



2013023701 MISC \$37.00  
04/17/2013 10:00:05A 13 PGS  
Mary L. Clark  
HAMILTON County Recorder IN  
Recorded as Presented

## ACKNOWLEDGEMENT OF VARIANCE

Document Cross Reference Number: 200500017912

**Mayor**  
Andy Cook

### City Council

Jim Ake  
John Dippel  
Steve Hoover  
Robert L. Horkay  
Robert J. Smith  
Cindy L. Spoljaric  
Robert W. Stokes

### Clerk Treasurer

Cindy J. Gossard

This ACKNOWLEDGEMENT, made this 10<sup>th</sup> day of April, 2013, by Matthew S. Skelton, Economic and Community Development Director, City of Westfield, Indiana (the "Director") WITNESSETH:

**WHEREAS**, on Tuesday, April 09, 2013, the Westfield-Washington Township Board of Zoning Appeals (the "Board") heard Petition No. 1304-VU-01 (the "Petition"), filed by Christian Badger of Badger Engineering, LLC on behalf of Edward T. Tomich and Faith E. Baurer-Tomich (collectively, the "Petitioner"), for a Variance of Use from the Westfield-Washington Zoning Ordinance regarding property commonly known as 17777 Commerce Drive, Westfield, Indiana 46074 (Parcel No. 09-05-35-00-00-017.002) and more particularly described in Exhibit A (the "Property"). The Petitioner requested a Variance of Use to allow an indoor shooting range and related retail sales in the Enclosed Industrial (EI) District (WC 16.04.060.B.2).

**WHEREAS**, the Board voted five (5) to zero (0) to approve the Petition with the following conditions:

1. The Petitioner shall record an Acknowledgement of Variance with the Hamilton County Recorder's Office and return a copy of the recorded instrument to the Economic and Community Development Department prior to the issuance of a building permit for the Property.
2. The "Indoor Shooting Range and related Retail Sales" use (collectively, the "Shooting Academy") shall be limited in scope and operation to the Petitioner's Narrative, attached hereto as Exhibit B, and Preliminary Plans, attached hereto as Exhibit C. Any expansion or substantial alteration to the scope and operation of the Shooting Academy, as determined by the Director, shall require approval by the Board.
3. The Shooting Academy shall be developed and operated in substantial compliance to the Petitioner's Narrative and Preliminary Plans, subject to review and approval for compliance with applicable ordinances and laws of the development plans and appropriate permits.
4. The Shooting Academy shall comply with the Westfield-Washington Township Zoning Ordinance's Performance Standards for Industrial Districts (WC 16.04.060), as amended.
5. The Shooting Academy shall comply with Indiana Fire and Building Codes, as amended.

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(317) 804-3181 fax

2728 East 171st Street  
Westfield, IN 46074  
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6. The Shooting Academy shall maintain standard operating procedures and require within those procedures that all users of the Shooting Academy shall be required to attend a formal training program prior to their use of the indoor shooting range.

**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 Variance of Use approved by the Board on April 09, 2013. Unless otherwise modified herein, this Variance of Use 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 Variance of Use, and shall inure to the benefit of the owner and every one of his/her successors in title to any real estate in the Property.

WESTFIELD ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT

"DIRECTOR"



MATTHEW S. SKELTON

Economic and Community Development Director, City of Westfield

[The remainder of this page intentionally left blank;  
signature page follows.]

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Edward T. Tomich and Faith Bauer-Tomich, as Trustees of Owners of the Property, hereby acknowledges the accuracy of the information contained in this Acknowledgement of Variance and any conditions and limitations placed on the Petition, as set forth herein.

IN WITNESS WHEREOF, the Owners have executed this instrument, on the 16 day of April, 2013.

[Signature]  
Owner Signature

[Signature]  
Owner Signature

EDWARD T. TOMICH  
Edward T. Tomich

Faith E Bauer - Tomich  
Faith Bauer-Tomich

OWNER / Trustee  
Title

OWNER / Trustee  
Title

4-16-13  
Date

4/16/13  
Date

STATE OF Indiana )  
COUNTY OF Hamilton )

SS:

Signed and acknowledged before me this 16th day of April, 2013.

