



**CITY OF WESTFIELD, IN**  
**Board of Zoning Appeals Meeting Agenda - 12/10/2024**  
Tuesday, December 10, 2024 at 7:00 PM

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**BOARD OR COMMISSION:** Board of Zoning Appeals Meeting  
**MEETING DATE:** Tuesday, December 10, 2024 at 7:00 PM  
**MEETING PLACE:** Westfield City Hall - Assembly Room

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

**Online viewable @ <https://www.youtube.com/user/CityofWestfieldIN>**

**THE FOLLOWING AGENDA IS SUBJECT TO CHANGE AT THE DISCRETION OF THE WESTFIELD-WASHINGTON TOWNSHIP BOARD OF ZONING APPEALS**

**OPENING OF MEETING**

Note the presence of a quorum

Approval of Minutes - November 12, 2024

Review Rules & Procedures

**ITEMS OF BUSINESS**

**2412-VS-30 [PUBLIC HEARING]**

**16850 Greensboro Drive**

**Rick and MaryAnn Kerby**

The Petitioner request a Variance of Development Standard to modify Minimum Lot Area and Side Yard Setback standards for an existing legal nonconforming lot and structure, and to encroach twelve (12) feet into the 30-foot Minimum Rear Yard Setback to enclose an existing open-air deck as a sunroom (Articles 4.6(C), 4.6(E)(2), and 4.6(E)(3).

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

**2412-VS-31 [PUBLIC HEARING]**

**18700 N. Union Street**

**Lennar Homes of Indiana, LLC**

The Petitioner requests Variances of Development Standard to modify required Masonry Material and Streetscape Variety standards on 11 acres +/- in the Midtown at Westfield Planned Unit Development (PUD) District.

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

**ITEMS CONTINUED TO A FUTURE MEETING**

None.

**REPORTS/COMMENTS**

Plan Commission Liaison

Community Development Department

**ADJOURNMENT**



## Westfield-Washington Township Board of Zoning Appeals (BZA)

Minutes of the Tuesday, November 12, 2024, BZA Meeting

Presented for approval: December 10, 2024

Westfield-Washington Township Board of Zoning Appeals  
met at 7:00 p.m. on Tuesday, November 12, 2024 at Westfield City Hall.

Active links for this meeting:

[November 12, 2024 YouTube Video](#)

**OPENING OF MEETING:** 7:00p.m.

[You Tube Time: 0:00](#)

### **CALL TO ORDER**

#### **Roll Call**

**BZA Members Present In-Person:** Billy Bunkowfst, Larry Clarino, Jeff Boller, Mark Keen.

**BZA Members Present Virtually:** None.

**BZA Members Absent:** Jake Plummer.

**City Staff Present In-Person:** Daine Crabtree, Current Planning Manager.

**City Staff Present Virtually:** Kristine Gordon, Taft Stettinius & Hollister LLP.

**Legal Counsel Present In-Person:** None.

### **DETERMINATION OF A QUORUM**

### **APPROVAL OF MINUTES**

Boller motioned to approve the September 10, 2024 BZA Minutes.

Bunkowfst seconded. Motion passed. Vote 4-0.

### **APPROVAL OF 2025 BZA MEETING DATES**

Clarino motioned to approve the 2025 Board of Zoning Appeals Meeting Dates.

Boller seconded. Motion passed. Vote 4-0.

### **REVIEW RULES AND PROCEDURES**

Crabtree reviewed BZA rules and procedures.

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### **ITEMS OF BUSINESS**

**2411-VS-29**

**170 Jersey Street**

[You Tube Time: 4:05](#)

**[PUBLIC HEARING]**

*Old Town Companies*

The Petitioner requests Variances of Development Standard to modify sign standards on a 1.68 acre +/- property in the Union Square at Grand Junction PUD District  
(Planner: Daine Crabtree – [dcrabtree@westfield.in.gov](mailto:dcrabtree@westfield.in.gov) )

Staff presentation / BZA comments / Staff responses.

