STATEMENT OF INTENT
AND
EXPLANATION OF REQUEST

INTENT:

1. Requirements of Westfield Washington Township Zoning Ordinance WC 16.04.030 B (AG-SF1):
    a) AG-SF1 (WC 16.04.030 B (4) - requires Minimum Lot Area of three (3) acres.
    b) AG-SF1 (WC 16.04.030 B (4) – requires Minimum Lot Frontage on Road of 250 feet.
    c) Minimum Setback Requirements:
        1) Front Yard – 100 feet Expressways, Primary and Secondary Arterials – 80 feet on all other roads.
        2) Side Yard – 30 feet;
        3) Rear Yard – 30 feet; and
        4). Minimum Building With at Building Line – 100 feet.
2. Applicant is respectfully requesting variances in order to permit the following:
    a) Lot Area – 1.76 acres;
    b) Lot Footage on Road – 160 feet;
    c) West side yard setback – residence garage – 13 feet from west property line; and
    d) East side yard setback – pool house – 24 feet from east property line.

Exhibit "A"
To
Variance Application

LOT AREA AND LOT FRONTAGE ON ROAD

HISTORY OF PROPERTY AT 140 EAST 146th STREET (the "140 Property"):

1. In 1974 Lee and Susan Butts (collectively "Butts") operated a business at the 140 Property that included excavating, landscaping and concrete work.
2. Carl R. Wiegand and/or an entity in which he was one of the primary owners (collectively "Wiegand") later acquired the 140 Property and continued to operate a business that encompassed the services Butts offered.
3. James Meyers ("Meyers") worked for Wiegand.
4. Meyers rented the 140 Property approximately one year prior to its purchase by Meyers.
5. In or about 1995, Meyers entered into a land contract (the "Land Contract") with Wiegand for the purchase of the 140 Property.
6. On November 16th, 1999, Meyers obtained a mortgage and paid the Land Contract off. The 140 Property was deeded to Meyers at that time (copy of deed marked as Exhibit "A," attached hereto, incorporated herein, and made a part hereof).
7. Wiegand recorded or had someone record the deed.
8. Meyers thought he was purchasing 3.00 acres – see copy of Appraisal Letter from Wynne Real Estate Services dated October 19, 1999 (copy marked as Exhibit "B," attached hereto, incorporated herein, and made a part hereof).
9. A few weeks after purchasing the 140 Property Meyers discovered that he had only been deeded 1.76 acres.
10. Wiegand informed Meyers that he had to keep the adjoining 3.74 acres with the pole barn and could only deed him 1.76 acres with the residence.

11. Meyers felt that he could not challenge Wiegand due to the fact that he was dependent on Wiegand for his employment, and he was not in a position financially to challenge.

12. The residence was already on the 140 Property when Meyers purchased the property, and Meyers was unaware that the smaller acreage would cause him zoning problems.

13. Meyers continued to work for Wiegand for approximately three more years before quitting and starting his own start-up business. Meyers did not purchase Wiegand's business.

14. When Meyers started his own business, he continued to operate a business that encompassed the services that were offered by the Butts and Wiegand.

15. Prior to Meyers purchase of the 140 Property, Wiegand owned both what is now parcel 08-09-11-00-00-001.001 containing 3.24 acres and parcel 08-09-11-00-00-001.101 containing 1.76 acres (the two parcels were held by Wiegand as one parcel -the 1.76 acres was split off and deeded to Meyers).

16. Wiegand informed Meyers that when he retired he would sell the rest of the real estate adjacent to the west property line of the 140 Property to him (the "Adjacent Property").

17. Wiegand keep telling Meyers that he would sell the Adjacent Property to him up to the date of Wiegand's death on July 19th, 2012.

18. Upon Wiegand's death the Adjacent Property went to Wiegand's son, Ronald C. Wiegand leaving Meyers with only 1.76 acres.

19. The 140 Property is zoned Agriculture – Single Family 1 District ("AG-SF1").

20. The City of Westfield maintains that Meyers has expanded his business over the years, and that it is now a construction business and that the operation of a construction business is not permitted in the AG-SF1 District.

21. In consideration of the City of Westfield's position, the changing demographics of the area, and his neighbors, Meyers has agreed to move his business to another location at considerable immediate and increased yearly expense to Meyers. .