(SEAL)

[Signature]  
Signature of Notary Public

Anthony Victor King Jr.  
Printed name of Notary Public



My County of Residence: Hamilton

My Commission Expires: March 30, 2018

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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: Jesse M. Pohlman

Prepared by: Jesse M. Pohlman, Senior Planner, City of Westfield  
2728 East 171<sup>st</sup> Street, Westfield, IN 46074, (317) 804.3170

EXHIBIT A  
THE PROPERTY

(1 of 2)

DULY ENTERED FOR TAXATION J  
Subject to final acceptance for transfer  
28 day of MARCH, 2005

Robin Mills Auditor of Hamilton County  
Parcel # 19-05-35-00-00-017.002

200500017912  
Filed for Record in  
HAMILTON COUNTY, INDIANA  
JENNIFER J HAYDEN  
03-28-2005 At 10:58 am.  
R C DEED 16.00

16.00  
②

QUIT CLAIM DEED

THIS INDENTURE WITNESSETH, that Edward Tomleh and Falth Bauer-Tomleh, husband and wife, of Hamilton County, in the State of Indiana, ("Grantor") Release and Quitclaims a one-half (1/2) interest to Edward T. Tomleh as Trustee of the Edward T. Tomleh Revocable Trust dated June 9, 1998 and amended and restated November 25, 2003, and any amendments thereto, and a one-half (1/2) interest to Falth E. Bauer-Tomleh as Trustee of the Falth E. Bauer-Tomleh Revocable Trust dated June 9, 1998 and amended and restated November 25, 2003, and any amendments thereto, both of Hamilton County, in the State of Indiana, ("Grantees") for the sum of One Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following Real Estate in Hamilton County, Indiana:

Part of the East Half of the Southeast Quarter of Section 35, Township 19 North, Range 3 East, Washington Township, Hamilton County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of the East Half of the Southeast Quarter of Section 35, Township 19 North, Range 3 East, Washington Township, Hamilton County, Indiana; thence North 00 degrees 47 minutes 42 seconds East (assumed bearing) on the West line of the East Half of said Southeast Quarter 1346.99 feet; thence South 89 degrees 12 minutes 18 seconds East 483.00; thence South 00 degrees 47 minutes 42 seconds West parallel with the West line of said East Half 95.34 feet to the point of beginning for the tract herein described; thence South 00 degrees 47 minutes 42 seconds West parallel with the West line of said East Half 139.74 feet; thence South 89 degrees 12 minutes 18 seconds East 422.62 feet to the center line of the Evan Kendall Legal Drain; thence North 09 degrees 14 minutes 45 seconds East (this and the next two (2) courses are provided for mathematical closure, the actual boundary follows the center line of said Evan Kendall Legal Drain) 23.29 feet; thence North 04 degrees 46 minutes 48 seconds East 113.05 feet; thence North 04 degrees 25 minutes 06 seconds West 3.95 feet to the intersection with a line that extends South 89 degrees 12 minutes 18 seconds West 433.54 feet the point of beginning, containing 1.38 acres, more or less.

Together with an Ingress/egress access easement over the property described as follows:

Part of the East Half of the Southeast Quarter of Section 35, Township 19 North, Range 3 East, of the Second Principal Meridian, located in Washington Township, Hamilton County, Indiana, and being more particularly described as follows:

Commencing at the Southwest corner of the East Half of the Southeast Quarter of said Section 35, Township 19 North, Range 3 East, thence North 00 degrees 47 minutes 42 seconds East (basis of bearings) on and along the West line of the East Half of said Southeast Quarter 584.20 feet to the POINT OF BEGINNING of the description; thence continuing North 00 degrees 47 minutes 42 seconds East on and along said West line 50.00 feet; thence South 89 degrees 12 minutes 18 seconds East 442.50 feet to the point of curvature of a tangent curve to the left, said curve having a radius of 15.50 feet and being subtended by a long chord bearing North 45 degrees 47 minutes 42 seconds East 21.92 feet; thence Northeasterly on and along said curve to the left, an arc distance of 24.35 feet to the point of tangency thereof; thence North 00 degrees 47 minutes 42 seconds East parallel with the West line of the East Half of said Southeast Quarter 656.79 feet to the point of curvature of a tangent curve to the left, said curve having a radius of 15.50 feet and being subtended by a long chord bearing North 44 degrees 12 minutes 18 seconds West 21.92 feet; thence Northwesterly on and along said curve to the left, an arc distance of 24.35 feet to the point of tangency thereof; thence North 89 degrees 12 minutes 18 seconds West 442.50 feet to a point on the West line of the East Half of the Southeast Quarter; thence North 00 degrees 47 minutes 42 seconds East on and along said West line 50.00 feet; thence South 89 degrees 12 minutes 18 seconds East 416.86 feet to the point of curvature of a tangent curve to the left, said curve having a radius of 50.00 feet and being subtended by a long chord bearing North 70 degrees 05 minutes 24 seconds East 35.36 feet; thence Northeasterly on and along said curve to the left, an arc distance of 36.14 feet to the point of tangency thereof and the point of curvature of a tangent curve to the right, said curve having a radius of 50.00 feet and being subtended by a long chord bearing South 44 degrees 12 minutes 18 seconds East 99.80 feet; thence Northeasterly, Easterly, Southeasterly, Southerly, and Southwesterly on and along said curve to the right, an arc distance of 150.81 feet to the point of tangency thereof and the point of curvature of a tangent curve to the left, said curve having a radius of 50.00 feet and being subtended by a long chord bearing South 21 degrees 29 minutes 59 seconds West 35.36 feet; thence Southwesterly on and along said curve to the left, an arc distance of 36.14 feet to the point of

