



<b>PETITION NUMBER:</b>	0808-VU-04
<b>SUBJECT SITE ADDRESS:</b>	18945 Moontown Road
<b>APPELLANT:</b>	Mary Hession
<b>REQUEST:</b>	The Appellant is requesting a Variance of Use from the Westfield-Washington Zoning Ordinance (WC 16.04.030, D3) to allow the use of dog boarding as a home occupation in the SF-2 District.
<b>CURRENT ZONING:</b>	SF-2
<b>CURRENT LAND USE:</b>	Single-Family Residential
<b>APPROXIMATE ACREAGE:</b>	8.57
<b>RELATED CASES:</b>	None
<b>EXHIBITS:</b>	1. Staff Report, 09/9/08 2. Aerial Location Map, 08/12/08 3. Property Card, 08/12/08 4. Appellant's Application and Plans, 07/15/08 5. Hamilton County Health Department letter, 08/12/08 6. Public comment, 09/9/08
<b>STAFF REVIEWER:</b>	JCM

### PETITION HISTORY

At the August 12, 2008 Board of Zoning Appeals meeting, the petitioner chose to continue the case hearing until the September BZA meeting. A public hearing did not occur on August 12 and the public notice carries over to the September 9<sup>th</sup> BZA meeting. The September 9, 2008 BZA meeting represents the first hearing of this petition before the Board.

### PROPERTY HISTORY

According to Hamilton County records, the existing residential structure was constructed on the subject property in 1995. Prior to 1995, an aerial from 1985 shows the property zoned as AG-SF1 and being used agriculturally.

There are no pending code enforcement cases for the subject property. There are no previous special exceptions, subdivision plats, development plan, site plan, or rezoning cases for the subject property.

### ANALYSIS

This request would provide for the use of the subject site as a dog boarding business. "Dog boarding (kennel)" is not identified as a permitted use in the SF-2 District. Submitted plans indicate that the proposed "Dog boarding" on the subject property would include ten (10) suites, allowing one dog per suite and an outdoor fenced area for exercise.

Proposed improvements to the property would include the conversion of an existing attached three (3) car garage into a dog boarding business by constructing an interior wall along the



existing garage doors and the addition of a six foot (6') wooden fence. The proposed fence would enclose the existing gravel drive and part of the grass side yard, as indicated in Exhibit 4.

A letter submitted by the Hamilton County Health Department has identified an issue with the existing septic system. The four (4) bedroom house is connected to a septic system that is permitted to only service a three (3) bedroom house. The Hamilton County Health Department has expressed concerns with the petitioner adding a sink or bath tub area to the septic system (exhibit 5). Due to Hamilton County Health Departments concerns about adding additional connections to the house, the appellant has agreed not to add a sink and bathing area requiring connection into the existing septic system.

Westfield Fire Department expressed concerns about the width of the gravel access drive. The current width of the access drive is fifteen feet (15'). A variance from the state is required. WFD has verbally stated support of that variance request to the state to keep the driveway width at fifteen feet (15'). Further, a plastic corrugated drainage tile currently runs under the gravel access drive connecting the north and south fields to allow field drainage. WFD expressed concerns that the emergency equipment could crush the tile. WFD has suggested upgrading the plastic corrugated drain tile with a steel pipe of sufficient strength to support the weight of emergency vehicles. The appellant has agreed to replace the plastic pipe with a pipe that meets the weight requirements for WFD emergency vehicles.

The Land Use Concept Map in the Westfield-Washington Township Comprehensive Plan recommends that this area be developed "New Suburban" (p. 23). Home and Rural-Related Businesses such as open farmland and artisan farms, in the comprehensive plan, are listed as acceptable in the Northwest and Northeast Suburban residential areas (p. 39). AG-SF1 is zoned to promote a rural style of development and lifestyle. AG-SF1 allows kennels as a special exception. Allowing a "Dog Boarding Business" would generally comply with the comprehensive plan.

