

Petition Number: 1203-VS-04
Date of Filing: February 2, 2012

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

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

1. Appellant's Name Dawn and Michael Stelts
Address 16508 Oak Road
Westfield, IN 46074
Telephone Number 317-867-2906
E-Mail Address dawn@stelts.com, mike@stelts.com

2. Landowner's Name same
Address _____
Telephone Number _____

RECEIVED

3. *Representative not applicable
*Address _____
*Telephone Number _____
*Email Address _____

FEB 03 2012

**WESTFIELD COMMUNITY
DEVELOPMENT DEPARTMENT**

*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.)
Single family residence at 16508 Oak Road, Westfield

5. Legal description of property (list below or attach)
Part of the east half of the northwest quarter of section 7, township 18 north, range 4 east in
Washington township. Complete description attached.

6. Complete description of the nature of the development standard variance applied for:
Petitioner requests variance of WC 16.04.030, B, 6, b -- Side yard setback reduction from 30 feet to 3 feet.
This variance is requested to accommodate building an addition to the existing garage, which
has a side yard setback of 3 feet.

7. **ALL SITE PLANS SHALL BE LEGIBLE AND DRAWN TO SCALE.** Site plans must accompany this application and must depict at a minimum:
- a. Lot(s) shape and dimensions;
 - b. Location and dimensions of existing and proposed structures;
 - c. Location and dimensions of existing and proposed points of ingress and egress; and
 - d. All topographic and natural features and/or other unusual characteristics associated with the property.
8. The Applicant must address the following criteria and establish at the public hearing that each of the following is true in order to obtain a favorable determination from the BZA.

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

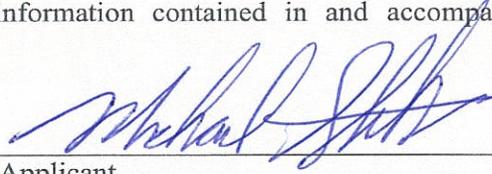
- a. That the approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:
The proposed addition will meet all conditions described for accessory buildings in "Westfield-Washington Township Zoning Ordinance". The completed structure would be comparable to similar buildings in the neighborhood. The addition will house personal lumber and garden tractor implements for personal, non-commercial use.
The addition would be invisible from the road.

- 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:
The property immediately adjacent to the proposed variance is the driveway to a flag lot behind our property. This driveway has mature trees on each side. Because the proposed building will extend an existing structure at the same distance from the property line and that structure has caused no adverse effects, the addition will create minimal effect.
The property owner who would be most affected, the owner on the other side of the driveway, has submitted a statement declaring their acceptance of this proposal.

- c. That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:
When the garage was built in 2000, the side yard setback requirement was three feet. The new 30 foot setback requirement creates practical difficulties to build an addition to this building for three reasons, due to the location of the garage relative to grade:
 - 1) It would require more than 100 cu. yds. more fill to move 27 feet further from the border.
 - 2) Significant drainage would be necessary to prevent pooling between the garage and the border.
 - 3) A large ramp would be needed to roll a garden tractor out of the addition.

TOWN OF WESTFIELD, INDIANA

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



Applicant

SUBSCRIBED AND SWORN TO ME THIS 2nd DAY OF Feb., 2012.

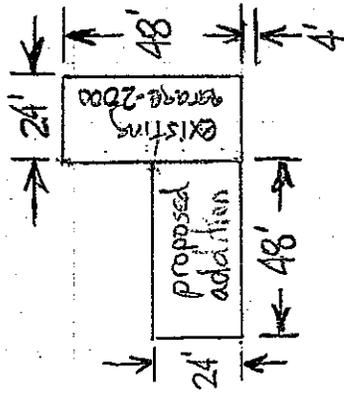
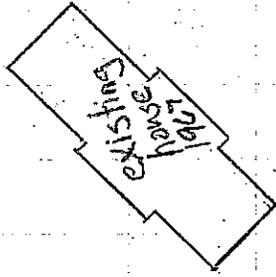


Notary Public

My commission expires: 3/13/2016



Stelits Property
16508 Oak Road



driveway

1cm = 20 feet
roof overhangs not shown

All corner markers (+) as described in Weihe-Engineers Job 71-1911, are securely in place.



