

CITY OF WESTFIELD

COMMUNITY DEVELOPMENT DEPARTMENT

WESTFIELD-WASHINGTON TOWNSHIP
 ADVISORY PLAN COMMISSION
 BOARD OF ZONING APPEALS
 ZONING ENFORCEMENT
 BUILDING PERMITS

Meeting Date:	February 12, 2008
Docket Number:	0801-VS-01
Appellant:	William and Cheryl Wendling
Property Address:	17138 Joliet Road
Variance of Standard Request:	<i>WC 16.04.030, B1</i> 200' Setback for Stables AG-SF1

EXHIBITS

- | | |
|--|----------|
| 1. Staff Report | 02/12/08 |
| 2. Aerial Location Map, Zoning Map & Existing Land Use Map | 02/12/08 |
| 3. Property Card | 02/12/08 |
| 4. Appellant's Application and Plans | 12/17/07 |

RELATED CASES

0801-SE-01 Riding Stable in AG-SF1

PETITION HISTORY

The February 12, 2008 meeting represents this petition's first appearance before the BZA. This petition was scheduled to appear before the BZA on January 15, 2008, however because a quorum of the Board could not be attained, the meeting was cancelled and this petition was continued to the February meeting. Notice for this petition has been properly served.

VARIANCE OF STANDARD REQUEST

This variance request is to reduce the setback requirements for a stable in the AG-SF1 District. Specifically, the request is to reduce the setback from the west property line from 200 feet to 60 feet and to reduce the setback from the northeast property line from 200 feet to 121 feet.

PROPERTY INFORMATION

The subject property is comprised of two (2) parcels, consisting of approximately 9.7 acres. The property is improved with a single-family residence and associated accessory structures. The subject property abuts the Joliet Road right-of-way to the east and has one (1) point of access from Joliet Road.

The property is zoned Agriculture-Single Family 1 (AG-SF1). Abutting property to the north, east and south is zoned AG-SF1 and improved with large-lot single-family residential uses, agricultural uses and other equestrian uses. Abutting property to the west is zoned AG-SF1 and improved with an event hall/reception hall and equestrian uses (Palomino Ballroom).

The subject property is improved with a single-family detached dwelling with an attached garage, a detached accessory structure (shed), and fencing.

PROPERTY HISTORY

On February 20, 2001, the Westfield Board of Zoning Appeals heard a variance of standard case for the subject property (0102-VS-07). At the time, the property was one (1) single lot with 250' of road frontage. The request was to allow for the subdivision of the property by reducing the road frontage requirement for each new lot. The request for the north parcel reduced the road frontage to 26'. The request for the south parcel reduced the road frontage to 224'. The Board approved the request with a condition that the two (2) parcels share a single, common access drive.

There are no additional variances, special exceptions, development plans, subdivision plats, or rezoning cases on record for the subject property.

ANALYSIS

The submitted plans indicate that the existing single-family dwelling would continue to be used as such, but do not address the continued use of the detached accessory structure. The submitted plans indicate that the proposed Riding Stable would be located northwest of the existing residence. A proposed parking area would be located east of the proposed stable structure, and additional fencing would be installed at the subject property to establish four individual "paddock" areas.

This petition was reviewed at the January 2, 2008 Technical Advisory Committee meeting. Correspondence from the commenting agencies is attached (Exhibit 4).

Development plans for the proposed Riding Stable would be required to meet all applicable development standards and would require approval from the Advisory Plan Commission.

The Westfield-Washington Township Comprehensive Plan recommends that this area remain rural in character and use. It is identified as part of the "Rural Northwest and Northeast" component of the future land use plan.

FINDINGS

No special exception 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:**

Findings: The intent of the setback requirement for stables is to help mitigate from neighboring properties the noise, odors, and other potential nuisances associated with stables.

The proposed stable would be approximately 60 feet from the western property line. Adjacent property to the west is improved with horse-riding and other equestrian

facilities. The uses are similar, so it is unlikely that a reduced setback from the western property line would be injurious to the public health, safety, morals, and general welfare of the community.

