

Petition No.:

**1506-VU-06**

**Petition Location:** 14939 Ditch Road

**Petitioner:** Jeff Kelich

**Packet Includes:**

1. **06/05/15 HOA:** Joe Plankis (President)  
*(response e-mail)* Centennial Homeowners' Association
2. **06/09/15 Murray Letter:** Shirley Murray (neighbor)  
*(letter of concerns)* 14950 Montclair Drive (Centennial)
3. **07/06/15 Balan Letter:** Douglas Balan (neighbor)  
*(opposed)* 1334 Monmouth Drive (Centennial)
4. **07/06/15 Dalton Letter:** Joe Dalton (neighbor)  
*(opposed)* 15047 Bainbridge Court (Centennial)
5. **07/06/15 Foutz Letter:** Carole Foutz (neighbor)  
*(opposed)* 741 Bucksport Lane (Centennial)
6. **07/06/15 Inlow Letter:** Janet Inlow  
*(opposed)*
7. **07/06/15 Keyes Letter:** Barbara Keyes (neighbor)  
*(opposed)* 1362 Valdosta Place (Centennial)
8. **07/06/15 Mansfield Letter:** Ginny Mansfield (Centennial)  
*(support)*
9. **07/06/15 Migut Letter:** Kimberly Migut (neighbor)  
*(opposed)* 1351 Annapolis Drive (Centennial)
10. **07/06/15 Smith Letter:** Vincent Smith (neighbor)  
*(opposed)* 606 Piedmont Drive (Centennial)
11. **07/06/15 Weintraut Letter:** Alice Weintraut (Centennial)  
*(support)*
12. **07/06/15 Wilkinson Letter:** Mary Wilkinson (neighbor)  
*(opposed)* 1358 Monmouth Drive (Centennial)

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13. **07/06/15 Winkler Letter:** Carl Winkler (Centennial)  
*(opposed)*
14. **07/07/15 Garofalo Letter:** Henry Garofalo (neighbor)  
*(opposed)* 1039 Monmouth Drive (Centennial)
15. **07/07/15 Williams Letter:** Steven Williams (Centennial)  
*(letter of questions)*
16. **07/08/15 Beach Letter:** David Beach (neighbor)  
*(opposed)* 1327 Annapolis Drive (Centennial)
17. **07/08/15 Bengé Letter:** Claudia Bengé (neighbor)  
*(opposed)* 1343 Annapolis Drive (Centennial)
18. **07/08/15 Fisher Letter:** Pat Fisher (neighbor)  
*(opposed)* 1386 Mayfield Court (Centennial)
19. **07/08/15 Gilbert Letter:** Nicholas Gilbert (neighbor)  
*(opposed)* 14910 Mayfield Court (Centennial)
20. **07/08/15 Hannon Letter:** Michael Hannon (neighbor)  
*(opposed)* 1335 Annapolis Drive (Centennial)
21. **07/08/15 Scheller Letter:** Curt Scheller (neighbor)  
*(letter of concerns)* 615 Montgomery Drive (Centennial)
22. **07/14/15 Benedict Letter:** Steve Benedict (neighbor)  
*(support)* 1354 Pawtucket Drive (Centennial)
23. **07/14/15 Pierce Letter:** Jim Pierce  
*(opposed)*
24. **07/14/15 Yerian Letter:** Neal Yerian (neighbor)  
*(letter about HOA Board)* 1324 Pawtucket Drive (Centennial)
25. **07/27/15 HOA:** Joe Plankis (President)  
*(HOA Board position)* Centennial Homeowners' Association
26. **07/27/15 Lehman Letter:** Chuck Lehman Centennial  
*(opposed)*

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27. **08/08/15 Burneson Letter:** Bob Burneson (neighbor)  
*(opposed)* 14922 Mayfield Drive (Centennial)
28. **08/08/15 Fisher Letter:** Pat Fisher (neighbor)  
*(opposed)* 1386 Mayfield Court (Centennial)
29. **08/08/15 Gilbert Letter:** Pam Gilbert (Centennial)  
*(opposed)*
30. **08/09/15 Sawyer Letter:** Don Sawyer (neighbor)  
*(opposed)* 1310 Mayfield Court (Centennial)
31. **08/09/15 Wilson Letter:** Joan Wilson (Centennial)  
*(opposed)*
32. **08/10/15 Brown Letter:** Bill Brown (neighbor)  
*(opposed)* 1318 Mayfield Court (Centennial)
33. **08/10/15 Streeter Letter:** Dwayne Streeter (Centennial)  
*(opposed)*
34. **08/11/15 Benge Letter:** Claudia Benge (neighbor)  
*(support)* 1343 Annapolis Drive (Centennial)
35. **08/11/15 Crowley Letter:** Thomas Crowley (neighboring property owner)  
*(support)* NWC of Ditch Road/146<sup>th</sup> Street
36. **08/11/15 Perkins Letter:** John Perkins (neighbor)  
*(opposed)* 1317 Mayfield Court (Centennial)
37. **08/11/15 Worysz Letter:** Andrew Worysz (neighbor)  
*(opposed)* 14913 Mayfield Drive (Centennial)



## Jesse Pohlman

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**From:** Joseph Plankis <jplankis@gotown.net>  
**Sent:** Friday, June 05, 2015 7:56 PM  
**To:** Kevin M. Todd, AICP; Jesse Pohlman  
**Cc:** Ancich Tom; Dwayne Streeter; Joe Plankis; Joseph Ruppert; Lyons Mike; Robert P Smith II; Robin Barbera; Ron Rothrock; Susan Stephens; Matt Englert; Roxanne Krieg; Scott Tanner  
**Subject:** BZA Hearing

Hi Kevin,

Since I do not have the email addresses of the members of the BZA, I would appreciate it if you would forward this message to all the members of the BZA and enter it into the public record for this petition.

Facts:

1. I did speak with Jeff Kelich on Wednesday, June 2, 2015. His first call was at 3:35 PM and lasted 35 seconds. It was of short duration since I was in the middle of a project and asked him to call me back a half hour later.
2. He called back at 4:14 PM and I was running an errand in Carmel and just entering a store at the time. The call lasted approximately 10 minutes not the "spoke with Joe for over 20 minutes" that he indicated in his email to Kevin Todd on the morning of June 3, 2015.
3. He indicated in his email that "Joe was very receptive and mentioned he would send out a blast email to the neighborhood that he had supported what we were doing and the information was coming via mail." That is not accurate. What I said was I needed to see the information about his petition since I knew nothing about his proposal. I did say that I would send out a blast email to the residents with the information that he provided to the HOA, as one of the owners that needed to be notified, since the HOA owns common area within 600 feet of the PettyJohn site. I told him that I personally felt that his proposal, as he described verbally, might be a better use of the property, but I needed to see the plans first. I never said that the email would be in support of his project. At the time of the phone conversation on June 2nd, I had not seen any copy of the plans for the property, hours of operation, etc. In addition, I obviously had not received any feedback from the residents about the project since no one had received any notice of the petition and the public hearing. Let me be clear, Jeff Kelich does not speak for me or for our HOA.. Since it appears there is a significant misunderstanding, that is indeed unfortunate.
4. In the Variance Application there is a Public Notice Affidavit that is signed by Mr. Kelich. In that affidavit, he certifies that the notice of the public hearing to consider the petition was to be sent to all persons shown on Exhibit A (was not part of the application that is linked on the City's website), which I assume was a list of property owners within 600 feet of the PettyJohn property. Those notices were to be postmarked on May 15th according to the affidavit, but as indicated in the staff report, were not postmarked until June 3, 2015, in violation of BZA rules that requires at least a 10 day notice before the hearing. He obviously had plenty of time to send out the notices to the property owners prior to the 10 days prior to the hearing and he failed to do so. One homeowner that contacted me received the notice on Thursday June 4th. At this point, late on Friday afternoon, I am not been made aware by any other homeowners that they have received their letters.
5. The petitioner also did not post a notice on the property until June 3, 2015 in violation of BZA Rules. That would have been another method of notifying homeowners of the fact that something was going on with the PettyJohn property.

6. Since the pre-filing conference with staff was held on April 30, 2015, there was plenty of time to reach out to the Centennial community to set up a meeting with homeowners to present the project to them. Staff suggested setting up a meeting with the homeowners to attempt to gain support for the petition. This has been done very successfully by the developers of Harmony, and Cardon Associates in the past, and the HOA has been more than happy to provide that organizing effort to set up such a meeting at the Cornerstone Bible Church. Staff is aware of those past efforts by our HOA and that suggestion was evidently made several times, but apparently ignored by Mr. Kelich.
7. Having a better understanding of the petition and a review of the posted documents, I attempted to contact Mr. Kelich by phone early this morning (Friday) and as of this Friday evening, have not received a call back.