View of house and garage from halfway down the drive.



Addition to garage will be behind the existing structure, invisible from the road.
Photo taken from corner marker.



View of garage from neighbor's driveway.

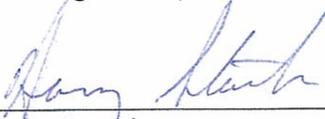


View of garage and house from closest neighbor's house.
(See attached letter from neighbor.)

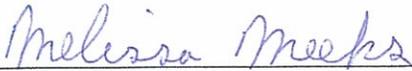
From: Melissa Meeks and Harry Stackhouse
To: Westfield-Washington Township Board of Zoning
City of Westfield Planning and Zoning Division
Date: February 2, 2012
Subject: Proposed garage addition at 16508 Oak Road

We own the property boarding the south side of Stelts' property (separated by a 20' driveway). Dawn and Michael described their plans to expand their garage, thus extending the south wall of the barn 48' along the property's edge with a setback of three feet.

We believe the described improvement to the Stelts property would not adversely affect us or the neighborhood. We have no objection to the Board of Zoning granting a variance allowing a side yard setback of three feet.



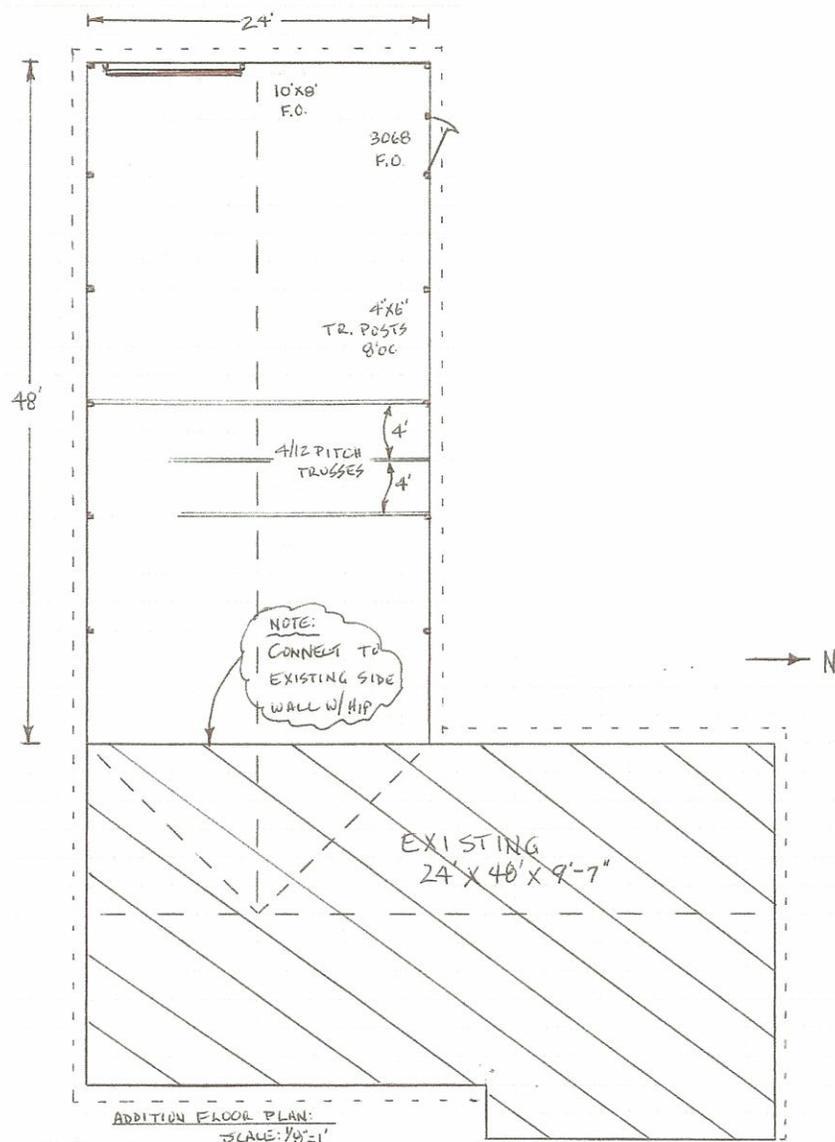
Harry Stackhouse



Melissa Meeks

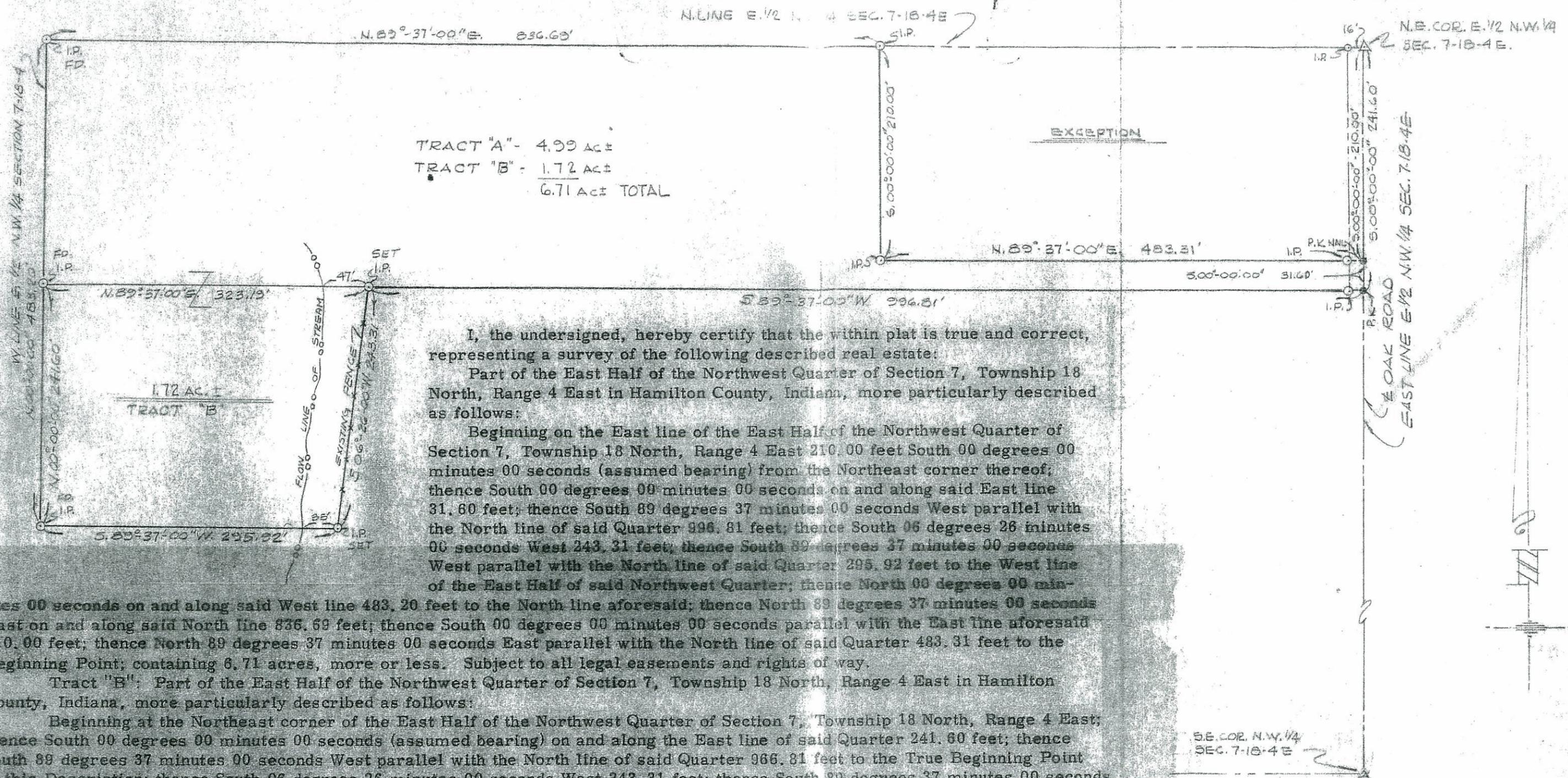


Grade drops approximately 24" at 27' from property line and 48" at 51'.



11/30/12 MIKE STELTZ 16508 OAK RD. WESTFIELD, IN 46074

Contractor's drawing of addition. Contractor built the existing garage in 2000.