Public Hearing for 2411-VS-29 opened at 7:12 p.m.

- No public comments.

Public Hearing for 2411-VS-29 closed at 7:13 p.m.

BZA comments / Petitioner responses.

Bunkowfst motioned to approve 2411-VS-29 subject to the recommended conditions stated in the staff report.

Clarino seconded. Motion passed. Vote 4-0.

Clarino motioned to adopt Staff's Findings of Fact for 2411-VS-29.

Boller seconded. Motion passed. Vote 4-0.

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### **ITEMS CONTINUED TO A FUTURE MEETING**

[NO ITEMS]

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

Website: [www.westfield.in.gov](http://www.westfield.in.gov) / Community Development Department E-mail: [community@westfield.in.gov](mailto:community@westfield.in.gov)

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**REPORTS/COMMENTS:**

[YouTube Time: 13:36](#)

- Plan Commission Liaison
- Community Development Department

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**ADJOURNMENT**

Boller motioned to adjourn the meeting. Clarino seconded. Motion passed. Vote 4-0.  
The meeting adjourned at 7:19 p.m.

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## Signature Page for BZA Minutes for November 12, 2024

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Mark Keen  
Chairperson

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Secretary  
Kevin M. Todd, AICP  
Director



**Petition Number:** 2412-VS-30

**Subject Site Address:** 16850 Greensboro Drive (the "Property")

**Petitioner:** Richard Kerby (the "Petitioner")

**Request:** The Petitioner requests Variance of Development Standards to modify the Minimum Lot Area and Minimum Side Yard Setback standards for an existing legal nonconforming lot and structure, and to encroach twelve (12) feet into the 30-foot Minimum Rear Yard Setback to permit an attached addition (screened-in porch) on 0.13 +/- acres in the SF-3 Cluster District.

*Articles 4.6(C), 4.6(E)(2), & 4.6(E)(3)*

**Current Zoning:** SF-3 Cluster District

**Current Land Use:** Residential

**Approximate Acreage:** 0.13 acres +/-

**Exhibits:**

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

**Staff Reviewer:** Ryan Collingwood, Associate Planner

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## **PROPERTY INFORMATION & BACKGROUND**

The subject Property is approximately 0.13 acre in size and located at 16850 Greensboro Drive, as seen in the Location Map (**Exhibit 2**). The Property's zoning classification is the SF-3 Cluster District. As the SF-3 Cluster District is no longer active, the Property reverts to the SF-3 District standards of the UDO.

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## **REQUEST FOR VARIANCE**

The Petitioner intends to construct an attached, screened-in porch on the Property, in the specific location shown within the Site Plan (**Exhibit 3**). In order to legally construct the structure, multiple Variance of Development Standards are required to be sought due to characteristics of the site and its zoning designations. Aforementioned, the subject lot is considered a legal, nonconforming lot. Outlined below are the requests for Variance:

- **UDO Article 4.6(C) – Minimum Lot Area: 12,000 square-feet**
  - *In order to bring the existing lot into compliance with the controlling SF-3 Cluster standards, the Minimum Lot Area of the Property will be modified from 12,000 square-feet to approximately 5,476 square-feet.*
  
- **UDO Article 4.6(E)(2) – Minimum Building Setback Line, Side Yard: 10 feet**
  - *The existing home on-site is currently not compliant with the allotted Side Yard Setback of the SF-3 Cluster District. Having said this, the Petitioner requests to encroach 6 feet into the 10-foot Side Yard Setback (North & South property lines) to remove the nonconformity of the existing structure (home) on-site.*
  
- **UDO Article 4.6(E)(3) – Minimum Building Setback Line, Rear Yard: 30 feet**
  - *The Petitioner is requesting to enclose an already-existing porch area on the Property to create a screened-in porch. A Variance of Development Standard is triggered once enclosing the space as a structure, as the enclosed structure would then need to meet all applicable setbacks. The Petitioner is requesting to encroach 12 feet into the 30-foot Rear Yard Setback (West property line).*

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## **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 December 10, 2024, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

