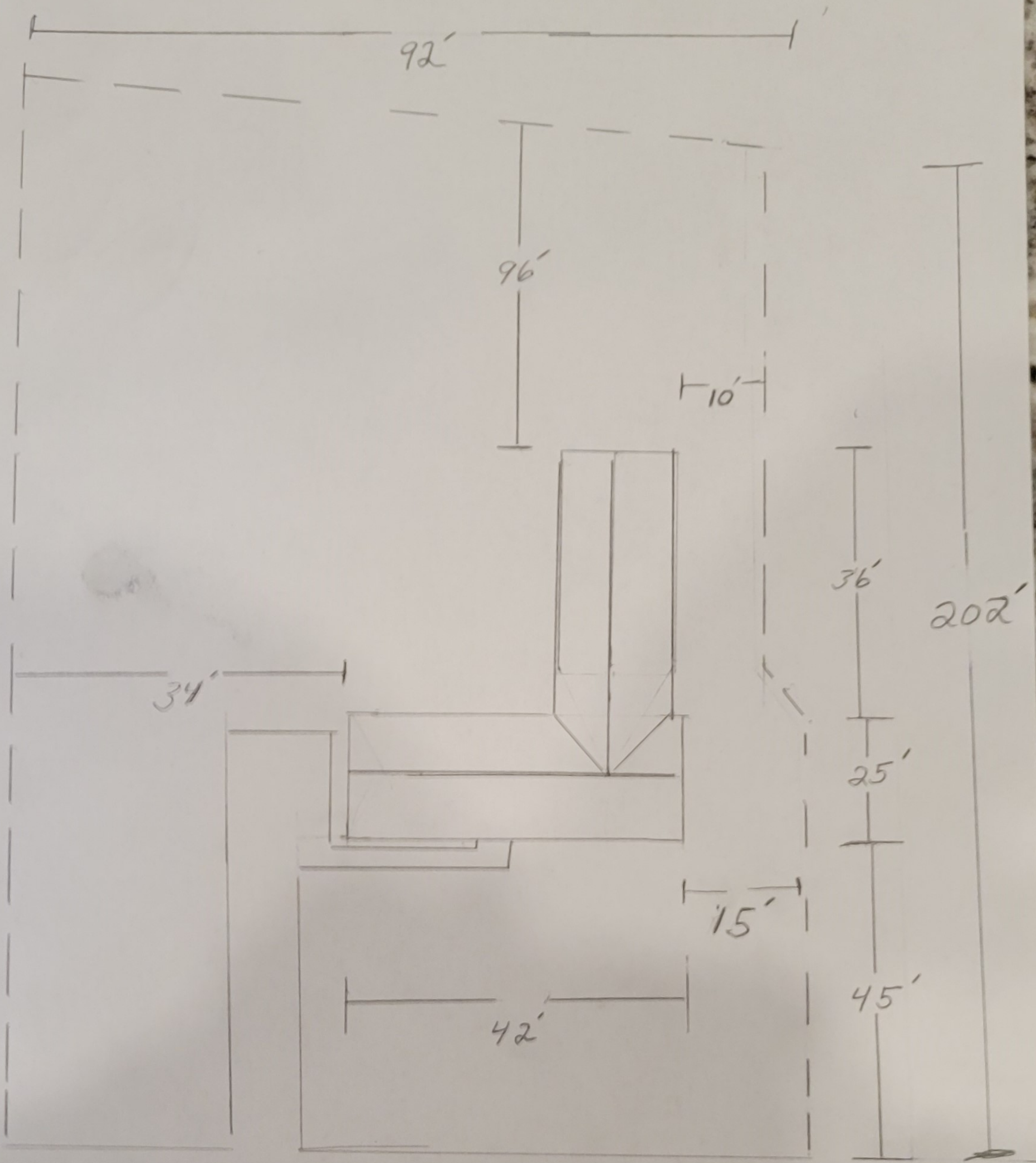
Zoning Map

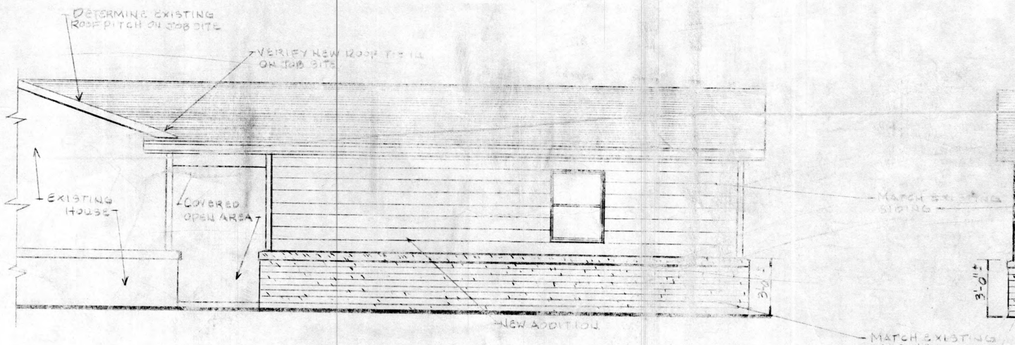


Site
Parcel

Zoning

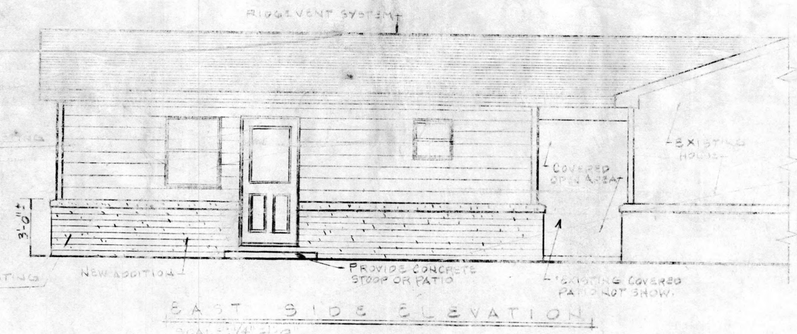
- AG-SF1 (Agriculture - Single Family - 1)
- EI (Enclosed Industrial)
- GB (General Business)
- OI (Open Industrial)
- PUD (Planned Unit Development)
- SF-5 (Single Family - 5)


92'
96'
10'
36'
202'
34'
25'
15'
45'
42'



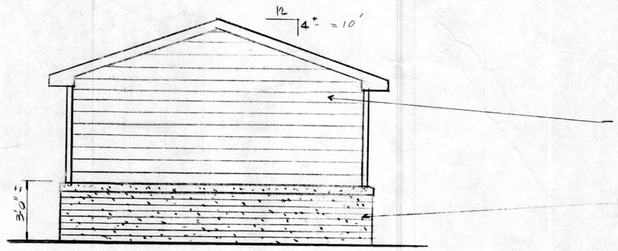
WEST SIDE ELEVATION

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



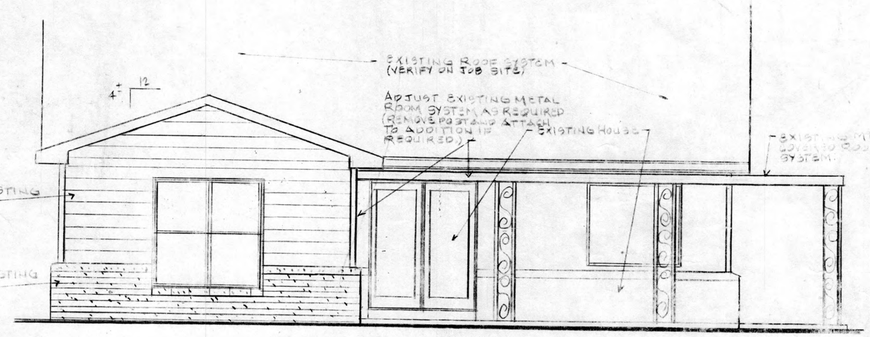
EAST SIDE ELEVATION

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



NORTH SIDE ELEVATION

SCALE: 1/4" = 1'-0" "VIEW FROM INSIDE COVERED AREA"



SOUTH SIDE ELEVATION

REV. 7-14-2021

OWNER:
RAY BLYTHE

3407 WEST STATE RD. 32 SOUTH
WESTFIELD IN. 46074

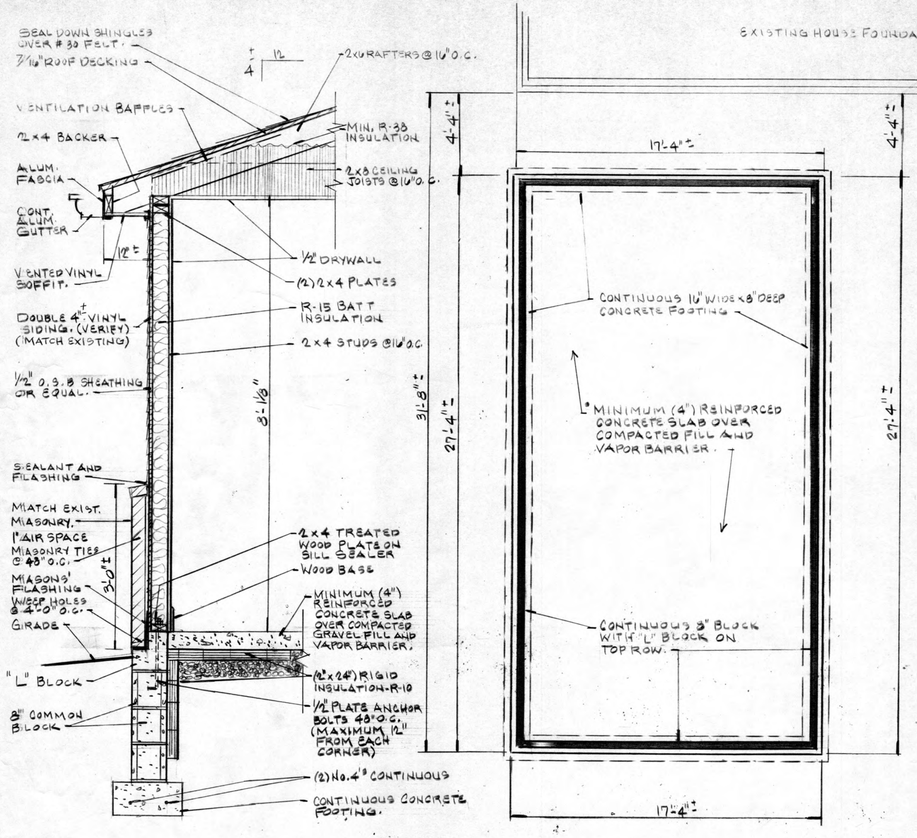
BUILDER:
KEN NORRIS

7-6-2021

SHEET 1 OF 2

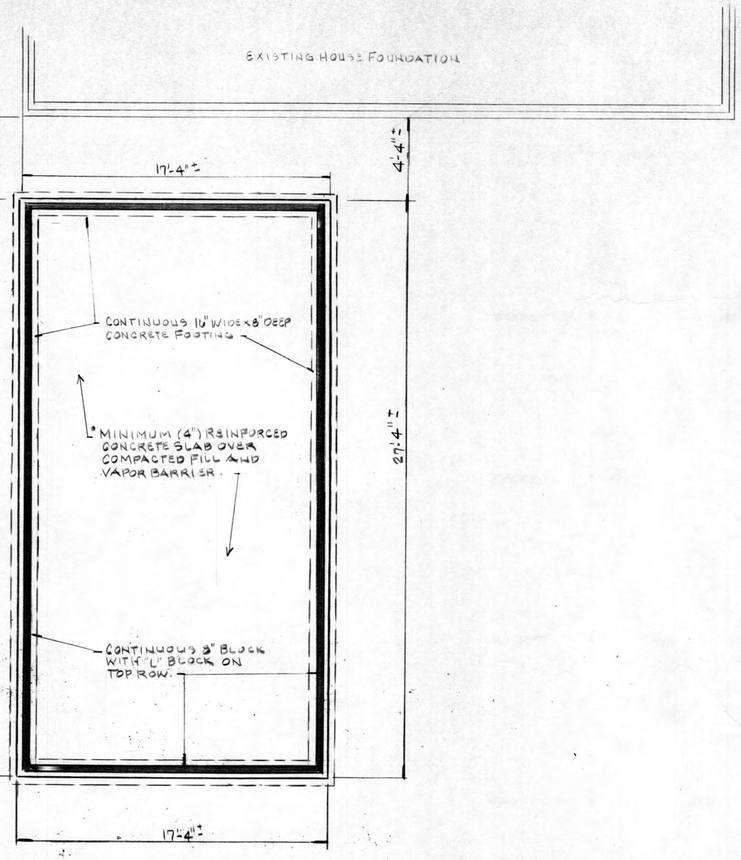
Residential Design Inc.
Complete Drafting Services
Owner Mark E. Winzenread
(317) 887-6701