Having said all this, I would request that the BZA REJECT the petitioners request to suspend the rules and proceed with the public hearing. It is obvious that the homeowners have not had enough time to review the petition. The petitioner had ample time to follow the notification requirements and did not do so. That would allow the case to be continued until the July 14, 2015 meeting. Since this petition, if approved, could have a significant impact on home values in the area of the PettyJohn property, this request is not out of line.

In spite of the way the petitioner has handled this situation, the HOA would be willing to facilitate a meeting between the petitioner and the Centennial homeowners so they could gain a full understanding of what Mr. Kelich is proposing and have their questions answered. That results of that meeting would then determine whether the homeowners and the HOA would support or oppose the petition.

Respectfully submitted,

Joe Plankis  
President  
Centennial HOA

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Joe Plankis  
Cell: [317-625-4387](tel:317-625-4387)  
Email: [jplankis@gotown.net](mailto:jplankis@gotown.net)



## Jesse Pohlman

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**From:** Andrew Murray  
**Sent:** Monday, June 08, 2015 8:15 PM  
**To:** Jesse Pohlman  
**Cc:** Kevin M. Todd, AICP  
**Subject:** Fwd: Lawn and Landscaping Business

Please include in the record for tomorrow's BZA meeting.

This email was sent from a smartphone. Please excuse any grammar errors.

Andrew Murray  
City of Westfield  
Associate Planner | Economic and Community Development  
Office: 317.804.3170  
Direct: 317.379.9080  
[www.westfield.in.gov](http://www.westfield.in.gov)

Begin forwarded message:

**From:** Shirley Murray <[samurray222@gmail.com](mailto:samurray222@gmail.com)>  
**Date:** June 8, 2015 at 7:45:16 PM EDT  
**To:** Andrew Murray <[amurray@westfield.in.gov](mailto:amurray@westfield.in.gov)>  
**Subject:** Lawn and Landscaping Business

Andrew,

Just sending you a note to voice my concern about a public hearing. I learned from a neighbor that the Board of Zoning Appeals meeting regarding this new business is on June 9, 2015. I have read the information that is posted on the City's website. I have received no notice regarding this meeting, I do not recall receiving any email from Mr. Plankis. I am a little concerned since my property backs right up to this proposed new business. Other commitments that I currently have will not allow me to attend this meeting on June 9th.

I was not concerned moving into this house with the concrete business that is currently in place. I have no objections to a new business going in here if they will be as respectful as the current concrete business that is in place. I am concerned with the smell from the piles of mulch, the palletized bulk storage area which will mean equipment moving about frequently and if they choose to operate on a Saturday morning at 7 a.m. Thus, more noise. This area all backs up to my property. I would hope before any decision is made, we would all get the proper information as a show of being neighborly.

Thank you.

Shirley Murray



**Kevin M. Todd, AICP**

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**From:** Douglas Balan <dgbalan@hotmail.com>  
**Sent:** Monday, July 6, 2015 7:30 PM  
**To:** Kevin M. Todd, AICP; jplankis@gotown.net  
**Subject:** FW: Special Meeting Regarding Variance Request for 14939 Ditch Road

Kevin Todd  
Joe Plankis

We do not support the variance request.

Let the city follow the established zoning for this land. The land is contiguous to Centennial and would best be used as currently zoned. I would assume the owner was well aware of the zoning change when the land became part of Westfield and was then zoned as SF2. He can sell the land to a developer of SF2 properties.

Also, currently there are no commercial businesses on Ditch road along the Centennial and Harmony corridor. Any commercial business at this location will add to traffic problems with vehicles entering and exiting from/onto Ditch road.

I want to believe the board will honor the city's existing plans for the land as well as the desires of the local residences over the wishes of an individual businessman.

Sincerely,

Douglas Balan  
1334 Monmouth Drive  
Westfield, IN 46074

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To: dgbalan@hotmail.com  
Subject: Special Meeting Regarding Variance Request for 14939 Ditch Road  
Date: Mon, 6 Jul 2015 18:56:27 -0400  
From: hoa@centennialhoa.org

Dear Douglas Balan,

The email is to inform you of a special meeting that will be held this Wednesday, JULY 8, 2015 AT 7pm for all Centennial homeowners at the main conference room at the City Services building at 2728 East 71st Street in Westfield. If attending, please use the East entrance to the City Services building. There is a parking lot on the east side of the building and you should park there if you can. If the lot is full, you can use the west

lot, but you will still have to use the east entrance to enter the building. If you cannot attend this special meeting, I encourage you to attend the BZA (Board of Zoning Appeals) meeting at 7PM on July 14th.

The meeting was requested by Jeff Kelich, owner of Carmel Turf Care. He has filed a petition with the City of Westfield (1506-VU-06) requesting approval of a Variance of Use for the property at 14939 Ditch Road, currently known to most of us as the PettyJohn property. As you know, PettyJohn is a contractor that installs concrete foundations and does other similar work. They have been in that location since 1979, about 20 years before Centennial was started. The site is about four acres.

The property is currently zoned as SF2:Single Family Low Density District (Chapter 13:Use Table). That basically means that homes, such as we have in Centennial, can be built on the site with the developer having to provide a site plan before the Plan Commission for approval. No change in zoning would be required.

The reason, that an operation such as we have now existing on the site, is that PettyJohn requested a Variance of Use in 1979 before the BZA. At that time no homes were anywhere close by and this area was part of the township, but not part of the City of Westfield. Because that Variance was granted for a specific use, a concrete construction company, it cannot be used for other purposes. Thus, the petition request by Mr. Kelich for placing his landscaping business on that site. It would be a retail site for a landscaping business that would include various kinds of equipment, sale of bulk mulch, shrubs, and other plant and landscaping matter, etc. It would operate from 7 AM to 7 PM five days a week and until 5PM on Saturdays.

The hearing was continued from June 9th until July 14th since Mr. Kelich did not notify approximately 60 Centennial homeowners in a timely manner in violation of BZA rules. He had requested a waiver from the rule, even though he was the one that failed to execute the proper procedure for notifying property owners. The BZA voted NO to the waiver so that he would have to come before the July 14th meeting.

It had been suggested to him to request a meeting with the homeowners of Centennial to explain what he wants to do with the property as stated in his petition. He finally made that request recently and due to some issues with being able to line up the Cornerstone Bible Church for a community meeting, the City has graciously allowed Mr. Kelich to use the City Services Conference room for the community meeting.

I encourage all homeowners to attend the meeting on Wednesday. I, along with other board members will be there and will want your input as to whether or not your board, who represents the homeowners, should support such a request. This request is contrary to the current zoning as well as to the vision stated in the Comprehensive Land Use Plan for this area.

If anyone has any questions in the meantime, please contact me or one of the other board members.

If you cannot attend the Wednesday meeting or the BZA meeting on July 14th, but would like to express your thoughts, please send your comments directly to Kevin Todd at the Community and Economic Development Department at [ktodd@westfield.in.gov](mailto:ktodd@westfield.in.gov) so he can pass it on to the members of the BZA. If you send any comments to Kevin Todd, please copy me on those emails at [jplankis@gotown.net](mailto:jplankis@gotown.net).

Respectfully submitted,  
Joe Plankis  
President,  
Centennial HOA

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Joe Plankis

Cell: 317-625-4387

Email: [jplankis@gotown.net](mailto:jplankis@gotown.net)

You have received this message because you are a registered member of the Centennial Homeowner Association's website and you have subscribed to receive special messages from the webmaster. To stop receiving special messages like this one from the Centennial Homeowner's Association website, please log in at [www.centennialhoa.org](http://www.centennialhoa.org) and modify the appropriate notification options in your profile.



## Kevin M. Todd, AICP

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**From:** Joe Dalton <pudaddy@gotown.net>  
**Sent:** Monday, July 6, 2015 6:27 PM  
**To:** Kevin M. Todd, AICP; jplankis@gotown.net  
**Subject:** Variance of Use for 14939 Ditch Road

Due to the fact that I will not be able to attend the special meeting, July 8th or the Board of Zoning Appeals on July 14th, I am sending this email.

As a Homeowner in the Centennial Subdivision I ask that there would be no Variance of Use for the property at 14939 Ditch Road. This is contrary to the current zoning as well as to the vision stated in the Comprehensive Land Use Plan for this area. It is my understanding that the areas near the corner of Ditch Road and 146th Street have several businesses already planned to surround our neighborhood. Putting in another business backed up to our neighborhood will cause a greater increase in traffic of heavier equipment in our area. This is something we do not need . We need the land to be used as it was intended--for single family homes.

Thank you, Joseph Dalton  
15047 Bainbridge Ct.  
Westfield, IN 46074



## Kevin M. Todd, AICP

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**From:** Carole Foutz <clyfoutz@yahoo.com>  
**Sent:** Monday, July 6, 2015 5:12 PM  
**To:** Kevin M. Todd, AICP  
**Subject:** Variance

As a resident of Centennial I would not be in favor of a variance. This piece of land now is in the middle of a major residential area as it was not originally when the prior business began. A landscaping business will lend itself to large equipment, piles of mulch, etc. which is not in our best interest as a homeowner. Continuation of pathways need to happen in that area as well as other upgrades which are not present now.

