

VARIANCE APPLICATION

OFFICE USE ONLY

DOCKET #: 1402-VS-03 FILING DATE:
FILING FEE: \$ FEE PLUS \$ PER ADDITIONAL VARIANCE (@ ) = \$

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: Kevin Todd (STAFF NAME) DATE: Dec 26, 2013

PRIOR OR RELATED DOCKET NUMBERS

CHANGE OF ZONING: AMENDMENTS: DEVELOPMENT PLAN:

PRIMARY PLAT: SECONDARY PLAT: VARIANCE(S):

APPLICANT INFORMATION

APPLICANT'S NAME: Bill Koss TELEPHONE: 317-989-0673

ADDRESS: 2801 Roosevelt Ave EMAIL: koss7bk@sbcglobal.net

PROPERTY OWNER'S NAME: William L. & Karen J. Koss TELEPHONE: 317-989-0673

ADDRESS: 15411 Shelborne Road EMAIL: koss7bk@sbcglobal.net

REPRESENTATIVE'S NAME: Bill Koss TELEPHONE: 317-989-0673

COMPANY: EMAIL:

ADDRESS: Same

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: Shelborne Road

COUNTY PARCEL ID #(S): 08-09-08-00-00-033.001

EXISTING ZONING DISTRICT(S): AG/SF1 EXISTING LAND USE(S): Wooded Area

VARIANCE REQUEST

[ ] VARIANCE OF LAND USE CODE CITATION:

[x] VARIANCE OF DEVELOPMENT STANDARD(S) CODE CITATION: WC16.04.030 B5

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

STATEMENT OF INTENT (EXPLANATION OF REQUEST - ATTACH SEPARATE SHEET IF NECESSARY):

To build a single family dwelling home on the 4.6 acres. We need variance from 250 ft road frontage. We will be granting 20 ft wide ingress/egress/utility easement from Shelborne road to the property.



APPLICANT AFFIDAVIT

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath, says that above information is true and correct as he/she is informed and believes and that Applicant owns or controls the property involved in this application.

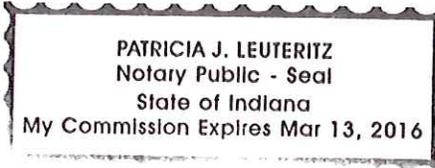
[Signature]  
Applicant/Representative (signature)

WILLIAM L. HOSS  
Applicant/Representative (printed)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the above party, who having been duly sworn acknowledged the execution of the foregoing Application.

Witness my hand and Notarial Seal this 24th day of Dec., 2013.

State of IN, County of Hamilton, SS:



[Signature]  
Notary Public Signature  
Patricia J. Leuteritz  
Notary Public (printed)

PROPERTY OWNER AFFIDAVIT

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says they are the owners of the property involved in this application and that they hereby acknowledge and consent to the foregoing Application.

\_\_\_\_\_  
Property Owner (signature)\*

\_\_\_\_\_  
Property Owner (printed)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the Property Owner, who having been duly sworn acknowledged and consents to the execution of the foregoing Application.

Witness my hand and Notarial Seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

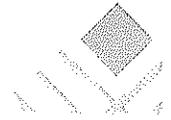
State of \_\_\_\_\_, County of \_\_\_\_\_, SS:

\_\_\_\_\_  
Notary Public Signature

\_\_\_\_\_  
Notary Public (printed)

\*A signature from each party having interest in the property involved in this application is required. If the Property Owner's signature cannot be obtained on the application, then a notarized statement by each Property Owner acknowledging and consenting to the filing of this application is required with the application.

**WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM**  
**FINDINGS OF FACT (VARIANCE OF DEVELOPMENT STANDARD)**



APPLICANT: William and Karen J. Koss

DOCKET #: 1402-VS-03

In taking action on a variance request, the Board of Zoning Appeals uses the following decision criteria to approve or deny a variance, as established by Indiana Code, and the Board may impose reasonable conditions as part of its approval. The applicant must address the criteria below (if multiple variances of development standard are being requested, then this sheet should be completed separately for each requested variance). A variance of land use may be approved by the Board of Zoning Appeals only upon a determination that the Board finds all of the following to be true:

A. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because: \_\_\_\_\_  
Existing rural area with homes on lots of 3 acres or more in area & will be continuing on large lot zoned AG-SF1

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B. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because: \_\_\_\_\_  
By building home, it will not impact negatively home or property values surrounding us

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C. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property because: \_\_\_\_\_  
Would not allow building home on this property due to 250 ft road frontage minimum

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# Exhibit 3: Survey Exhibit



Scale: 1"=100'

GRAPHIC SCALE



( IN FEET )  
1 inch = 100 ft.

LEGEND

—○— Fence

**Property Description:**

Part of the Southwest Quarter of Section 8, Township 18 North, Range 3 East, in Washington Township, Hamilton County, Indiana, described as follows:

Beginning at the Southwest corner of said Southwest Quarter Section; running thence North 90 degrees 00 minutes 00 seconds East, (Assumed Bearing) along the South line of said Southwest Quarter Section, 832.68 feet to the POINT OF BEGINNING; thence North 00 degrees 29 minutes 03 seconds East 407.98 feet to a 5/8 inch rebar with yellow cap stamped WEIHE ENGR LS 0012; thence North 90 degrees 00 minutes 00 seconds East, parallel with the South line of said Southwest Quarter Section, 494.60 feet to 5/8 inch rebar with yellow cap stamped WEIHE ENGR LS 0012 on the West line of the East Half of said Southwest Quarter Section; thence South 00 degrees 25 minutes 42 seconds West, along said West line, 231.10 feet; thence North 90 degrees 00 minutes 00 seconds East, parallel with the South line of said Southwest Quarter Section, 1327.63 feet to a point on the East line of said Southwest Quarter Section; thence South 00 degrees 25 minutes 31 seconds West, along said East line, 176.85 feet to the Southeast corner of said Southwest Quarter Section; thence South 90 degrees 00 minutes 00 seconds West, along the South line of said Quarter Section, 1822.59 feet to the point of beginning and containing 10.023 acres, more or less.

Subject to all legal easements rights of way and restrictions of record.

Surveyor's Report for Job #071021F

In accordance with Title 865, Article 1.1, Chapter 12 of the Indiana Administrative Code, the following observations and opinions are submitted of the cause and amount of uncertainty in the position of the lines and corners established on this survey as a result of:

- (A) Availability and condition of referenced monuments.
- (B) Occupation or possession lines
- (C) Clarity or ambiguity of the record description used and of adjoining's descriptions, and the relationship of the lines of the subject tract with adjoining's lines.
- (D) The Relative positional accuracy of the measurements.

(A) Reference Monuments:

Monuments which control the lines and corners of the surveyed property are as follows:

- 1.) Railroad spike recovered at the Southwest corner of the Southwest Quarter of Section 8-18-3E., per County Surveyor's Records.
- 4.) Iron pin recovered at the Southeast corner of the Southwest Quarter of Section 17-18-3E.
- 5.) Bolt spike recovered at the Northwest corner of the East Half of the Southwest Quarter of Section 8-18-3E.

The Federal Government originally monumented Section and certain Quarter Section corners with wood posts. The evidence of the original wood posts have been obliterated with time. Other quarter section and fractional quarter section corners were monumented by local surveyors after the original government survey. This monumentation required that the original government corners be recovered. It cannot be determined with absolute certainty that the existing corners are in the exact position of such original monuments and/or were placed with the benefit of the original monuments. The extent of the uncertainty shown is a result of discrepancies with existing monumentation. The purported location of an original public land survey as referenced by the county surveyor of the county in which the corner exists is prima facie evidence of that corner's location.

The maximum uncertainty associated with reference monuments as it affects the surveyed property is ±1.0 feet.