### **PROCEDURAL**

A Board of Zoning Appeals shall approve or deny variances of use from the terms of the zoning ordinance. The board may impose reasonable conditions as a part of its approval. A variance may be approved under IC 36-7-4-918.4 only upon a determination in writing that:

### **STANDARDS FOR USE VARIANCE REQUEST**

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community:

**Finding:** It is unlikely that establishing a dog boarding business would be injurious to the public health, safety, morals, and general welfare of the community. The petitioner has agreed to address concerns of emergency access, drainage and waste treatment concerns prior to opening the dog boarding business.



2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:

**Finding:** It is unlikely that the use and value of adjacent property will be affected in an adverse manner. The nearest residential structure is five hundred feet (500') from the proposed dog boarding area and provides a adequate buffer area for the surrounding neighbors. An existing dog kennel currently operates nearby and the existing kennel has not resulted in any complaints or enforcement issues. It is unlikely that adding an additional dog boarding business would have a negative impact on neighboring properties.

3. The need for the variance of use arises from some condition particular to the property involved:

**Finding:** The rural nature of the site and surroundings are most consistent with the development pattern of AG-SF1, despite being located within the SF-2 District. AG-SF1 allows "Kennels" as a special exception.

4. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance of use is sought:

**Finding:** Strict application of the zoning ordinance would result in using the property for residential use. The property is currently being used as a residence and agriculturally. The zoning ordinance does not create an unnecessary hardship for the use of the property.

5. The approval does not interfere substantially with the comprehensive plan:

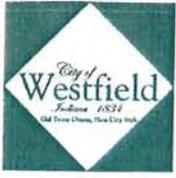
**Finding:** The Comprehensive Plan recommends that this area be developed "New Suburban" (p. 23). Home and Rural-Related Businesses such as open farmland and artisan farms, in the comprehensive plan, are listed as acceptable in the Northwest and Northeast Suburban residential areas (p. 39). AG-SF1 is zoned to promote a rural style of development and lifestyle. AG-SF1 allows kennels as a special exception. Allowing a "Dog Boarding Business" would generally comply with the comprehensive plan.

**ADDITIONAL COMMENTS**

None.

**APPLICABLE CONDITIONS of APPROVAL**

1. That the plastic corrugated pipe be replaced with a steel pipe with the strength to support the weight of fire emergency vehicles as approved by WFD;
2. That the petitioner comply with all WFD requirements regarding site access width;
3. That no additional connections into the existing residential septic system be constructed;
4. That no more than ten (10) dogs be boarded at any given time.



**RECOMMENDATIONS**

Deny this request based on the findings of this report.

If the Board sees fit to approve, approve with the applicable condition(s) listed above.