BY DRAFTING 250 5-81 3053



TYPICAL WALL SECTION

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

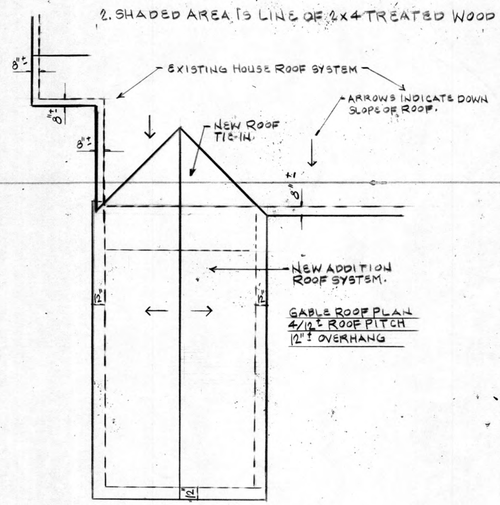


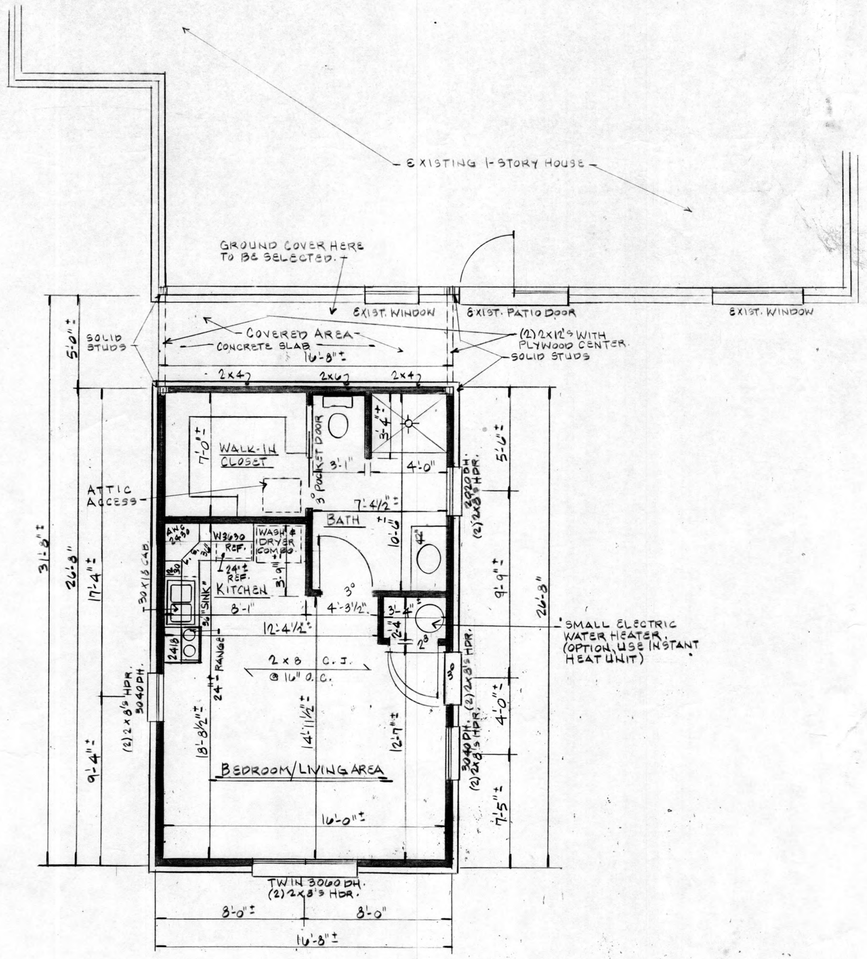
SLAB FOUNDATION PLAN

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

"NOTES:"

1. MINIMUM (4) COURSE BLOCK FOUNDATION WITH "L" BLOCK ON TOP ROW, TURNED-IN.
2. SHADED AREA IS LINE OF 2x4 TREATED WOOD PLATE.





FAMILY MEMBER LIVING QUARTERS FLOOR PLAN

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

"NOTES:"

1. 2x4 EXTERIOR WALLS WITH 1/2" O.S.B. SHEATHING OR EQUAL, 16" O.C.
2. 8'-1 1/8" CEILING HEIGHT.
3. WINDOW ARE DOUBLE HUNG OR EQUAL TO BE SELECTED. ROUGH OPENINGS BY SUPPLIER.
4. HVAC CONTRACTOR TO PROVIDE NEW MECHANICAL DESIGN.
5. PLUMBING CONTRACTOR TO PROVIDE NEW PLUMBING DESIGN.
6. ELECTRICAL CONTRACTOR TO PROVIDE NEW ELECTRICAL LAYOUT.

• ALL CONCRETE FLATWORK TO BE SELECTED.

14
5
19
4
23

REV. 7-14-2021

OWNER: RAY BLYTHE

3407 WEST ST. RD. 32 SOUTH
WESTFIELD, IN. 46074

Residential Design Inc.
Complete Drafting Services
Owner Mark E. Winzenread
(317) 887-6701

BUILDER: KEN NORRIS

7-6-2021

SHEET 2 OF 2

CITY OF Westfield INDIANA

Westfield Community Development
2728 E. 171st Street | Westfield, IN 46074
317.804.3170 | nwoerner@westfield.in.gov

VARIANCE APPLICATION

OFFICE USE ONLY

DOCKET #: _____ FILING DATE: _____

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

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: RACHEL RIEMENSCHNEIDER (STAFF NAME) DATE: 10-08-2021

PRIOR OR RELATED DOCKET NUMBERS

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

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

APPLICANT INFORMATION

APPLICANT'S NAME: KENNETH NORRIS TELEPHONE: 317-292-1297
ADDRESS: 1585 BRIDGEWATER DRIVE, AVON, IN 46123 EMAIL: norriscarpentryservice@gmail.com

PROPERTY OWNER'S NAME: ALLAN RAY BLYTHE TELEPHONE: 317-460-8316
ADDRESS: 3407 WEST SR 32 SOUTH, WESTFIELD, IN 46074 EMAIL: allanblythe13@gmail.com

REPRESENTATIVE'S NAME: KENNETH NORRIS TELEPHONE: 317-292-1297
COMPANY: NORRIS CARPENTRY SERVICE, LLC EMAIL: norriscarpentryservice@gmail.com
ADDRESS: 1585 BRIDGEWATER DRIVE, AVON, IN 46123

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 3407 WEST SR SOUTH, WESTFIELD, IN 46074

COUNTY PARCEL ID #(S): 08-09-05-00-00-003-000

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

PROPERTY AND PROJECT INFORMATION

☒ VARIANCE OF LAND USE CODE CITATION: ARTICLE 13.2

☒ VARIANCE OF DEVELOPMENT STANDARD(S) CODE CITATION: ARTICLE 4.2(C-F)

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

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

WE ARE BRINGING A NON-CONFORMING PROPERTY INTO COMPLIANCE TO CONSTRUCT AN ADDITION WHICH WILL ALLOW THE HOMEOWNER TO PROVIDE ADDITIONAL LIVING SPACE. THE ADDITION WILL ADD VALUE TO THE EXISTING RESIDENCE AND INCREASE PROPERTY VALUE.

CITY OF Westfield INDIANA

Westfield Community Development
2728 E. 171st Street | Westfield, IN 46074
317.804.3170 | nwoerner@westfield.in.gov

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.

Kenneth Norris
Applicant/Representive (signature)

KENNETH NORRIS
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 13th *day of* October, *20*21
State of Indiana, *County of* Marion, *SS:*_____

Tonya Brock
Notary Public (signature)

Tonya Brock
Notary Public (printed)

NOTARY PUBLIC SEAL INDIANA
TONYA BROCK
Notary Public, State of Indiana
Morgan County
Commission # 704386
My Commission Expires
August 21, 2025

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.*

CITY OF Westfield INDIANA

Westfield Community Development
2728 E. 171st Street | Westfield, IN 46074
317.804.3170 | nwoerner@westfield.in.gov

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.

KENNETH NORRIS

Applicant/Representive (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.

Allan Blythe

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 14 *day of* October, 2021.
State of Indiana, *County of* Hamilton, *SS:*_____

amir abbas Amir Abbas

Notary Public (signature) **Notary Public (printed)**

AMIR ABBAS
Notary Public - Seal
Hamilton County - State of Indiana
Commission Number NP0735815
My Commission Expires Aug 29, 2029

**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.*

CITY OF Westfield INDIANA

Westfield Community Development
2728 E. 171st Street | Westfield, IN 46074
317.804.3170 | nwoerner@westfield.in.gov

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:

IT IS AN ADDITION TO AN EXISTING HOME FOR "FATHERS QUARTERS". THE ADDITION WILL INCREASE THE VALUE OF THE HOME AND WILL NOT CAUSE ANY HARM TO ANYONE. THE ADDITION WILL ALLOW THE HOMEOWNER TO TAKE CARE OF HIS FATHER AND GIVE HIM A BETTER LIFESTYLE.

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

THE ADDITION WILL NOT HAVE AN ADVERSE EFFECT ON THE EXISTING PROPERTY OR THE NEIGHBORHOOD. IT WILL ALLOW THE HOMEOWNER TO CARE FOR HIS FATHER AND INCREASE THE VALUE OF THE HOME.

C. The need for the variance arises from some condition particular to the property involved because:

THE PROPERTY IS CURRENTLY ZONE AS AG-SFI. THE VARIANCE IS NEEDED TO BUILD THE ADDITION BECAUSE THE DESCRIPTION FALLS INTO THE CATEGORY AND IS SIMILAR TO AN EFFICIENCE DWELLING UNIT.

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:

WE ARE BRINGING A NONCONFORMING PROPERTY INTO COMPLIANCE TO CONSTRUCT AN ADDITIONAL AND THE ADDITION IS NOT PERMITTED USE.

THE HOMEOWNER WILL NOT BE ABLE TO CARE FOR HIS FATHER WITHOUT THIS APPROVAL CAUSING HARDSHIP ON THE FAMILY BOTH FINANCIALLY AND THE WELL-BEING OF AN INDIVIDUAL.

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

WE ARE BRINGING A NON-CONFORMING PROPERTY INTO COMPLIANCE TO CONSTRUCT AN ADDITION AND THE ADDITION IS NOT PERMITTED USE.

