ACKNOWLEDGEMENT OF VARIANCE

Document Cross Reference Number: 2013052337

This ACKNOWLEDGEMENT, made this 14th day of April, 2016, by Matthew S. Skelton, Economic and Community Development Director, City of Westfield, Indiana (the "Director") WITNESSETH:

WHEREAS, on Tuesday, April 12, 2016, the Westfield-Washington Township Board of Zoning Appeals (the "Board") heard Petition No. 1604-SE-01 (the "Special Exception") and Petition No. 1604-VS-07 (the "Variances of Development Standard") (collectively, the "Petition"), filed by Noah Herron (d/b/a Urban Vines) (the "Petitioner"), for approval of a Special Exception and Variances of Development Standard from the Westfield-Washington Township Unified Development Ordinance regarding property commonly known as 303 East 161st Street, Westfield, Indiana 46074 (Parcel No. 08-09-11-00-00-013.103), and more particularly described in the attached Exhibit A (the "Property").

WHEREAS, the Petitioner requested approval of a Special Exception to allow an Agritourism Use (vineyard and winery) within the AG-SF1: Agriculture / Single-Family Rural District.

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

1. The Agritourism Use shall be developed and operated in substantial compliance to the Petitioner’s Narrative and Site Plan Exhibit, as revised and attached hereto as Exhibit B and Exhibit C, respectively, subject to review and approval for compliance with applicable ordinances and laws of the development plan and appropriate permits. Any expansion or substantial alteration to the scope and operation of the Agritourism Use, as determined by the Director, shall require approval by the Board.

2. The standards of Chapter 6 and Chapter 8 of the Unified Development Ordinance that are applicable to nonresidential uses and buildings in a Business District shall apply to the Agritourism Use, except as otherwise varied by an approved variance of development standard, or waiver by the Plan Commission as part of a Detailed Development Plan approval.

3. The Petitioner shall record an acknowledgement of this approval with the Hamilton County Recorder’s Office and return a copy of the recorded instrument to the Economic and Community Development Department prior to the approval of a development plan and/or issuance of a building permit for the property.
WHEREAS, the Petitioner requested the following Variances of Development Standard:

1. Petitioner requests the following landscaping standards not apply: Minimum Lot Landscaping Requirements (Article 6.8(K)); External Street Frontage Landscaping Requirements (Article 6.8(M)); Buffer Yard Requirements (Article 6.8(N)); Interior Parking Area Landscaping (Article 6.8(O)(1)).
3. Petitioner requests the standards of Article 6.3 (Architectural Standards) not apply.

WHEREAS, the Board voted five (5) to zero (0) to approve the Variances of Development Standard with the following conditions:

1. Approval shall be subject to the approval of a Detailed Development Plan that ensures that adequate surface design, parking space delineation, and maintenance is provided (e.g., for storm water management, traffic circulation and management, and emergency equipment access), as deemed appropriate by the City (e.g., Department of Public Works, Fire Department, Economic and Community Development Department) and County Surveyor’s Office.
2. Buildings on the Property shall exceed or be substantially similar in quality and character to the Illustrative Character Exhibit, attached hereto as Exhibit D.

NOW, THEREFORE, the Director hereby declares that all the Property as it is held and shall be held, conveyed, hypothecated or encumbered, leased, rented, used, or occupied and improved, is subject to the Special Exception and Variances of Development Standard approved by the Board on April 12, 2016. Unless otherwise modified herein, this Special Exception and Variances of Development Standard shall run with the land, and shall be binding upon the owner, heirs and assigns, and all parties having an interest in and to the Property or any part or parts thereof subject to such Special Exception and Variances of Development Standard, and shall inure to the benefit of the owner and every one of his/her successors in title to any real estate in the Property.

WESTFIELD ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT
“DIRECTOR”

MATTHEW S. SKELTON, ESQ., DIRECTOR
Economic and Community Development Department, City of Westfield, IN
Mteck, LLC, the Property Owner, hereby acknowledges the accuracy of the information contained in this Acknowledgement of Variance and any conditions and limitations placed on the Petition and Property, as set forth herein.

IN WITNESS WHEREOF, the Property Owner has executed this instrument, on the 3rd day of May, 2016.

Mteck, LLC
By: Steve Schrader
Title: President

5/3/2016
Date

STATE OF Indiana)
COUNTY OF Hamilton)

Signed and acknowledged before me this 3rd day of May, 2016.

(SEAL)

Signature of Notary Public

Jacqueline G. Morgan
Printed name of Notary Public

Notary Public, State of Indiana
My Commission Expires September 04, 2021

My County of Residence: Hamilton
My Commission Expires: 9/4/21

PREPARED BY:
Noah Herron (d/b/a Urban Vines), the Petitioner, hereby acknowledges the accuracy of the information contained in this Acknowledgement of Variance and any conditions and limitations placed on the Petition and Property, as set forth herein.

