

MARY HESSION

DOG RETREAT SUITES

Board of Zoning Appeals Use Variance Request for Home Occupation

Docket No. 0808-VU-04

City of Westfield

Board of Zoning Appeals Meeting 7:00 pm – August 12, 2008 2008

Applicant: Mary Hession
18945 Moontown Road, Westfield
867-2325

Attorney: Nelson & Frankenberger
c/o James E. Shinaver
844-0106



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EXPLANATION OF REQUEST

Mary Hession resides at 18945 Moontown Road, Westfield, Indiana. Before moving to Westfield, Mary lived in Boone County and operated a very low intense but upscale dog retreat for several years that served a specific type of clientele. Mary has now lived in Westfield for a few years, and as a lover of dogs, she desires to resume her dog retreat from her attached garage in her Westfield home. To this end, Mary has filed a Use Variance Application to permit her to operate from her attached garage a very low intense, but upscale dog retreat that will provide individual “suites” for each client/dog.

Mary’s proposed retreat will be a very low-intense endeavor. She desires to accommodate no more than ten (10) clients/dogs in her retreat at any one time. As can be seen on the enclosed photographs, Mary’s property is set back a considerable distance from Moontown Road. In addition to the considerable set back, landscaping, trees and farm fields surround Mary’s property. Consequently, the proposed use will be adequately screened and buffered from the adjacent properties. Further, there will be no other physical changes to the external portions of the actual home on the property (other than some additional fencing) and there will be no signage related to the dog retreat. Mary will be the only one tending to the dogs and there will be no other employees on the property. For all practical purposes, passers-by will not even realize that a dog retreat exists on the site.

Mary is very conscientious of her neighbors and desires to be a good neighbor herself. In this regard, Mary has meet with almost all of the surrounding owners who will receive mailed notice of her proposed request. Mary’s meetings have been very productive and beneficial, as is evidenced by the letters of support that are included within. Further, as set forth in the proposed Findings of Fact, the requested Use Variance does not substantially interfere with the policies and guidelines contained in the Comprehensive Plan.

Included within this brochure are the following exhibits:

Exhibit 2 – A Summary of Mary’s request that provides additional details regarding the proposed use.

Exhibit 3 – An aerial photograph of Mary’s property in the context of the surrounding area.

Exhibit 4 – A photograph that shows a closer view of Mary’s home and the attached garage that will function as the dog retreat. This photograph also shows the location of some proposed fencing.

Exhibit 5 – Photographs of the area surrounding Mary’s property that show the considerable set back of her home from Moontown Road and the landscaping and trees that exist around her property that will provide screening and buffering.

Exhibit 6 – A diagram that shows the proposed internal layout of the dog retreat area to be wholly contained within Mary’s attached garage.

Exhibit 7 - Photographs of Mary’s dog retreat in Boone County. These photographs are intended to show how the individual “dog suites” in her Westfield home will appear.

Exhibit 8 – Various letters of support from surrounding neighbors and others who are supportive of Mary’s request.

Exhibit 9 – Proposed Findings of Fact

We look forward to presenting this matter to the Board of Zoning Appeals at the August 12th meeting and we thank you for your time and consideration.

18945 Moontown Road
Noblesville, IN 46062

- I, Mary Hession, am the owner of this home. I intend to be the sole employee. The 3 car garage which is attached to my home will be transformed into the boarding area. There will be no more than 10 dogs at any one time in the area.
- I have a large investment in my home and the surrounding 8.5 acres that I own. In no way will I jeopardize my home or my investment in the property.
- Several years ago in Lebanon, IN, I had a set up similar to what I am proposing. It was very successful. The boarding area was attached to my home but it was larger than this boarding area. Throughout this presentation, you will find pictures attached of the suites and fencing that I used.
- My home will have NO EXTERIOR changes. The 3 car garage is currently in place and attached to my home.
- The boarding area will be transformed on the "inside" to suites with toddler beds. There are pictures attached to show the finished product.
- The only addition to my property will be a fence which will come off the 3 car garage and connect to the existing fence. Pictures are attached.
- There will be a fence that surrounds my pool.
- There will be no additional building or any change in landscaping, exterior paint or any exterior building.
- Waste will be collected throughout each day and removed from the property weekly.
- There will be no signs on the road to acknowledge my business is located at this address.
- There is plenty of space for cars to turn around with the current driveway. Please see attached photo.
- There will be designated "appointment only" times for drop off and pick up of animals in the morning and late afternoon.
- Each pet will be let out on a "per family" basis. No animal will be outside in the fenced area without my supervision.
- Attached you will find a letter that is signed by neighbors in support of my plan.