I, the undersigned, hereby certify that the within plat is true and correct, representing a survey of the following described real estate:
Part of the East Half of the Northwest Quarter of Section 7, Township 18 North, Range 4 East in Hamilton County, Indiana, more particularly described as follows:

Beginning on the East line of the East Half of the Northwest Quarter of Section 7, Township 18 North, Range 4 East 210.00 feet South 00 degrees 00 minutes 00 seconds (assumed bearing) from the Northeast corner thereof; thence South 00 degrees 00 minutes 00 seconds on and along said East line 31.60 feet; thence South 89 degrees 37 minutes 00 seconds West parallel with the North line of said Quarter 996.81 feet; thence South 06 degrees 26 minutes 00 seconds West 243.31 feet; thence South 89 degrees 37 minutes 00 seconds West parallel with the North line of said Quarter 295.92 feet to the West line of the East Half of said Northwest Quarter; thence North 00 degrees 00 minutes 00 seconds on and along said West line 483.20 feet to the North line aforesaid; thence North 89 degrees 37 minutes 00 seconds East on and along said North line 836.69 feet; thence South 00 degrees 00 minutes 00 seconds parallel with the East line aforesaid 10.00 feet; thence North 89 degrees 37 minutes 00 seconds East parallel with the North line of said Quarter 483.31 feet to the Beginning Point; containing 6.71 acres, more or less. Subject to all legal easements and rights of way.