Unless noted otherwise, monuments set this survey are 5/8" diameter x 24" long rebar with red cap stamped FIRM #0066 placed at ground level.

(B) Possession Lines:

- 1.) The relationship between fences and deed lines are as show herein. (The client should assume there is an amount of uncertainty along any line equal in magnitude to the discrepancy in the location of the lines of possession from the surveyed lines.)

(C) Record Descriptions:

- 1.) The within description was prepared this survey and lies within the real estate described in Instr. #97-2004.

(D) Relative Positional Accuracy of Measurement:

The accuracy of this survey is within the acceptable relative positional accuracy for an Urban Survey.

This survey was performed under the responsible direction of the undersigned registered land surveyor and to the best of said registered land surveyor's knowledge and belief, said survey was executed according to the applicable survey requirements of Title 865 I.A.C. 1-12 for an Original survey.

Surveyor's Certification

To: Bill Koss; Hamilton Title Security LLC (#2072532).

This is to certify that this map or plat and the survey on which it is based were made in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA and NSPS in 2005, and includes Items 1, 3, 4, 7a, 8, 9, 10 and 11a of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA and NSPS and in effect on the date of this certification, undersigned further certifies that in my professional opinion, as a land surveyor registered in the State of Indiana, the Relative Positional Accuracy of this survey does not exceed that which is specified therein.