CITY OF Westfield INDIANA

Westfield Community Development
2728 E. 171st Street | Westfield, IN 46074
317.804.3170 | nwoerner@westfield.in.gov

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:

IT IS AN ADDITION TO AN EXISTING HOME FOR "FATHER'S QUARTERS". THE ADDITION WILL INCREASE THE VALUE OF THE HOME AND WILL NOT CAUSE ANY HARM. THE ADDITION WILL ALLOW THE HOMEOWNER TO TAKE CARE OF HIS FATHER AND PROVIDE A BETTER AND HEALTHIER LIFESTYLE.

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

THE ADDITION WILL NOT HAVE AN ADVERSE EFFECT ON THE EXISTING PROPERTY OR THE NEIGHBORHOOD. IT WILL ALLOW THE HOMEOWNER TO CARE FOR HIS FATHER AND INCREASE THE VALUE OF THE PROPERTY.

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

THE PROPERTY IS CURRENTLY ZONED AS AG-SFI. APPROVAL IS NECESSARY TO BUILD THE NEEDED ADDITION AND NOTHING ADVERSE WILL OCCUR BY BUILDING THE ADDITIONAL, ONLY POSITIVE THINGS. INCREASE IN VALUE OF THE HOME AND PROVIDING A BETTER LIFESTYLE FOR A PERSON.

CITY OF Westfield INDIANA

Westfield Community Development
2728 E. 171st Street | Westfield, IN 46074
317.804.3170 | nwoerner@westfield.in.gov

GENERAL INSTRUCTIONS

A. **Pre-Filing Conference**: A pre-filing conference is required for all petitions. An appointment must be made with the 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
- ☐ Draft Public Notice
- ☐ Property Owner Consent
- ☐ Site Plan (to scale)
- ☐ Statement of Intent
- ☐ Legal Description
- ☐ List of Adjoining Property Owners (as provided by County)
- ☐ TAC Delivery Affidavit (if TAC is determined to be necessary)
- ☐ Copy of Property Deed
- Elevations, photographs or other supporting information necessary to explain the nature of the requested variance(s)

C. **Filing Fee Check**: After the filing of an application, the Department will advise the applicant of the applicable filing fee amount, which is due and payable (checks made out to "City of Westfield") within two (2) weeks of filing.

D. **Technical Advisory Committee (TAC)**: The applicant is responsible for submitting a copy of the application and related information to Technical Advisory Committee members prior to filing, if determined by the Department to be necessary. An affidavit confirming delivery of information is required to be completed and signed by the applicant and submitted with the petition. Technical Advisory Committee meetings are held in the City Services Building (2728 East 171st Street, Westfield, IN 46074) in accordance with the Schedule of Meeting and Filing Dates. A representative must be present at this meeting.

E. **Public Hearing and Notice**: All variance petitions require a public hearing by the Board of Zoning Appeals. The public hearing is held at City Hall, 130 Penn Street, Westfield, Indiana, in accordance with the Schedule of Meeting and Filing Dates. Notice of the hearing is required in accordance with the Board's Rules of Procedure:

1. **Newspaper Publication**: Notice of the hearing will be published in the Hamilton County Reporter and The Times. The Department will handle the newspaper publication requirement.
2. **Mailed Public Notice**: The applicant is responsible to send public notice by certified mail with proof of mailing (certificate of mailing) to all interested parties, postmarked at least ten (10) days prior to the hearing. A list of adjacent property owners may be obtained from the **Hamilton County Auditor, Office of Transfers and Mapping** (33 North 9th Street, Noblesville, IN 46060, (317) 776-9624), and shall include all owners of property to a depth of two (2) ownerships of no direct or indirect financial or other interest to the applicant or property owner or one eighth of a mile (1/8), whichever is less.
3. **Public Notice Sign**: The applicant is responsible to post a public notice sign(s) on the property at least ten (10) days prior to the public hearing. The Department will determine sign locations and will make signs available for the applicant to obtain in the office of the Department.
4. **Affidavit of Notice of Public Hearing**: The applicant shall deliver a copy of the mailed notice and a signed affidavit, verifying that the notices were mailed and the public notice sign(s) was posted on the subject property, to the Department at least four (4) calendar days prior to the public hearing.

F. **Ex-parte Communication**: In no event shall applicants or other interested parties contact or attempt to communicate with members of the Board in regard to a filed variance petition prior to the public hearing.

G. **Revised Materials**: If the applicant wishes to submit additional or revised information than what is filed, then the applicant shall submit those to the Department no later than ten (10) days prior to the public hearing.

H. **Board's Consideration**: Following the public hearing, the Board may either approve, approve with conditions, deny or continue the petition.

I. **Resource**: Please see the Board's Rules of Procedure for more detailed procedural information.

WESTFIELD-WASHINGTON TOWNSHIP

BOARD OF ZONING APPEALS

2022 SCHEDULE OF MEETINGS AND FILING DATES

MEETING MONTH	FILING DEADLINE	BOARD OF ZONING APPEALS MEETING
	Friday Noon	Tuesday 7:00 PM
JANUARY	12/03/21	01/11/22
FEBRUARY	01/14/22	02/08/22
MARCH	02/18/22	03/08/22
APRIL	03/18/22	04/12/22
MAY	04/15/22	05/10/22
JUNE	05/13/22	06/14/22
JULY	06/17/22	07/12/22
AUGUST	07/15/22	08/09/22
SEPTEMBER	08/30/22	09/13/22
OCTOBER	09/27/22	10/11/22
NOVEMBER	10/14/22	11/15/22
DECEMBER	11/18/22	12/13/22
JANUARY	12/16/22	01/10/23

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

A Pre-Filing Conference is required prior to filing. Please contact the Community Development Department at 317.804.3170 at least one week in advance of your targeted filing to arrange this pre-filing conference.

If you have additional materials to submit prior to the public hearing, please be in communication with the project planner for information about when those materials are due.

Petition Number:	2111-VU-06
Subject Site Address:	133 W. 161st Street (The "Property")
Petitioner:	Mauricio Gonzalez by Pleasant Cities, LLC (The "Petitioner")
Request:	The Petitioner is requesting an extension of an existing temporary Variance of Use which permits a Construction Trade Office use in the AG-SF1: Agriculture / Single-Family Rural District (Article 13)
Current Zoning:	AG-SF1: Agriculture / Single-Family Rural District
Current Land Use:	Residential
Approximate Acreage:	2.5 acres+/-
Exhibits:	1. Staff Report 2. Location Map 3. Project Narrative 4. Proposed Findings of Fact
Staff Reviewer:	Daine Crabtree, Senior Planner

OVERVIEW

Location: The subject Property is 2.5 acres +/- and is located at 133 W. 161st Street (see **Exhibit 2**). The use of the Property is primarily residential. The surrounding properties east, west, and south are zoned AG-SF1 with residential (SF-3 Cluster) and commercial (Spring Mill Station Northeast Quadrant PUD) uses to the north across 161st Street. The property to the south is a farmed field that has been used as a local airport in the past.

Variance Request: The Petitioner is requesting an extension of an existing variance (the "Existing Variance") that allows a Construction Trade Office use with ancillary vehicle and trailer storage for the business. The Existing Variance expires December 31, 2021.

SUMMARY OF VARIANCES

The Petitioner is requesting an extension of the temporary Existing Variance, which was granted at the March 16, 2018, Board of Zoning Appeals (BZA) meeting.

The definition of an Office, Construction Trade[1] on allows the storage of vehicles used by a permitted business. Chapter 13 of the Westfield-Washington Township Unified Development

[1] Chapter 12 of the UDO defines "Office, Construction Trade" as: "electrical contractors, general contractors or construction offices, home remodeling companies, septic system contractors, heating and cooling contractors, painting contractors, **landscaping contractors**, and plumbing contractor offices, and the like, where such use is typically characterized to include some or all of the following aspects: storage of product for sale or for installation, storage of materials related to the business, storage of equipment or other implements, office space, **parking of**

Ordinance (the "UDO") Use Table only allows an Office, Construction Trade use to locate in EI: Enclosed Industrial and OI: Open Industrial zoned areas by-right and GB: General Business zoned areas with the approval of a Special Exception.

The Petitioner lives on the Property and has been operating the business on the Property since 2012. The Petitioner currently parks the business trucks and equipment behind the house located on the Property.

COMPREHENISVE PLAN

The Westfield-Washington Township Comprehensive Plan: The Land Use Plan contemplates the Property as "Suburban Residential".

The Existing Suburban[2] classification is designed to "…preserve and protect the stability and integrity of the area as it fills in." The Existing Suburban encourages some of the following development policies:

- Encourage only compatible infill development on vacant parcels in existing neighborhoods as a means to avoid sprawl,
- Ensure that new development adjacent to existing suburban is properly buffered,
- Land Uses include detached dwellings, attached dwellings, institutional uses, and recreational uses.

Spring Mill Station Plan: The area surrounding the intersection of 161st Street and Spring Mill Road borders the southeast corner of the Spring Mill Station Addendum (the "Addendum") to the Comprehensive Plan[3]. The southeast corner is intended to be a transition from commercial to residential:

> "…would allow for residential and commercial development to include a large buffer and landscape area to provide transition between newly developed areas and adjacent development[4]."

The Comprehensive Plan is not law; rather, it is intended to serve as a guide in making land use decisions.

Thoroughfare Plan: The plan identifies 161st Street as a Primary Arterial and expected widening of the street is not anticipated to begin in the immediate future. The plan also identifies this road as a future "Cycle Corridor[5]."

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company vehicles, service areas for equipment and vehicles, warehouse space, showroom space, and/or retail sales."

[2] Page 38-39; Chapter 2: Land Use Plan: Suburban Residential; Westfield-Washington Township Comprehensive Plan.

[3] Page 17; Chapter 4: Planning Area; Spring Mill Station Plan Addendum

[4] Page 19; Chapter 4: Planning Area; Spring Mill Station Plan Addendum

[5] Appendix B of the Westfield Thoroughfare Plan; Resolution 11-14.

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of the extension of the Existing Variance. This petition is scheduled to receive its public hearing at the November 9, 2021, BZA meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

Conditions: The UDO[6] 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 UDO[7] requires that the approval of the variance shall be memorialized in an acknowledgement of variance instrument prepared by the Department. The acknowledgement shall: (i) specify the granted variance and any commitments made or conditions imposed in granting of the variance; (ii) be signed by the Director, Property Owner and Applicant (if Applicant is different than Property Owner); and (iii) be recorded against the subject property in the Office of the Recorder of Hamilton County, Indiana. A copy of the recorded acknowledgement shall be provided to the Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

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

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

DEPARTMENT COMMENTS

[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.

Approval: If the Board is inclined to approve the Variance of Use (**2111-VU-06**), then the Department recommends approval with the following condition:

- **The Variance of Use shall expire on December 31, 2024**

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

Recommended Findings for Approval:

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

   Finding: It is unlikely that allowing storage of landscape vehicles to locate on the Property for a temporary period will increase density or traffic, nor alter the current characteristics of the Property or the surrounding community since the business has been operating at the Property since 2012. The Property will be primarily used as a single-family residence.

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

   Finding: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The proposed variance should not have a negative impact on surrounding properties. The business has been storing their trucks and equipment since 2012. All such parking areas will be appropriately screened from view of 161st Street.

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

   Finding: The variance would allow additional time to search for a permanent location for the business to operate. Not permitting the variance will result in ceasing all operations of the business.

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

   Finding: The Property has substantial space for this low impact and temporary use of storing the company commercial vehicles behind the existing buildings. This location is necessary during the searching and relocation of the business.