Carole Foutz  
741 Bucksport Lane

Sent from my iPhone



## **Kevin M. Todd, AICP**

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**From:** Janet Inlow <inlow@gotown.net>  
**Sent:** Monday, July 6, 2015 5:38 PM  
**To:** Kevin M. Todd, AICP  
**Subject:** landscaping business

Tell Mr. Kelich to keep his business in Carmel!



**Kevin M. Todd, AICP**

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**From:** Barb <btkeyes@me.com>  
**Sent:** Monday, July 6, 2015 7:30 PM  
**To:** Kevin M. Todd, AICP  
**Subject:** Special Meeting Regarding Variance Request for 14939 Ditch Road

I am a homeowner in Centennial and cannot attend the meeting on Wednesday. I am strongly opposed to Carmel Turf having a retail store in our neighbor. I am also concern about how he tried to push it through without residents being aware. Please do not allow this business to proceed.

Thank you,  
Barbara Keyes  
1362 Valdosta Pl.  
Westfield , IN. 46074



## Kevin M. Todd, AICP

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**From:** Mansfield, Geneva <GMansfield@IUHealth.org>  
**Sent:** Monday, July 6, 2015 7:47 PM  
**To:** Kevin M. Todd, AICP  
**Subject:** Special Variance Meeting for 14939 Ditch road

I am confused by the email sent by Joe. Was this site granted a variance for the use as a concrete construction company? If so it was zoned for business. If not was it zoned only for homes to be built upon the 4 acres? If this variance was granted before there was ever a Zoning Board, for commercial endeavors then I see no reason for the variance not to be granted. 4 acres isn't a very large area for homes to be built upon and I see no reason why if there is a current business there that another business can't be in the same location. The greater the tax base the better.

Ginny Mansfield CCS, CCDA  
Denial Prevention and Recovery  
Coding/Denial Mgmt Coordinator  
Indiana University Health  
Revenue Cycle Services  
Office 317-963-0923  
Fax- 317-968-1105  
[gmansfield@iuhealth.org](mailto:gmansfield@iuhealth.org)



## Kevin M. Todd, AICP

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**From:** Migut, Kimberly C. <kim.migut@FaegreBD.com>  
**Sent:** Monday, July 6, 2015 5:26 PM  
**To:** Kevin M. Todd, AICP  
**Cc:** jplankis@gotown.net  
**Subject:** FW: Special Meeting Regarding Variance Request for 14939 Ditch Road

Hello Todd-

I am one of the residents that live on Annapolis Drive in Centennial and my property is directly facing the Pettyjohn property.

**I highly oppose the variance.** First I am disappointed to the type of person the Mr. Kelich appears to be . Failing to execute a simple notice in a timely manner indicates to me that he potentially lacks the type of character and business tactics that I can respect.

Allowing this variance would dramatically impact my property value in a negative way. I purchase my home two years ago and it is a nice quiet street. The noise that the new business would create would be highly disruptive to my family and virtually kill my property value. The last thing I am sure you would like to wake up to on a Saturday morning after working 60 hours a week is the sound of a backloader going “beep beep beep” outside your bedroom window at 7 am while it’s loading mulch into a truck. ( and yes my bedroom windows are about 20 feet from this property) The Pettyjohn business that is there make virtually zero noise and creates no additional traffic. I am also concerned with the safety and security of my home with all the new traffic and random people that would be entering the area. I am not at all inclined to have a retail site in my back yard with only a 8’ privacy fence separating it from my 4 year old daughter.

I urge you to please convey my concerns and urge the committee to vote no to the variance.

Thank you,

Kim Migut  
1351 Annapolis Drive

Kim Migut, CMP  
**Director of Events**  
[kim.migut@FaegreBD.com](mailto:kim.migut@FaegreBD.com) [Download vCard](#)  
D: +1 317 237 1365 | M: +1 317 445 2861 | F: +1 317 237 1000

**Faegre Baker Daniels LLP**  
300 N. Meridian Street | Suite 2700 | Indianapolis, IN 46204, USA  
Connect: [LinkedIn](#) | [Twitter](#)



## Kevin M. Todd, AICP

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**From:** Smith Vincent <vsmith1814@aol.com>  
**Sent:** Monday, July 6, 2015 8:41 PM  
**To:** Kevin M. Todd, AICP  
**Cc:** jplankis@gotown.net; McNeal Smith Sheiletha  
**Subject:** RE: Variance Request for 14939 Ditch Road

Mr. Todd,

My name is Vincent Smith and I live at 606 Piedmont Dr. Westfield, IN. (317-669-8355) We will not be able to attend the special meeting regarding the variance request.

However I would like it to be known that my wife and I are against granting this variance. The city of Westfield has approved the Harmony plan and this is directly across Ditch Road from this property.

This property is also surrounded on three sides by the Centennial residential area and therefore we believe it should remain residential.

It is our wish that the BZA decline the variance and that the Comprehensive Land Use Plan be adhered to.

Sincerely,

Vincent & Sheiletha Smith



## Kevin M. Todd, AICP

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**From:** enzomatic@gmail.com on behalf of Alice Weintraut <alice.weintraut@gmail.com>  
**Sent:** Monday, July 6, 2015 6:19 PM  
**To:** Kevin M. Todd, AICP  
**Cc:** Joseph Plankis  
**Subject:** Landscaping company at 14939 Ditch Road

I just wanted to chime in as a resident of Centennial that I think this would be the perfect type of business for this location. It's a small enough spot that you couldn't build a neighborhood there. It seems the only options would be an individual home or some type of business. Rather than have an individual home, I would LOVE having a convenient location to buy mulch, landscaping plants, etc. The closest similar businesses are Tractor Supply (which rarely has anything) and Lowes (big box, not a local business). I would love to see a local landscaping business be the most convenient shopping location for neighborhood residents like myself. I also feel landscaping, unlike other retail businesses, are usually attractive with their product around, don't have an excessive amount of traffic, and in general are suitable for proximity to homes.

Excited about the possibility, hope I'm not in the minority.

Alice Weintraut



## Kevin M. Todd, AICP

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**From:** mwilkinson@opusdesignad.com  
**Sent:** Monday, July 6, 2015 5:22 PM  
**To:** Kevin M. Todd, AICP  
**Cc:** jplankis@gotown.net  
**Subject:** FW: Special Meeting Regarding Variance Request for 14939 Ditch Road

Mr. Todd, I am a nearly ten-year resident of Centennial.

I am one of the unfortunate homeowners who backs up to Ditch Road and have borne the brunt of the Estridge construction project across the road. I would also be located four homes down from the proposed rezoning site.

I was given the choice of a lot that backed up to the PettyJohn site or my home site, which backs up to Ditch Road. At the time, Ditch Road was a quiet thoroughfare with little traffic. The PettyJohn site was rather noisy and so I chose my current home site. I was told – ten years ago by the Estridge representative – that PettyJohn was moving and by the time my home was complete, the facility would be gone. As you can see, that has not happened.

At the same time, I was told that the property across Ditch was to be developed in the next 10 years or so, but there would be no problem with my home, since Estridge would set up sound mitigation for Centennial residents on the property in order to maintain the value of our homes.

Neither of these promises have taken place.

The time has come to turn that space into what it was intended to be...residential sites. The noise, dirt and traffic would expand an already difficult and untenable situation for the residents along Ditch and those that back up to the property who have already had to deal with disruption, dirt, noise and exponentially increased traffic from development.

I work from my home, and this was my dream cottage that I poured everything into. Now it's a noisy, dirty, albatross with a drag strip behind it...I couldn't sell if for what I have into it until I tried.

While growth for Westfield is a good thing, does it need to be at further cost to residents in place?

Please deny the petition of Carmel Turf Care. Westfield has determined this to be an area for residences, so please don't place industrial and retail traffic in our neighborhood.

Respectfully submitted,

Mary Wilkinson  
1358 Monmouth Drive



## Kevin M. Todd, AICP

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**From:** CarlJWinkler <carljwinkler@gmail.com>  
**Sent:** Monday, July 6, 2015 6:36 PM  
**To:** Kevin M. Todd, AICP  
**Cc:** Joe Plankis  
**Subject:** Petty John Property on Ditch

Dear Mr. Todd

The variance on the Petty john property should be honored.

However in additional variance it is not consistent with the surrounding property should not be considered or granted.

It is certainly not the highest and best use of the property.

A 4 acre site there could support 6 to 8 homes. Certainly a better value and consistent with the surrounding community.

Sincerely CARL WINKLER

Sent from my iPhone



**Kevin M. Todd, AICP**

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**From:** Baked Apple Industries <bakedappleinc@yahoo.com>  
**Sent:** Tuesday, July 7, 2015 7:49 AM  
**To:** Kevin M. Todd, AICP  
**Subject:** Property Change

Dear Mr. Todd:

Good morning I own a property In Centennial (1039 Monmouth Drive) that backs up to Ditch Road. I would like to OBJECT to the Landscape company coming into a residential area. I also own a home in Boca Raton Florida the has the same thing in that community, their is nothing but noise and dirt flying around from the trucks and machines moving around not to mention the customers picking up plants and mulch, and in addition to Pesticide odors.