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tangency thereof; thence South 00 degrees 47 minutes 42 seconds West parallel with the West line of the East Half of said Southeast Quarter 605.50 feet to the point of curvature of a tangent curve to the left, said curve having a radius of 50.00 feet and being subtended by a long chord bearing South 19 degrees 54 minutes 36 seconds East 35.36 feet; thence Southeasterly on and along said curve to the left, an arc distance of 36.14 feet to the point of tangency thereof and the point of curvature of a tangent curve to the right, said curve having a radius of 50.00 feet and being subtended by a long chord bearing South 45 degrees 47 minutes 42 seconds West 99.80 feet thence Southeasterly, Southerly, Southwesterly, Westerly, and Northwesterly on and along said curve to the right, an arc distance of 150.81 feet to the point of tangency thereof and the point of curvature of a tangent curve to the left, said curve having a radius of 50.00 feet and being subtended by a long chord bearing North 68 degrees 30 minutes 01 seconds West 35.36 feet thence Northwesterly on and along said curve to the left, an arc distance of 36.14 feet to the point of tangency thereof; thence North 89 degrees 12 minutes 18 seconds West 416.86 feet to a point on the West line of the East Half of said Southeast Quarter and the POINT OF BEGINNING, containing 2.10 acres, more or less.

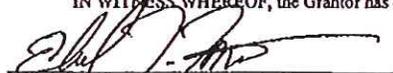
Subject to Street Right of Way across the entire West Side of the above Tract.

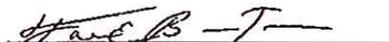
Subject further to the Statutory Easement for the Evan Kendall Legal Drain, an open regulated ditch along the Easterly side of the above described Tract.

Subject to an easement for Drainage and Utilities being 15 feet by parallel lines across the entire North side of the above described tract.

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

IN WITNESS WHEREOF, the Grantor has executed this deed, this <sup>March</sup> 24 day of ~~February~~ 2005.

  
Edward Tomich

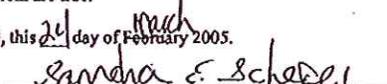
  
Faith Bauer-Tomich

STATE OF INDIANA )  
COUNTY OF Indiana ) SS:

Before me, a Notary Public in and for said County and State, personally appeared Edward Tomich and Faith Bauer-Tomich, who acknowledged the execution of the foregoing deed, and who, having been duly sworn, stated that any representations contained therein are true.

Witness my hand and Notarial Seal, this <sup>March</sup> 24 day of February 2005.

My commission expires:  
Resident of Hamilton County

  
Sandra E. Schepel  
Notary Public



Please return Deed and all  
Tax bills should be sent to each Grantee for their respective 1/2 interests at:

Edward T. Tomich as Trustee of the Edward T. Tomich Revocable Trust  
14855 Victory Court  
Carmel, IN 46032

and

Faith E. Bauer-Tomich as Trustee of the Faith E. Bauer-Tomich Revocable Trust  
14855 Victory Court  
Carmel, IN 46032

THIS INSTRUMENT WAS PREPARED BY: Ronald A. Wright, Attorney-At-Law,  
9292 N. Meridian Street, Suite 308, Indianapolis, Indiana 46260 (317) 575-1900.