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*JCM*



0808-VU-04  
 08-06-29-00-00-010.006  
 18945 Moontown Road  
 Exhibit 2

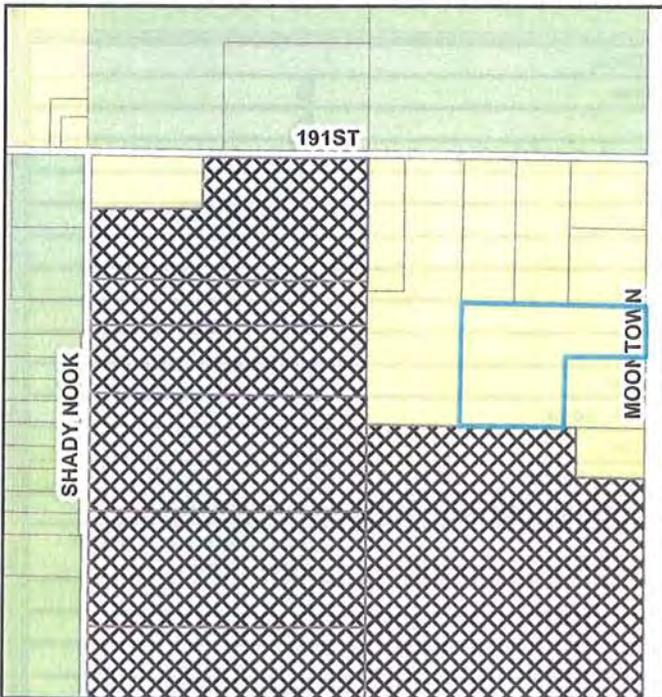


**Aerial Location Map**

Site

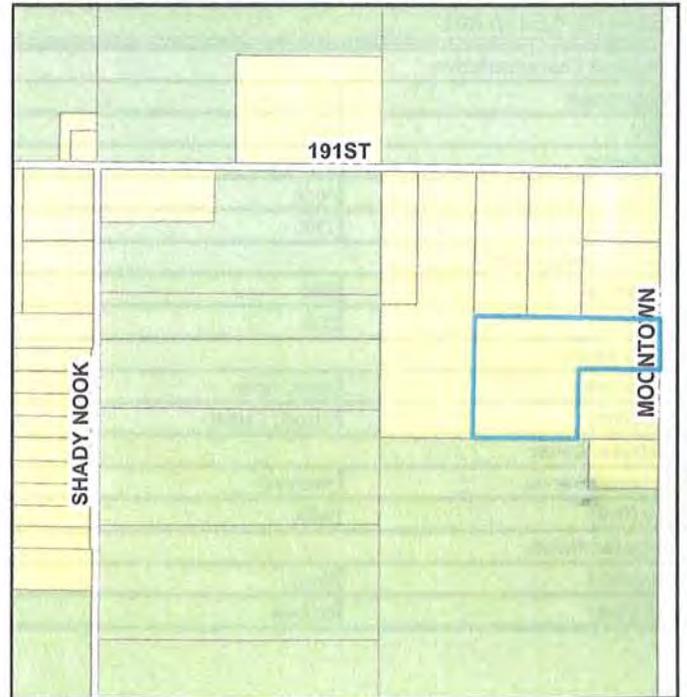


**Zoning Map**



- Agriculture-Single Family 1
- Single Family-2
- Planned Unit Development

**Existing Land Use Map (2008)**



- Agricultural
- Residential

Property Card Report

1. report type

Reset

2. property search

new search

3. view reports

general parcel info.

spring tax statement

tax payments

property card

fall tax statement

**Disclaimer:**

This program allows you to view and print certain public records. **Each report reflects information as of a specific date**; so the information provided by different reports may not match. All information has been derived from public records that are constantly undergoing change and is not warranted for content or accuracy. It may not reflect the current information pertaining to the property of interest.

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Summary Information - Parcel Number: 08-06-29-00-00-010.006

Property Data		Property Owner as of April 30, 2007	
Parcel Location	18945 MOONTOWN RD,NOBLESVILLE	Hession, Mary K	
Taxing Unit	Washington	<b>Most Recent Valuation as of March 1, 2007</b>	
Legal Description	4/7/95 FR WIEHE 9511147 AUD	Assessed Value: Land	65100
Section/Township/Range	S29 T19 R04	Assessed Value: Improvements	448100
Subdivision Name	NULL	Total Assessed Value:	513200
Lot and Block	Lot Block		
Acres	8.57		
Effective Frontage			
Effective Depth			
Property Class	Res-1-Family 0 - 9.99 acres		
Exterior Features and Out Buildings			
1 Attached Garage, 1 Concrete Apron, 1 Pool, 1 Barn,			
1 Open Masonry Porch,			