Again please consider the problems they would create and turn down their request!!!!

Concerned Home Owner  
Henry Garofalo



**Kevin M. Todd, AICP**

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**From:** Steve Williams <skwilliams@gmail.com>  
**Sent:** Tuesday, July 7, 2015 8:57 AM  
**To:** Kevin M. Todd, AICP  
**Subject:** July 14th meeting

Kevin

I will be unable to attend the meeting. My question is will the landscaping business produce any types of smells that will carry over to the neighborhood? There is a bulk mulch and landscaping business on 96t and 465. That you can smell when you drive by.

Now that is a large business and I'm guessing it's bigger than 4 acres, but i don't want that smell hanging around. If there might be anything producing a smell i would vote against this.

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Thanks  
Steven Williams  
Burnish and Press  
480-262-3942.



## Kevin M. Todd, AICP

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**From:** David Beach <beachrunners@sbcglobal.net>  
**Sent:** Wednesday, July 8, 2015 5:16 PM  
**To:** Kevin M. Todd, AICP  
**Cc:** jplankis@gotown.net  
**Subject:** Variance Request -1506-VU-06  
**Attachments:** bza response.odt

Page 1 of 2

July 8, 2015

To: Board of Zoning Appeals  
City of Westfield, Indiana  
1327 Annapolis Drive  
Westfield, Indiana 46074

As a Professional Engineer and Surveyor, I have been involved in the review of development plans for various cities in Ohio for the last 30 years. The current proposal, for the construction of a landscaping business in a area zoned for residential, and completely surrounded by residential use should be denied as follows:

1. The approval **will** be injurious to the public health, safety, morals, and general welfare of the community:

a. Finding: It is likely that allowing a landscaping business on the Property **would** be injurious to the public health, safety, morals, and general welfare of the community. A concrete company has operated on the Property for 36 years. This landscaping company has been a good neighbor and, except for a few trucks leaving in the morning and returning in the evening, the noise and disturbance has been minimal. A landscaping operation would **not** have a similar impact on the site and the surrounding area. Traffic will be ongoing throughout the day and loading and unloading of materials, including noise from backup alarms will be a substantial increase from the existing use. This proposed use will definitely lower the property values of existing homes.

b. Finding: It is likely that the use and value of adjacent property **will** be affected in a substantially adverse manner. While similar because there are outdoor activities involved in both, concrete operations and landscaping operations are not the same thing. Landscaping operations could have more intense and frequent outdoor activity than a concrete company would have. My experience is that typically, landscape companies frequently engage in snow removal services during the winter months and storage, loading and traffic will occur during the winter when the current use is basically dormant, again, an expansion of the existing use. The added noise and disturbances **will have an adverse impact on the health and general welfare** of the residents who live in the homes adjoining the site.

c. Finding: Either a small, single-street residential subdivision project could theoretically develop on the 4-acre property, a single home could be built on the property, or one of the institutional uses could build on the property. Either way, the property could be used in a

manner that is consistent with permitted uses in the SF-2 District. 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 of use is sought: Finding: Strictly applying the zoning ordinance would **not** permit the requested use. Landscaping businesses are permitted elsewhere within Westfield-Washington Township, and this site that is surrounded by suburban residential development is **not** the most appropriate location for this use. The Property could be used in a manner that is consistent with permitted uses in the SF-2 District. 5. The approval does not interfere substantially with the comprehensive plan: Finding: The proposed land use is not consistent with the recommendations for the Suburban Residential area of the Comprehensive Plan, which calls for residential, institutional, and recreational uses.

Page 2 of 2

In conclusion, the site plan / conceptual plan for this landscaping business is a significant expansion of the existing variance. The parking lot is planned for expansion and paving of a majority of the parcel as a gravel parking lot, which does not meet existing site development regulations nor include provisions for stormwater detention/retention in accordance with existing regulations. The expansion is setting a precedence for retail sales in a residential area and the added traffic from the expanded use will create a safety problem due to the undeveloped condition of Ditch Rd. in front of the site.

Therefore, it is my request that the board DENY the current request for variance.

Respectfully,

David E. Beach, P.E., P.S.



## Kevin M. Todd, AICP

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**From:** Claudia Bengé <bengecaj@iquest.net>  
**Sent:** Wednesday, July 8, 2015 5:32 PM  
**To:** Kevin M. Todd, AICP; jplankis@gotown.net  
**Cc:** mhannon10@cox.net  
**Subject:** Property at 14939 Ditch Road; petition 1506-VU-06

Mr. Todd

My husband and I are Centennial property owners on Annapolis Drive. Our home backs up to the above mentioned property in the discussion. We have problems now with the occasional loud noises that come from the current occupants/business.

We respectfully want the property to be returned to its original zoning designation as SF-2: Single Low Family Density District.

Centennial single family homes surround this particular property. With Harmony going up on the westside of Ditch Road which will include a strip mall, we are going to experience enough of a problem with traffic as it stands right now.

Please do not approve the petition from Carmel Turf Care/Jeff Kelich for that particular 4 acre plot.

Claudia A and James R Bengé  
1343 Annapolis Drive  
Westfield, Indiana 46074  
317 626 1260



**Kevin M. Todd, AICP**

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**From:** Pat. Fisher <pfisher4163@gmail.com>  
**Sent:** Wednesday, July 8, 2015 2:41 PM  
**To:** Kevin M. Todd, AICP  
**Subject:** RE: Variance of use for property at 14939 Ditch Road

Our home backs up to the property at 14939 Ditch Road. We have lived here for over a year and have no complaints about the present concrete company. However, we are concerned about the idea of a commercial business with long business hours and noisy equipment in use, and it is our hope that Carmel Turf Care will not be given a variance.

Jim and Pat. Fisher  
1386 Mayfield Court



## **Kevin M. Todd, AICP**

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**From:** Nicholas Gilbert <nkgilb1@aol.com>  
**Sent:** Wednesday, July 8, 2015 4:01 PM  
**To:** Kevin M. Todd, AICP  
**Cc:** jplankis@gotown.net  
**Subject:** Variance request for 14939 Ditch Road

As residents of Centennial, we are against for the request to change variance of use for the property at 14939 Ditch Road. We feel that any change from the current code of SF2 single family, low density, will adversely effect the property values of our neighborhood of Centennial and that of the Harmony neighborhood.

With all surrounding property being single family homes, the installation of the landscaping business, or any business would be detrimental.

Please reject any change brought up before the board as it is contrary to the current zoning and well as the vision stated in the Comprehensive Land Use Plan for this area.

Regards,

Nicholas K Gilbert  
14910 Mayfield Drive  
Westfield, IN 46074  
317-460-2020  
Sent from my iPad



## Kevin M. Todd, AICP

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**From:** M&M Hannon <mhannon10@cox.net>  
**Sent:** Wednesday, July 8, 2015 4:11 PM  
**To:** Kevin M. Todd, AICP  
**Cc:** jplankis@gotown.net  
**Subject:** 14 JULY 2015 BOARD OF ZONING APPEALS MEETING

Good Afternoon Mr. Todd,

I am writing to you regarding the BZA Meeting scheduled for Tuesday 14 July to address Mr. Jeff Kelich, owner of "Carmel Turf Care" petition he filed with the City of Westfield (1506-VU-06) requesting approval of a Variance of Use for the property located at 14939 Ditch Road, which is currently known as the "PettyJohn" property. This property is currently zoned as SF2: "Single Family Low Density District."

My wife and I currently own a home at 1335 Annapolis Drive in Centennial, Lot: 607, Parcel ID Number: 08-09-15-00-11-066.000. Our property backs up to the 14939 Ditch Road property. The properties are separated by a Centennial Subdivision provided "Privacy Fence" and narrow common area corridor. As homeowners, we are very much opposed to this property continuing as a commercial enterprise of any sort.

Since the development of our section of the Centennial community, the property located at 14939 Ditch Road has become a question of concern, particularly as related to property appearance. The appearance of this property has a negative impact on neighborhood appeal. In general, residential property intermixed with commercial property tends to lose property value, especially for the residential properties located along the borders of the commercial property.

With the continued growth of the neighborhood communities in and around the Centennial community, this growth brings with it the potential for increased neighborhood crime and property damage. Having an active commercial enterprise as proposed by Mr. Jeff Kelich would most definitely have an adverse effect on adjacent Centennial homeowner property values as well as have a negative impact on homeowner/resident privacy and quiet solitude.

It is challenging to deal with the current construction traffic, the poor road conditions, construction trash, residue, and dust. It would also be very concerning to those Centennial homeowners and residents should the BZA approve Mr. Kelich's petition, to have to also deal with and tolerate Mr. Kelich's business trucks and vehicles, the comings and goings of supplier delivery trucks, and company personnel, the building of any additional administration and operations buildings on the property, and most especially the worry and concern of potential site vandalism and burglary during non-business hours.