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

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

variance and any commitments made or conditions imposed in granting of the variance; (ii) be signed by the Director, Property Owner and Applicant (if Applicant is different than the Property Owner); and (iii) be recorded against the subject property in the Office of the Recorder of Hamilton County, Indiana. A copy of the recorded acknowledgment shall be provided to the Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

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

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

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## **DEPARTMENT COMMENTS**

If the Board is inclined to approve 2412-VS-30, The Department recommends the following findings and conditions:

### **Recommended Conditions:**

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

**Recommended Findings for Variance of Development Standards (2412-VS-30):**

- 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 SF-3 Cluster District.

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

**Finding:** It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The proposed variance should not have a negative impact on adjacent surrounding properties because the use of the Property is not changing, and the porch space is already existing on the Property today.

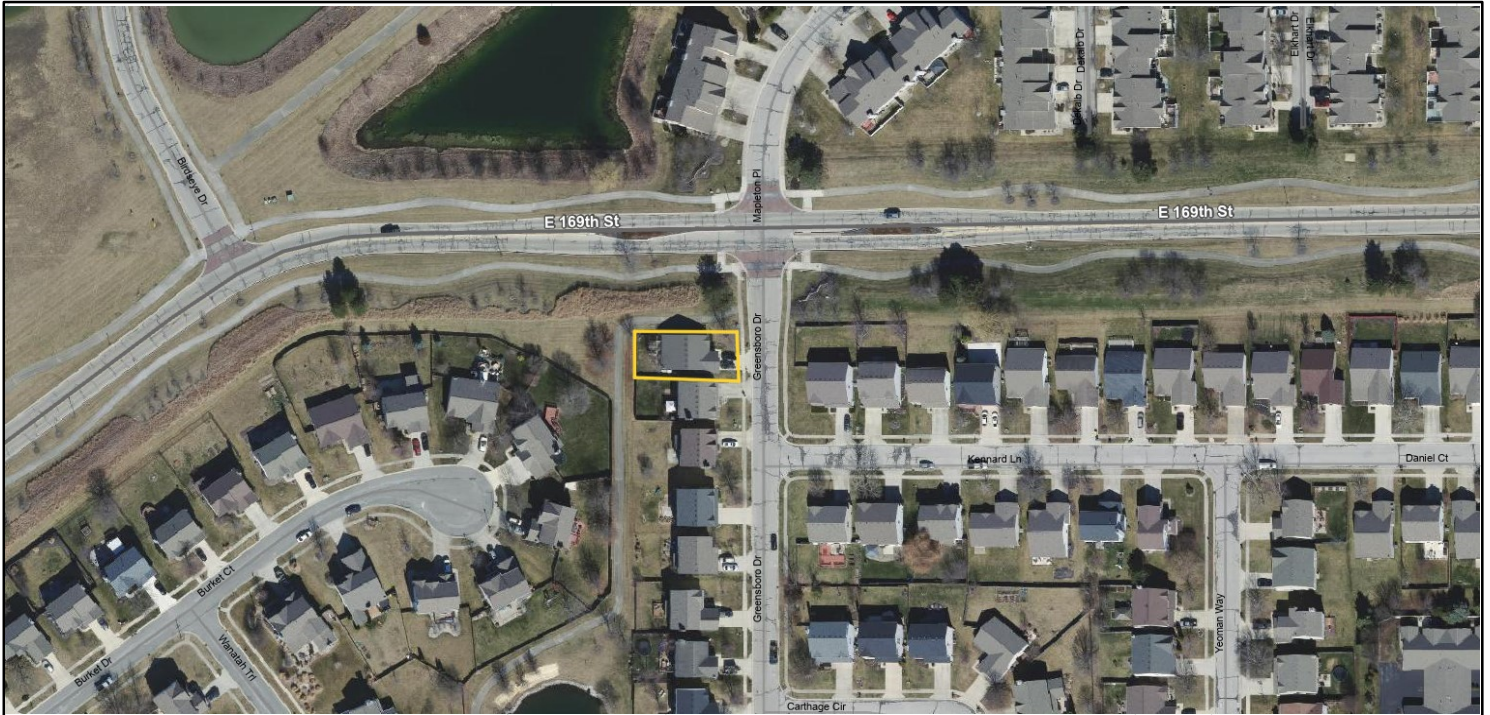
- 3) ***The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.***

**Finding:** Strict adherence to the zoning ordinance would result in the Petitioner not being permitted to construct the attached addition anywhere on the Property, and therefore, not to the desire of the Petitioner.