Building 1, Card ID R01

Physical Characteristics		Accomodations		
Story Height	1.0	Finished Rooms	8	
Attic	none	Bedrooms	3	
Basement	full	Heating and Air Conditioning		
Crawl	none	Primary Heat	YES	
Year Built	1995	Air Conditioning	YES	
Floor Construction		Plumbing		
Basement	Slab	Full Baths	2	
1.0 (first)	Slab	Partial Baths	1	
Floor Finish		Fireplace		
Basement	None, None	Fireplace Stacks	YES	
1.0 (first)	Carpet, Carpet	Basement Rec Room		
Exterior Cover		Rec Room Type		
Basement	Masonry	Rec Room Square Footage	0	
1.0 (first)	Brick	Area/Square Footage (based on exterior eave to eave area)		
Interior Finish		Building Level	Base Area	Approx. Finished Area
Basement	None	Basement	2886	2886
1.0 (first)	Drywall	1.0 (first)	3056	3056
		Garage		
		Garage Type	Brick	
		Garage Square Footage	884	

Exh: 6 + 4

CITY OF WESTFIELD, INDIANA

0808VV04

Petition Number:

Date of Filing:

7-15-08

Application for VARIANCE OF USE  
Westfield – Washington  
Board of Zoning Appeals (BZA)

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

1. Appellant's Name Mary Hession  
Address 18945 Moontown Road  
Noblesville, IN 46062  
Telephone Number \_\_\_\_\_

2. Landowner's Name Same  
Address \_\_\_\_\_  
Telephone Number \_\_\_\_\_

3. \*Representative Jim Shinaver Nelson + Frank Kenberger  
\*Address 3105 E. 98th St, Suite 170  
Indianapolis, IN 46280  
\*Telephone Number 317.844.0106  
\*Email Address jims@nf-law.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.)  
18945 Moontown Road  
Noblesville, IN 46062

5. Legal description of property (list below or attach)  
See Exhibit A

6. Complete description of the nature of the variance of use applied for:  
See Exhibit B

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 use shall be granted unless the BZA finds all of the following to be true:*

- a. That the approval of such variance of use will not be injurious to the public health, safety, morals, and general welfare of the community:

See Exhibit C

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- b. 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:

See Exhibit C

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- c. That the need for the variance of use arises from some condition particular to the property involved:

See Exhibit C

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CITY OF WESTFIELD, INDIANA

d. That the strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance of use is sought:

See Exhibit C

e. That such variance does not interfere substantially with the comprehensive plan:

See Exhibit C

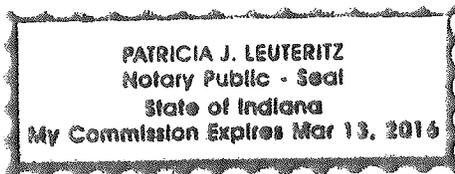
The Appellant hereby certifies that the information contained in and accompanying this application is true and correct.

Mary Hession  
Applicant

SUBSCRIBED AND SWORN TO ME THIS 15th DAY OF July, 2008.

Patricia J. Leuteritz  
Notary Public Patricia S. Leuteritz

My commission expires: 3/13/2016



"Exhibit A"

**PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 19 NORTH, RANGE 4 EAST, IN HAMILTON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:**

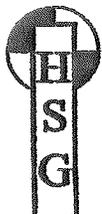
**BEGINNING AT A POINT ON THE EAST LINE OF SAID HALF-QUARTER SECTION BEING SOUTH 0 DEGREES 15 MINUTES 12 SECONDS WEST 700.34 FEET FROM THE NORTHEAST CORNER OF SAID HALF-QUARTER SECTION; THENCE SOUTH 0 DEGREES 18 MINUTES 12 SECONDS WEST ALONG SAID EAST LINE 250.00 FEET; THENCE NORTH 89 DEGREES 20 MINUTES 48 SECONDS WEST 397.86 FEET; THENCE SOUTH 0 DEGREES 15 MINUTES 12 SECONDS WEST 328.46 FEET; THENCE NORTH 89 DEGREES 33 MINUTES 48 SECONDS WEST 475.34 FEET; THENCE NORTH 0 DEGREES 15 MINUTES 12 SECONDS EAST 576.19 FEET TO A 5/8" REBAR WITH YELLOW CAP; THENCE SOUTH 89 DEGREES 33 MINUTES 48 SECONDS EAST 873.19 FEET TO THE POINT OF BEGINNING AND CONTAINING 8.573 ACRES, MORE OR LESS.**