I can understand why Mr. Kelich would want to establish his business at 14939 Ditch Road, it is a beautiful location with lots of business potential. We feel though, it would be a detriment to those residents and homeowners of Centennial in having this business established in the heart of our community. My family and I do not want the value of our home and property be

diminished in any capacity due to a commercial business being established adjacent to our home and within the Centennial community. The economic impact could be reprehensible.

Thank you for taking the time to entertain our concerns regarding this particular issue. We look forward in hearing from you regarding the BZA's decision. Please feel free in contacting us regarding this issue. Thank you.

Sincerely,

Michael and Marilyn Hannon  
1335 Annapolis Drive  
Westfield, Indiana 46074  
Cell: 520.203.1206  
E-mail: mhannon10@cox.net



## Kevin M. Todd, AICP

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**From:** Curtis Scheller <schellers@gotown.net>  
**Sent:** Wednesday, July 8, 2015 2:27 PM  
**To:** Kevin M. Todd, AICP; jplankis@gotown.net  
**Subject:** Concerns

I read the email about the variance request for Carmel turf care on the property next to centennial.

I am concerned about the amount of dust a gravel drive will create during April through November. Another concern is the creation of a debris/trash pile that I know a landscaping company can create. Another concern is the noise and operation of tractors and skid steer loaders throughout the day and especially during the early morning hours.

I would also be concerned about the amount of truck traffic in and out onto ditch road and the mud and rocks that accompany it.

I will not be able to attend tonight's meeting but I thought these are valid concerns.

Curt Scheller  
615 Montgomery Dr



## Kevin M. Todd, AICP

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**From:** Steve Benedict <Steve@SteveBenedict.com>  
**Sent:** Tuesday, July 14, 2015 7:51 PM  
**To:** Kevin M. Todd, AICP  
**Subject:** Variance regarding 14939 Ditch Road.

Hello Mr. Todd,

Please put this communication in the public testimony regarding the variance requested at 14939 Ditch Road. I live in Centennial, at 1354 Pawtucket Drive in Westfield.

I am in favor of the variance for a number of reasons, including private property rights. First and foremost is that the Centennial Homeowners Association doesn't speak for me. I was on their Board for several years and they often took positions without consulting the membership. I don't think that should be their role, as they are using their positions for political purposes, without doing their homework. Another reason is that the area of the proposed variance is not pristine. It is being used now for light commercial. Also, the surrounding area has already been approved for light business and retail.

It is my considered opinion, that property values will not drop. I have been in real estate as a broker and broker/owner for over 15 years and have seen much of the hype and hysteria surrounding anything that changes the makeup of a neighborhood.

Please try to set your planning sights on protecting certain areas that aren't already surrounded by subdivisions, proposed strip malls and nursing homes. If you can find some areas that haven't been developed, encourage the landowners to work with National, State and local Conservation Trusts to keep some areas in their natural state. I served on the Bitterroot Land Trust in Hamilton, MT and we found that large landowners were often very willing to work with us to preserve nature areas for future generations.

Thank you,

Steve Benedict  
Westfield Real Estate  
"Hometown Broker...Worldwide Reach"  
(317) 903-5141



## **Kevin M. Todd, AICP**

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**From:** Jim Pierce <pjlee1@hotmail.com>  
**Sent:** Tuesday, July 14, 2015 1:36 PM  
**To:** Kevin M. Todd, AICP  
**Subject:** Deny!!!!

BZA Petition 1506-VU-06. Terrible fit, objectionable zoning.

Jim Pierce  
Real Estate Broker, KW Indy North  
President, Vision Property Group  
(317)294-8285  
pjlee1@hotmail.com  
www.jimpierce.kwrealty.com  
www.visionpropertygroupinc.com



## Kevin M. Todd, AICP

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**From:** txyerians@juno.com  
**Sent:** Tuesday, July 14, 2015 2:56 PM  
**To:** Kevin M. Todd, AICP  
**Cc:** president@centennialhoa.org  
**Subject:** Fw: Variance Meeting Regarding 14939 Ditch Road Has Been Continued Until August 11

Dear Mr. Todd, I have forwarded Mr. Plankis's latest email regarding the BZA Petition 1506-VU-06. It is misleading on some key points. Please understand that any vote of the Centennial HOA Board merely indicates the wishes of the 9 Board Members. The Centennial community as a whole has not been invited to vote or otherwise demonstrate the collective desires of the majority of the property owners on this matter. For Mr. Plankis to suggest the "Board's" position represents the majority of the near 1100 Centennial property owners, is rubbish. The number of responses, both negative & positive, Mr. Plankis has received is a very small percentage of the total Centennial community, limited mostly to his circle of friends and political support network. Mr. Plankis's representation that Mr. Kelich wants to open a "lawn & landscape" business is also a misrepresentation. We hope you will not be swayed by such silliness and will give full & fair consideration to the petition along the same Agriculture related lines the Urban Farmer Produce Market & Nursery project, approved on 161st Street, received. Best Wishes. Neal & Lesley Yerian 1324 Pawtucket Dr, in Centennial Westfield, IN ----- Forwarded Message -----

From: Centennial HOA <hoa@centennialhoa.org>  
To: txyerians@juno.com  
Subject: Variance Meeting Regarding 14939 Ditch Road Has Been Continued Until August 11  
Date: Tue, 14 Jul 2015 13:21:53 -0400

To all Centennial homeowners:

This is an update for homeowners regarding the BZA Petition 1506-VU-06, which is a request by the Petitioner, Jeff Kelich, requesting approval of a Variance of Use to allow a lawn and landscape business in the SF-2: Single-Family low Density District (Chapter 13: Use Table) on the former Pettyjohn property at 14939 Ditch Road has been continued until the August 11, 2015 Regular monthly meeting of the Board of Zoning Appeals. It will be a Public Hearing and any citizen is free to speak at that hearing.

Mr. Kelich has hired an attorney and his attorney has requested a continuance so he has time to work with Mr. Kelich on the petition request.

At our regular Centennial HOA Board meeting held on July 9th, your board voted to support the homeowners, who are asking the BZA to reject the petitioner's request to allow a landscaping business at that location. We have already made the board's position of support to the homeowners known to the BZA and the petitioner.

If you would like to comment for the record to the BZA, you can email Kevin Todd, the Senior Planner who is handling this petition for the City at [ktodd@westfield.in.gov](mailto:ktodd@westfield.in.gov) If you do send an email to Kevin Todd, please copy me at [president@centennialhoa.org](mailto:president@centennialhoa.org) If you have any questions, please contact me at the same email address.

Of all the emails that have been sent to the BZA from the homeowners so far, they have been overwhelmingly opposed to granting the variance, due to a negative effect on their property values and for numerous other

reasons.

Respectfully submitted,

Joe Plankis  
President,  
Centennial HOA

You have received this message because you are a registered member of the Centennial Homeowner Association's website and you have subscribed to receive special messages from the webmaster. To stop receiving special messages like this one from the Centennial Homeowner's Association website, please log in at [www.centennialhoa.org](http://www.centennialhoa.org) and modify the appropriate notification options in your profile.



## Kevin M. Todd, AICP

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**From:** Joseph Plankis <jplankis@gotown.net>  
**Sent:** Monday, July 27, 2015 7:39 AM  
**To:** Calderon, Joseph; Kevin M. Todd, AICP  
**Cc:** Kathy Sawyer; Don Sawyer; Bruce Watson; Ancich Tom; Dwayne Streeeter; Joe Plankis; Joseph Ruppert; Lyons Mike; Robert P Smith II; Robin Barbera; Ron Rothrock; Susan Stephens  
**Subject:** Re: Jeff Kelich-14939 Ditch Road

Good morning Joseph,

I have checked with some of the neighbors bordering your client's property as well as polling the board again. We have already had a neighborhood meeting, that we set up for you, and as far as everyone is concerned, there is no reason to schedule another meeting. It would still be a retail site situated on property that is currently zoned for SF-2 Single Family Housing. There is no way a retail business of the type proposed can be "compatible" with single family housing as close as 22 feet from the lot line. We are still opposed to that site being used for a retail lawn and landscaping business and will state that again at the next BZA meeting.

By copying Kevin Todd on this email, I am asking him to pass this along to the members of his staff as well as the members of the BZA as further input from the neighbors and property owners in Centennial.

Joe Plankis

On Fri, Jul 24, 2015 at 11:42 AM, Calderon, Joseph <[jcalderon@boselaw.com](mailto:jcalderon@boselaw.com)> wrote:

Good Morning, Joe: Jeff and Renee Kelich have asked me to reach out to you in order to try and set up an additional meeting with your group, ahead of the upcoming BZA meeting on August 1th. They heard the neighbors' concerns, and while they respect that the Board voted to oppose, they a firm in their belief that they can operate their business responsibly and in a manner that is compatible with the surrounding environment. I am working on a plan of operation and commitments, and the Kelich's are updating their site plan as we speak. Can you see what days might work the week of August 3<sup>rd</sup>? Next week is possible on Thursday evening as well.

