TOWN OF WESTFIELD

COMMUNITY DEVELOPMENT DEPARTMENT

WESTFIELD-WASHINGTON TOWNSHIP
ADVISORY PLAN COMMISSION
BOARD OF ZONING APPEALS
ZONING ENFORCEMENT
BUILDING PERMITS

Meeting Date:	August 20, 2007
Docket Number:	0707-VS-023
Appellant:	Merrimac Homeowner's Association
Property Address:	Northwest corner of 146th Street & Spring Mill Road
Variance of Standard Request:	*WC 16.08.010, F1* Residential Identification Sign

EXHIBITS

1.	Staff Report	07/16/2007
2.	Aerial Location Map	07/16/2007
3.	Property Card	07/03/2007
4.	Appellant's Application and Plans	06/11/2007

RELATED CASES
None

VARIANCE OF STANDARD REQUEST
This variance of standard request is to allow a subdivision identification sign that is not located at a subdivision entrance (*WC 16.08.010, F1*). Specifically, this request is to allow a permanent Merrimac subdivision sign at the northwest corner of 146th Street and Spring Mill Road.

PETITION HISTORY
This petition was scheduled for public hearing at the July 16, 2007 Westfield-Washington Township Board of Zoning Appeals meeting. Due to the lack of a quorum, the July BZA meeting was cancelled. As a result, this item was continued to the August 20, 2007 BZA agenda. Public notice for this item was properly served.

PROPERTY INFORMATION
The subject property is Common Area – Block A of the Merrimac subdivision, Section One. The subject property is located at the northwest corner of 146th Street and Spring Mill Road. The common area contains a retention pond and is zoned SF-2.

The subject property is bounded on the north and west by SF-2 residential lots in the Merrimac subdivision. The Village on Spring Mill Apartments is located across Spring Mill Road to the

east and is zoned GO-PD. Adjacent property to the south (across 146th Street) is within the City of Carmel's planning and zoning jurisdiction; it is single-family residential in nature and contains single-family residences and a neighborhood amenity area.

The subject property does not fall within any of the Town's overlay districts.

PROPERTY HISTORY

On June 14, 1993, the Westfield Town Council changed the zoning on the subject property from AG-SF1 to SF-2 (93-Z-10; Ord 93-10). On October 25, 1993, the Westfield-Washington Township Plan Commission approved the primary plat for the Merrimac subdivision (then named "Merrimac Farms") (93-P-28). On January 24, 1994, the Plan Commission approved the final plat for Section One of Merrimac (93-P-28), which includes the subject property, Common Area – Block A. From that point forward, the additional five sections of Merrimac received final plat approval from the Plan Commission.

There are no additional variances, special exceptions, development plans, subdivision plats, or rezoning cases on record for the subject property.

ANALYSIS

The submitted application indicates that a new, permanent subdivision identification sign would replace an existing marketing sign at the northwest corner of 146th Street and Spring Mill Road. The proposed subdivision identification sign is similar in character and materials as the existing signage at the subdivision's three entrances. Placing a permanent subdivision identification sign at an intersection that does not function as an entrance to the subdivision is not entirely unique, but is rare in Westfield-Washington Township.

Since there are still lots for sale in the Merrimac subdivision, the existing marketing sign is permitted and would not have to be removed until the structure on the final lot is completed. Signs advertising construction projects are permitted by-right according to the Sign Standards.

The existing sign is approximately eight feet (8') in width and eight feet, one inch (8'1") in height – approximately 64 square feet in total. The proposed sign would be set into a brick wall that is approximately sixteen feet (16') in width and five feet, nine inches (5'9") in height (including columns) – approximately 90 square feet for the wall structure. The proposed sign itself would be approximately seven feet (7') in width and three feet (3') in height – approximately 21 square feet. The proposed signage would be required to comply with all remaining standards for subdivision signage not varied by this request and would require a sign permit.