**ALSO TOGETHER WITH DRAIN EASEMENT:**

**PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 19 NORTH, RANGE 4 EAST, IN HAMILTON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:**

**COMMENCING AT A POINT ON THE EAST LINE OF SAID HALF-QUARTER SECTION BEING SOUTH 0 DEGREES 15 MINUTES 12 SECONDS WEST 950.34 FEET FROM THE NORTHEAST CORNER OF SAID HALF-QUARTER SECTION; THENCE NORTH 71 DEGREES 41 MINUTES 53 SECONDS WEST 418.44 FEET TO THE POINT OF BEGINNING OF THE WITHIN DESCRIBED EASEMENT BEING ON THE CENTERLINE OF A COUNTY REGULATED DRAIN; THENCE SOUTH 0 DEGREES 15 MINUTES 12 SECONDS WEST 455.33 FEET; THENCE NORTH 89 DEGREES 33 MINUTES 48 SECONDS WEST 25.00 FEET; THENCE NORTH 0 DEGREES 15 MINUTES 12 SECONDS EAST 463.39 FEET TO SAID CENTERLINE THENCE SOUTH 71 DEGREES 41 MINUTES 53 SECONDS EAST ALONG SAID CENTERLINE 26.29 FEET TO THE POINT OF BEGINNING.**

Parcel No: 08-06-29-00-00-010.006



**HAHN SURVEYING  
GROUP, INC.**

Surveyors & Engineers

2850 E. 96th St., Indianapolis, IN 46240

PHONE: (317) 846-0840 or (317) 846-4119

FAX: (317) 846-4298 or (317) 582-0662

Job No.: 2006091380

Sheet 3 of 3

## EXHIBIT B

I am requesting a Variance of Use at my home to open a small, upscale dog retreat. The current 3 car attached garage would be transformed into the boarding area. It will contain suites with toddler beds for the guests. There will be no more than 10 dogs at any one time in the boarding area. There will be no exterior changes to my home. The only addition to my property would be a fence that would come off the 3 car garage and connect to the existing fence.

Several years ago, I had a retreat for dogs at my home in Lebanon, IN. I am modeling my current plan to be very similar to what I did there. Throughout the presentation, you will see photos that reflect what the finished product will look like. These photos came from my retreat in Lebanon.

## EXHIBIT C

### BZA FINDING OF FACT

8A 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.

8B 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.

8C 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.

8D 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.

8E 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.



## HAMILTON COUNTY HEALTH DEPARTMENT

CHARLES HARRIS, M.D. • HEALTH OFFICER

July 24, 2008

Mary Hession  
18945 Moontown Rd.  
Noblesville, IN 46062

Dear Mary,

You have requested, by phone, a letter from the Hamilton County Health Department informing you of the requirements our office has pertaining to a dog boarding kennel. After reviewing your septic system permit (95-7138), I have found that your septic system is only sized for a 3 bedroom home. You have indicated by phone that your home is a four bedroom home. If you choose to add a hand sink or a tub for commercial purposes, you will need to contact the Indiana State Department of Health for additional requirements.

Sincerely,

Tammy Gleber

August 7, 2008

Community Development Department  
Alan Salzman and Kevin Todd  
130 Penn Street  
Westfield, Indiana 46074

This letter is in reference to Docket # 0808-VU-04 being submitted to the Westfield Washington Township Board of Zoning Appeals to be heard on Tuesday, August 12, 2008.

I am writing on behalf of the 5 managers who represent Westfield Lutheran Mission LLC. Our LLC owns approximately 50 acres at the northeast corner of 186<sup>th</sup> and Shady Nook Road. This ground is due west of the ground requesting the variance.