The proposed stable would be approximately 121 feet from the northeastern property line. Adjacent property to the northeast is improved with a single-family dwelling and a detached accessory structure. The existing neighboring dwelling is approximately 540 feet from the proposed stable. The setbacks required in the AG-SF1 District effectively establish a minimum separation of 230 feet (200 feet for stable setback plus 30 feet for a residential structure setback) for a stable and a residential structure on an adjacent property. The proposed separation of 540 feet between structures is more than two times the required minimum distance, per the ordinance. Given the existing conditions of the site and the adjacent property, it is unlikely that a reduced setback from the northeastern property line would be injurious to the public health, safety, morals, and general welfare of the community.

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:

Findings: It is unlikely that the submitted proposal for the reduction of the setback line for stables would negatively affect the use and value of neighboring properties. The subject property is surrounded by large-lot single family dwellings, agricultural uses, and other equestrian uses. The nearest residential structure is approximately 540 feet from the proposed Riding Stable facility. It is unlikely that visual or audible impacts of a Riding Stable would negatively affect neighboring properties.

c. That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:

Findings: Strict adherence to the zoning ordinance would result in a buildable area for the stable that is already occupied by a residential structure and a septic tank/septic field (as depicted in the petitioner's plans, Exhibit 4, Sheet C4.1). The irregularity of the lot shape, in conjunction with the presence of the existing improvements on the property, creates a practical difficulty in meeting the setback requirements for a riding stable on the subject property.

RECOMMENDED MOTION

Approve this variance request based on the findings of this report.

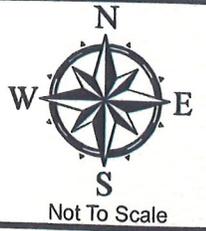
Should the Board move to approve this variance of standard request, the following conditions would be appropriate:

1. That no further encroachment on the west rear yard and northeast side yard occurs.

KMT



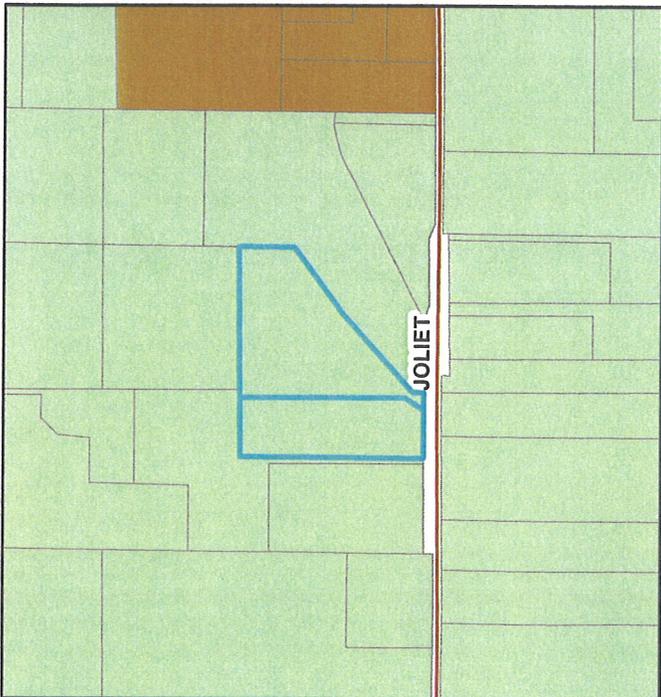
0801-SE-01 and 0801-VS-01
08-09-06-00-00-009.001 and 08-09-06-00-00-009.101
17138 Joliet Road