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

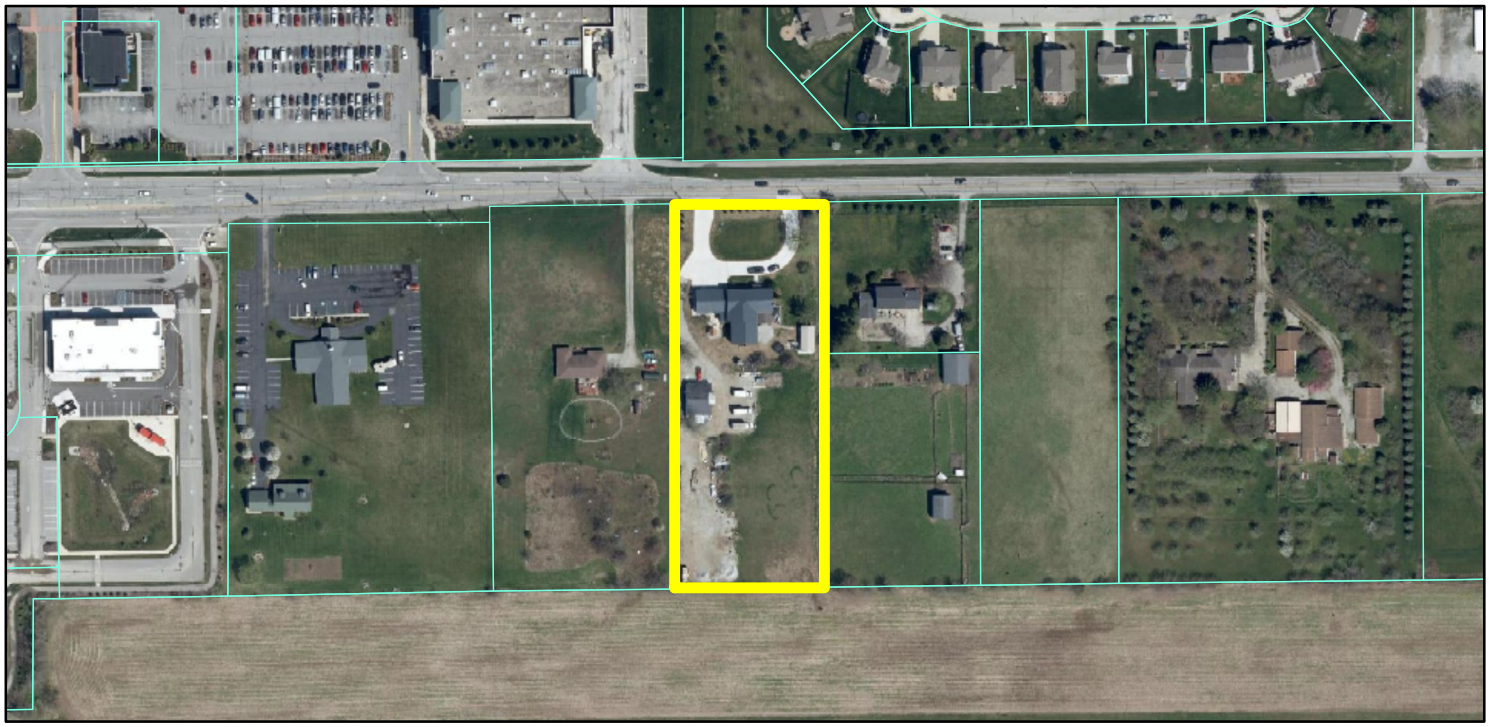
   Finding: This use does not substantially alter the characteristics of the property and will maintain the residential character of the property.

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

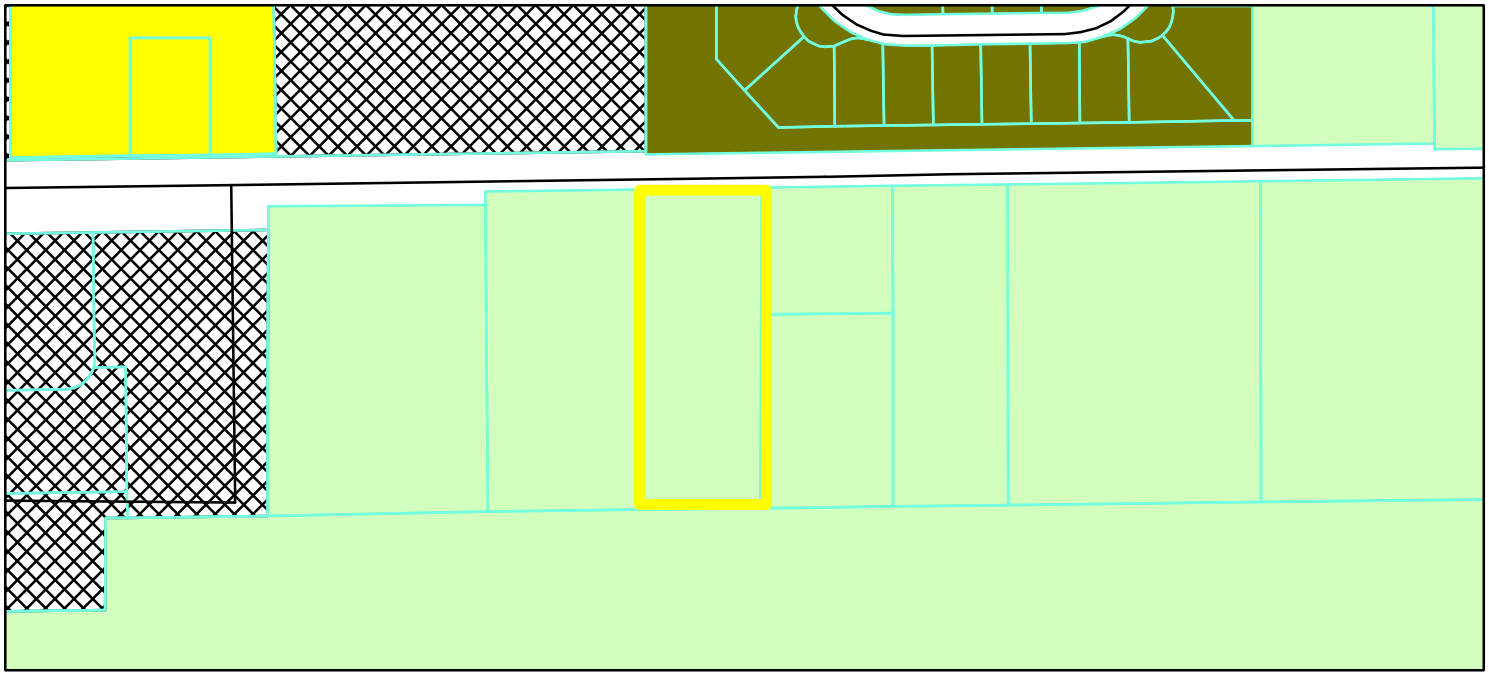
133 W 161st Street

Aerial Location Map

Site



Zoning Map



GIS.DBO.PW_Streets
Parcel
Parcel
Zoning - All

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

0 0.0275 0.055
Miles

N
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Exhibit C

Project Description

Mauricio Gonzalez is seeking a variance of use to allow his business to continue functioning on the site as it has since 2012. Gonzalez Construction Company holds up to 4 work trucks for which the employees come pick up and drop off. All construction materials are delivered directly to the construction sites and not to the subject property. Since 2012, the property will remain residential as a primary use and in character while the work trucks and employee cars are parking behind the residence. You cannot see the work trucks or employee vehicles parked from 161st Street. This proposal will not alter the site in any way or increase intensity.

The Petitioner requests that the variance be tied to the current property owner so that the use cannot be passed down if sold.

Exhibit D

Findings of Fact

1) **The use will not be injurious to the public health, safety, morals, and general welfare of the community because:** The business does not function out of the property; rather, the property holds the work trucks behind the residence since 2012. The property will remain residential in character and use. The function of the variance will not alter anything as it has been for the last 9 years. There is no storage of construction materials on the property.
2) **The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:** The property has had the same mixed-use and function since 2012. The uses and values should not change or alter the status with the issuance of this variance request.
3) **The need for the variances arises from some condition particular to the property involved because:** The Westfield Unified Development Ordinance (UDO) does not contemplate a mixed-use zoning district. Additionally, the uses considered in the "Construction Trade Office" is an accessory use keeping the residential use and character as the primary use on the site.
4) **The strict application of the terms of the Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought because:** The business holds no construction materials outside of the work trucks. This site would only allow some employees to drop off their personal vehicles and take the work trucks. The Ordinance doesn't contemplate a small business to function as an accessory use with minimal to no impact nor does the Ordinance provide a mixed-use zoning district to consider.
5) **The variance of use does not interfere substantially with the Comprehensive Plan because:** The variance does not interfere with the Comprehensive Plan because the area could be contemplated as both residential and commercial since the subject property is on the edge of both. Additionally, the property will remain residential in character with the work trucks being held behind the home out of sight from 161st Street.

Petition Number:	2111-VU-07
Subject Site Address:	SWC of SR 38 & Commerce Park Drive Approximately (the "Property")
Petitioner:	Stellhorn Northpoint, LLC (the "Petitioner")
Request:	The Petitioner is requesting a Variance of Use to permit a Firearm Shooting Range/Training Facility with an ancillary Special Handling Retail (gun sales) use on 1.38 acres +/- in the Northpoint Planned Unit Development (PUD) District
Current Zoning:	Northpoint PUD (Ord. 17-51)
Current Land Use:	Vacant
Approximate Acreage:	1.38 acres+/-
Exhibits:	1. Staff Report 2. Location Map 3. Project Executive Summary 4. Proposed Amended Secondary Plat 5. Northpoint Concept Plan
Staff Reviewer:	Daine Crabtree, Senior Planner

PROPERTY INFORMATION

The subject property is 1.38 acres +/- in size and is located at the southwest corner of State Road 38 and Commerce Park Drive approximately (the "Property") (see **Exhibit 2** and Lot 2 of Block A in **Exhibit 4**). The Property is zoned the Northpoint PUD, specifically the Commerce Parke Area 3, for which the underlying zoning district is EI: Enclosed Industrial.

VARIANCE REQUEST

The Petitioner is requesting a Variance of Use to allow a Firearm Shooting Range/Training Facility with an associated Special Handling Retail component, specifically firearm sales, on a 1.38 acre +/- parcel in the Northpoint PUD, specifically the Commerce Parke Area 3.

Firearm Shooting Range/Training Facility is not a use identified in the Westfield-Washington Township Unified Development Ordinance (UDO) either as a standalone defined use or as part

of a catch-all use with several uses listed as examples (ie: High Intensity Retail). Therefore, a Variance of Use is necessary.

The proposed use on the site would contain an ancillary gun sales use. Gun sales are identified in the UDO as a Special Handling Retail use which are only permitted in GB: General Business, EI: Enclosed Industrial, and OI: Open Industrial zoned properties with a Special Exception. Because the use is proposed to be ancillary/subordinate to an arguably more intense Firearm Shooting Range/Training Facility, the Director of Community Development has determined that if the proposed Variance of Use is granted, an additional Special Exception to permit gun sales shall not be required.

The Northpoint PUD is primarily an Enclosed Industrial area. The total acreage of the PUD is 431 acres of which 303 acres (70.3 percent) has EI: Enclosed Industrial as the underlying zoning.