I appreciate your time and consideration of this request, and look forward to hearing back form you.

**Joseph D. Calderon**

**Bose McKinney & Evans LLP** | [www.boselaw.com](http://www.boselaw.com)

111 Monument Circle | Suite 2700 | Indianapolis, Indiana 46204

JCalderon@boselaw.com | P [317-684-5331](tel:317-684-5331) | F [317-223-0331](tel:317-223-0331) | C [317-294-0857](tel:317-294-0857)

Assistant Contact | Stacey R. Cleveland | [SCleveland@boselaw.com](mailto:SCleveland@boselaw.com) | P [317-684-5197](tel:317-684-5197) | F [317-223-0197](tel:317-223-0197)

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Joe Plankis

Cell: 317-625-4387

Email: [jplankis@gotown.net](mailto:jplankis@gotown.net)



## Kevin M. Todd, AICP

---

**From:** Chuck Lehman <clehman@anylabtestnow.com>  
**Sent:** Monday, July 27, 2015 8:57 AM  
**To:** Joseph Plankis  
**Cc:** Calderon, Joseph; Kevin M. Todd, AICP; Kathy Sawyer; Don Sawyer; Bruce Watson; Ancich Tom; Dwayne Streeter; Joseph Ruppert; Lyons Mike; Robert P Smith II; Robin Barbera; Ron Rothrock; Susan Stephens  
**Subject:** Re: Jeff Kelich-14939 Ditch Road

Good morning Joe,

Thanks for your efforts in representing the local area regarding the proposed retail business on Ditch near 146th Street. I was not able to attend the recent meeting(s) but I am very familiar with these matters. Obviously, this property has been operating as a small business for many years & in general businesses can exist within a close proximity to residential housing. In this case the community has grown up around it on every side & the natural progression would be to utilize this as housing fill-in & simply build more homes. While I have no facts it would seem reasonable that efforts were made at some point to include this area as part of the Centennial development. That would now be logical. To allow this change would have a totally negative impact on the surrounding area. While a nursery type business can operate within a residential area in some cases the exact type of products & the types of services does impact the daily activities & the neighborhood. Hours & seasonal conditions are also critical. Considering the outlined business plan that is being requested this does not fit with the general uses desired for this parcel. Please know that I am opposed to this zoning change & request that it be denied by the BZA.

My best,  
Chuck Lehman,  
Centennial resident  
413.6890

*Chuck Lehman*  
*Any Lab Test Now*  
Carmel, Indiana  
317.413.6890

On Mon, Jul 27, 2015 at 7:38 AM, Joseph Plankis <[jplankis@gotown.net](mailto:jplankis@gotown.net)> wrote:

Good morning Joseph,  
I have checked with some of the neighbors bordering your client's property as well as polling the board again. We have already had a neighborhood meeting, that we set up for you, and as far as everyone is concerned, there is no reason to schedule another meeting. It would still be a retail site situated on property that is currently zoned for SF-2 Single Family Housing. There is no way a retail business of the type proposed can be "compatible" with single family housing as close as 22 feet from the lot line. We are still opposed to that site being used for a retail lawn and landscaping business and will state that again at the next BZA meeting.

By copying Kevin Todd on this email, I am asking him to pass this along to the members of his staff as well as the members of the BZA as further input from the neighbors and property owners in Centennial.

Joe Plankis

On Fri, Jul 24, 2015 at 11:42 AM, Calderon, Joseph <[jcalderon@boselaw.com](mailto:jcalderon@boselaw.com)> wrote:

Good Morning, Joe: Jeff and Renee Kelich have asked me to reach out to you in order to try and set up an additional meeting with your group, ahead of the upcoming BZA meeting on August 1th. They heard the neighbors' concerns, and while they respect that the Board voted to oppose, they a firm in their belief that they can operate their business responsibly and in a manner that is compatible with the surrounding environment. I am working on a plan of operation and commitments, and the Kelich's are updating their site plan as we speak. Can you see what days might work the week of August 3<sup>rd</sup>? Next week is possible on Thursday evening as well.

I appreciate your time and consideration of this request, and look forward to hearing back form you.

**Joseph D. Calderon**

**Bose McKinney & Evans LLP** | [www.boselaw.com](http://www.boselaw.com)

111 Monument Circle | Suite 2700 | Indianapolis, Indiana 46204

JCalderon@boselaw.com | P [317-684-5331](tel:317-684-5331) | F [317-223-0331](tel:317-223-0331) | C [317-294-0857](tel:317-294-0857)

*Assistant Contact* | *Stacey R. Cleveland* | [SCleveland@boselaw.com](mailto:SCleveland@boselaw.com) | P [317-684-5197](tel:317-684-5197) | F [317-223-0197](tel:317-223-0197)

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Joe Plankis

Cell: [317-625-4387](tel:317-625-4387)

Email: [jplankis@gotown.net](mailto:jplankis@gotown.net)



## Kevin M. Todd, AICP

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**From:** Bob and Sue Burneson <bobandsueburneson@gmail.com>  
**Sent:** Saturday, August 8, 2015 1:52 PM  
**To:** Kevin M. Todd, AICP  
**Subject:** Zoning variance for former Pettyjohn property

**Categories:** Holiday - CLOSED

We would like to go on record as strongly opposed to the variance request submitted by Jeff Kelich for the property at 14939 Ditch Rd. (the former Pettyjohn property). The original plan for his landscaping and retail business was detrimental to the property values of adjacent homeowners and his revised plan is even worse.

This business would bring additional noise, odor, traffic congestion, light (as in brightness), and the potential of polluting Centennial's ponds with storm water run off from the property. His request to allow other landscaping businesses to succeed him on the property creates an even longer term negative effect on adjacent property owners and should not be considered.

The existing business on the property is not a concrete company per se, but a concrete forms business. They load up their materials in the morning and do not return until evening. Their operation is very quiet and creates little, if any, concern to the neighbors.

We strongly encourage the BZA to deny Mr. Kelich's variance request and strive to limit this property to single family homes as designated in the comprehensive plan.

Respectfully,

Robert and Suzanne Burneson  
14922 Mayfield Dr.  
Westfield, IN. 46074



**Kevin M. Todd, AICP**

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**From:** Pat. Fisher <pfisher4163@gmail.com>  
**Sent:** Saturday, August 8, 2015 2:19 PM  
**To:** Kevin M. Todd, AICP

We are Centennial property owners who back up to the proposed landscaping business on Ditch Road. We feel that approval of the variance will have an obvious negative effect on our property values as well as on our quality of life.

We, therefore, object to the proposal and hope that it is rejected.

Sincerely,  
Jim and Pat. Fisher  
1386 Mayfield Court  
Centennial  
Westfield, IN 46074



## Kevin M. Todd, AICP

---

**From:** Pamela Gilbert <pbgilb@aol.com>  
**Sent:** Saturday, August 8, 2015 5:40 PM  
**To:** Kevin M. Todd, AICP  
**Subject:** BZA Opposition to Petition

As a resident of Centennial I am in total opposition to the granting of the above petition. This parcel of land is surrounded by residential property and allowing a landscaping business to open in this area will adversely impact property values and the neighborhood. Please consider the residents of Westfield who will be negatively affected by the traffic, noise, and all activities involved with a business which would be operating 6 days per week. I urge you to support the residents who are opposed to this venture.

Pamela B. Gilbert

Sent from my iPad



## Kevin M. Todd, AICP

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**From:** Don Sawyer <dtsawyer2011@gmail.com>  
**Sent:** Sunday, August 9, 2015 8:17 AM  
**To:** Kevin M. Todd, AICP; jplankis@gotown.net  
**Cc:** Kathy  
**Subject:** BZA 8.11.2015 Mtg - 1506-VU-06  
**Attachments:** BZA 8.11.2015 Public Hearing 1506-VU-06.docx; Exhibit A.pdf

Gentlemen,

I forgot to attach Exhibit A in the previous email. It should be included now. Sorry for the confusion.

Don Sawyer

Kevin / Joe,

Please see attached comments on upcoming BZA 8.11.2015 meeting concerning petition of a Variance of Use 1506-VU-06 on behalf of Jeff Kelich.