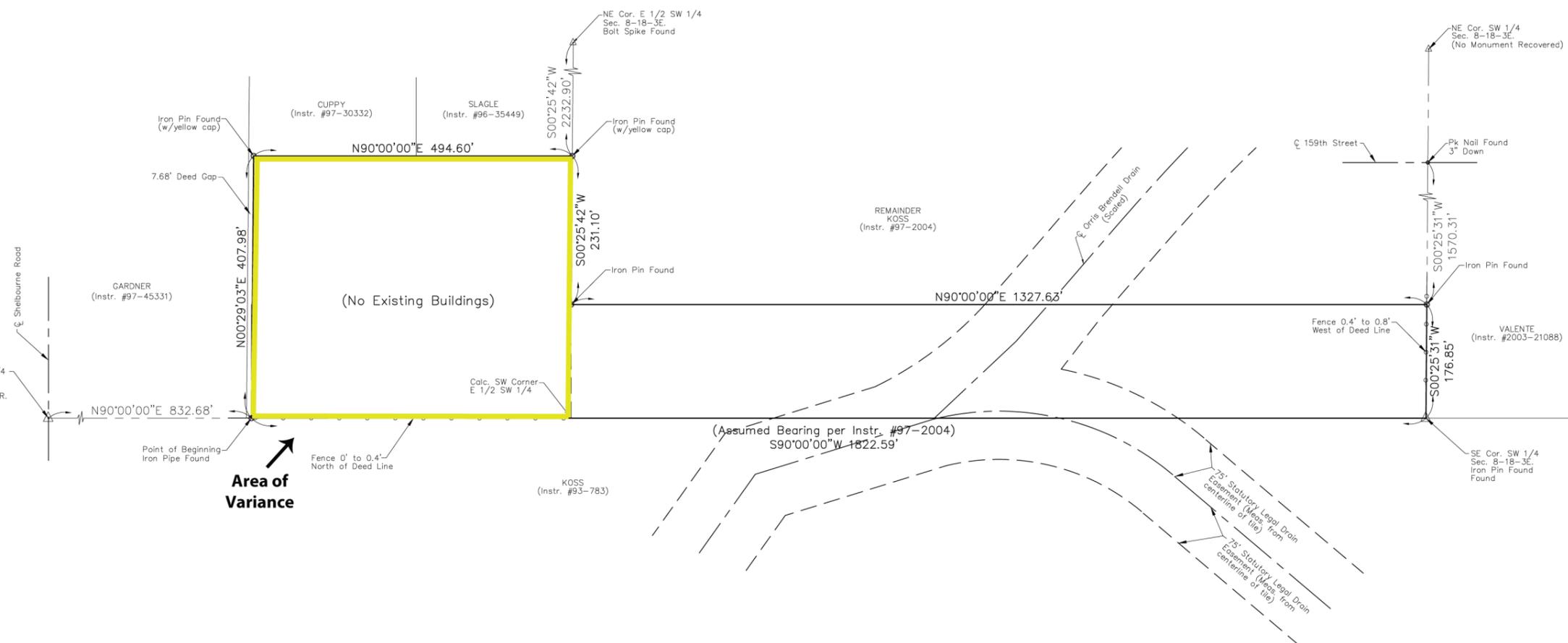
Survey Completed: October 30, 2007

Certified: November 9, 2007

Richard A. O'Brian, Registered Land Surveyor, Indiana #B0880017  
Job #071021F

**NOTES:**

- 1.) The location of utilities serving or existing on the property are limited to visible surface evidence (such as manholes, inlets, valves, etc.). The client shall contact an underground utility location service and/or provide as-built utility drawings if more specific underground locations are required on the survey.
- 2.) Subject tract has no access to public road right of way and is intended to be conveyed to an adjoining owner.
- 3.) The within described tract of land does not lie within that Special Flood Hazard Zone "A" as said tract plots by scale on Community Panel Number 18057 C 0115 F of the Flood Insurance Rate Maps for Hamilton Co., Indiana, (map dated 1/5/01).
- 4.) The location of the legal drain easement shown is speculative. The actual location of the easement is 75 feet from the actual tile location.



**Property Description:**

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Subject to all legal easements rights of way and restrictions of record.

Surveyor's Report for Job #071021F

In accordance with Title 865, Article 1.1, Chapter 12 of the Indiana Administrative Code, the following observations and opinions are submitted of the cause and amount of uncertainty in the position of the lines and corners established on this survey as a result of:

- (A) Availability and condition of referenced monuments.
- (B) Occupation or possession lines
- (C) Clarity or ambiguity of the record description used and of adjoining's descriptions, and the relationship of the lines of the subject tract with adjoining's lines.
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- 1.) The within description was prepared this survey and lies within the real estate described in Instr. #97-2004.

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This survey was performed under the responsible direction of the undersigned registered land surveyor and to the best of said registered land surveyor's knowledge and belief, said survey was executed according to the applicable survey requirements of Title 865 I.A.C. 1-12 for an Original survey.

Surveyor's Certification

To: Bill Koss; Hamilton Title Security LLC (#2072532).

This is to certify that this map or plat and the survey on which it is based were made in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA and NSPS in 2005, and includes Items 1, 3, 4, 7a, 8, 9, 10 and 11a of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA and NSPS and in effect on the date of this certification, undersigned further certifies that in my professional opinion, as a land surveyor registered in the State of Indiana, the Relative Positional Accuracy of this survey does not exceed that which is specified therein.

Survey Completed: October 30, 2007

Certified: November 9, 2007

Richard A. O'Brian, Registered Land Surveyor, Indiana #B0880017  
Job #071021F

**NOTES:**

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- 3.) The within described tract of land does not lie within that Special Flood Hazard Zone "A" as said tract plots by scale on Community Panel Number 18057 C 0115 F of the Flood Insurance Rate Maps for Hamilton Co., Indiana, (map dated 1/5/01).
- 4.) The location of the legal drain easement shown is speculative. The actual location of the easement is 75 feet from the actual tile location.

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**HAHN SURVEYING GROUP, INC.**  
SURVEYORS & ENGINEERS  
2850 E. 96th Street • Indianapolis, IN 46240 • Phone: 846-4298  
DWG. BY: CLB CK. BY: R.O.

ALTA/ACSM Land Title Survey - Pt. SW 1/4  
Sec. 8-18-3, Hamilton County, Indiana

**1**  
OF

**1**  
071021F