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

**Aerial Location Map**

 Site



**Zoning Map**



 **SITE Zoning**  
 SF-3 Cluster District

Rick and Mary Ann Kerby  
16850 Greenbore Dr.  
Westfield, IN 46074

West P.P.L.

30'

18'

Drawing not to  
scale

Home

12'

14

New  
Green  
porch.

10'

17'  
TO PPL



**Petition Number:** 2412-VS-31

**Subject Site Address:** 18700 N. Union Street (the "Property")

**Petitioner:** Lennar Homes of Indiana, LLC (the "Petitioner")

**Request:** The Petitioner requests Variances of Development Standard to modify required Masonry Material and Streetscape Variety standards on 11 acres +/- in the Midtown at Westfield Planned Unit Development (PUD) District.

**Current Zoning:** Midtown at Westfield (Ord. 19-21)

**Current Land Use:** Vacant

**Approximate Acreage:** 11 acres +/-

**Exhibits:**

1. Staff Report
2. Location Map
3. Site Plan
4. Elevations and Renderings

**Staff Reviewer:** Daine Crabtree, Current Planning Manager

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### **PROPERTY INFORMATION & BACKGROUND**

The subject Property is 11 acres +/- in size and located at 18700 N. Union Street, as seen in the Location Map (**Exhibit 2**). The Property's zoning classification is the Midtown at Westfield Planned Unit Development District. Specifically, the Property is located in the West of East Subdistrict of the PUD for which GO: General Office is the underlying zoning district and Townhouse Dwellings are a permitted use in this district.

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### **REQUEST FOR VARIANCE**

Article 8.1(I) of the PUD Ordinance states, "Article 6.3(E) Architectural Standards; Multi-Family Districts shall apply to any Building with only Dwelling Units. Buildings with a mix of residential and non-residential uses shall be subject to the underlying Subdistrict standards." As such, instead of the State Highway 32 Overlay architectural standards applying, Article 6.3(E) of the UDO controls.

The Petitioner is requesting two (2) Variances of Development Standard from the UDO for architecture:

- Article 6.3(E)(2)(b) of the UDO requires 75% Masonry Material on all facades. As seen in Exhibit 4, the Petitioner is proposing 100% Masonry Materials on the front and side elevations, but only 55% Masonry Materials on the rear elevations.
  - Per the Petitioner, the requirement for 75% Masonry Material on the rear façade would result in brick being located above the upper window grid
- Article 6.3(E)(5)(b) of the UDO requires adjacent buildings to be set back from each other along different planes.
  - Per the Petitioner, this would require a 13-foot setback for each adjacent building and would push half of the buildings into the street. Additionally, the development would not be pedestrian-friendly or contain ideal streetscaping.

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## **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 received its public hearing at the December 10, 2024, 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. Subsequent to the public hearing, this project was continued to the September 10, 2024, BZA meeting.

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

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

Variances of Development Standard: The Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the underlying

zoning ordinance. A variance may be approved under Indiana Code § 36-7-4-918.5 only upon a determination in writing that:

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

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## **COMPREHENSIVE PLAN**

The Westfield-Washington Township Comprehensive Plan identifies the “Employment Corridor” land use as the appropriate land use for the Property; the Employment Corridor land use is described in detail in the Highway Corridors section. The Highway Corridors section proposes office and service uses, research and development, and retail and institutional uses that are subordinate to and supportive of the office and service uses. Development Policies for Highway Corridors are located on p. 53 of the [Comprehensive Plan](#). The Comprehensive Plan is not law; rather, it is intended to serve as a guide in making land use decisions.