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**EXHIBIT B**  
**PETITIONER'S NARRATIVE**

(1 of 2)



March 29, 2013

Jesse M. Pohlman  
Senior Planner  
City of Westfield  
2728 E. 171st Street  
Westfield, IN 46074

**PROJECT NARRATIVE**

Tim's Shooting Academy of Westfield is a proposed shooting range dedicated to teaching safe use of fire arms, hunting safety, enhanced marksmanship and sport shooting. No-one will be allowed to use the facility until they have been through an on-site safety class.

The range will have six rifle lanes and six pistol lanes for shooting. The range area will be constructed with 10" thick concrete walls and a 4" concrete slab. The ceiling will have bullet-proof panels and baffles. This will prevent any stray bullets as well as sound from leaving the building. The proposed system is a total containment trap with all of the latest safety equipment and systems. The 12 bullet traps located at the end of the range will use a complete containment system, which traps the lead and ventilates the air within the range at a rate of 960 cubic feet every 5 minutes through a HEPA Filter. The bullet trap can handle .50 caliber bullets, but we will limit range use to common sporting rounds.

The property is owned by E. Tim Tomich and Faith Bauer-Tomich, who have owned the property since 1997. The current zoning is (EI) Enclosed Industrial. The proposed building and site will be situated on the 1.3 acres and will meet all of the requirements for Enclosed Industrial Zoning. There is no zoning in any district within the City of Westfield which would allow an indoor or outdoor shooting range so we are asking for a "Use Variance" for that property.

The retail sale side of the Academy will sell targets, safety glasses, ear protection, hunting apparel, scopes, and high-end fire arms. The sale of guns will require a background check as required by the state and federal laws. Only higher priced and higher quality guns will be sold. No Saturday Night Specials, cheap guns or guns made by less than reputable manufacturers will be sold. Retail sales are required because more than a third of our patrons will forget their required safety glasses, hearing protection, and the proper munitions to which we will limit them.

The site will allow for 20 parking spaces, 2 of which will be designated handicapped spaces. A land bank will use some of the property for additional parking should the Academy parking become inadequate for the proposed use. The lot will have complete and proper drainage.

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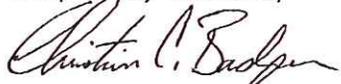
2728 East 171st Street  
Westfield, IN 46074  
**westfield.in.gov**

101 W. Main Street, Lebanon, Indiana 46052 (765) 485-0000 FAX (765) 485-0699  
[www.badgerengr.com](http://www.badgerengr.com)

## Building Design Information:

- Interior wall heights 10'-2"
- 10" poured concrete walls
- 6 Rifle lanes 75' length and 48" wide (one lane will be ADA)
- 6 Pistol lanes 50' length and 48" wide (one lane will be ADA)
- All lanes will have automatic target retrieval systems
- Bullet traps rated for .50 caliber bullet and will allow the lead to be recycled.
- The only ammunition that will be allowed will be full metal jacket to limit the lead dust which could enter the air upon impact.
- HVAC is a major part of the design of an indoor range. Our system meets all of the following standards, NRA, OSHA, NSSF, NIOSH, EPA and DOD requirements for cleaning the air.
- Shooting Stall dividers will be level 3 grade protection in the pistol lanes and level 4 grade protection in the rifle lanes.
- Baffles will be suspended from the ceiling to prevent any errant discharges from going through the roof and therefore being contained in the building.

Respectfully submitted,



Christian C. Badger, P.E.  
Badger Engineering, LLC

117 West Elm Street, Lebanon, Indiana 46052 § (765) 485-0000 § FAX (765) 485-0699  
[info@badgerengr.com](mailto:info@badgerengr.com) § [www.badgerengr.com](http://www.badgerengr.com)

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**EXHIBIT C**  
**PETITIONER'S PRELIMINARY PLANS**