Aerial Location Map

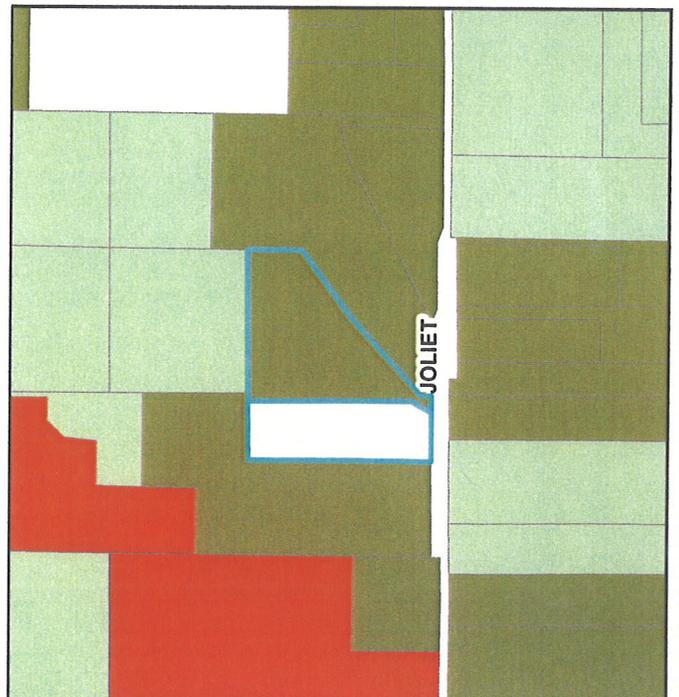


Zoning Map



- Agriculture - Single Family 1
- Single Family 5

Existing Land Use Map



- Agriculture
- Commercial
- Residential Non-Urban
- Vacant

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Online Services

Property Card Report

1. report type

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2. property search

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general parcel info.

spring tax statement

tax payments

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Any, and all information contained on this web site report is the result of assessment data extracted on the most recent taxable year - **March 1, 2006**. Improvement characteristics may differ from those used to determine the total assessed value listed.

Summary Information - Parcel Number: 08-09-06-00-00-009.001

Property Data

Parcel Location	Joliet RD, Westfield
Taxing Unit	Washington
Legal Description	4/12/91 SPLIT FROM COLLETT A 11/21/91 B & P ONLY
Section/Township/Range	S06 T18 R03
Subdivision Name	NULL
Lot and Block	Lot Block
Acres	3.76
Effective Frontage	
Effective Depth	
Property Class	Unplatted 0 - 9.99 Acre

Exterior Features and Out Buildings

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Property Owner as of April 30, 2007

Dillon, David S & Karin D

Most Recent Valuation as of March 1, 2006

Assessed Value: Land	3100
Assessed Value: Improvements	0
Total Assessed Value:	3100

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Property Card Report

1. report type

Reset

2. property search

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3. view reports

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Any, and all information contained on this web site report is the result of assessment data extracted on the most recent taxable year - **March 1, 2006**. Improvement characteristics may differ from those used to determine the total assessed value listed.

Summary Information - Parcel Number: 08-09-06-00-00-009.101

Property Data

Parcel Location	17138 Joliet RD,Westfield
Taxing Unit	Washington
Legal Description	11/20/01 spltd fr 009.001 fr Henricks 2001-75678 12/6/01 dra
Section/Township/Range	S06 T18 R03
Subdivision Name	NULL
Lot and Block	Lot Block
Acres	5.93
Effective Frontage	
Effective Depth	
Property Class	One Family Dwelling

Property Owner as of April 30, 2007

Dillon, David S & Karin D

Most Recent Valuation as of March 1, 2006

Assessed Value: Land	44400
Assessed Value: Improvements	128200
Total Assessed Value:	172600

Exterior Features and Out Buildings

1 Attached Garage, 1 Lean-To,

1 Roof Extension Canopy, 1 Wood Deck, 1 Wood Patio,

Building 1, Card ID R01

Physical Characteristics

Story Height	
Attic	none
Basement	full
Crawl	none
Year Built	1992

Floor Construction

2.0 (second)	Sub and joists
1.0 (first)	Slab
Basement	Slab

Floor Finish

2.0 (second)	Carpet, None
1.0 (first)	Carpet, None
Basement	None, None

Exterior Cover

2.0 (second)	Wood siding
1.0 (first)	Wood siding
Basement	Masonry

Interior Finish

2.0 (second)	Drywall
1.0 (first)	Drywall
Basement	None

Accommodations

Finished Rooms	7
Bedrooms	3

Heating and Air Conditioning

Primary Heat	YES
Air Conditioning	YES

Plumbing

Full Baths	2
Partial Baths	1

Fireplace

Fireplace Stacks	YES
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Basement Rec Room