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## **DEPARTMENT COMMENTS**

If the Board is inclined to approve 2412-VS-31, The Department recommends the following findings and conditions:

### **Recommended Findings for Variance of Development Standard (2412-VS-31):**

- 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 use is permitted and the requests contemplate only architectural changes and modifications to make the site design more operational.

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

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

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

**Finding:** The strict application of the zoning ordinance would result in an end-product that would not meet the current market demands from an architectural perspective and would result in a less holistic site design than otherwise proposed.

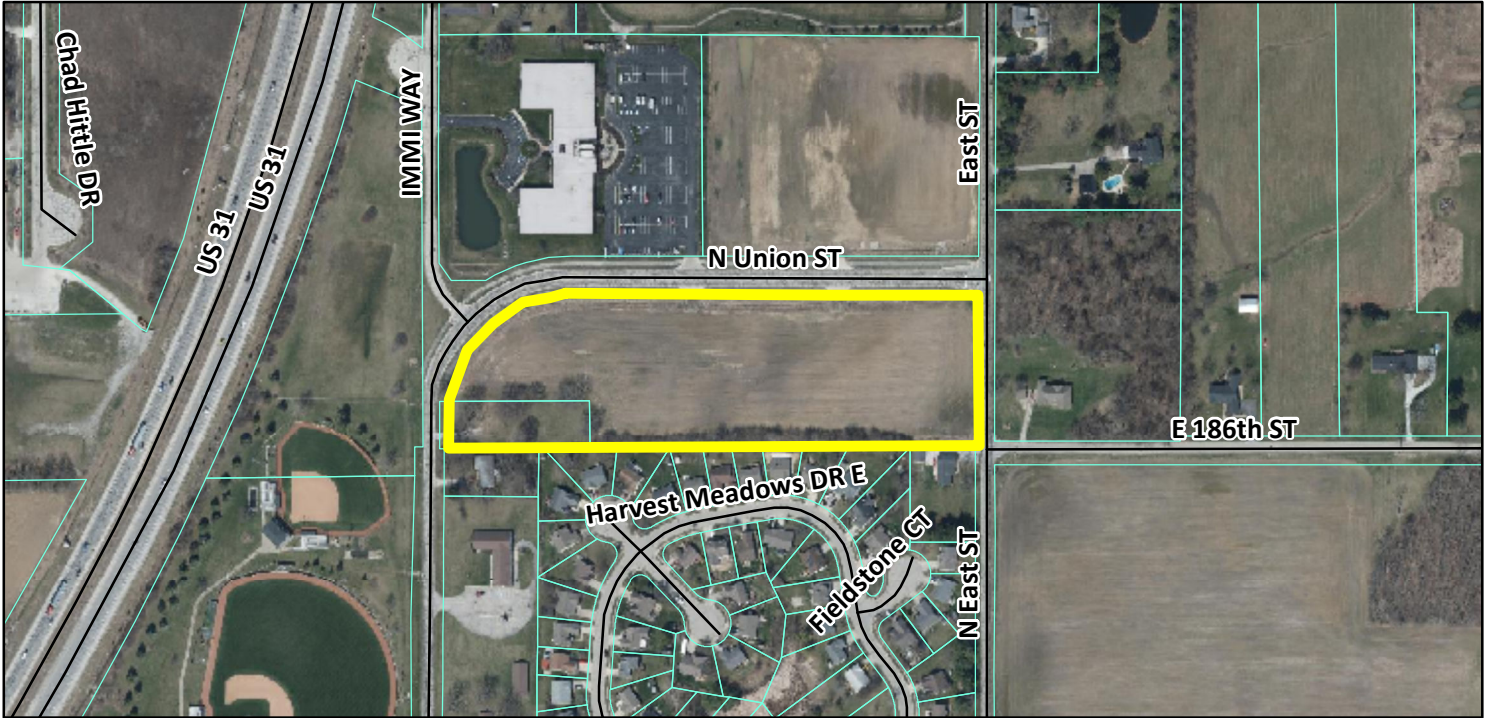
**Recommended Conditions:**

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

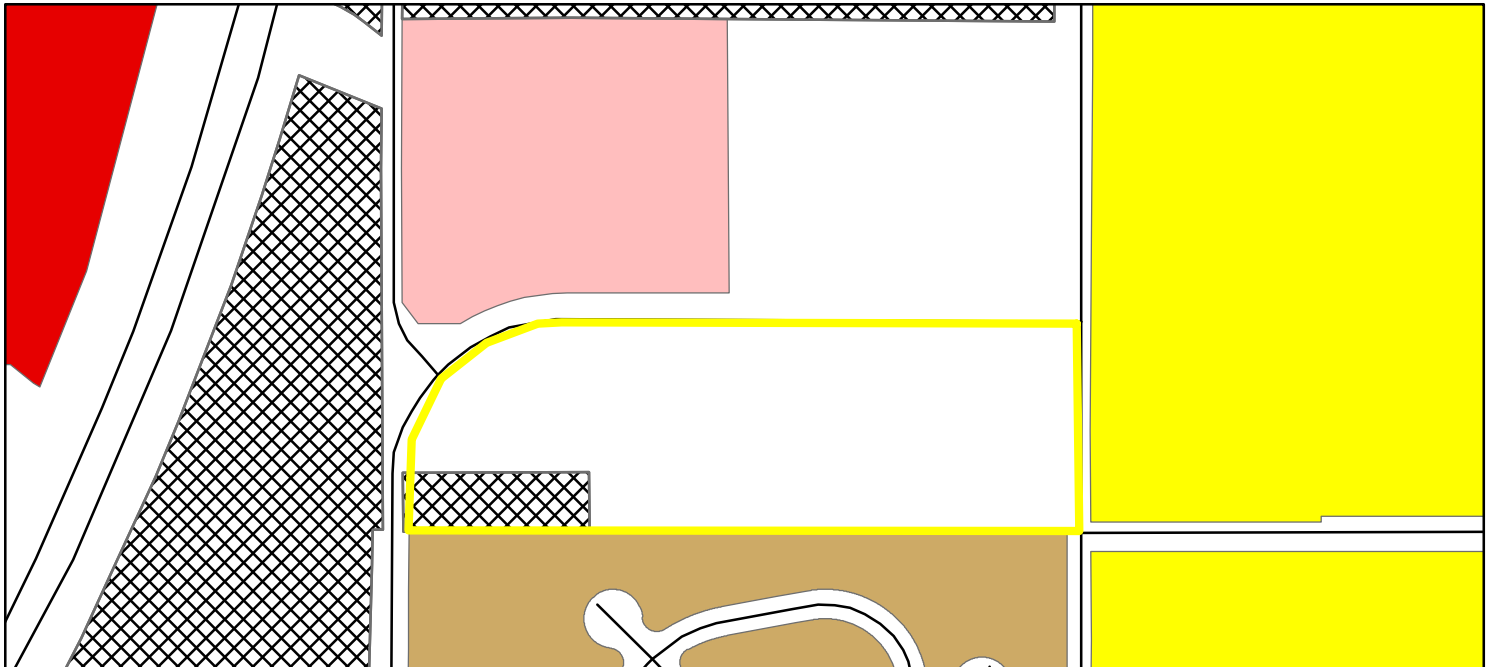
**Denial:** If the Board is inclined to reject or deny the Variance of Development Standard, then the Department recommends denying the Variance of Development Standard, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant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