The Westfield-Washington Township Comprehensive Plan recommends that this area remain residential in character and use. It is identified as part of the "Suburban Residential" component of the future land use plan.

FINDINGS

No variance of standard shall be granted unless the BZA finds all of the following to be true:

a. That the approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:

Findings: It is unlikely that the approval of the requested variance of standard would be injurious to the public health, safety, morals, and general welfare of the community. The intent of limiting subdivision signage to entrances is to enhance way-finding in the community and to control the amount of signage erected in the community. By allowing the requested sign, way-finding may be improved because the addition of the sign at the requested location would give more people attempting to travel to the subdivision another opportunity to successfully identify the subdivision. However, allowing the requested sign would conflict with the community's desire to restrict and limit the amount of signage a subdivision could install. So, while it is unlikely that approval of the requested variance would be injurious to the public health and safety of the community, it could conflict with the community's preferences, as established by the zoning ordinance.

b. That the use and value of the area adjacent to the property included in the variance of development standard will not be affected in a substantially adverse manner:

Findings: Allowing an additional permanent subdivision identification sign for the Merrimac subdivision is not likely to affect the use and value of adjacent properties in a substantially adverse manner. The surrounding area is residential in nature, and it is commonly understood that residential subdivisions in Westfield-Washington Township erect identification signage. Additionally, the proposed sign would replace an existing sign that has been in place for several years. The impact of the proposed change would be negligible for surrounding properties.

c. That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:

Findings: The use of the subject property as a common area and storm water retention area would not be altered if the variance request were either approved or denied. Strict application of the zoning ordinance would allow for the Merrimac subdivision to only have subdivision identification signage at its entrances. Use of the subject property does not hinge on the approval of this variance request.

NOTE: If the Board does not determine ALL findings of fact in favor of the appellant, then it may not legally approve the variance request.

RECOMMENDED CONDITIONS

If the Board approves this variance of standard request, the following condition would be appropriate:

1. That the subdivision identification sign be constructed to the specifications and dimensions outlined in the attached plans.

Exhibit 2

0707-VS-023

Aerial Location Map

Northwest Corner of 146th Street & Spring Mill Road

EXHIBIT 3

co.HAMILTON.in.us
Official government site of Hamilton County, Indiana

Online Se

Property Card Report

1. report type Reset | **2. property search** new search | **3. view reports** general parcel info. | spring tax statement | tax payments | property card | fall tax statement

Disclaimer:
This program allows you to view and print certain public records. **Each report reflects information as of a specific date**; so the information different reports may not match. All information has been derived from public records that are constantly undergoing change and is not warranted for c accuracy. It may not reflect the current information pertaining to the property of interest.

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Summary Information - Parcel Number: 08-09-15-00-01-007.000

Property Data	
Parcel Location	146TH ST W,WESTFIELD
Taxing Unit	Westfield Abatement 05-09
Legal Description	MERRIMAC BLOCK A
Section/Township/Range	S15 T18 R03
Subdivision Name	MERRIMAC
Lot and Block	Lot Block 1
Acres	0
Effective Frontage	
Effective Depth	
Property Class	Vacant Lot
Exterior Features and Out Buildings	

Property Owner as of April 29, 2006	
Merrimac Homeowners Association Inc	
Most Recent Valuation as of March 1, 2006	
Assessed Value: Land	0
Assessed Value: Improvements	0
Total Assessed Value:	0

This application is developed and maintained by the Information System Services Department. If you have any questions or comments, please contact t
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EXHIBIT 4

RECEIVED
JUN 11 2007
WESTFIELD COMMUNITY DEVELOPMENT

TOWN OF WESTFIELD, INDIANA

Petition Number: 0707-VS-023
Date of Filing: 06/11/07

Application for VARIANCE OF DEVELOPMENT STANDARD
Westfield – Washington Township
Board of Zoning Appeals (BZA)

This application must be completed and filed with the Community Services Department of the Town of Westfield, Indiana in accordance with the meeting schedule.