SEE FOLLOWING PAGES

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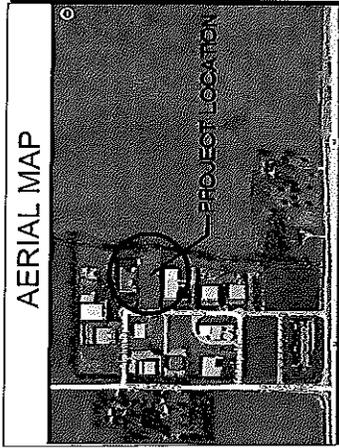
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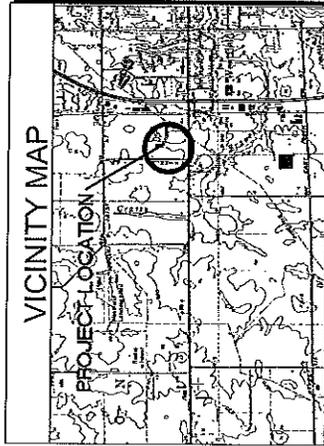
2728 East 171st Street  
Westfield, IN 46074  
**westfield.in.gov**

# Tim's Shooting Academy of Westfield Westfield, Indiana 46074

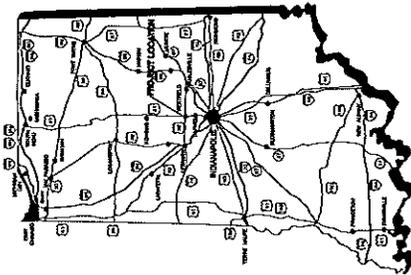
**SUBJECT SITE:**  
SITE LOCATED IN WASHINGTON TOWNSHIP  
HAMILTON COUNTY, INDIANA