IN WITNESS WHEREOF, the Petitioner has executed this instrument, on the 10th
day of MM______, 2016.

Noah Herron

5-10-16
Date

STATE OF INDIANA )
COUNTY OF HAMILTON )

Signed and acknowledged before me this 10 day of May,
2016.

(SEAL)

Jeffery A. Kerns
Signature of Notary Public

Jeffery A. Kerns
Printed name of Notary Public

My County of Residence: Hamilton

My Commission Expires: September 13, 2016

Administration
(317) 804-3040 office
(317) 804-3190 fax
2728 East 171st Street
Westfield, IN 46074
westfield.in.gov
EXHIBIT A
THE PROPERTY

Property Address: Vacant Land, 303 East 181st Street, Westfield, IN 46074

A part of the Southeast Quarter of Section Eleven (11), Township Eighteen (18) North, Range Three (3) East, located in Washington Township, Hamilton County, Indiana, being described as follows:

Commencing at a PK Nail at the Northwest Corner of said Southeast Quarter of Section Eleven (11), Township Eighteen (18) North, Range Three (3) East; thence North 89 degrees 10 minutes 59 seconds East (assumed bearing) along the North line of said Southeast Quarter 414.17 feet to a mag nail, said point also being the point of beginning; thence continue thence North 89 degrees 10 minutes 59 seconds East along the North line of said Southeast Quarter 250.00 feet to a mag nail; thence South 00 degrees 05 minutes 35 seconds West parallel to the East line of said Southeast Quarter 871.20 feet to a 6/8 inch iron pin with an orange cap stamped "Polaris 9600005"; thence South 89 degrees 10 minutes 59 seconds West parallel to the North line of said Southeast Quarter 250.00 feet to a 6/8 inch iron pin with an orange cap stamped "Polaris 9600005"; thence North 00 degrees 05 minutes 35 seconds East parallel to the East line of said Southeast Quarter 871.20 feet to the point of beginning and containing 5.00 acres more or less.

Rights and benefits of a utility easement and an ingress and egress easement as described in and created in Easement Agreement recorded December 10, 2004 as Instrument Number 200406083586 in the Office of the Recorder of Hamilton County, Indiana.

Tax ID Number(s):
06-00-11-00-00-013.103 29-09-11-00-00-013.103-015

Administration
(317) 804-3040 office
(317) 804-3190 fax
2728 East 171st Street
Westfield, IN 46074
westfield.in.gov
EXHIBIT B
PETITIONER’S NARRATIVE

We intend to purchase 303 East 161st Street in Westfield, Indiana and start a vineyard and winery to be known as “Urban Vines”. As a result, this request is to allow a Special Exception for an Agritourism Use and related Variances of Development Standard to accommodate our proposed use. The Agritourism Use will include a vineyard (4.5 acres +/-) and 4,000 sq. ft. +/- building. The building is proposed to include wine processing (i.e. grape crushing, fermenting, aging, storage) and related sales (i.e. retail, tasting facilities). Urban Vines will host wine tours and small events on the premises, which may on accession include live music. Event sizes will be limited to the capacity of the parking lot and tasting room, as regulated by the Fire Department.

The requested Variances of Development Standard include:

1. Landscaping Standards (Article 6.8).
   Petitioner requests that the following landscaping standards not apply to the property: Minimum Lot Landscaping Requirements (Article 6.8(K)); External Street Frontage Landscaping Requirements (Article 6.8(M)); Buffer Yard Requirements (Article 6.8(N)); Interior Parking Area Landscaping (Article 6.8(O)(1)). The property is proposed to consist of over 2,000 grape vines that will span the entire area of property. The grape vines will require full sun and air circulation for viability, and the property will otherwise include the required foundation plantings and perimeter parking area landscaping required by the UDO.

   Petitioner requests that the standards of Article 6.14(G)(7) (Off-street Parking Surfacing and Curbs) not apply to the property; rather, a gravel driveway and parking surface is proposed to better allow for storm water management for the grape vines. Petitioner agrees to work with the City and County to ensure adequate surface design, parking space delineation, and maintenance is being provided (e.g., for storm water management, traffic circulation and management, and emergency equipment access).

   Petitioner requests that the standards of Article 6.3 (Architectural Standards) not apply to the property; rather, to enhance and contribute to the desired agricultural theming of the proposed use and surrounding properties, the petitioner agrees that buildings on the property shall be substantially similar in quality and character to the illustrative building exhibits attached hereto.