22. Meyers has removed all business equipment, machinery, forms, tools, and supplies to a new location at 343 First Avenue Southwest, Suite 8, Carmel, Indiana 46032.

The home on the 140 Property is and has been the Meyers family residence (the "Residence") since approximately one year prior to Meyers's acquisition of the property by land contract in 1995. Meyers was an employee of Wiegand and trusted Wiegand to abide by and fulfill both the written and verbal agreements he made with Meyers. Upon learning that Wiegand deeded only 1.76 acres to him, Meyers felt that his financial position was not sufficient for him to challenge Wiegand.

Although Meyers believed that he was purchasing 3.00 acres, Meyers did not realize that he needed 3.00 acres in order to be in compliance with the City of Westfield's Zoning Ordinance. The Residence was already in existence on the 140 Property, having been constructed sometime in the 1970's, and Meyers trusted Wiegand to make a proper and legal transfer to him. Meyers felt that the 1.76 acres was large enough to fulfill his immediate needs, and he was assured by Wiegand that Wiegand would sell him the Adjacent Acreage upon Wiegand's retirement.

Meyers has no feasible way that he can comply with the Minimum Lot Area of three (3) acres or the Minimum Lot Frontage on Road of 250 feet (AG-SF1 (WC 16.04.030 B [4]). Meyers is requesting a Hardship Variance with respect to both in order to avoid severe financial hardship involving the loss of his Residence. Special circumstances exist that does not apply to other properties in the AG-SF1 District.

DETACHED RESIDENCE GRARGE AND POOL HOUSE SETBACK

The approximately 13 feet setback of the residence garage (the "Residence Garage") from the west property line involves the Adjacent Acreage owned by Ronald C. Wiegand, son of Carl Wiegand, the seller of the 140 Property to Meyers. The Adjacent Acreage's only improvement consists of a metal pole barn that appears to have been added onto a couple of times. If Carl Wiegand had deeded the agreed upon 3.00 acres to Meyers and/or if he had sold the Adjacent Acreage to Meyers as he promised, this would not be an issue. Ronald C. Wiegand, the current owner of the Adjacent Acreage has stated the he will support Meyers's variance requests set forth in this Variance Application. Without the detached Residence Garage, the Residence will be left without any garage to serve the residence requiring their cars to set out year round.

The pool house is twenty four (24) feet from the east property line. AG-SF1 (WC 16.04.030 B (4) requires a 30 feet setback. Barbara A. Simpson's property is adjacent to the entire east side of the 140 Property. Barbara Simpson has indicated that she will not object to a variance for the pool house. If the variance is not granted, Meyers will be required to either move the pool house or tear approximately 6 feet off of the east end at considerable cost and expense to the Meyers and the substantially the useful value of the pool house will be substantially reduced.

ASSESSORY BUILDINGS SQUARE FOOTAGE

The square footage of the Residence is approximately 2850 square feet (detached Residence Garage not included). The approximate square footage of the Accessory Buildings is as follows:

	Accessory Building	Square Footage
1.	Detached Residence Garage	595
2.	Barn	2,677
3.	Pool House	1,037
	Total Accessory Building Square Footage	4,309

The detached Residence Garage is separated from the Residence by 14.5 foot with walk way to the Residence and is the garage for the Residence. Even though the Residence Garage is technically detached from the Residence, it is the garage for the Residence and should be counted as part of the Residence. If the detached Residence Garage is counted as part of the Residence, the square footage of the Residence becomes 3,445 square feet and the square footage of the Accessory Buildings becomes 3,714 square feet leaving an excess square footage for the Accessory Buildings of 269 square feet.

The Barn is in good condition and it is believed to have been built prior to 1970. The pool house was built by James Meyers after he acquired the property.

The City of Westfield has indicated that since the total square footage of the Accessory Buildings exceed the square footage of the residence, a variance would be needed. If the variance is not granted the Meyers may be required to tear part of or all of one of the Accessory Buildings depriving the owner of the use of same.

REQUEST:

Meyers is respectfully requesting variances in order to permit the following:

a) Lot Area – 1.76 acres;

b) Lot Footage on Road – 160 feet;

c) West side yard setback – Residence Garage – 13 feet from west property line;

d) East side yard setback – pool house – 24 feet from east property line; and

e) Accessory Building excess square footage.