1. Appellant's Name: Merrimac Homeowners Association Inc. (By Matt Lutz, President)
   Address: c/o Kirkpatrick Management Co. P.O. Box 20630, Indpls. IN 46220
   Telephone Number: Matt Lutz - 317-439-5444
   E-Mail Address: matt@mymerrimac.com

2. Landowner's Name: Merrimac Homeowner's Association Inc.
   Address: c/o Kirkpatrick Management Co. P.O. Box 20630, Indpls. IN 46220
   Telephone Number: 317-439-5444 (Matt Lutz, President)

3. *Representative: Matt Lutz, President Merrimac HOA
   *Address: ~~c/o~~ 14811 Warner Trail WESTFIELD, IN 46074
   *Telephone Number: 317-439-5444
   *Email Address: MATT@mymerrimac.com

*If the applicant is not presenting a petition, please provide contact information for the party representing the applicant.

4. Common description of property (address, location, etc.)
   NW Corner of the intersection of 146th Street and Springmill Road.

5. Legal description of property (list below or attach)
   See Attached Exhibit "B"

6. Complete description of the nature of the development standard variance applied for:
   WC 16.08.010 F1 (Residential Subdivision Signage)

7. **ALL SITE PLANS SHALL BE LEGIBLE AND DRAWN TO SCALE.** Site plans must accompany this application and must depict at a minimum:

   a. Lot(s) shape and dimensions;
   b. Location and dimensions of existing and proposed structures;
   c. Location and dimensions of existing and proposed points of ingress and egress; and
   d. All topographic and natural features and/or other unusual characteristics associated with the property.

8. The Applicant must address the following criteria and establish at the public hearing that each of the following is true in order to obtain a favorable determination from the BZA.

   No variance of development standard shall be granted unless the BZA finds all of the following to be true:

   a. That the approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:

SEE ATTACHED
Exhibit "A"

   b. That the use and value of the area adjacent to the property included in the variance of development standard will not be affected in a substantially adverse manner:

SEE ATTACHED
Exhibit "A"

   c. That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:

SEE ATTACHED
Exhibit "A"

The Appellant hereby certifies that the information contained in and accompanying this application is true and correct.

Applicant Matthew Lutz

SUBSCRIBED AND SWORN TO ME THIS 11 DAY OF June, 2007.

Notary Public

My commission expires: April 14, 2008

ANNE M. COTHAM
Notary Public - Seal
State of Indiana
My Commission Expires Apr 14, 2008

Application for VARIANCE OF DEVELOPMENT STANDARD

EXHIBIT A

A) Public health, public safety, public morality and the general welfare of the community have not been compromised as a result of the current sign, which has been in place for approximately 10 years.

The approval of the requested variance will allow the Merrimac Homeowner's Association to erect a replacement sign built in to a masonry wall which will be more aesthetically appealing and harmonious with the environment as it will match the existing signs at all entrances of the neighborhood. It will also compliment the adjacent sign on the NE corner of 146th & Springmill Roads which was recently changed as a result of the acquisition of The Village on Springmill apartment complex.

The overall height of the new sign will be significantly lower to the ground than the current sign which has a maximum height of approximately 8 feet.

Public safety will be improved as the opening to the retention pond NW of the current sign will also be nearly eliminated as the span of the proposed masonry wall will be 16 feet in total length, resulting in a minimal opening on each side of the masonry wall of less than 1'. This is compared to the current opening of nearly 5 feet on each side of the current sign.

Further, the proposed sign will serve as a welcome monument to the City of Westfield, as the new sign will have "of Westfield" below the word "Merrimac" as required by current zoning regulations.

B) The use and value of the areas adjacent to the property will be enhanced by the replacement of the current sign as the proposed sign will be of an ever-lasting design which will need no modification or maintenance in the future. The current sign requires maintenance from time to time as well as it is advertising home sites which are no longer available and a phone number which is no longer in service.