Rec Room Type	
Rec Room Square Footage	0

Area/Square Footage (based on exterior eave to eave area)

Building Level	Base Area	Approx. Finished Area
2.0 (second)	720	720
1.0 (first)	728	728
Basement	728	0

Garage

Garage Type	Framed
Garage Square Footage	672

Petition Number: 0801-05-01
Date of Filing: 12/17/07

**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 William and Cheryl Wendling
Address 2622 Faust Court
Carmel, IN 46033
Telephone Number 317-531-1326
E-Mail Address kwend8781@aol.com
- 2. Landowner's Name David and Karin Dillon
Address 17138 Joliet Road
Westfield, IN 46074
Telephone Number 317-896-2607
- 3. *Representative Robert J. Harmeyer, MSKTD & Associates, Inc.
*Address 930 North Meridian Street
Indianapolis, IN 46204
*Telephone Number 317-917-1190
*Email Address rjh@msktd.com

*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.)
17138 Joliet Road - approx. 1/2 mile south of SR 32

- 5. Legal description of property (list below or attach)
Attached

- 6. Complete description of the nature of the development standard variance applied for:
In zoning AG-SF1 Riding Stables require a 200 feet set back from property lines. We request variance from this standard.

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:

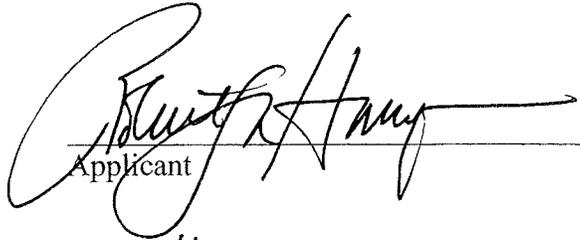
a. That the approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:
The setback variance will be to allow the construction of a riding stable with boarding and lesson operations. The lesson program is very beneficial to all involved, teaching hard work, teamwork, patience and life-long skills.

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:
A riding stable is consistent with adjacent property uses - The former Indianapolis Horse Patrol facility is immediately to the west and south of this property and many properties across Joliet road have stables and pastures for personal horses. The proposed stable will be located closest to the property to the west.

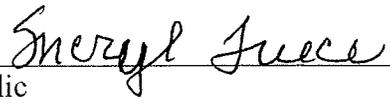
c. That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:
The property is 9.69 acres of an irregular shape. The 200 foot setback only leaves a useable area of approximately 0.75 acre in which the existing house, well and septic field are currently located. Strict adherence to this ordinance drastically limits the use of this property.

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 15th DAY OF December, 2007.