Tract "B": Part of the East Half of the Northwest Quarter of Section 7, Township 18 North, Range 4 East in Hamilton County, Indiana, more particularly described as follows:
Beginning at the Northeast corner of the East Half of the Northwest Quarter of Section 7, Township 18 North, Range 4 East; thence South 00 degrees 00 minutes 00 seconds (assumed bearing) on and along the East line of said Quarter 241.60 feet; thence South 89 degrees 37 minutes 00 seconds West parallel with the North line of said Quarter 996.81 feet to the True Beginning Point of this Description; thence South 06 degrees 26 minutes 00 seconds West 243.31 feet; thence South 89 degrees 37 minutes 00 seconds West parallel with the North line aforesaid 295.92 feet to the West line of the East Half of said Northwest Quarter; thence North 00 degrees 00 minutes 00 seconds on and along said West line 241.60 feet; thence North 89 degrees 37 minutes 00 seconds East parallel with said North line 323.19 feet to the Beginning Point; containing 1.72 acre, more or less. Subject to all legal easements and rights of way.

I further certify that corners were established and marked as indicated on the within plat.

Certified December 9, 1971

Allan H. Weihe
Allan H. Weihe, Reg. L.S. - Indiana #10398

BOUNDARY SURVEY- PT. E. 1/2 - N.W. 1/4 7-18-4		
PREPARED FOR: MR. DON TEELING		
WEIHE ENGINEERS, INC.		
CIVIL ENGINEERS		LAND SURVEYORS
10515 NORTH COLLEGE AVE.		INDIANAPOLIS, INDIANA 46280
DRAWN BY: L.D.A.	JOB NO. 71-19W	SHEET NO. 9/10
DATE: 12.9.71	SURVEY BY: D.C.	