C) The current sign which the Merrimac Homeowner's Association would like to replace was approved under the old guidelines and regulations of the Town of Westfield. At the conclusion of marketing the community, the intent was to replace the sign which is currently in place with a sign identical to what is currently proposed at this time.

As the Town of Westfield, and this board may be aware, the Developer ran in to some financial difficulties and did not complete certain aspects of the community as presented to homeowners and possibly the town– including the proposed sign.

Since a somewhat "hostile takeover" of the Association from the Developer in 2004, myself and the other members of the Board of Directors of the Merrimac Homeowner's Association has been working diligently to resuscitate the Association financially and to identify, correct and cure items which were deemed incomplete or insufficiently provided by the Developer. Other recently completed items were community sidewalks and community street lighting.

The strict application of the terms of the current ordinance would be impractical as the result would be a sign at the intersection of 146th& Springmill Roads for years to come which:

(i) Requires routine maintenance
(ii) Advertises home sites which are not available for purchase
(iii) Advertises a phone number which is not in service.

The granting of this variance would clearly allow us to solve this issue with a more aesthetically appealing and harmonious sign which will be beautifully landscaped and will serve as a terrific welcome and gateway to the City of Westfield.

Exhibit B

HAMILTON COUNTY TAX REPORT

TaxID # 0809150001007000	Tax District/Code: Washington / 08

Property Information

Property Address	146th St W Westfield IN 46074		
Township	Washington	**ParcelNum**	09150001007000
Year Built		**Acreage**	
Land Type(1) / Code	/	**Parcel Frontage1 / Frontage2**	0 /
Land Type(2) / Code	/	Parcel Depth1 / Depth2	0 /
Property Use / Code	Vacant - Platted Lot / 500	**Lot Size**	

Owner/Taxpayer Information

Owner	Merrimac Homeowners Association Inc
Owner Address	~~4138 Keystone Ave N INDIANAPOLIS IN 46205~~ P.O. Box 20630, Indpls. In 46220
Tax Mailing Address	~~4138 Keystone Ave N INDIANAPOLIS IN 46205~~

Market Values / Taxes

Assessed Value Land:	$11,100	Gross Assessed Value:	$11,100.00
Assd Val. Improvements:		Total Deductions:	
Total Assessed Value:	$11,100	Net Assessed Value:	$11,100.00
Net Sale Price:		Semi Annual Solid Waste:	
Date of last transaction:	3/2/2007	Semi Annual Stormwater:	
Assessment Date:		Semi Annual Tax Amount:	$113.53
Tax Year:	2006	Fips Code	18057

Exemptions

Homestead:	Old Age:
Veteran Total Disability:	Mortgage:

Detailed Dwelling Characteristics

Living Area		**Garage 1 Area**	
Level 1 Area		**Garage 1 Desc.**	None
Level 2 Area		**Garage 2 Area**	
Level 3 Area		**Garage 2 Desc.**	
Level 4 Area		**Garage 3 Area**	
Half Story Finished Area		**Garage 3 Desc.**	
Loft Area		**Intgrl. Garage Area**	
Rec Room Area		**Intgrl. Garage Desc.**	
Enclosed Porch Area		**Crawl Space Area**	
Attic Area		**Basement Area**	
Finished Attic Area		**Finished Bsmt Area**	
Unfinished Attic Area		**Unfinished Bsmt Area**	

Legal Description

Legal Description	MERRIMAC Block 1 Lot S 15 T 18 R 03
Data Import Date	5/14/2007

Information is Believed To Be Accurate But Not Guaranteed **MIBOR**

Report Date: Mon, Jun 11, 2007 02:55 PM

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Information deemed reliable but not guaranteed

June 11th, 2007

Town of Westfield
Community Development Department
Board of Zoning Appeals
130 Penn Street
Westfield, IN 46074

The Board of Directors of the Merrimac Homeowner's Association has approved the replacement of the original sign installed by the developer at the intersection of 146th & Spring Mill Road with a masonry sign nearly identical to those at the entrances of Merrimac.