Notary Public

My commission expires: January 2013

December 14, 2007

Board of Zoning Appeals
130 Penn Street
Westfield, IN 46074

RE: 17138 Joliet Road

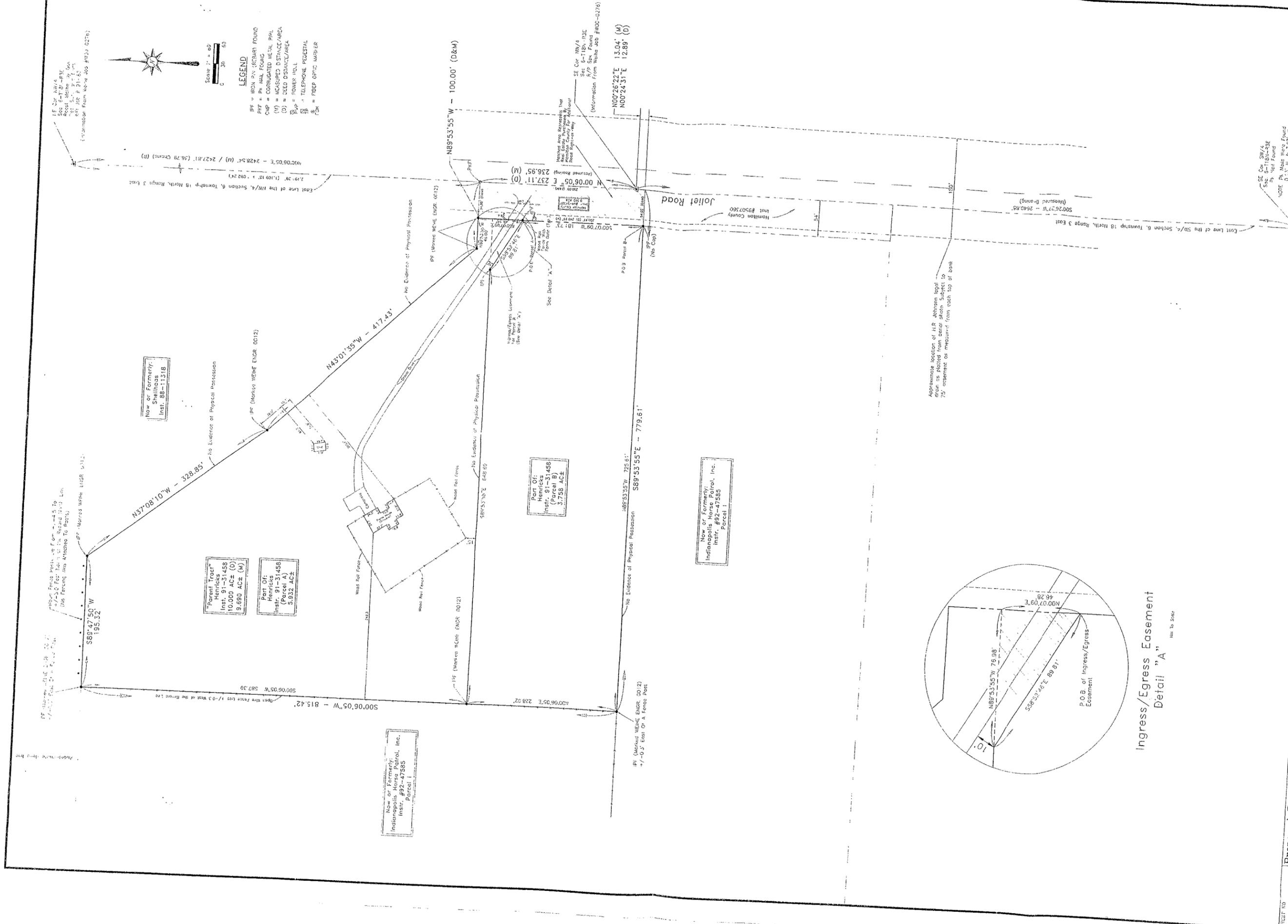
Dear Members of the BZA;

As the current property owners of 17138 Joliet Road, Westfield, IN, we are aware of, and consent to, the petitions filed for Special Exception and for Variance of Development Standards that have been brought before you as submitted by Robert Harmeyer of MSKTD & Associates, Inc. on behalf of Kellie Wendling. If you have any questions or concerns regarding this letter or filing, please feel free to contact us.

Respectfully Submitted,


DAVID S. DILLON


KARIN D DILLON



IF COR. 1874/4
See E-T-B-1-F-3E
See Note on Page 2
M-FI, P-FI # 311-57
Information From We-We Job #100-0276)

Scale 1" = 50'
0 30 60

LEGEND
 IF = IRON PIN FOUND
 PIF = PIN FOUND
 CUP = CORRUGATED METAL PIN
 (M) = MEASURED DISTANCE/AREA
 (D) = DEED DISTANCE/AREA
 PAF = POWER POLE
 T = TELEPHONE PEDESTAL
 FDK = FDEEP OPTIC MARKER