Thanks,  
Don Sawyer

1310 Mayfield Court  
Westfield, IN 46074  
Dtsawyer2011@ [gmail.com](mailto:dtsawyer2011@gmail.com)

317-694-0872

Westfield-Washington Township Advisory Board of Zoning Appeals  
Westfield Economic and Community Development Department  
Public Hearing – Tuesday, August 11<sup>th</sup>, 2015  
Petition 1506-VU-06 - Jeff Kelich on behalf of Pettijohn & Banks, INC

August 8, 2015

Suggestions or objections filed by:

Kathy & Don Sawyer

1310 Mayfield Court

Westfield, IN 46074

Lot #163 Centennial South Phase 2 – See attached Exhibit A

Parcel 08-09-15-00-21-014.000

State Parcel 2909-15-021-014.000-015

Property History

On June 18, 1979 the Westfield-Washington Board of Zoning Appeals approved and granted a Variance of Use to Pettijohn & Banks Inc. to permit construction of an additional storage building and continued operation of a non-conforming concrete business and removal of an existing building on the subject property. This land use probably pre-dates zoning and is currently not consistent with permitted uses in a SF-2 District without the variance. Pettijohn & Banks Inc. is a concrete service business specializing in basement walls, slabs, footings, and excavation. It is important to note that significant real estate development has transpired since the Variance of Use was approved and granted. Also noteworthy is Pettijohn & Banks Inc. does not follow the typical commercial business model in operational processes and customer traffic. Points to consider:

1. At the time the Variance of Use petition was approved and granted all adjacent property had no residential development. The granting of this lawful prior non-conforming use or “grandfathered use” usually follows the legal doctrine, which assumes the use will gradually come to an end. Very little if any business has transpired from the subject property for years so the use established before zoning should revert to the current SF-2 residential.
2. Now all adjacent property is single-family residential in use.
3. Adjacent property to the north, south, and east is Centennial Subdivision or Centennial South Subdivision.
4. Adjacent to the property to the west is Ditch Road with the new Harmony Subdivision currently being developed.
5. Pettijohn & Banks Inc. does not manufacture or sell products on the property. Customers do not come to the property.
6. Their services are usually performed at the customers’ location, which is off-site.
7. Operating hours appear to be Monday through Friday from 7 am to 3 pm.

8. There is no vehicular traffic noise from customers.
9. Currently Pettijohn & Banks, Inc. does not use commercial landscaping equipment on-site such as Bobcats, Front End Loaders, and Forklift Trucks typically used for bulk mulch, dirt, gravel, and palletized material.
10. There are no street or building lights that operate in a dusk to dawn mode.
11. There are no retail sales from the property.

### Suggestions & Objections

1. The property should be used in a manner that is consistent with permitted uses in the SF-2 District. When we were building our home in 2010 Paul Estridge told me he wanted to purchase the property for an extension of Centennial but he could not come to suitable terms with Pettijohn & Banks Inc. over price. When we saw the For Sale Sign we contacted Denny Yovanovich, a builder who has built homes on our street after Paul Estridge went out of business. He contacted the real estate company but the property was already sold. He is still interested in the property for residential development.
2. The approval will be injurious to the public health, safety, morals, and general welfare of the community. This Variance of Use, if granted and approved, will significantly alter the essential character of the neighborhood. While most people unfamiliar with Pettijohn & Sons think a concrete company has operated of the subject property for 36 years, the facts demonstrate otherwise. Pettijohn & Sons have performed little if any business from the subject property for years and they are a service business conducting all their services off-site.
3. The property is zoned Single-Family Low Density District (SF-2) and should remain so. Pettijohn & Banks, Inc. was granted the petition and variance in 1979 when all adjacent property was not single –family residential in use. This land use probably pre-dates zoning and this “grandfathered” use is coming to an end. The proposed landscaping business is very different than the existing Pettijohn business in terms of nuisance from unpleasant odors, noise, vehicular traffic, and hours of operation.
4. The approval of the requested Variance of Use will have a detrimental and adverse affect on the surrounding area. Pettijohn currently utilizes less than 50% of the 4-acre property. This, in effect, creates a very large buffer area between their operations and the surrounding homeowners on all 4 sides. The proposed plan from the petitioner appears to use the entire 4-acre property resulting in a drastic reduction to these buffer areas. Utilizing the entire perimeter would leave a 22 foot buffer area between property lines (Exhibit A).
5. The value of the adjacent property will be affected in a substantially adverse manner. The proposed landscaping business is dramatically different than the existing Pettijohn business. Noise levels will substantially increase from landscaping equipment and vehicular traffic. Pettijohn does not work in the winter and the petitioner has snow removal services during the winter months. Pettijohn also does not have retail sales and expanded operating hours.

6. The strict application of the zoning ordinance would not permit the requested use. Landscaping businesses are not permitted in SF-2 Districts.
7. The proposed Variance of Land Use is not consistent with the recommendations for the Suburban Residential area of the Comprehensive Plan, which calls for residential, institutional, and recreational uses.
8. There appears to be no plan or proposal for the control and drainage of additional surface water runoff from subject property. The environmental impact to the surrounding residential communities must be addressed with the proposed addition of a parking lot addition, additional fuel tanks, salt for snow removal, bulk storage of mulch, dumpsters, and fertilizer. Currently it appears the surface water runoff will flow into the Centennial drainage system.
9. There is no noise or unpleasant odors currently emitted from Pettijohn & Sons. Future nuisance from noise or unpleasant odors is unavoidable with the proposed Variance of Use and it will significantly alter the essential character of the neighborhood and negatively affect property values.

Therefore we are asking the Board of Zoning Appeals to DENY the petitioner request for approval of a Variance of Use.

Sincerely,

Kathy and Don Sawyer

[Ksawyer2011@gmail.com](mailto:Ksawyer2011@gmail.com)

[Dtsawyer2011@gmail.com](mailto:Dtsawyer2011@gmail.com)

317-407-4588

317-694-0872

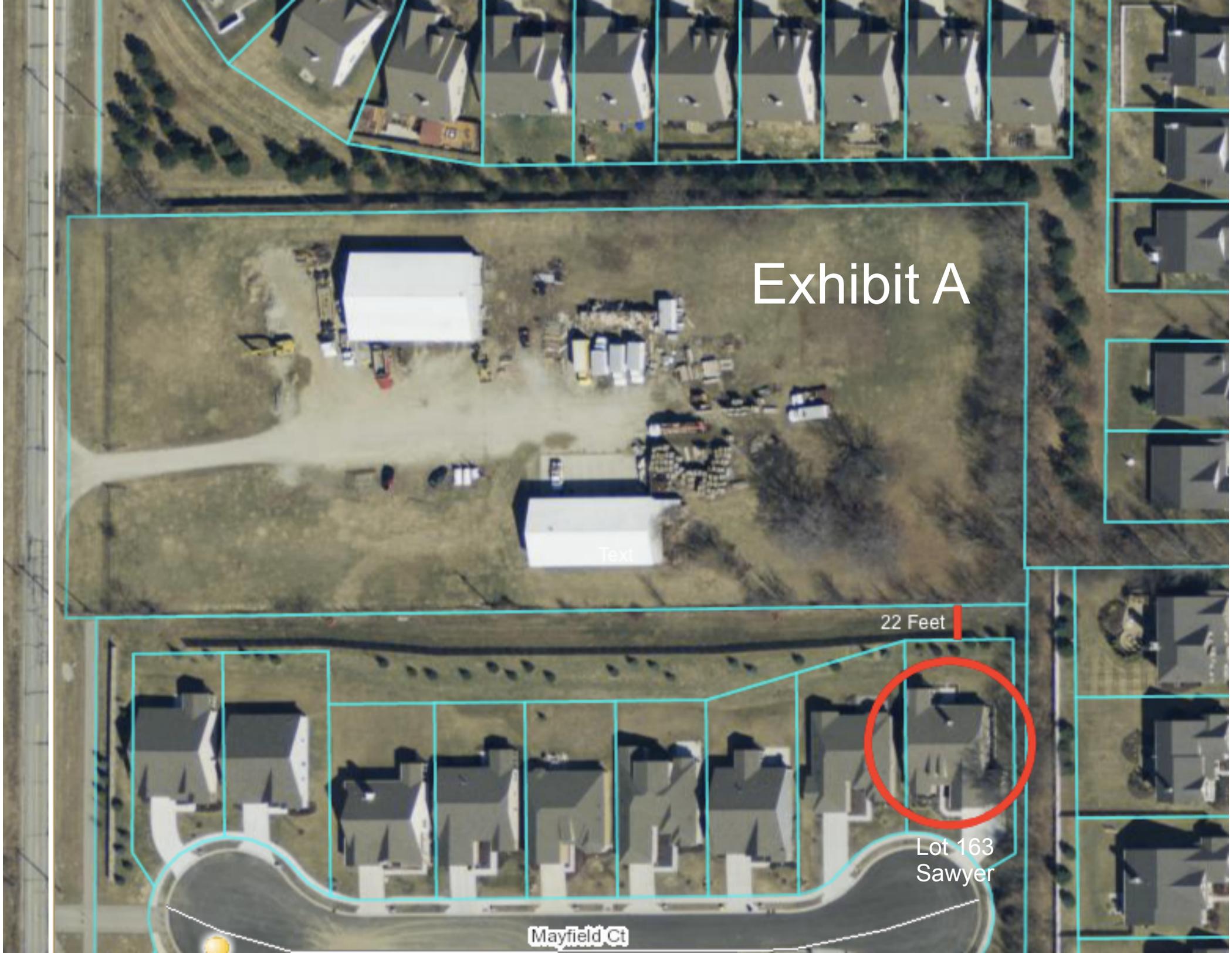
# Exhibit A

Text

22 Feet

Lot 163  
Sawyer

Mayfield Ct





**Kevin M. Todd, AICP**

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**From:** Joan Wilson <wilsonjm@aol.com>  
**Sent:** Sunday, August 9, 2015 3:12 PM  
**To:** Kevin M. Todd, AICP

I am definitely against proposed landscaping business being proposed behind my property on Ditch Road. It will be much more intense activity than what is there now(Pettijohn). Thank you.