The purpose of changing this sign is to finally install the type of sign that the developer indicated he intended to install at the completion of development.

The current sign requires routine maintenance and advertises both home sites which are not available for purchase as well as a phone number which is not in service.

Replacement of the current sign will surely enhance the intersection of 146th & Springmill Roads while having no negative impact on the area, as a sign is currently in place.

The Board of Directors respectfully requests that the Board of Zoning Appeals issue a variance to WC 16.08.010 which will allow the Merrimac Homeowner's Association to physically enhance the intersection of 146th & Springmill Roads which serves as a gateway to the soon to be City of Westfield by replacing the original sign with a masonry sign which will match the signs at the 3 entrances to Merrimac.

The proposed sign will be inlayed in a 16" deep masonry wall which is 12' feet in length in between 2 (two) 2' x 2' masonry end posts.
Maximum height of the masonry wall will be 5'6",
Maximum height at the top of the 2'x2' end posts will be 5'9".
The actual Merrimac sign will be 7' by 3'
Please see the attached photo of the sign we wish to replicate.
NOTE that "of Westfield" will be engraved below "Merrimac" on the new sign as required.

There are no plans to change the two light poles which currently exist which will illuminate the signage.
The hours the lights are illuminated are sunset to sunrise as the poles are on dawn to dusk sensors.
Naturally, the landscaping around the sign will remain.

The Merrimac Homeowner's Association appreciates your attention to this application and your support of the permissions requested.

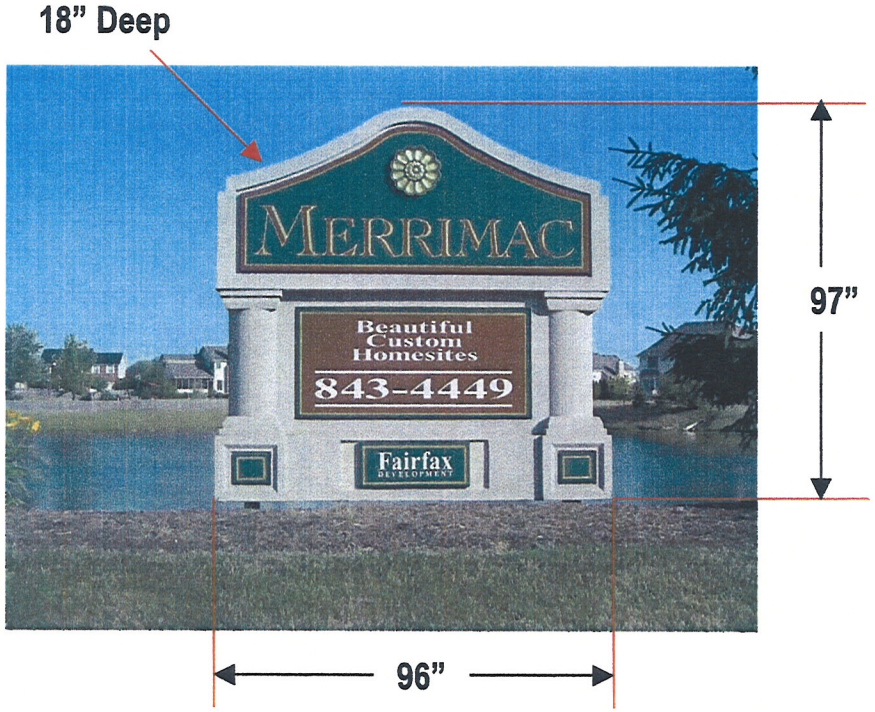
Respectfully,

Matt Lutz
President
Merrimac HOA

C/O Kirkpatrick Management Co. PO BOX 20630, INDPLS., IN 46220. Cell # 317-439-5444