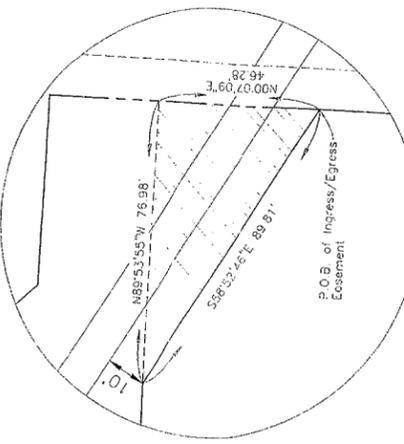
East line of the NW/4, Section 6, Township 18 North, Range 3 East
 218.29' (1189.12' x .08243)
 N00°06'05"E - 2428.54' (M) / 2427.81' (56.79 Chains) (M)

N89°53'55"W - 100.00' (D&M)
 N00°06'03"E 237.11' (D)
 236.95' (M)
 SE Cor NW/4
 See E-T-B-1-F-3E
 See Note on Page 2
 Information From We-We Job #100-0276)

Now or Formerly:
Indianapolis Horse Patrol, Inc.
Inst. #92-47585
Parcel 1

Now or Formerly:
Indianapolis Horse Patrol, Inc.
Inst. #92-47585
Parcel 1

Now or Formerly:
Indianapolis Horse Patrol, Inc.
Inst. #22-47585
Parcel 2



Ingress/Egress Easement
Detail "A"
Not To Scale

SE Cor SW/4
See E-T-B-1-F-3E
See Note on Page 2
Information From We-We Job #100-0276)

NOTE: PA Nails Were Found
 0.13' N & 3.07' W
 0.13' S & 3.00' E
 and 2.81' S & 3.00' E
 of PA Nail. Accroded as
 1/2 Section Corner as
 Information From We-We Job #100-0276)

Approximate location of H.R. Johnson legal
 drain as plotted from
 75' enlargement of meander from each top of bank

Prepared For:
Dave Dillon

7132 Joliet Road Washington, Ind., Hamilton Co., IN
 Refinement Survey w/Improvements
 Part of the NW/4, Section 6, Township 18 North, Range 3 East, Washington, Township, Hamilton Co., IN



WEIHE ENGINEERS, INC.
 1806 NORTH COLLEGE AVENUE
 COLUMBIANA, INDIANA 47280
 317.833-6548 Fax
 1-800-462-6108
 CIVIL ENGINEERS
 LAND SURVEYORS
 LAND PLANNERS