1894b Moontown Road





18945 Moomtown Rd Select:

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- Quick Link Button Bar
- Tax
- Map View
- Driving Directions
- History
- Listing



Red Arrows:
Parking Flow

Black Lines:
Fence

Back to List

Print Report

Microsoft Virtual Earth™

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View from Moontown Road



North



Northeast



East



South



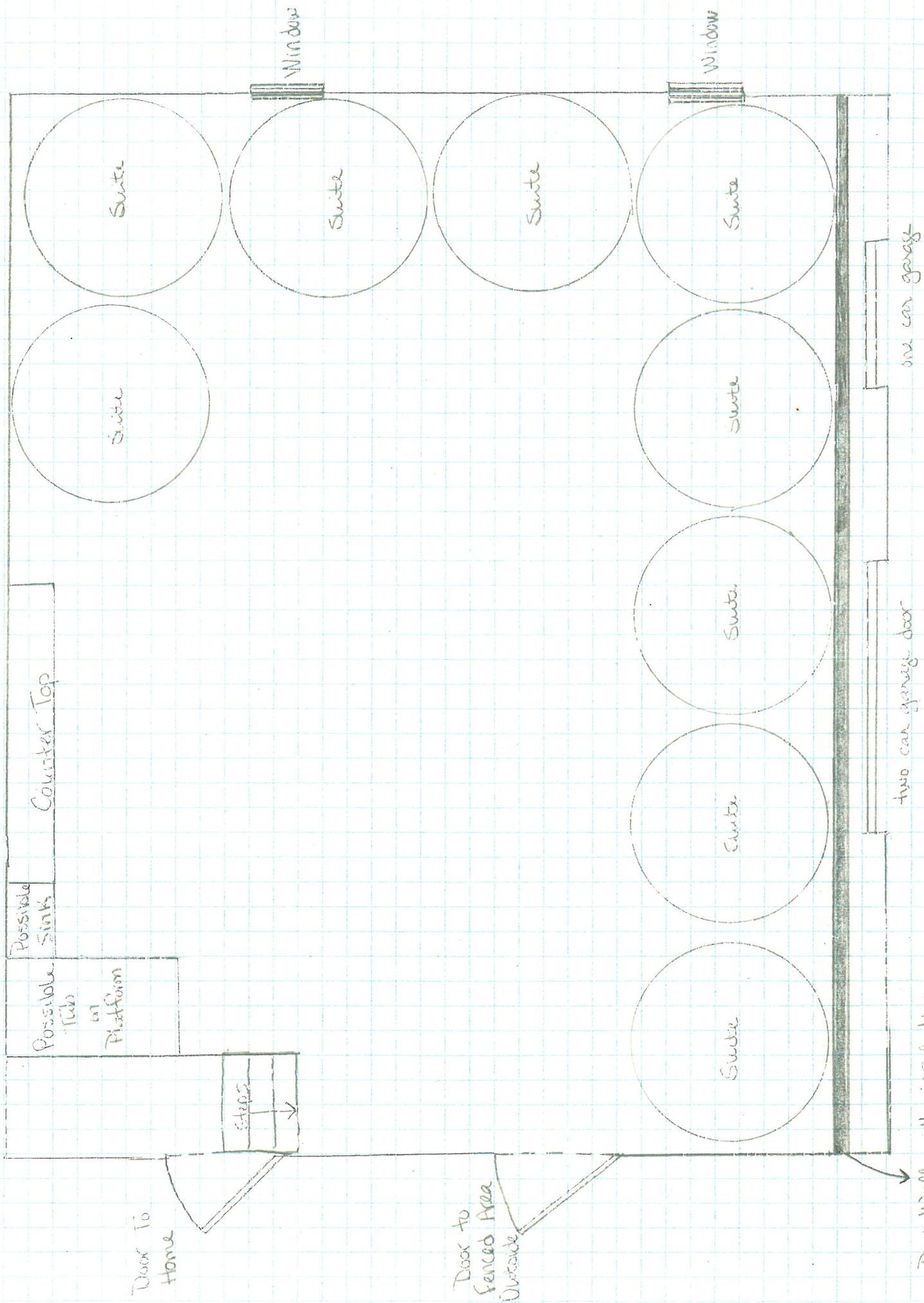
South view from Back yard



Southwest



West



Total Sq. Ft. = 8116
 211' x 38' 6"





July 2008

Dear Neighbor,

Thank you for the opportunity to visit with you today. I have always loved dogs and desire to open a small, all suite boarding area attached to my current home at 18945 Moontown Road. No exterior change to the existing structure will be necessary.