Merrimac Homeowner Association wishes to replace the sign located at the Northwest intersection of 146th and Springmill with one that is consistent with those that are located at each of the three Merrimac subdivision entrances

Existing Structure at 146th & Springmill

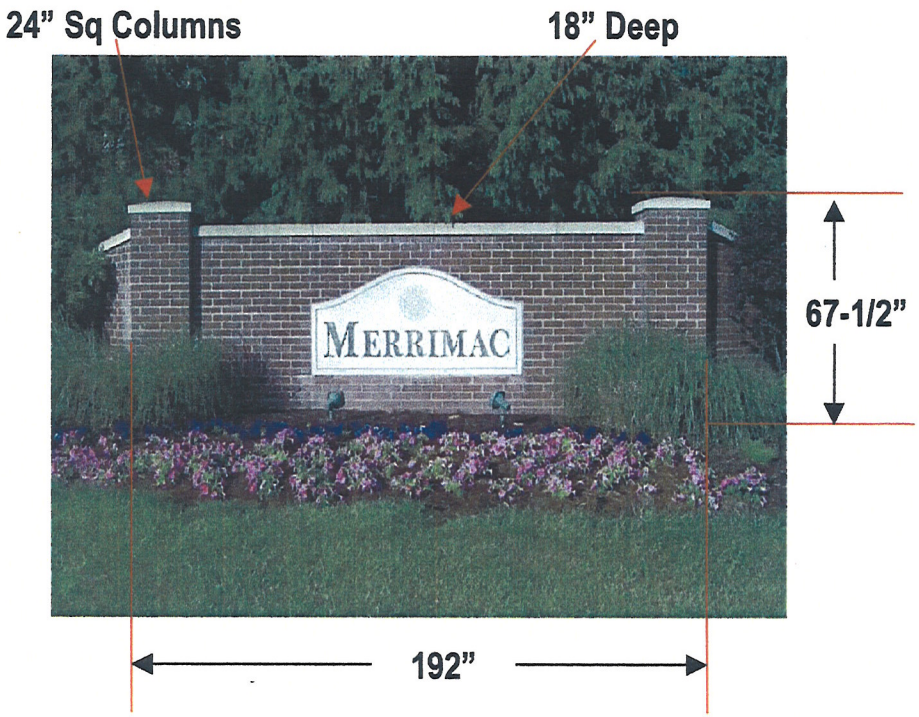


Construction is wood and foam covered board

Proposed view of structure at Northwest intersection of 146th and Springmill

This proposed structure is consistent with those that are currently located at each of the three Merrimac subdivision entrances