AERIAL MAP



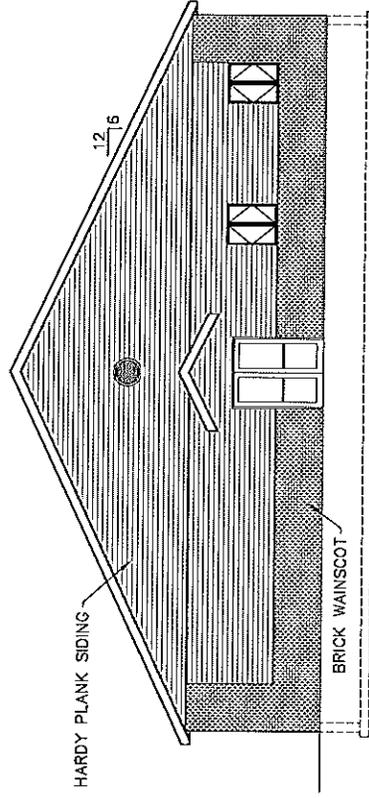
VICINITY MAP



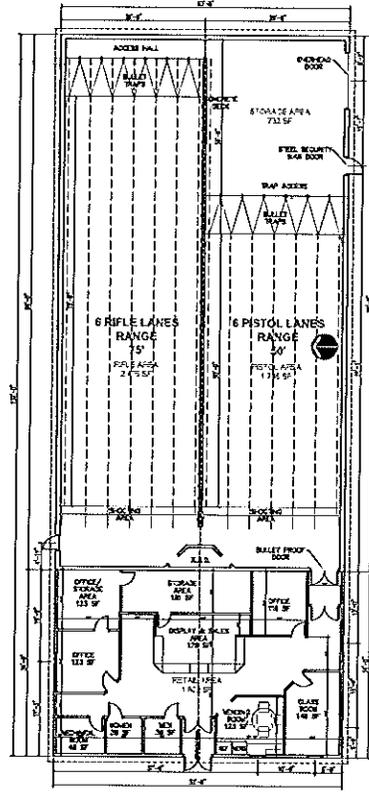
LOCATION MAP

**SHEET INDEX:**

- 1 TITLE SHEET
- 2 BUILDING ELEVATIONS
- 3 BUILDING ELEVATIONS
- 4 BUILDING FLOORPLAN
- 5 SITE PLAN



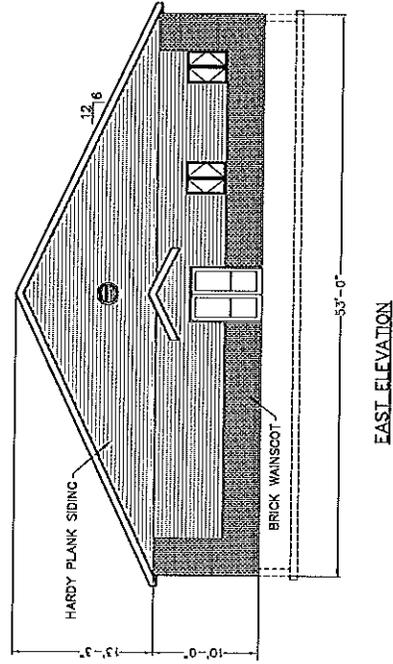
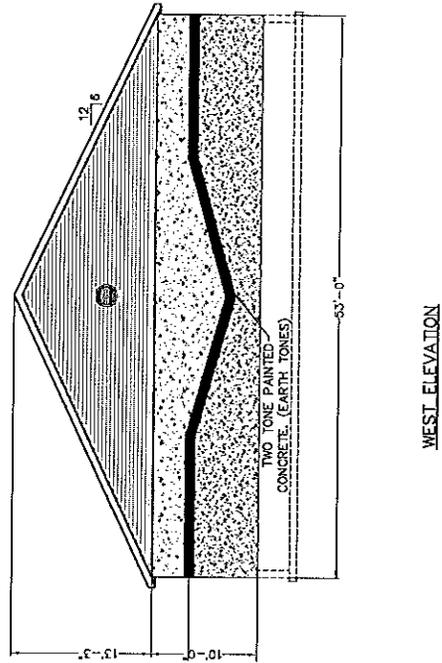
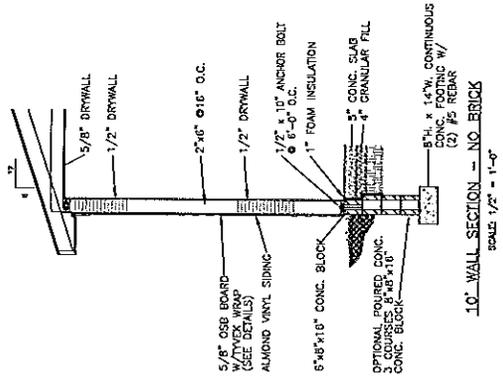
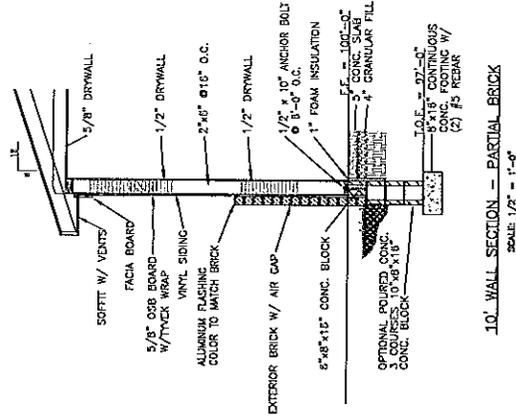
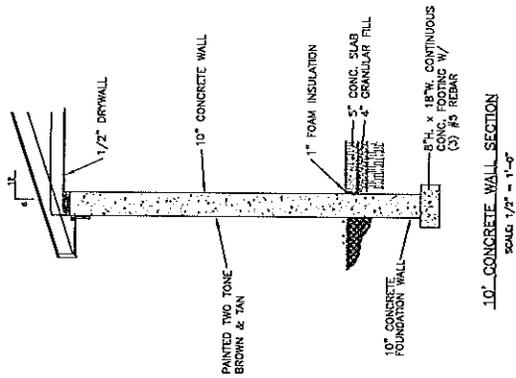
FRONT ELEVATION



FLOOR PLAN

**Owner:**  
Tim Tomich  
14855 Victory Ct.  
Carmel, IN 46032

<b>BADGER ENGINEERING</b> 1400 W. MAIN STREET CARMEL, IN 46032 (765) 485-0000		TELE SHEET Tim's Shooting Academy of Westfield	
DATE	10/20/2016	SCALE	1"=20'
DRAWN BY	ASB	CHECKED BY	ASB
DESIGNED BY	ASB	APPROVED BY	CCD
PROJECT NO.	CCD	SHEET NO.	1