The Property for which the variance is proposed has not yet been legally created. If the variance is granted, the Petitioner plans to record a Secondary Plat which would create the 1.38 acre +/- lot via an amended Secondary Plat for Section 3 of North Point (see **Exhibit 4**)

COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan identifies the property within the "Business Park" via the Land Use Concept Map.[1]

The Business Park classification is designed to: "accommodate manufacturing, research and development, processing activities, office and service uses that provide jobs and a tax base for the community." The plan also contemplates business parks to be within a "campus atmosphere, attractive buildings, and extensive landscaping, or on large parcels, of at least 5 acres, with access to arterial streets only from frontage roads."

Despite the above, the Northpoint PUD is a mixed-use PUD District which contains The Shoppes District which defaults to LB: Local Business and is located just west of the Property on the opposite side of Commerce Park Drive (see **Exhibit 5**).

Additionally, the Northpoint PUD contains The Townes and The Villas Districts which default to SF-4: Single-Family High Density, MF2: Multi-Family Medium Density, and SFA: Single-Family Attached. As such, all of these existing permitted uses are arguably in conflict with the Comprehensive Plan's more narrowly defined "Business Park" designation.

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[1] Page 24 of the Westfield and 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 Use. This petition is scheduled to receive its public hearing at the November 9, 2021, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

Conditions: The UDO[2] 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 UDO[3] requires that the approval of the variance shall be memorialized in an acknowledgement of variance instrument prepared by the Department. The acknowledgement shall: (i) specify the granted variance and any commitments made or conditions imposed in granting of the variance; (ii) be signed by the Director, Property Owner and Applicant (if Applicant is different than Property Owner); and (iii) be recorded against the subject property in the Office of the Recorder of Hamilton County, Indiana. A copy of the recorded acknowledgement shall be provided to the Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

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

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

[2] Article 10.14(I) Processes and Permits; Variances; Conditions of the UDO.
[3] Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.

DEPARTMENT COMMENTS:

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

Recommended Conditions for Approval:

1. A Secondary Plat in substantial compliance with the Proposed Amended Secondary Plat exhibit (**Exhibit 4**) shall be reviewed and approved by the Community Development and Public Works Department and subsequently recorded at the Hamilton County Recorder's Office prior to the issuance of an Improvement Location Permit for the Property.
2. Approval of the Variance of Use shall only be valid for the 1.38 acres +/- identified as Lot 2 of Block A in the Proposed Amended Secondary Plat Exhibit (**Exhibit 4**)
3. The sale of guns on the Property shall be ancillary to the use on the Property of a Firearm Shooting Range/Training Facility as determined by the Director of Community Development. If the Shooting Range/Training Facility element is removed from the Property and gun sales become the sole focal point of a business, a new Special Exception granted by the Board of Zoning Appeals shall be required.

Recommended Findings:

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

   Finding: It is unlikely that the proposed Variance of Use will be injurious to the public health, safety, morals, and general welfare of the community because concerns due to ballistics, noise, and emissions will be mitigated by the building's structural and mechanical design. Further, concerns for safe handling, transportation, and behavior of clientele are operationally managed and promoted by the prospective business.

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

   Finding: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner because the proposed use has congruent external aesthetics to the current allowed land uses and the building design will mitigate adverse impacts from the internal use. The proposed use will also provide destination traffic that would be synergetic to adjacent properties and positive for their land value

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

Finding: The proposed use is not defined by the UDO and therefore not permitted anywhere in Washington Township without a Variance of Use.

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

   Finding: Strict application of the ordinance will cause unnecessary hardship because the use is not permitted anywhere in Washington Township despite the Property's underlying zoning suggesting the use as appropriate.

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

   Finding: The Westfield-Washington Comprehensive Plan (the "Comprehensive Plan") includes this property in the area designated as "Business Park". The underlying zoning classification for the Property is Enclosed Industrial, which is exactly the type of use the Petitioner feels is necessary. Additionally, the Northpoint PUD permits General Business, Local Business, Single-Family and Multi-Family uses which are not listed as appropriate uses within the Comprehensive Plan's "Business Park" classification for the Property and the surrounding areas zoned as the Northpoint PUD.

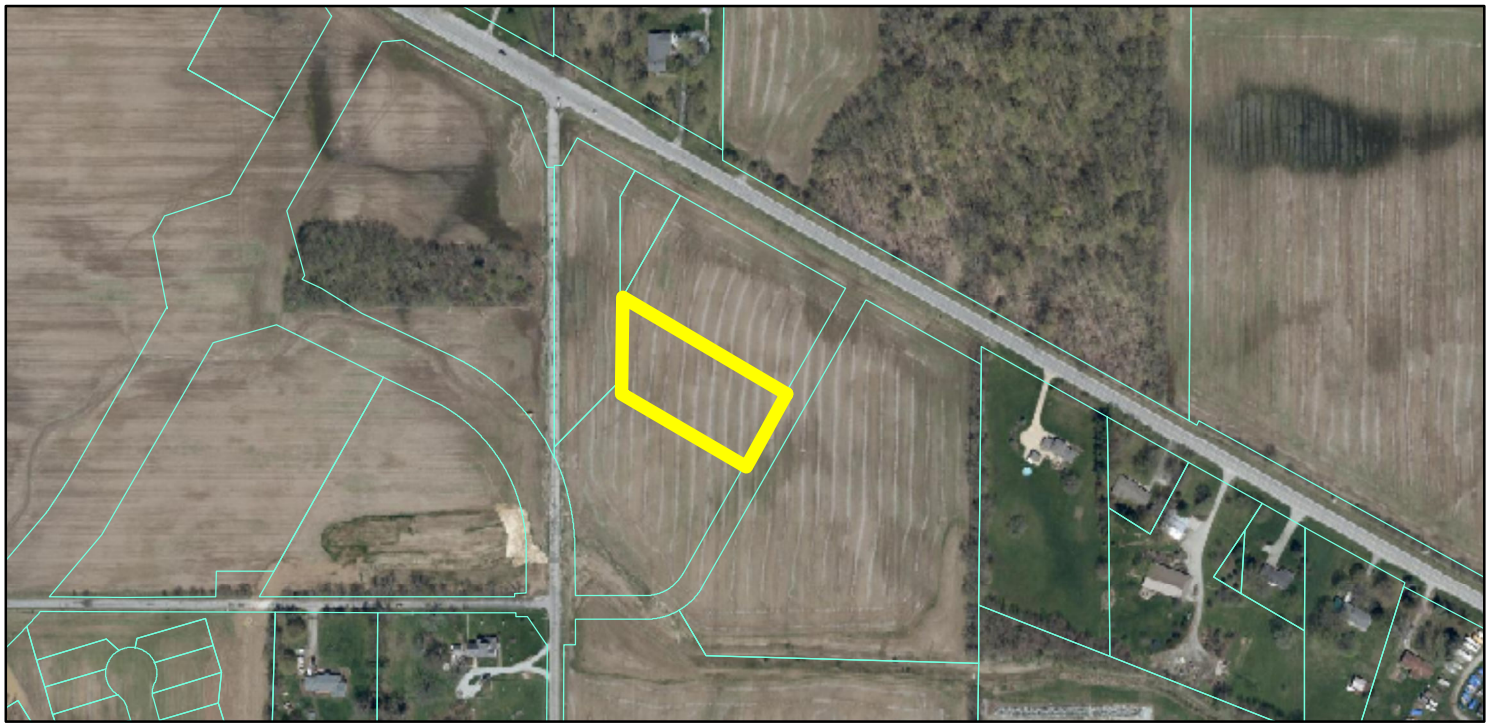
Denial: If the Board is inclined to reject or deny the Variance of Use, then the Department recommends denying the Variance of Use, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence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

CITY OF Westfield INDIANA

2111-VU-07

Aerial Location Map

Site



Zoning Map

GIS.DBO.PW_Streets
Parcel
Parcel
Zoning - All

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

0 0.05 0.1 Miles

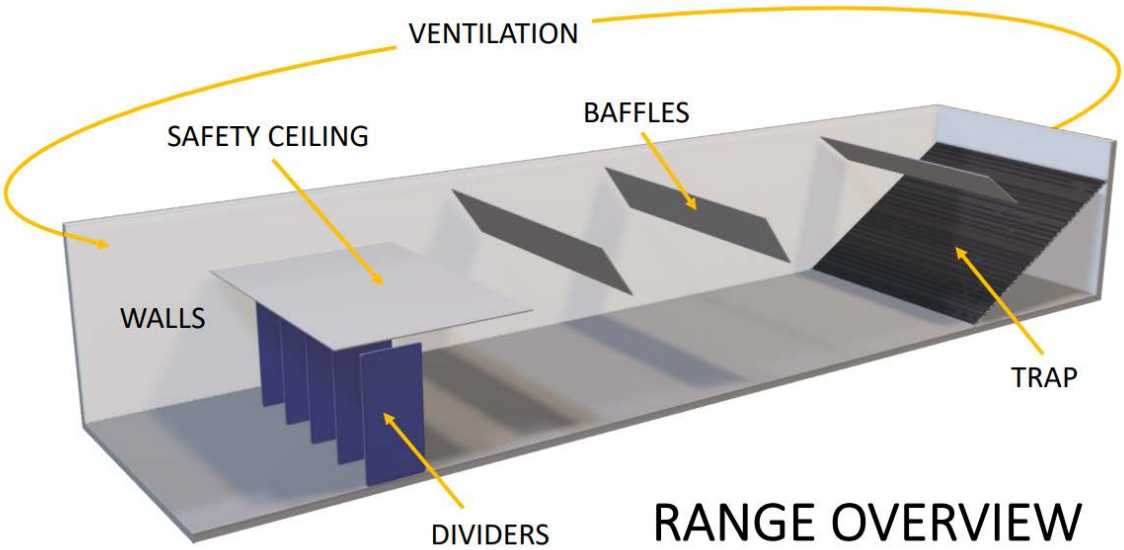
N W E S

Executive Summary 10/24/2021

Hoosier Armory was started Oct 1, 2011, out of a home office in Carmel Indiana. We have a brick & mortar retail location currently in Noblesville, IN along with our web site HoosierArmory.com that is open 24/7. We have come a long way since then and we feel it is our responsibility to continue our growth and the growth of our associates to be able to offer Training and Education, along with maintenance and sales of firearms.

Listed below are several Exhibits we would like to refer to help convey our message of Safety, Safety, and Safety.

EXHIBIT #1:



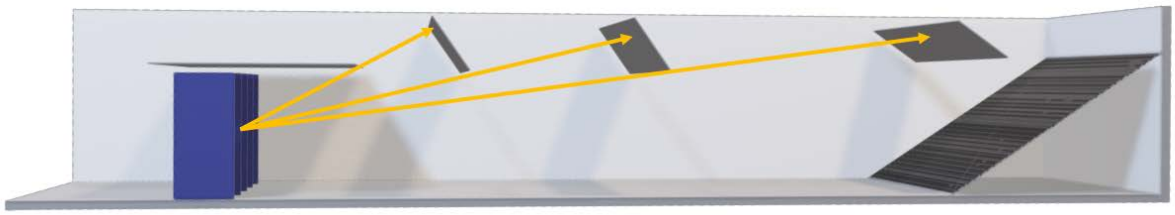
RANGE OVERVIEW

This cutaway overview of a typical indoor shooting facility depicts an entire Ballistic Envelope negating any chance of an errant rounds escaping from the inside of the structure. Also important is the ventilation system which will move 75 CFM of air past the fire line sending it through HEPA filters exhausting the air cleaner than it came in. Also, all filter media is recycled and not discarded. In addition, all interior Bay surfaces will be covered with a ballistic panel called, HS ARMOR PANELS. Refer to Attachment #1.