Existing Structures at the Three Entrances



Construction is brick and cement

Existing Merrimac Signage

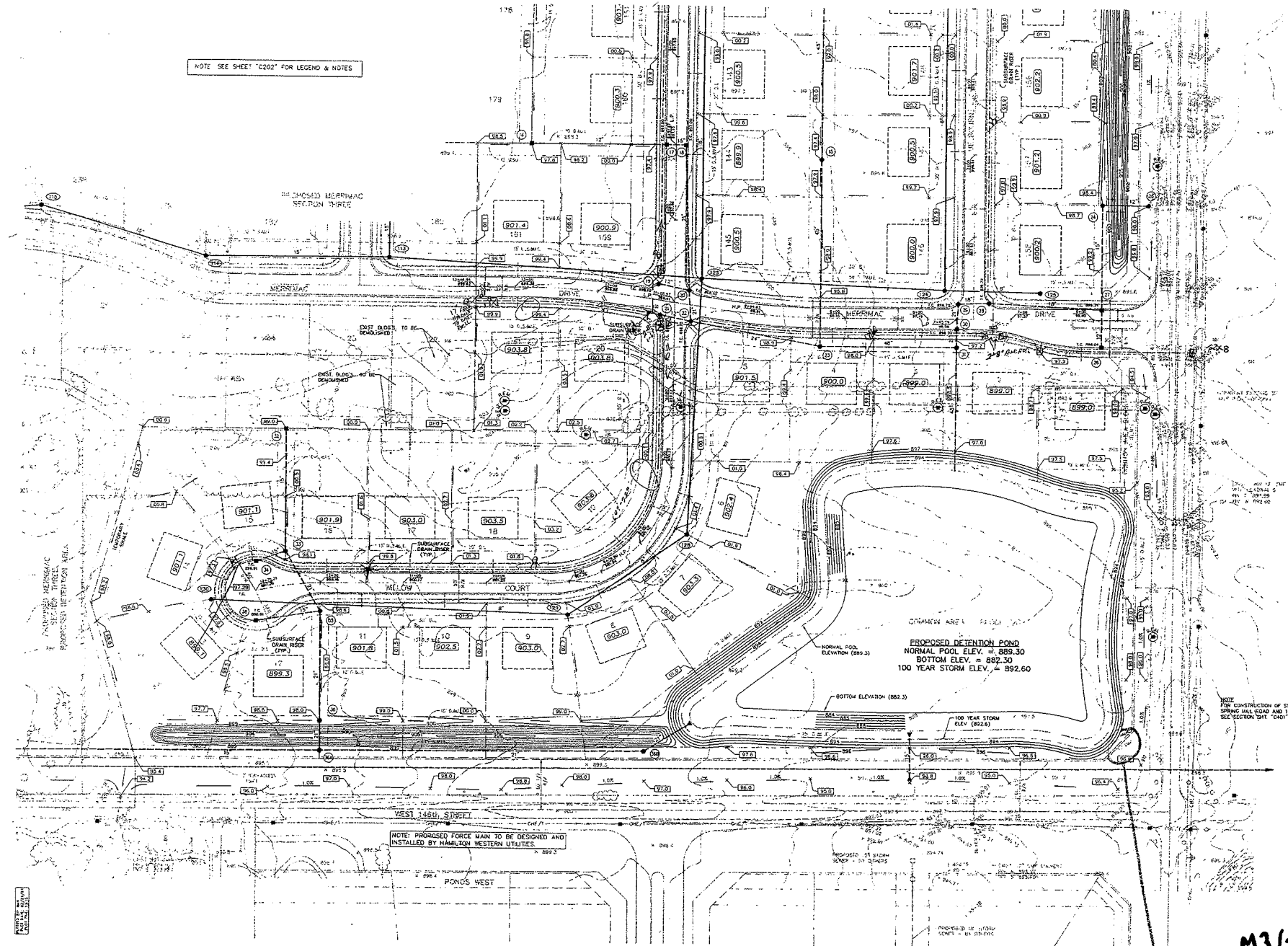
Springmill & Richland Way

Springmill & Merrimac Drive

146th & Warner Trail

146th & Springmill

Across street on NE Corner 196th & Springmill
The Village
ON SPRINGMILL
AN NTS APARTMENT COMMUNITY



MPA

MELTON-PACKARD & ASSOCIATES
Civil Engineers • Land Surveyors
6910 N. Shadeland Avenue • Indianapolis, Indiana 46220 • (317) 577-6065

SHEET TITLE: SITE DEVELOPMENT PLAN

PROJECT NAME: MERRIMAC
SECTION ONE
WESTFIELD, INDIANA

REVISIONS
01/26/94 – GENERAL REVISIONS
02/18/94 – AS PER H.C.M.D.
03/31/94 – AS PER HAMILTON CO.