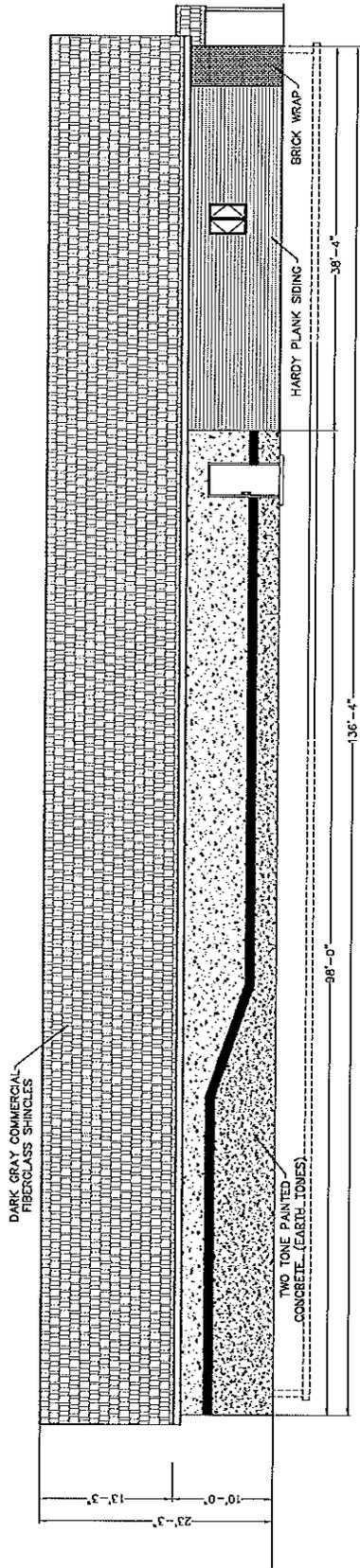
NO.	DATE	REVISION

**BADGER ENGINEERING**  
1001 W. MAIN ST. #100  
LAURENS, IA 50552  
(715) 485-0000

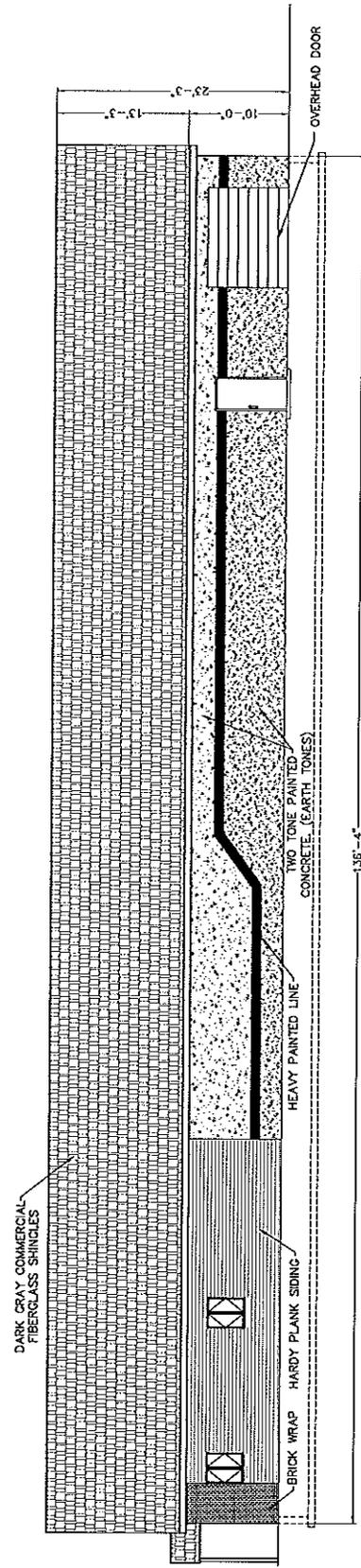
ELEVATIONS AND TYPICAL SECTIONS  
Tim's Shooting Academy of Westfield

DATE: 01/29/2013  
DRAWN: 11-106  
CHECKED: 3/15/13  
SCALE: 3/16" = 1'-0"