16.⁰⁰
②
1.000000

WARRANTY DEED

200000014077
Filed for Record in
HAMILTON COUNTY, INDIANA
MARY L CLARK
On 03-28-2000 At 02:03 PM.
WARR DEED 16.00

Parcel Number(s): 08-10-07-00-00-006.000

THIS INDENTURE WITNESSETH, That *Rosalie C. Swartz* ("Grantor") of *Hamilton* County, in the State of Indiana, CONVEYS AND WARRANTS to *Michael Stelts and Dawn Stelts, Husband and Wife* ("Grantee") of *Hamilton* County, in the State of Indiana, for the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate located in *Hamilton* County, State of Indiana:

Part of the East Half of the Northwest Quarter of Section 7, Township 18 North, Range 4 East in Washington Township, Hamilton county, Indiana, more particularly described as follows:

Beginning at the Northeast corner of the East Half of the Northwest Quarter of Section 7, Township 18 North, Range 4 East, thence West on and along the North line of said Half Quarter Section 483.31 feet; thence South parallel with the East line of said Half Quarter Section 210 feet; thence East parallel with the North line of said Half Quarter Section 483.31 feet to the East line thereof; thence North on and along aforesaid East line 210 feet to the place of beginning, containing 2.33 acres, more or less.

Subject to any and all easements, agreements, restrictions and other matters of record; subject to the lien for real property taxes not delinquent; and subject to rights of way for roads and such matters as would be disclosed by an accurate survey and inspection of the real estate.

The address of such real estate is commonly known as *16508 Oak Road, Westfield, IN 46074*. Tax bills should be sent to Grantee at such address unless otherwise indicated below.

IN WITNESS WHEREOF, Grantor has executed this deed this 15TH day of MARCH, 2000.

Grantor:

Signature: *Rosalie C. Swartz*
Printed: *Rosalie C. Swartz*

Grantor:

Signature: _____
Printed: _____

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer
28 day of Mar, 2000
D *Jm Oyle* Auditor
Hamilton County
Parcel # 08-10-07-00-00-006.000

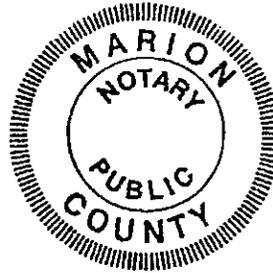
STATE OF INDIANA)
)SS:
COUNTY OF MARION)

ACKNOWLEDGMENT

Before me, a Notary Public in and for said County and State, personally appeared *Rosalie C. Swartz*, who acknowledged the execution of the foregoing Warranty Deed, and who, having been duly sworn, stated that any representations therein contained are true.

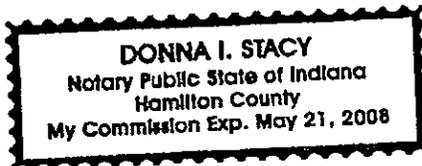
Witness my hand and Notarial Seal this 15TH day of MARCH, 2000.

My Commission Expires: _____
Donna I. Stacy
Notary Public



Printed

Resident of _____ County



This instrument was prepared by Alan V. Anderson, Attorney at Law 14177-49.

Send tax bills to: *16508 Oak Road, Westfield, IN 46074*

After recording, return deed to: *First American Title Insurance Company, 251 E. Ohio St., Suite 555, Indianapolis, IN 46204*

RECEIPT

CD

NAME OF UNIT, AGENCY, BOARD OR DEPARTMENT

FUND

NO. 22524

IN, Date 2/21, 20 12

RECEIVED FROM Michael Stelts \$ 550.⁰⁰

THE SUM OF Five Hundred Fifty Dollars & 00/100 DOLLARS

ON ACCOUNT OF BZA Filing Fee

PAYMENT TYPE AND AMOUNT:

CASH CHECK 546.6 M.O. EFT CC/BC OTHER

Patricia L. Leavelle AUTHORIZED SIGNATURE