EXHIBIT #2:

BAFFLES and SAFETY CEILING

Shooting position determines # of rows needed

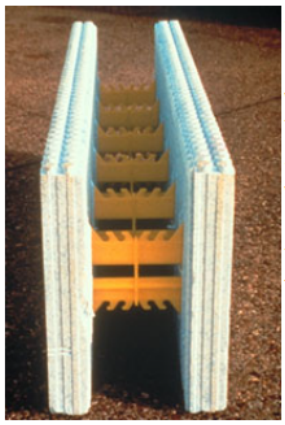


From the firing line shows how steel BAFFLES protect the concrete structure.

Exhibit #3:

Walls:

Insulating Concrete Forms (ICFs)



End view of typical preassembled flat wall ICF block

Insulating concrete forms (ICFs) result in cast-in-place concrete walls that are sandwiched between two layers of insulation material. These systems are strong and energy efficient. Common applications for this method of construction are low-rise buildings, with property uses ranging from residential to commercial to industrial. Traditional finishes are applied to interior and exterior faces, so the buildings look similar to typical construction, although the walls are usually thicker.

Overview and History

Insulating concrete forms, or ICFs, are forms used to hold fresh concrete that remain in place permanently to provide insulation for the structure they enclose. Their history dates back to after World War II, when blocks of treated wood fibers held together by cement were used in Switzerland. In the 1940s and 1950s, chemical companies developed plastic foams, which by the 1960s allowed a Canadian inventor to develop a foam block that resembles today's typical ICFs. Europeans were developing similar products around the same time.

Both exterior walls construction using ICF, along the roof being constructed of precast concrete panels.

Please refer to Attachment #2 for SPEC's.

Exhibit #4:

Granular Rubber Bullet Trap

Encapsulator™ Gran Trap utilizes a thick layer of granulated rubber material to safely capture bullets intact with virtually no lead dust or bullet fragmentation while reducing impact noise. This makes for a cleaner, safer range and is perfect for those who want to recover and recycle spent rounds.

- Saves on HEPA Filters
- Safe at Close Distance
- Minimal Maintenance
- Noise Reduction
- Low Up Front Cost
- High Volume

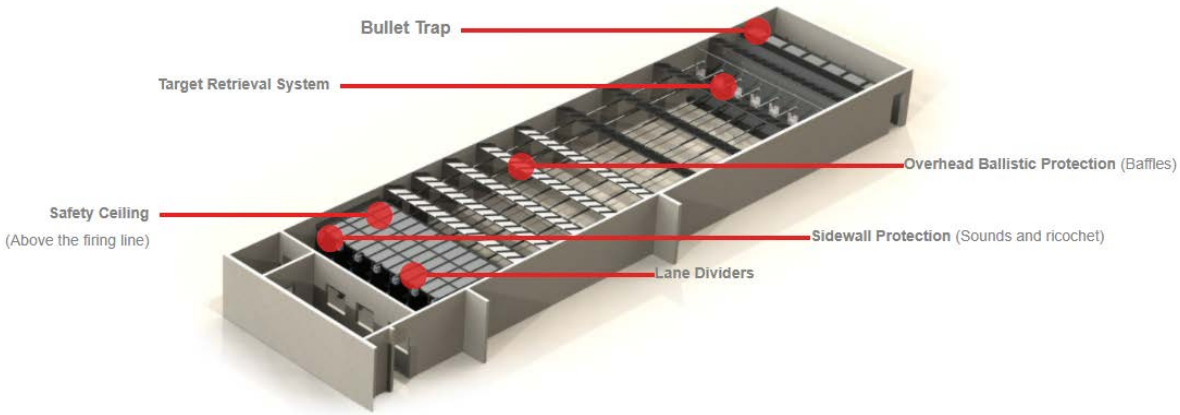
Ideal for tactical ranges, this trap allows shooters to advance downrange and engage targets at extremely close distances with no concern of bullet splatter. The granular rubber bullet trap is a high volume trap for indoor range as well as outdoor ranges. Compared to other bullet trap designs, the granular trap is easy to install, low cost and has a very low cost of ownership.

Simple construction and very effective.

Exhibit #5:

Below is the entire system working together.

To simplify, there are only a handful of necessary components to create a safe range environment.



In summary, Hoosier Armory intends to build a state-of-the-art Shooting and Training Center. We will do this by ensuring:

A. The use will not be injurious to the public health, safety, morals, and general welfare of the community because concerns due to ballistics, noise, and emissions are mitigated

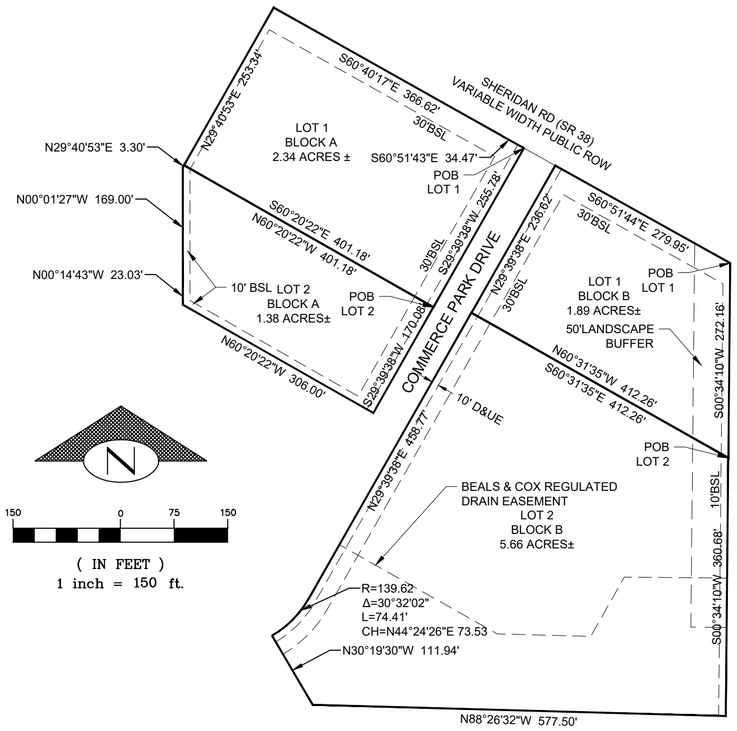
by the building structural and mechanical design. Further, concerns for safe handling, transportation, and behavior of clientele are operationally managed and promoted by the prospective business.

B. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the proposed use has congruent external aesthetics to the current allowed land uses and the building design mitigates adverse impacts from the internal use. The proposed use will also provide destination traffic that would be synergetic to adjacent properties and positive for their land value.

NORTH POINT

SECTION 3 AMENDED SECONDARY PLAT

PART OF THE NW 1/4 OF
SECTION 20 T19N, R4E
HAMILTON COUNTY, INDIANA
BLOCK A AND BLOCK B
SUBDIVISION EXHIBIT ONLY
(NOT FOR RECORDING)



LOT 1 BLOCK A
A PART OF BLOCK A IN NORTH POINT SECTION 3 AMENDED SECONDARY PLAT AS PER PLAT THEREOF RECORDED IN INSTRUMENT # 2021075164 IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA, SAID PLAT WAS COMPLETED BY TERRY D. WRIGHT, PS # 9700013 FOR HAMILTON DESIGNS PROJECT # 2020-0106, DATED JUNE 6, 2021 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; BEGINNING AT THE NORTHEAST CORNER OF SAID BLOCK; THENCE SOUTH 29 DEGREES 39 MINUTES 38 SECONDS WEST (PLAT BEARING) AND ALONG THE WEST RIGHT OF WAY LINE OF COMMERCE PARK DRIVE 255.78 FEET; THENCE NORTH 60 DEGREES 20 MINUTES 22 SECONDS WEST 401.18 FEET TO THE WEST LINE OF SAID BLOCK; THENCE NORTH 29 DEGREES 40 MINUTES 53 SECONDS EAST 253.34 FEET TO THE NORTHWEST CORNER OF SAID BLOCK; THENCE SOUTH 60 DEGREES 40 MINUTES 17 SECONDS EAST ALONG THE NORTH LINE OF SAID BLOCK AND THE RIGHT OF WAY LINE OF SHERIDAN ROAD (STATE ROAD 38) 366.62 FEET; THENCE SOUTH 60 DEGREES 51 MINUTES 43 SECONDS EAST CONTINUING ALONG SAID NORTH LINE 34.47 FEET TO THE POINT OF BEGINNING, CONTAINING 2.34 ACRES MORE OR LESS.

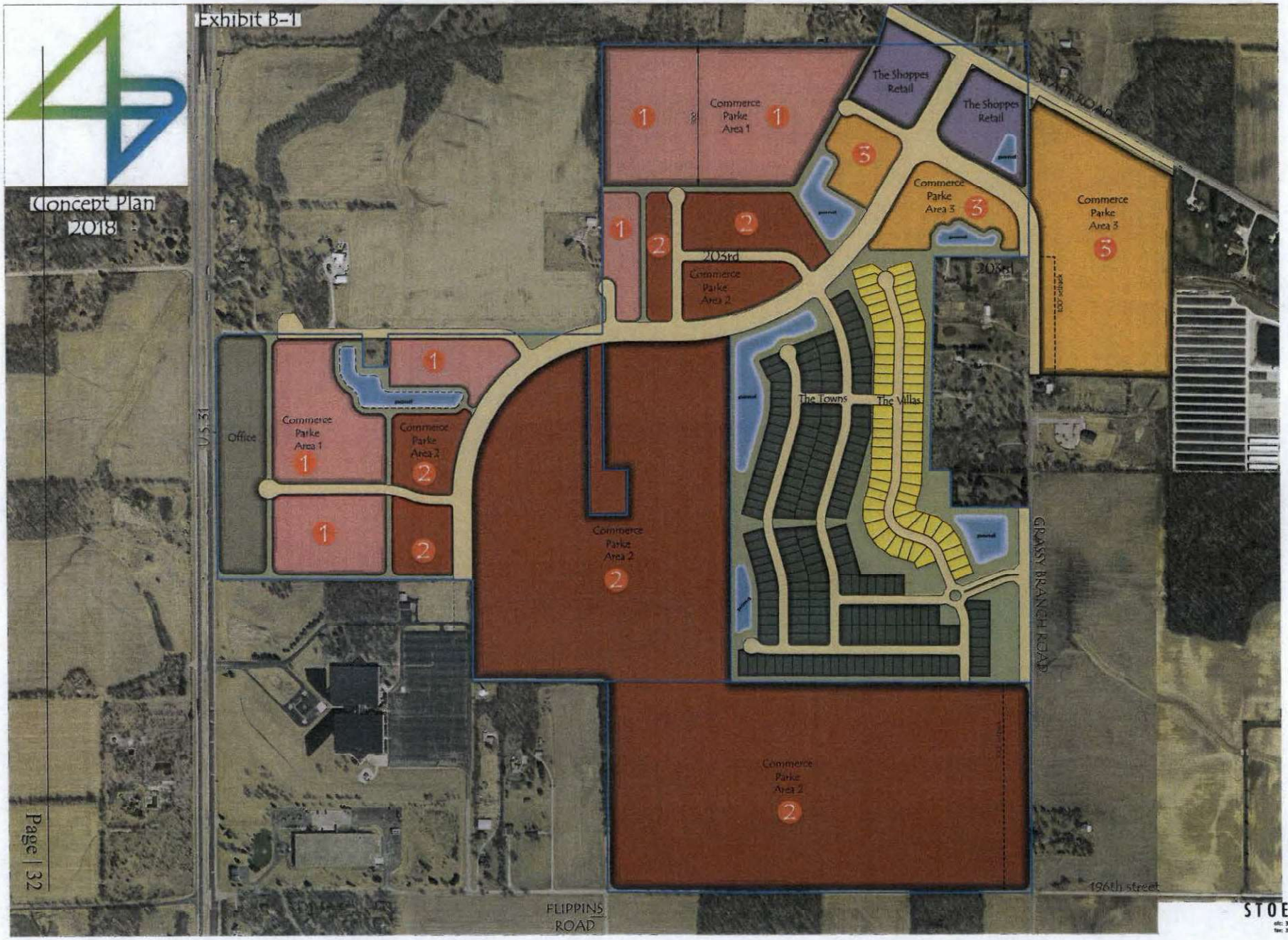
LOT 2 BLOCK A
A PART OF BLOCK A IN NORTH POINT SECTION 3 AMENDED SECONDARY PLAT AS PER PLAT THEREOF RECORDED IN INSTRUMENT # 2021075164 IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA, SAID PLAT WAS COMPLETED BY TERRY D. WRIGHT, PS # 9700013 FOR HAMILTON DESIGNS PROJECT # 2020-0106, DATED JUNE 6, 2021 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCING AT THE NORTHEAST CORNER OF SAID BLOCK; THENCE SOUTH 29 DEGREES 39 MINUTES 38 SECONDS WEST (PLAT BEARING) AND ALONG THE WEST RIGHT OF WAY LINE OF COMMERCE PARK DRIVE 255.78 FEET TO THE POINT OF BEGINNING OF THIS DESCRIBED PARCEL; THENCE CONTINUING SOUTH 29 DEGREES 39 MINUTES 38 SECONDS WEST 170.08 FEET; THENCE NORTH 60 DEGREES 20 MINUTES 22 SECONDS WEST 306.00 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK; THENCE NORTH 00 DEGREES 14 MINUTES 43 SECONDS WEST ALONG THE WEST LINE OF SAID BLOCK 23.03 FEET; THENCE NORTH 00 DEGREES 01 MINUTES 27 SECONDS WEST 169.00 FEET ALONG THE WEST LINE OF SAID BLOCK; THENCE NORTH 29 DEGREES 40 MINUTES 53 SECONDS EAST 3.30 FEET ALONG THE WEST LINE OF SAID BLOCK; THENCE SOUTH 60 DEGREES 20 MINUTES 22 SECONDS EAST 401.18 FEET TO THE POINT OF BEGINNING OF THIS DESCRIBED PARCEL, CONTAINING 1.38 ACRES MORE OR LESS.