FILED	NOV 10 2003
BY	DAVE DILLON
CHECKED BY	DAVE DILLON
DATE	10/29/2003

OVERALL LOCATION



Joliet Road

Briant Creek Lane

EXISTING HORSE PASTURE

EXISTING SITE

AREA CURRENTLY
IN CULTIVATION

AREA CURRENTLY
IN CULTIVATION



Image IndianaMap Framework Data

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Streaming 100%

Pointer 40°02'09.91" N 86°13'58.64" W elev 992 ft

Google™

Eye alt 1893 ft

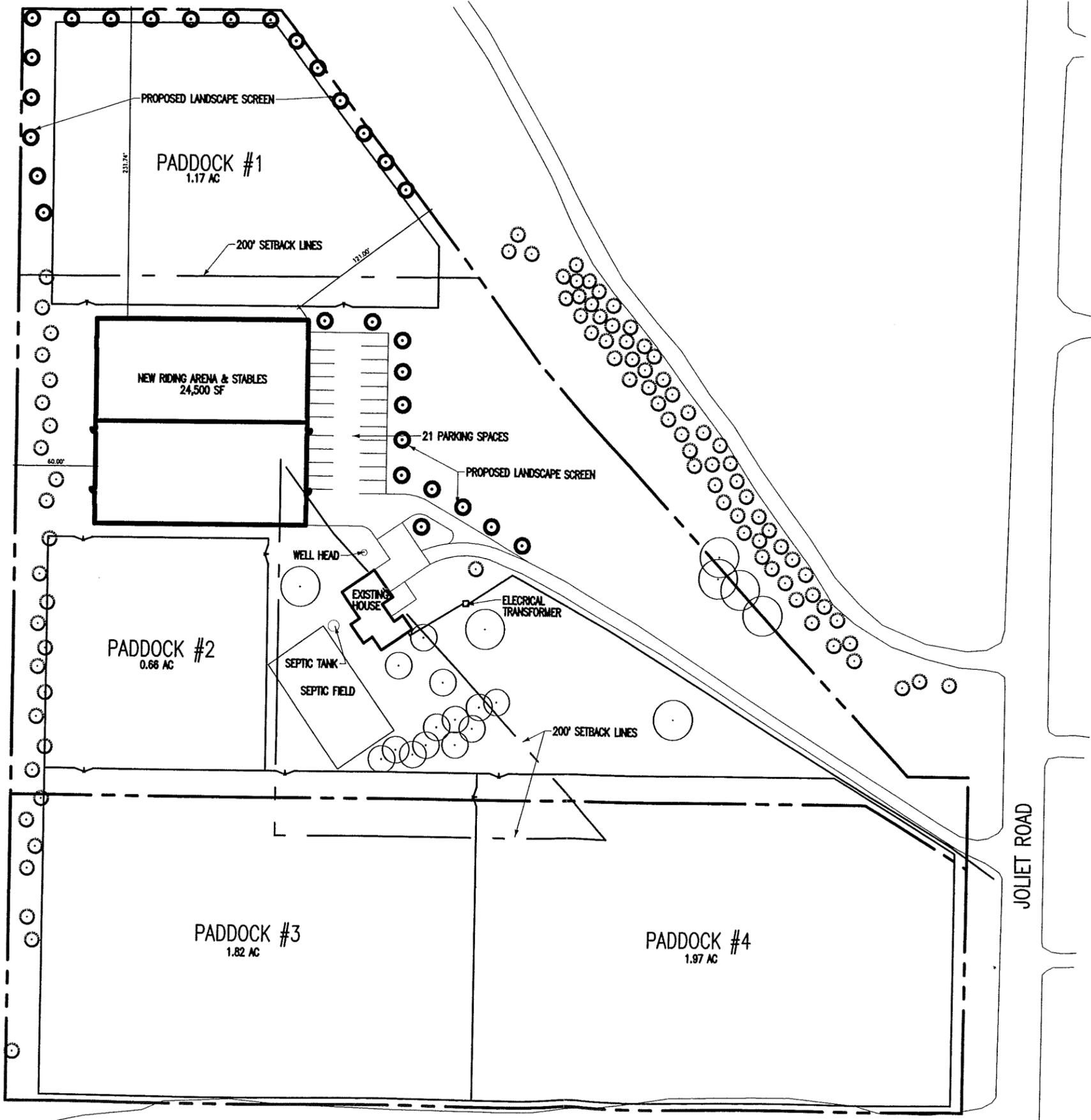


**PROPOSED LAYOUT
AERIAL IMAGE**

here Indiana Fremont Data

Scenic Views

12/17/07 07:56 AM DRAWING = BARNAC4-1 DRAWING = BARNAC4-1



Developed Site Plan
 1" = 40'
 0 10 20 40 80



MSKTD & Associates, Inc.
 ARCHITECTURE ENGINEERING INTERIOR DESIGN
 1715 MAGNANOX WAY 530 NORTH MERIDIAN
 FORT WAYNE, IN 46804 INDIANAPOLIS, IN 46204
 voice (260) 432-9337 voice (317) 917-1190
 fax (260) 436-2402 fax (317) 822-6236
 http://www.msktd.com

CERTIFICATION:

The concepts, ideas, designs, plans and details as shown on this document are the sole property of MSKTD & Associates, Inc., and were created, developed and presented for use on this specific project. None of the concepts, ideas, designs, plans and details shall be used by any person, firm or corporation for any purpose whatsoever, without the expressed written consent of MSKTD & Associates, Inc. The Owner shall be permitted to retain copies for information and reference in connection with this project.

17138 JOLIET ROAD

REVISIONS:	DATE:	BY:

SHEET TITLE:
 Developed Site Plan

COMMISSION NUMBER: 4956	DATE: 12-17-07
----------------------------	-------------------

SHEET NUMBER:
 C4.1