PROJECT: MCH  
SHEET: 2

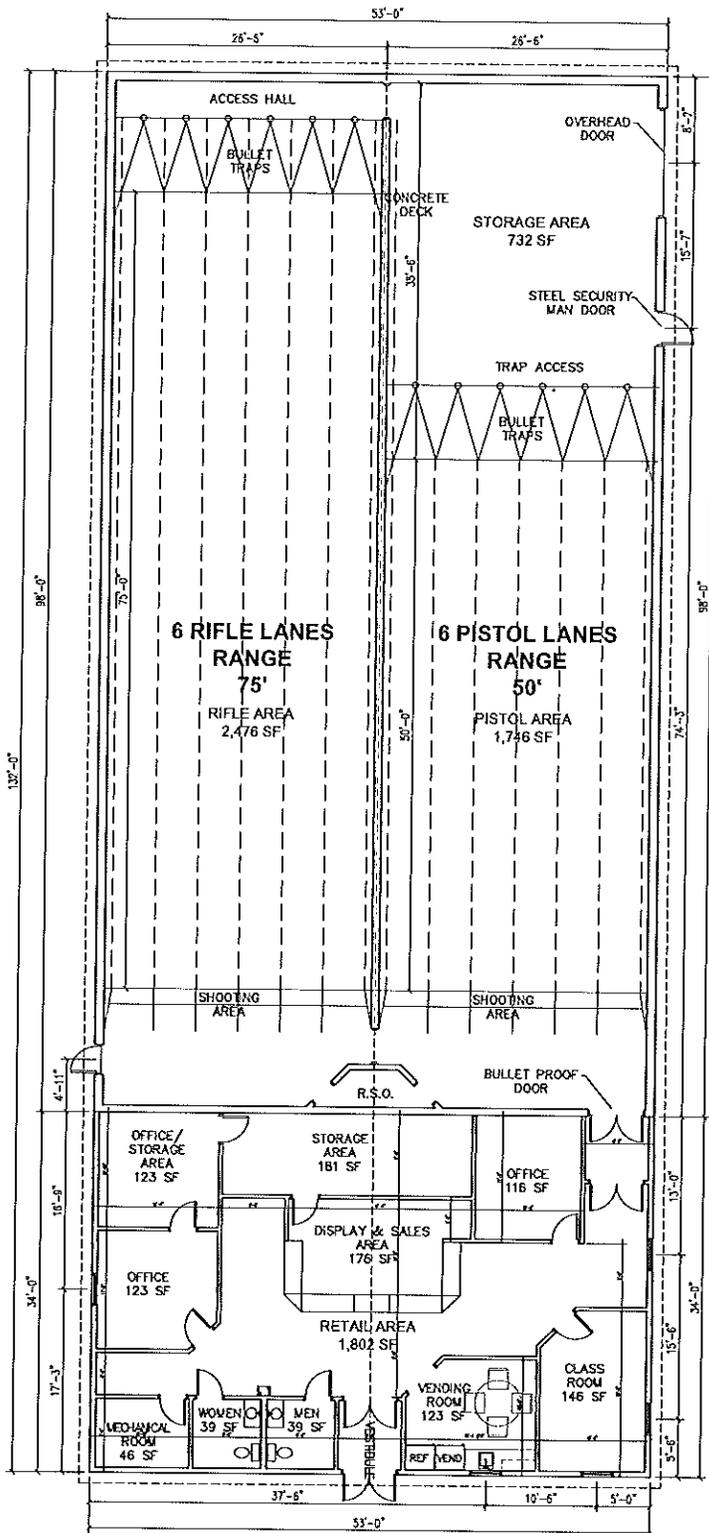


SOUTH ELEVATION



NORTH ELEVATION

<p><b>BADGER ENGINEERING</b>          101 W. Main Street          (781) 485-0000</p>		<p>NORTH &amp; SOUTH ELEVATIONS          Tim's Shooting Academy of Westfield</p>		<p>DATE: 01/29/2010          DRAWN BY: G-002          CHECKED BY: J/W - 1-4          SCALE: 1/8" = 1'-0"</p>
NO.	DATE	DESCRIPTION	BY	APP.



DATE	3/29/13
DESIGN	13-08
SCALE	3/16" = 1'-0"
PROJECT	Tim's Shooting Academy of Westfield
CLIENT	CCD
ARCHITECT	CCD
ENGINEER	CCD
MECHANICAL	CCD
ELECTRICAL	CCD
PLUMBING	CCD
CONCRETE	CCD
PAINT	CCD
FINISHES	CCD
LANDSCAPE	CCD
MECHANICAL	CCD
ELECTRICAL	CCD
PLUMBING	CCD
CONCRETE	CCD
PAINT	CCD
FINISHES	CCD
LANDSCAPE	CCD
MECHANICAL	CCD
ELECTRICAL	CCD
PLUMBING	CCD
CONCRETE	CCD
PAINT	CCD
FINISHES	CCD
LANDSCAPE	CCD

**BADGER ENGINEERING**  
 101 W. Main Street  
 Westfield, MA 01097  
 (413) 485-0000

**FLOOR PLAN**