LOT 1 BLOCK B
A PART OF BLOCK B IN NORTH POINT SECTION 3 AMENDED SECONDARY PLAT AS PER PLAT THEREOF RECORDED IN INSTRUMENT # 2021075164 IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA, SAID PLAT WAS COMPLETED BY TERRY D. WRIGHT, PS # 9700013 FOR HAMILTON DESIGNS PROJECT # 2020-0106, DATED JUNE 6, 2021 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; BEGINNING AT THE NORTHEAST CORNER OF BLOCK; THENCE SOUTH 00 DEGREES 34 MINUTES 10 SECONDS WEST ALONG THE EAST LINE 272.16 FEET; THENCE NORTH 60 DEGREES 31 MINUTES 35 SECONDS WEST 412.26 FEET TO THE WEST LINE OF SAID BLOCK AND THE EAST RIGHT OF WAY LINE OF COMMERCE PARK DRIVE; THENCE NORTH 29 DEGREES 39 MINUTES 38 SECONDS EAST ALONG SAID RIGHT OF WAY 236.62 FEET TO THE NORTHWEST CORNER OF SAID BLOCK; THENCE SOUTH 60 DEGREES 51 MINUTES 44 SECONDS EAST ALONG THE NORHT LINE OF SAID BLOCK AND THE SOUTH RIGHT OF WAY LINE OF SHERIDAN ROAD (STATE ROAD 38) 279.95 FEET TO THE POINT OF BEGINNING OF THIS DESCRIBED PARCEL, CONTAINING 1.89 ACRES MORE OR LESS.

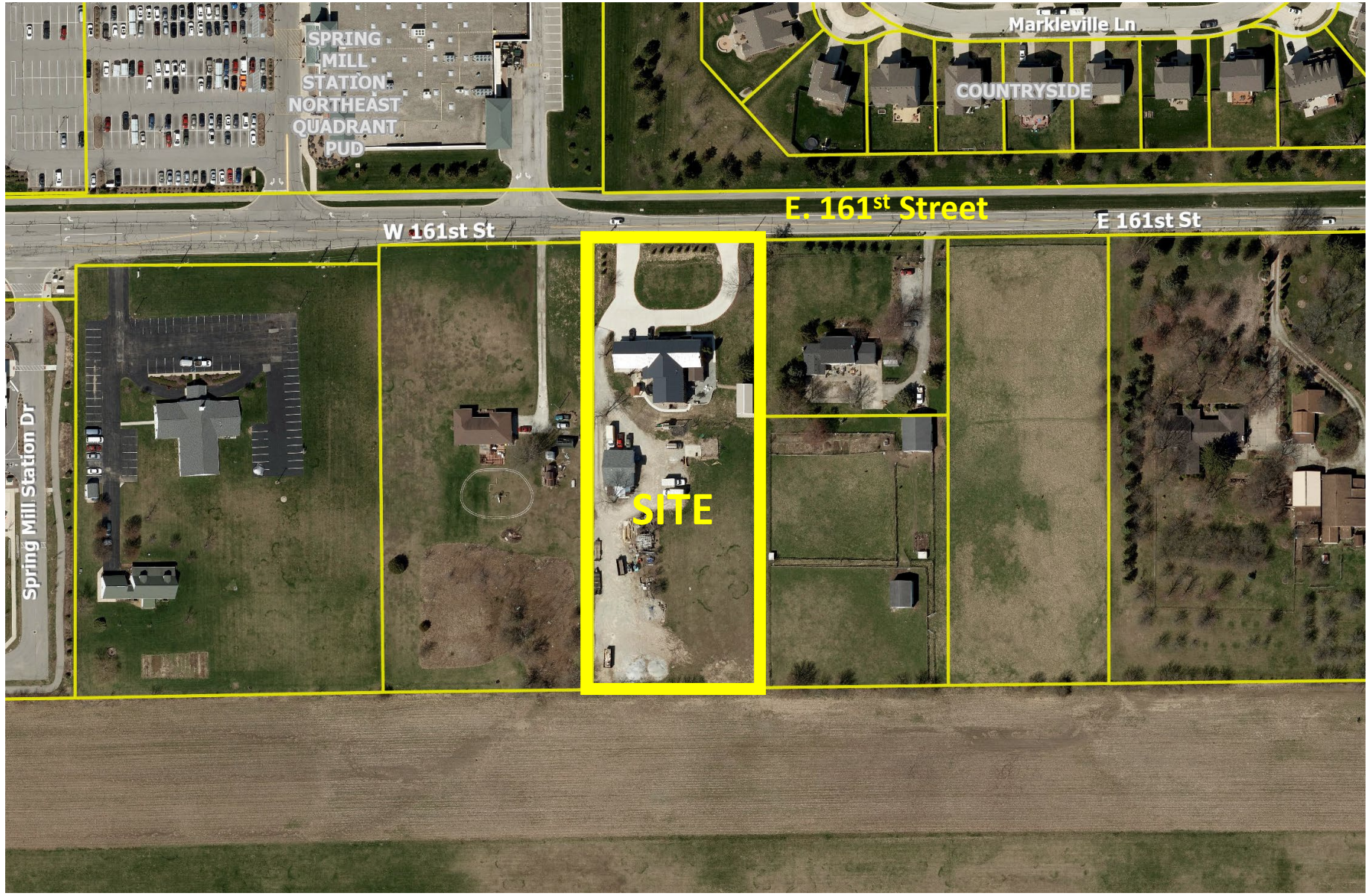
LOT 2 BLOCK B
A PART OF BLOCK B IN NORTH POINT SECTION 3 AMENDED SECONDARY PLAT AS PER PLAT THEREOF RECORDED IN INSTRUMENT # 2021075164 IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA, SAID PLAT WAS COMPLETED BY TERRY D. WRIGHT, PS # 9700013 FOR HAMILTON DESIGNS PROJECT # 2020-0106, DATED JUNE 6, 2021 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCING AT THE NORTHEAST CORNER OF BLOCK; THENCE SOUTH 00 DEGREES 34 MINUTES 10 SECONDS WEST ALONG THE EAST LINE 272.16 FEET TO THE POINT OF BEGINNING OF THIS DESCRIBED PARCEL; THENCE CONTINUING SOUTH 00 DEGREES 34 MINUTES 10 SECONDS WEST 360.68 FEET TO THE SOUTHEAST CORNER OF SAID BLOCK; THENCE NORTH 88 DEGREES 26 MINUTES 32 SECONDS WEST 577.50 FEET; THENCE NORTH 30 DEGREES 19 MINUTES 30 SECONDS WEST 111.94 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK AND ON A NON-TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 139.62 FEET, SUBTENDED BY A CHORD BEARING OF NORTH 44 DEGREES 24 MINUTES 26 SECONDS EAST AND A CHORD DISTANCE OF 73.53; THENCE ON AND ALONG SAID CURVE AN ARC DISTANCE OF 74.41 FEET; THENCE NORTH 29 DEGREES 39 MINUTES 38 SECONDS EAST 458.77 FEET; THENCE SOUTH 60 DEGREES 31 MINUTES 35 SECONDS EAST 412.26 FEET TO THE POINT OF BEGINNING OF THIS DESCRIBED PARCEL, CONTAINING 5.66 ACRES MORE OR LESS.

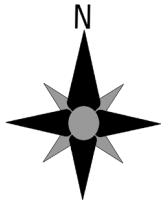
THE DOES NOT REPRESENT AN ORIGINAL OR A RETRACEMENT OR ROUTE SURVEY OR SURVEYOR LOCATION REPORT AS DEFINED BY RULE 12 TITLE 865 I.A.C.