My plan is to transform my current 3 car attached garage into the suites for the dogs. There will be no change to my current property except for a fence that would come off the attached garage and connect to the existing fence. At full capacity, there will be no more than 10 dogs in the boarding area.

I will be taking my request to the Westfield Board of Zoning in the near future. I am sure that neighbor support will indeed help my request. I would greatly appreciate your voice of approval by simply signing your name and address in the space provided below.

I deeply appreciate your kindness and will keep you informed on the status of my request. Again, thank you very much!

Mary Hession

Arthur E. Hession 18855 MOONTOWN RD Noblesville
Rosemond G. Hession 18855 Moontown Rd. Noblesville
[Signature] 18969 MOONTOWN RD, NOBLESVILLE
Jim Newlin 19065 " " "
Butt Trubbett 4567 E. 191st St. Noblesville
Jessamie Lee 18847 Moontown Rd. Noblesville
[Signature] 18847 Moontown Rd. Noblesville
[Signature] 18928 Moontown Rd. Noblesville
Dorothy E. Curcio 18806 Moontown Rd Noblesville

Cheryl L Currie 18806 Moontown Rd Noblesville In
Gray D Costa 4607 E 191st Noblesville In 46062
Carol Brost 18972 Moontown Rd
Judy Savage 19020 Moontown Rd. 46062
Meghan Ferens 19060 Moontown Rd 46062
June Susan Carney 4651 E 191st Noblesville IN 46062
Kimberly Pober 18818 Moontown Noblesville in. 46062
Jenny N. Jones 18848 Moontown In. 46062
Niara Parker 19038 Moontown In 46062
Carol Copenhagen 18864 Moontown Rd 46062
David Copenhagen 18864 Moontown Rd 46062
Betty King 4541 E. 191st In. 46062

BZA FINDING OF FACT

1. That the approval of such variance of use will not be injurious to the public health, safety, morals, and general welfare of the community because the Petitioner is seeking a use variance to permit a home occupation for a dog boarding facility which will house a maximum of ten (10) dogs. There will be no changes to the exterior structure of the home and the home is set back a considerable distance from the adjacent roadway.
2. That the use and value of the area adjacent to the property included in the variance of use will not be affected in a substantially adverse manner because the Petitioner is seeking a use variance to permit a home occupation for a dog boarding facility which will house a maximum of ten (10) dogs. There will be no changes to the exterior structure of the home and the home is set back a considerable distance from the adjacent roadway.
3. That the need for the variance of use arises from some condition particular to the property involved because the property is zoned for a residential type of use and in order for the Petitioner to operate the very low intense dog boarding facility on the property, she must obtain a use variance from the Board of Zoning Appeals.
4. That the strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship applied to the property because the Petitioner will be prevented from operating a very low intense dog boarding facility on the property.
5. That such variance does not interfere substantially with the Comprehensive Plan because the Comprehensive Plan for this particular area appears to designate the real estate as New Suburban. However, within such designation, low intense home occupation businesses are not specifically prohibited; and, appropriate home occupation uses are an important aspect for a "healthy" community business base. Further, the requested use variance will be a very low intense dog boarding facility with a maximum of ten (10) dogs. The portion of the home that will contain the "dog suites" is set back a considerable distance from the adjacent roadway. In addition, there exists around the perimeter of the property significant tree cover and other vegetation that will provide very adequate screening and buffering. Appropriate set backs and appropriate buffering/screening are identified as important and beneficial development policies in the Comprehensive Plan. There will be no signage related to this request and for all intents and purposes the property will continue to appear as a residential home. In fact, the proposed use would be much less intense in scale than the institutional, artisan farm and equestrian uses that the Comprehensive Plan appears to consider as appropriate land uses in the New Suburban District. As a result of the foregoing, the approval of the Use Variance request will not substantially interfere with the policies and guidelines contained within the Comprehensive Plan.