Joan Wilson

Sent from my iPhone



**Kevin M. Todd, AICP**

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**From:** Bill Brown <bbrown6606@gmail.com>  
**Sent:** Monday, August 10, 2015 8:54 PM  
**To:** Kevin M. Todd, AICP  
**Subject:** Variance Request - 1506-VU-06  
**Attachments:** Zoning Varriance 8-11-15.docx

Dear Mr. Todd, I have attached a word doc with my concerns about Variance Request – 1506-VU-06. Please forward these comments and concerns to the Zoning Board members.

Thank you.

William Brown  
317-478-7827  
1318 Mayfield Ct.  
Westfield, IN 46074

William Brown  
1318 Mayfield Ct.  
Westfield, IN

Mr. Kevin Todd  
Senior Planner  
City Of Westfield

**Dear Mr. Todd**

I am a property owner directly bordering the current Pettijohn property on the south. I am requesting the board vote "NO" on the proposed zoning appeal requested by Mr. Jeff Kelich for the property located at 14939 Ditch Rd., Westfield, IN. I have listed several of my concerns below.

- The noise level will increase with the different types of equipment and different type of work that will be conducted by the landscaping and nursery business. The greater concern will be the drastic increase of the frequency of the noise affecting the adjacent homeowners. Currently basement forms for concrete walls may be loaded by Pettijohn employees for a short period one day and then there will be no activity for several days until they are returned to the shop. The proposed activity will occur at opening, closing and throughout the day on every day of business.
- The increased noise will negatively affect my property value.
- The drawings submitted by Mr. Kelich do not indicate an area for storm water retention. According to the Public Works Department there are currently no in ground drains adjacent to the Pettijohn property except the regulated Centennial Subdivision drains. It is my understanding that any new business in excess of 1 acre is required to submit a plan for storm water retention. If this is not followed the runoff water, possibly containing herbicide, pesticide or fertilizer residue from cleaning spray equipment and other tools of the trade, will find its way into the regulated drains of Centennial Subdivision. This could affect the retention ponds wildlife or plant life.
- I would also have concerns for a possible spill/leak of the fuel tanks identified on the submitted drawing without any type of containment barrier. The tank sizes were not listed.

Thank you for the opportunity to make my concerns known.

William Brown



**Kevin M. Todd, AICP**

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**From:** Dwayne Streeter <dwayne@gotown.net>  
**Sent:** Monday, August 10, 2015 2:14 PM  
**To:** Kevin M. Todd, AICP  
**Subject:** BZA proposal

Regarding variance requested by **Jeff Kelich** for 14939 Ditch Road:

I attended the meeting on July 8 with Mr Kelich, his attorney, and several of my Centennial neighbors for purposes of explaining the variance request. I am a property owner in Centennial. Based on all information from that meeting, plus a review of all documents posted on the Westfield.gov website relative to this matter, I am strongly opposed to this variance to allow a landscaping business in this location. I consider it inconsistent with our neighborhood and a negative impact on our property values. I believe this area should be developed in a way consistent with our neighborhood (single family dwellings).



## Kevin M. Todd, AICP

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**From:** Claudia Bengé <bengecaj@iquest.net>  
**Sent:** Tuesday, August 11, 2015 3:02 PM  
**To:** Kevin M. Todd, AICP  
**Subject:** RE: Property at 14939 Ditch Road; petition 1506-VU-06

Kevin

I went over to the property last night to talk to the owners of Carmel Turf Care. They made quite a few changes in their initial plans which addresses the issue of noise and odor of fresh mulch (which is not an issue for us). The owners are very concerned about our initial complaints and I think they have addressed the issues. There may be some truck noise in the mornings but I expect it will be significantly less than Pettijohn made and is making. Since this property has been zoned commercial, I suggest that Carmel Turf Care would be the very best option.

Claudia Bengé

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**From:** Kevin M. Todd, AICP [mailto:ktodd@westfield.in.gov]  
**Sent:** Monday, August 10, 2015 10:02 PM  
**To:** 'Claudia Bengé' <bengecaj@iquest.net>  
**Subject:** RE: Property at 14939 Ditch Road; petition 1506-VU-06

Mr. & Mrs. Bengé

Thank you for your comments. I will forward them to the Board tomorrow evening for their consideration of this item.  
Regards,

### Kevin M. Todd, AICP • SENIOR PLANNER

City of Westfield • Economic and Community Development Department

2728 E. 171<sup>st</sup> Street • Westfield, IN 46074

**DIRECT LINE:** (317) 379-6467 • **MAIN OFFICE:** (317) 804-3170 • **FAX:** (317) 804-3181

[www.westfield.in.gov](http://www.westfield.in.gov)

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**From:** Claudia Bengé [mailto:bengecaj@iquest.net]  
**Sent:** Wednesday, July 8, 2015 5:32 PM  
**To:** Kevin M. Todd, AICP <ktodd@westfield.in.gov>; [jplankis@gotown.net](mailto:jplankis@gotown.net)  
**Cc:** [mhannon10@cox.net](mailto:mhannon10@cox.net)  
**Subject:** Property at 14939 Ditch Road; petition 1506-VU-06

Mr. Todd

My husband and I are Centennial property owners on Annapolis Drive. Our home backs up to the above mentioned property in the discussion. We have problems now with the occasional loud noises that come from the current occupants/business.

We respectfully want the property to be returned to its original zoning designation as SF-2: Single Low Family Density District.

Centennial single family homes surround this particular property. With Harmony going up on the westside of Ditch Road which will include a strip mall, we are going to experience enough of a problem with traffic as it stands right now.

Please do not approve the petition from Carmel Turf Care/Jeff Kelich for that particular 4 acre plot.

Claudia A and James R Benge  
1343 Annapolis Drive  
Westfield, Indiana 46074  
317 626 1260



August 10, 2015

City of Westfield  
Board of Zoning Appeals  
Attn: Kevin Todd  
Westfield Department of Economic & Community Development

Re: 1506-VU-06, 14939 Ditch Road

Dear Board Members:

I am the principal of 1978 LLC, the owner of property located at the northwest corner of 146<sup>th</sup> Street and Ditch Road, essentially “catty corner” to the property subject to the above-referenced variance. I have been advised that Jeff Kelich desires to relocate his landscaping business to this site which, although zoned residential, has a long standing variance allowing for use as a concrete company.

I have developed properties for many years, and do not believe that the property subject to the variance can be developed for residential (it would have been part of the Centennial project if feasible), and that the landscaping business, as described and committed to by Mr. Kelich is compatible with the ongoing development and land use pattern for the area. Ditch Road and 146<sup>th</sup> Street are arterial streets, so there is already significant traffic, and the low level of intensity proposed by Mr. Kelich seems to be much more compatible than the thought of a concrete company ramping up operations in the future.

Therefore, I lend my support to the variance. Thank you for your consideration.

1978, LLC

By:   
Thomas M. Crowley



## Kevin M. Todd, AICP

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**From:** John Perkins <jfperk3@aol.com>  
**Sent:** Tuesday, August 11, 2015 3:48 PM  
**To:** Kevin M. Todd, AICP  
**Subject:** Proposed Use Variance for Landscaping Business

Hello:

My name is John Perkins. My wife and I live in the Centennial neighborhood at 1317 Mayfield Court.

I am opposed to granting a use variance to allow a landscaping business to operate on the property located at 14939 Ditch Road. Such a business would not compliment a community comprised of single family homes. The general welfare and common good of our community would be disrupted. Also, the value of our homes would likely be harmed. Some prospective buyers would not purchase our homes due to the close proximity of a landscaping business. We would need to lower the price to encourage such buyers to purchase our homes. Undoubtedly, it would limit the market of potential buyers. It seems a landscaping business would be better located in a more suitable rural area which would allow us to quietly enjoy our homes.

Respectfully submitted, and thank you.

John and Christine Perkins



## Kevin M. Todd, AICP

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**From:** Andrew Worysz <andrew.worysz@att.net>  
**Sent:** Tuesday, August 11, 2015 11:21 AM  
**To:** Kevin M. Todd, AICP  
**Subject:** 14939 Ditch Road

As this property was zoned residential, and the variance was specific for one business, I would think the intent was for the property to revert to original use. No construction was in progress then. Now with homes on both sides of the road, it should be residential !! Andrew  
Worysz 14913 Mayfield Dr.