EXHIBIT B-1
ZONING BUBBLE PLAN

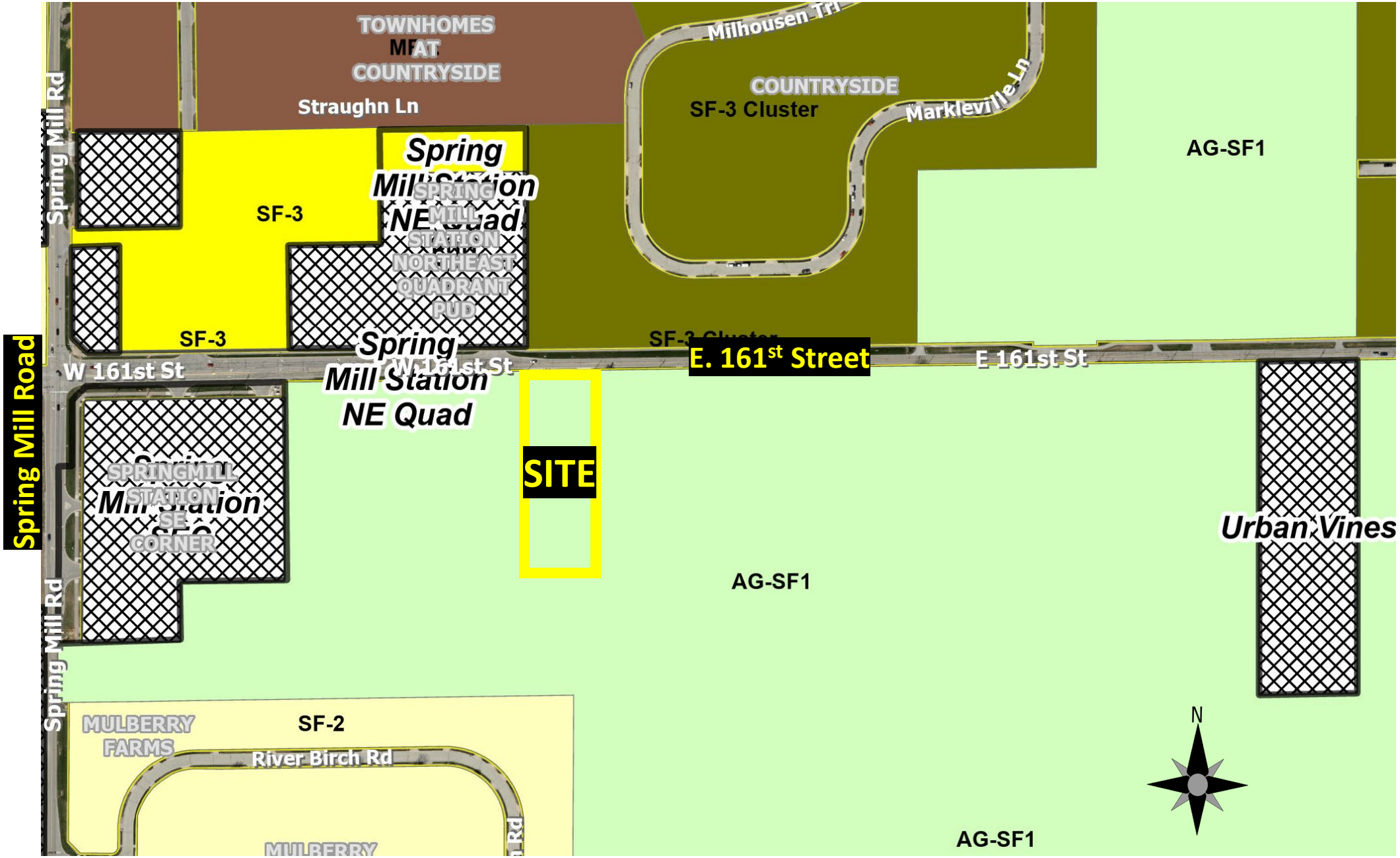


STOEPPELWERTH


SPRING MILL STATION NORTHEAST QUADRANT PUD
Markleville Ln
COUNTRYSIDE
E. 161st Street
W 161st St
E 161st St
Spring Mill Station Dr
SITE


N

Aerial Map


TOWNHOMES
MF AT
COUNTRYSIDE
Straughn Ln
Milhousen Trl
COUNTRYSIDE
SF-3 Cluster
Markleville Ln
AG-SF1
Spring Mill Rd
SF-3
Spring Mill Station NE Quad
SPRING MILL STATION NORTHEAST QUADRANT PUD
SF-3
SF-3 Cluster
E. 161st Street
E 161st St
W 161st St
Spring Mill Road
Spring Mill Station NE Quad
SITE
SPRINGMILL STATION SE CORNER
Urban Vines
AG-SF1
Spring Mill Rd
MULBERRY FARMS
SF-2
River Birch Rd
MULBERRY
N
AG-SF1

Zoning Map

Pleasant Cities, LLC

Project Description

Mauricio Gonzalez is seeking a variance of use to allow his business to continue functioning on the site as it has since 2012. In 2018, Mauricio was granted a variance to allow 4 work trucks to be parked at his residence and to have his office function on site. That variance is set to expire by the end of this year. Mauricio wishes for his company to stay in Westfield where his business began. Purchasing additional property to hold work trucks and allow employees to pick them up is exceedingly difficult. Gonzalez Construction Company holds up to 4 work trucks for which the employees come pick up and drop off. All construction materials are delivered directly to the construction sites and not to the subject property. As since 2012, the property has and will remain residential as a primary use and in character while the work trucks and employee cars are parking behind the residence. This proposal will not alter the site in any way or increase intensity.

To Whom It May Concern:

I'm writing this letter in support of my neighbor, Mauricio Gonzalez, and his home-based business, Gonzalez Construction. Since all of his employees do their work at the customers site, very little goes on at this location. Occasionally an employee will pull into this location to pick-up a piece of equipment needed at the jobsite. So there is very little impact to the area.

I would hope that he could continue with a variance to allow his centrally located home based business to remain in place and provide the needed service he provides for the folks in this growing area while generating needed employment.

John M. Ruddock
141 West 161st
Westfield, Indiana 46074
gorudd@gmail.com
317-727-5074

SANDLIN LAW GROUP, P.C.

P.O. Box 4656
Carmel, IN 46082

Phone: (317) 383-0000
Fax: (317) 399-6982

Daniel W. Sandlin, Managing Attorney
Jeramy Ferguson, Associate Attorney
Robert James II, Associate Attorney
Jacob Alan Bradshaw Attorney
sandlingroup.com

November 1, 2021

Westfield Community Development Department
2728 East 171st Street
Westfield, Indiana 46074

RE: EXTENSION OF EXISTING VARIANCE OF USE PERMITTING
A CONSTRUCTION TRADE OFFICE FOR GONZALEZ CONSTRUCTION

Dear Westfield Community Development Department:

I live directly East of the subject property that Mauricio Gonzalez uses for his business and lives. I have had no issues or concerns form Mauricio nor his Construction Company or its operations since moving into my property located at 101 W 161st St Westfield, IN in 2012. He is considerate to not disturb my property nor any of my animals who are easily bothered. He doesn't work at the property. He simply stores his equipment for daily use. As an adjoining property owner, I have no objection for the continuation of the existing variance.

Sincerely,

Dan Sandlin

Approval: If the Board is inclined to approve the Variance of Use (**2111-VU-06**), then the Department recommends approval with the following condition:

- **The Variance of Use shall expire on December 31, 2024**

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

Recommended Findings for Approval:

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

   Finding: It is unlikely that allowing storage of landscape vehicles to locate on the Property for a temporary period will increase density or traffic, nor alter the current characteristics of the Property or the surrounding community since the business has been operating at the Property since 2012. The Property will be primarily used as a single-family residence.

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

   Finding: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The proposed variance should not have a negative impact on surrounding properties. The business has been storing their trucks and equipment since 2012. All such parking areas will be appropriately screened from view of 161st Street.

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

   Finding: The variance would allow additional time to search for a permanent location for the business to operate. Not permitting the variance will result in ceasing all operations of the business.

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

   Finding: The Property has substantial space for this low impact and temporary use of storing the company commercial vehicles behind the existing buildings. This location is necessary during the searching and relocation of the business.

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

   Finding: This use does not substantially alter the characteristics of the property and will maintain the residential character of the property.

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

Exhibit D

Findings of Fact

1) **The use will not be injurious to the public health, safety, morals, and general welfare of the community because:** The business does not function out of the property; rather, the property holds the work trucks behind the residence since 2012. The property will remain residential in character and use. The function of the variance will not alter anything as it has been for the last 9 years. There is no storage of construction materials on the property.
2) **The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:** The property has had the same mixed-use and function since 2012. The uses and values should not change or alter the status with the issuance of this variance request.
3) **The need for the variances arises from some condition particular to the property involved because:** The Westfield Unified Development Ordinance (UDO) does not contemplate a mixed-use zoning district. Additionally, the uses considered in the "Construction Trade Office" is an accessory use keeping the residential use and character as the primary use on the site.
4) **The strict application of the terms of the Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought because:** The business holds no construction materials outside of the work trucks. This site would only allow some employees to drop off their personal vehicles and take the work trucks. The Ordinance doesn't contemplate a small business to function as an accessory use with minimal to no impact nor does the Ordinance provide a mixed-use zoning district to consider.
5) **The variance of use does not interfere substantially with the Comprehensive Plan because:** The variance does not interfere with the Comprehensive Plan because the area could be contemplated as both residential and commercial since the subject property is on the edge of both. Additionally, the property will remain residential in character with the work trucks being held behind the home out of sight from 161st Street.

Petition Number:	2111-VS-43
Subject Site Address:	726 Wexford Hill Court ("the Property")
Petitioner:	Homes by McKenzie ("the Petitioner")
Request:	The Petitioner requests a Variance of Development Standard to encroach 3.8-feet into the 22-foot Front Yard Setback in the Chatham Hills PUD District (Sec. 9.1 of Ord. 13-24).
Current Zoning:	Chatham Hills PUD District
Current Land Use:	Residential
Approximate Acreage:	0.46 acres +/-
Exhibits:	1. Staff Report 2. Location Map 3. As-Built Plot Plan 4. Application
Staff Reviewer:	Pam Howard, Senior Planner

OVERVIEW

Location: The subject property is 0.46 acres +/- in size (the "Property") and located at 726 Wexford Hill Court **(**see **Exhibit 2)**. The Property is zoned the Chatham Hills PUD District. Adjacent properties are also zoned the Chatham Hills PUD District.

Property History: The Property was platted with Section 2A of the Chatham Hills Subdivision, which was recorded on January 21, 2016. An Improvement Location Permit (ILP) was issued on June 21, 2021 and the house is currently under construction.

Requested Variances: The Petitioner is requesting a Variance of Development Standard to encroach 3.8-feet into the 22-foot Front Yard[1] Setback due to a foundation error.

---

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

SUMMARY OF VARIANCE

The Property is in District Area 1-F of the Chatham Hills PUD, which has a Minimum Front Yard Setback of twenty-five (25) feet. The UDO, however, permits a three (3) foot setback reduction where Street Trees are provided in the Right-of-way[2]. For this reason, the platted setback on this and other surrounding lots in twenty-two (22) feet. The Plot Plan provided with the ILP application showed the southeast corner of the house being twenty-three (23) feet behind the Front Lot Line[3]. After the foundation was poured, the foundation company notified the Department of the error which resulted in the southeast corner of the garage being 18.2 feet off the Front Lot Line, or 3.8 feet in front of the Building Setback Line[4].

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Development Standard. This petition is scheduled to receive its public hearing at the November 9, 2021, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

Conditions: The UDO[5] 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 UDO[6] 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

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[2] UDO Article 6.16(I) Setback Standards; Front Yard Building Setback Lines (Street Trees): If a Lot is adjacent to a Right-of-way that includes Street Trees within the Right-of-way in accordance with Article 6.8 Landscaping Standards, then the Lot's Front Yard Minimum Building Setback Line, as established by the District in which the Lot is located, shall be reduced by three (3) feet; however, the Lot's minimum Driveway length shall be twenty (20) feet, as measured from the Right-of-way line.

[3] The UDO defines "Lot Line, Front" as "[a] Lot Line abutting a Street (public or Private Street). A Through Lot and Corner Lot will have multiple Front Lot Lines."

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

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

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.

DEPARTMENT COMMENTS:

Approval: The Department recommends approval of the Variances of Standard (2111-VS-43), then the Department recommends the conditions and findings as set forth below:

Recommended Conditions of Approval:

1. That the variance applies only to the improvements being constructed under Improvement Location Permit 21-RSFR-719-997.
2. That the Petitioner shall record an acknowledgement of this approval with the Hamilton County Recorder's Office and return a copy of the recorded instrument to the Community Development Department.

Recommended Findings for Approval:

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

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

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

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

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

   Finding: Strict adherence to the zoning ordinance would require the existing construction to be demolished and reconstructed in compliance with the PUD 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.