

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

*Instruction Sheet*

1. A pre-filing conference is required for all Board of Zoning Appeals (BZA) petitions. An appointment must be made with a staff planner to discuss a petition prior to filing for a hearing before the Board of Zoning Appeals.
2. If the applicant is not the property owner, the applicant shall demonstrate consent of the property owner in order to file a petition. The applicant shall provide a signed and dated document outlining the property owner's permission in representing their interests at the time of filing any petition.
3. All responses provided on the application and other required materials shall be legible.
4. Staff will provide all information submitted with your case to the members of the BZA prior to the meeting date. Submittals must be in an 8.5" x 11" or 11" x 17" format in order to be reproduced for the BZA packets.
5. If the petitioner wishes to submit color diagrams or graphics, the petitioner shall provide 20 color copies 10 days prior to the hearing date.
6. Meetings are held on the second or third Tuesday of each month at 7:00 p.m. at the Westfield City Hall, 130 Penn Street, Westfield Indiana 46074 unless otherwise noted.
7. Please print your name and address on the sign-in sheet provided at the podium in the front of the assembly hall prior to the beginning of the BZA meeting.
8. In no event shall petitioners contact or attempt to communicate with members of the BZA in regard to this variance application and/or hearing prior to the BZA meeting.
9. If you have any questions regarding this application procedure, please contact the Community Development Department at (317) 896-5577.

## **PROCEDURAL STEPS**

The following steps must be completed prior to any petition receiving a hearing before the Board of Zoning Appeals. It is the sole responsibility of the petitioner in satisfying the procedural process as set forth by the Board of Zoning Appeals. Failure to comply with these procedural steps will delay the hearing process.

### Pre-filing Conference:

- Petitioner schedules a meeting with staff and designates a contact person. If plans are submitted, staff has 5 business days to review all plans and make recommendations.
- Petitioners will be provided copies of all relevant codes, TAC contact information, and filing fees and deadlines.

### Filing:

- Filing deadlines have been established by the Westfield City Council—all materials required for filing shall be submitted on the appropriate filing date.
- BZA docket number(s) shall be assigned and all filing fees must be paid at the time of filing.

### Public Notice:

- All public hearings before the BZA require that public notice be provided 21 days prior to the BZA hearing.
- The applicant is responsible for mailing notice to adjacent property owners and posting the site 21 days prior to the BZA hearing.
- Department staff is responsible for submitting hearing notice to a general circulation newspaper 21 days prior to the BZA hearing.

### Public Hearing:

- All proposals subject to BZA review must undergo a public hearing.

Petition Number: \_\_\_\_\_  
Date of Filing: \_\_\_\_\_

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

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

- 1. Appellant's Name      **City of Westfield**  
Address                    **2728 East 171<sup>st</sup>. St**  
                                     **Westfield, In. 46074**  
  
Telephone Number      **804-3170**  
E-Mail Address         **ktodd@westfield.in.gov**
  
- 2. Landowner's Name    **City of Westfield- Fire Department**  
Address                    **17535 Dartown Road**  
                                     **Westfield, In. 46074**  
  
Telephone Number      **317-804-3300**
  
- 3. \*Representative      **Same information as Appellant's**  
\*Address                    \_\_\_\_\_  
                                     \_\_\_\_\_  
  
\*Telephone Number    \_\_\_\_\_  
\*Email Address         \_\_\_\_\_

\*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.)  
**Westfield Fire Station #83**  
**17944 Grassy Branch Road**  
**Westfield, In. 46074**
  
- 5. Legal description of property (list below or attach)  
**See attachments**  
\_\_\_\_\_  
\_\_\_\_\_
  
- 6. Complete description of the nature of the development standard variance applied for:
  - a. *WC 16.04.030, D.4: Allow 1.535 acres; property conveyed to the City form the School Corporation is 1.535 acres. Variance from 3 acre minimum lot size.*
  - b. *WC 16.04.030, D.6: Allow 80' from property line and 21' from right of way line to face of building Front Yard Setback; property configuration conveyed to the City*

- from the School Corporation does not allow for Front Yard Set Back requirement. Variance from 100' Front Yard Setback.*
- c. *WC16.04.030, D.6: Allow 22' Rear Yard Setback; property configuration conveyed to the City from the School Corporation and existing infrastructure does not allow for Rear Yard Set Back requirement.*
  - d. *WC 16.04.165, D, 1, e (1): Allow two (2) overhead apparatus bay doors (loading spaces/docks) to face a public street; location is vital to reducing emergency response time of apparatus. Variance from no loading spaces or docks permitted to face a public street.*
  - e. *WC 16.06.050, B, 2: Allow three (3) shade trees for Road Frontage planting; the limited configuration of the property conveyed to the City from the School Corporation causes an overlap of the required Road Frontage planting and the Buffer planting. The density of planting would reduce the visibility of this emergency response/area of refuge facility from the public it serves and visibility of exiting emergency response apparatus to on –coming vehicular traffic creating a public safety hazard. Variance from one (1) shade tree per forty (40) linear feet of frontage or eight (8) shade trees total.*
  - f. *WC 16.06.060, C: Allow zero (0) evergreen trees in the east Buffer Yard, allow thirty-five (35) evergreen shrubs in the east Buffer Yard; the limited configuration of the property conveyed to the City from the School Corporation causes an overlap of the required Road Frontage planting and the Buffer planting. The density of planting would reduce the visibility of this emergency response/area of refuge facility from the public it serves and the view of exiting emergency response vehicles to on –coming vehicular traffic creating a public safety hazard. Variance from one (1) evergreen tree per thirty (30) linear feet; five (5) evergreen shrubs per thirty (30) linear feet.*
7. **ALL SITE PLANS SHALL BE LEGIBLE AND DRAWN TO SCALE.** Site plans must accompany this application and must depict at a minimum:  
**- Site plan and Landscape plan attached**
- 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:

*1). This variance has been requested to accommodate the limited area of the property conveyed to the City by the School Corporation and improve the public safety aspects of this project*

*2). The approximately 1.5 acres available is typical of an eight (8) staff per shift fire substation and the size and configuration of the property can not be altered at this time.*

*3). The size and configuration of this building is typical of an eight (8) staff per shift fire substation and can not be reconfigured to accommodate the setback requirements without significantly altering and compromising the operational function of the facility.*

*4). The apparatus bay doors facing the public street are essential to optimizing emergency response times.*

*5). The amount of required Frontage and Buffer Yard plantings would reduce visibility of the community to this emergency response/area of refuge facility and the view of exiting emergency response vehicles to on-coming vehicular traffic creating a public safety hazard.*

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:

*1). Washington Woods Elementary School: Property value may be increased and insurance rates decreased due to the immediate proximity of this emergency response facility.*

*2). Adjacent property Owners: Property value may be increased and insurance rates decreased due to the immediate proximity of this emergency response facility.*

*3). This project represents a typical fire substation found in any community in Indiana.*

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

*1). Strict compliance with the zoning ordinances would prohibit the construction of this project at this site and the site was selected to better serve the Westfield community by reducing emergency response times.*

*2). Strict compliance with the landscape ordinance would reduce the necessary visibility of this facility type within the community thus compromising the fire departments ability to provide comprehensive services.*

*3). Strict compliance with the landscape ordinance would reduce visibility of on-coming traffic to exiting emergency response vehicles and create a public safety hazard.*

CITY OF WESTFIELD, INDIANA

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

\_\_\_\_\_ on file \_\_\_\_\_  
Applicant

SUBSCRIBED AND SWORN TO ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_ on file \_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

## NOTICE REQUIREMENT

The appellant is responsible for giving appropriate notice of his/her variance request by: (1) mailing notice to neighboring landowners and (2) posting an informational sign on the property. Persons to be notified by mail include all fee simple owners of real property to a depth of two (2) ownerships bearing no direct or indirect interest in the petition or all properties within one-eighth of a mile (1/8), whichever is less.

### 1. Certified Mail:

- a. All interested parties must be served notice of your hearing request via certified mail.
- b. Return certified mail receipts shall be delivered to the Community Development Department of the City of Westfield, Indiana no later than the Friday prior to the public hearing by 4:00 p.m. In the event the petitioner receives back any of the certified letters as undeliverable items, such unopened envelopes should be submitted to the Community Development Department in lieu of delivery receipts.
- c. A list of adjacent property owners may be obtained from the Hamilton County Auditor:

Office of Transfers and Mapping  
33 North 9<sup>th</sup> Street  
Noblesville, IN 46060  
(317) 776-9624

### 2. Posting the Property:

- a. For all appeals which require public notice, the petitioner shall post at a minimum one sign on all street frontages. The Community Development Department will determine posting locations for signs.
- b. The Community Development Department will make signs available in the office of the Department.

### 3. Newspaper Publication

- a. Notice must be published twice in a daily newspaper of general circulation in Hamilton County, at least twenty-one (21) days prior to the BZA hearing.
- b. The Community Development Department will take care of this requirement.

## **SAMPLE LEGAL NOTICE**

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### **WESTFIELD-WASHINGTON BOARD OF ZONING APPEALS**

The Board of Zoning Appeals will meet on the \_\_\_\_\_ day of \_\_\_\_\_ 200\_\_, at 7:00 p.m. at Westfield City Hall, 130 Penn Street, Westfield, Indiana 46074 for the purposes of holding public hearings and acting on the following case(s):

0001-SE-001 – Kid Care – 1111 Main Road. The appellant is requesting a special exception to legally establish a child day care facility at this location.

0001-SE-002 – Kid Care – 1111 Main Road. The appellant is requesting a special exception to legally establish a child day care facility at this location.

Case files are available for public review in the Community Development Department, Westfield City Hall. Interested persons desiring to present comments either in writing or verbally will be given the opportunity to be heard at the aforementioned time and place.

Westfield-Washington Board of Zoning Appeals

By: John Doe, Petitioner  
Address  
Phone Number