## Aerial Location Map

 Site



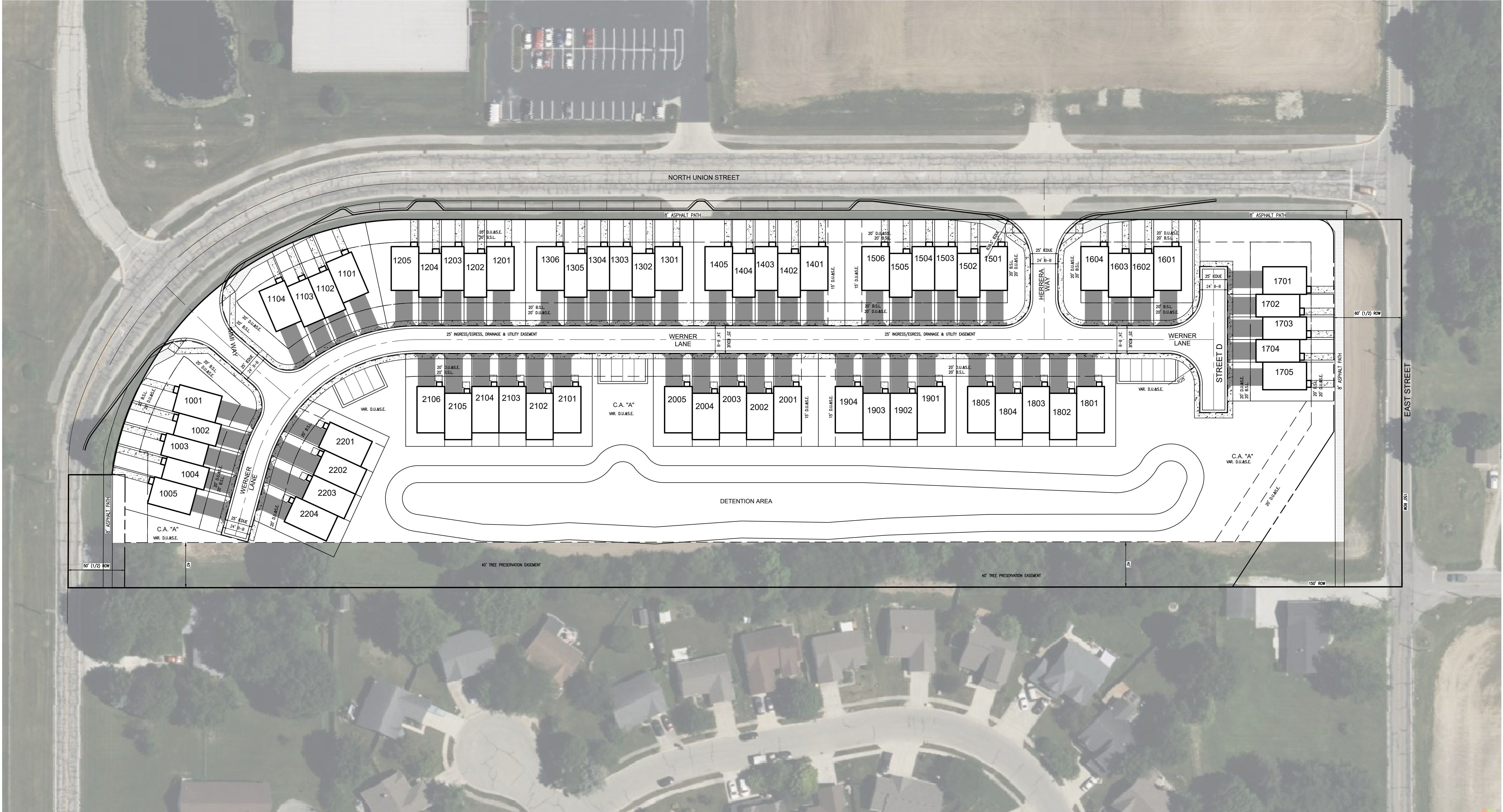
## Zoning Map



 GIS.DBO.PW\_Streets  
**Zoning - All**  
**Zoning**  
 GB (General Business)  
 LB (Local Business)  
 MF-1 (Multiple Family - 1)  
 PUD (Planned Unit Development)  
 SF-3 (Single Family - 3)

0 0.05 0.1 Miles





East Street Towns  
6' offset at separation points on the control plans