MPA
PRINTED

DONALD M. GWINNUP, JR.
REGISTERED
No. 19864
STATE OF INDIANA
PROFESSIONAL ENGINEER

NORTH

SCALE: 1" = 50'

DRAWING: 93070P1.DWG
DATE: 12/27/93
PROJ. NO. 9307
DRAWN BY: dep

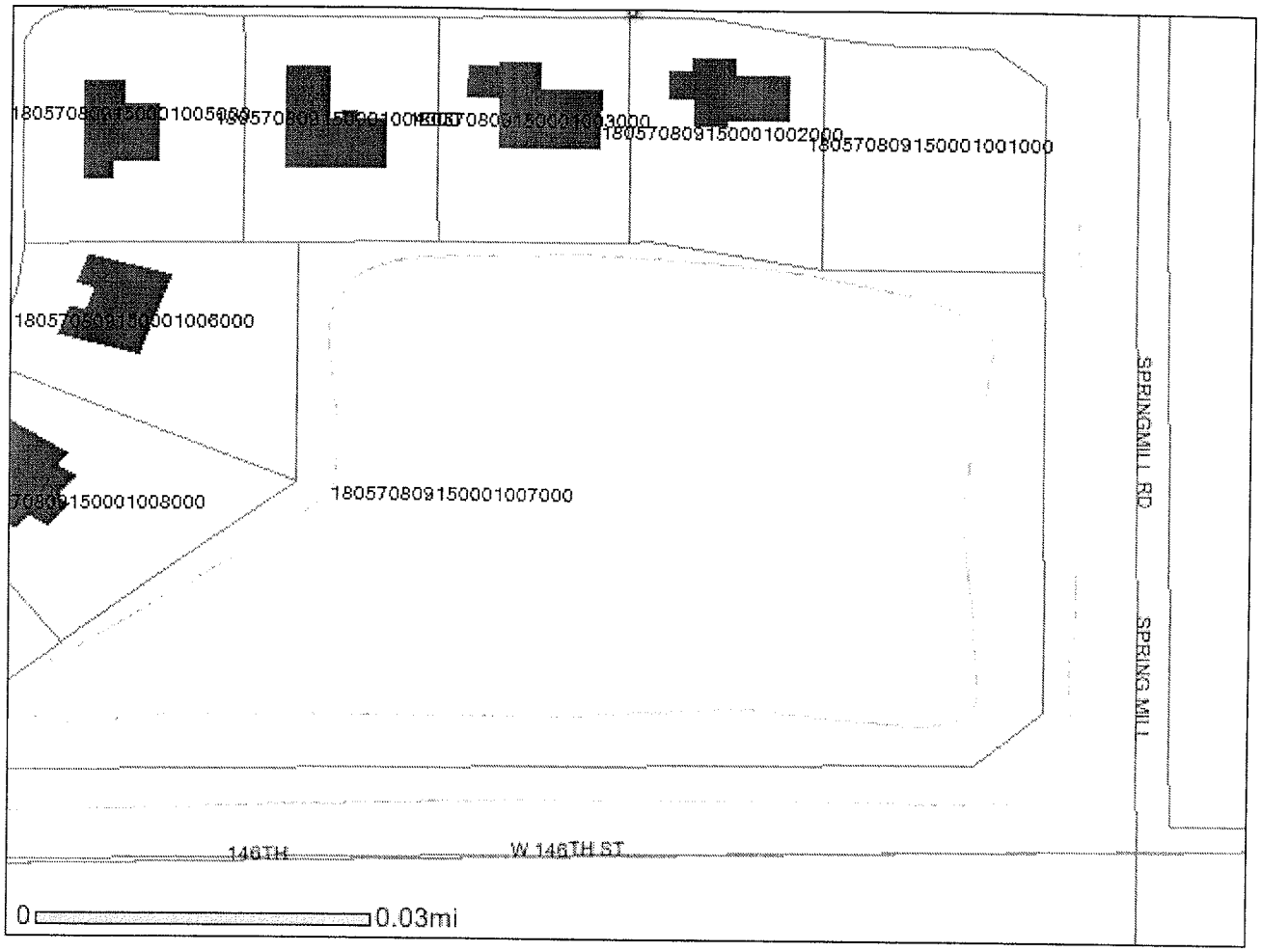
SHEET NO.: C201

TUBE FILE #

M31-001

Work Site Between fence opening

Merrimac Block 1



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