I am also writing as a member of Lord of Life Lutheran Church. We are currently building our new church at 191<sup>st</sup> and Shady Nook Road. This ground is also just west of the ground requesting the variance.

The 50 acres just west of the subject property is zoned residential. At some point in time this area will consist of single family and multifamily homes. A dog retreat has no place in the middle of a residential area. The strong opinion we have is solely related to noise. Any group of dogs, whether it is 2, 5, 10 or 50 are going to bark, especially those unfamiliar with each other. Dogs do not differentiate between day barking and night barking, and they also don't differentiate between an upscale retreat and an economy retreat. It is impossible to buffer this noise even in an enclosed area, let alone a fenced area outside, which is noted as being added at this location. Dog noise will have a very negative impact on the ability of any builder and developer to sell homes in this area. It will also negatively impact the enjoyment of those who currently live within at least a mile of this location, or who hope to live on the land currently zoned for residential use.

Lord of Life Church owns 25 acres just west of this property. Our church plans on using some of the 25 acres for outdoor activities. Future plans call for a soccer field as well as a playground. Dogs respond to outside noises. As kids are enjoying the outdoors it is reasonable to expect dogs to bark at this noise further creating problems for current and future residents.

I personally live one mile south of the Bed and Biscuit dog retreat which is located on SR 32 in Eagletown. Our family has used this facility on several occasions for our 2 dogs.

Every time a dog is brought in or a dog leaves, there is persistent barking for a period of time. At least several times a week we hear the dogs at this location even given the distance from our home. As you look at the location of current "dog retreats" there is a specific reason you don't find them located in predominantly residential areas.

We respectfully ask that you deny the variance application for a dog retreat of any kind located at 18945 Moontown Road, Noblesville, Indiana.

Sincerely,

A handwritten signature in black ink that reads "Randy McNutt". The signature is written in a cursive style with a large initial "R" and "M".

Randy McNutt

Manager

Westfield Lutheran Mission LLC

August 28, 2008

Board of Zoning Appeals

Martin Raines, Daniel Degman, William Sanders, Craig Wood, Randy Graham  
130 Penn Street  
Westfield, Indiana 46074

On August 11<sup>th</sup> I delivered a letter to you regarding Docket #0808-VU-04. The variance to be heard at your August 12<sup>th</sup> meeting was a request by Mary Hession to have a Dog Retreat located on her property at 18945 Moontown Road in Noblesville. My letter communicated my concerns regarding this Dog Retreat and requested that you deny the variance application. My request was based on potential noise associated with having multiple dogs which are unfamiliar with each and the constant barking that could result from that.

On August 21<sup>st</sup> I visited with Mary at her home. Mary has assured me that the area the dogs will be staying is in the 3 car garage attached to her home. Mary has also indicated there will be a wall built inside the overhead doors to control the temperature in the retreat area. This wall is important because it will control the noise of barking dogs at feeding time as well when dogs come and go from the facility. Mary has also assured me that only dogs of the same family will be out in the yard at one time. These dogs will be in a fenced area and not allowed out with dogs they are unfamiliar with. This also will control the potential for barking.

Based on Mary's assurances, and my belief she is sincere in running the retreat in a manner that is respectful of all neighbors, I withdraw my letter asking that you deny the variance application.

Sincerely,

Randy McNutt  
Westfield Lutheran Mission  
Lord of Life Lutheran Church

**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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9. Findings of Fact

## 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 12<sup>th</sup> 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



ADD/EDIT LISTINGS   SEARCH   HOT SHEETS   REPORTS   PROSPECTS   PUBLIC RECORDS   FINANCIALS   MEMBER INFO   MY TOOLS



18945 Moontown Rd

Select:

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

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Overlays   Locator



Microsoft Virtual Earth

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Red Arrows:  
Parking Flow

Black Lines:  
Fence

Back to List

Print Report

↑



View from Moontown Road



North



Northeast



East



South



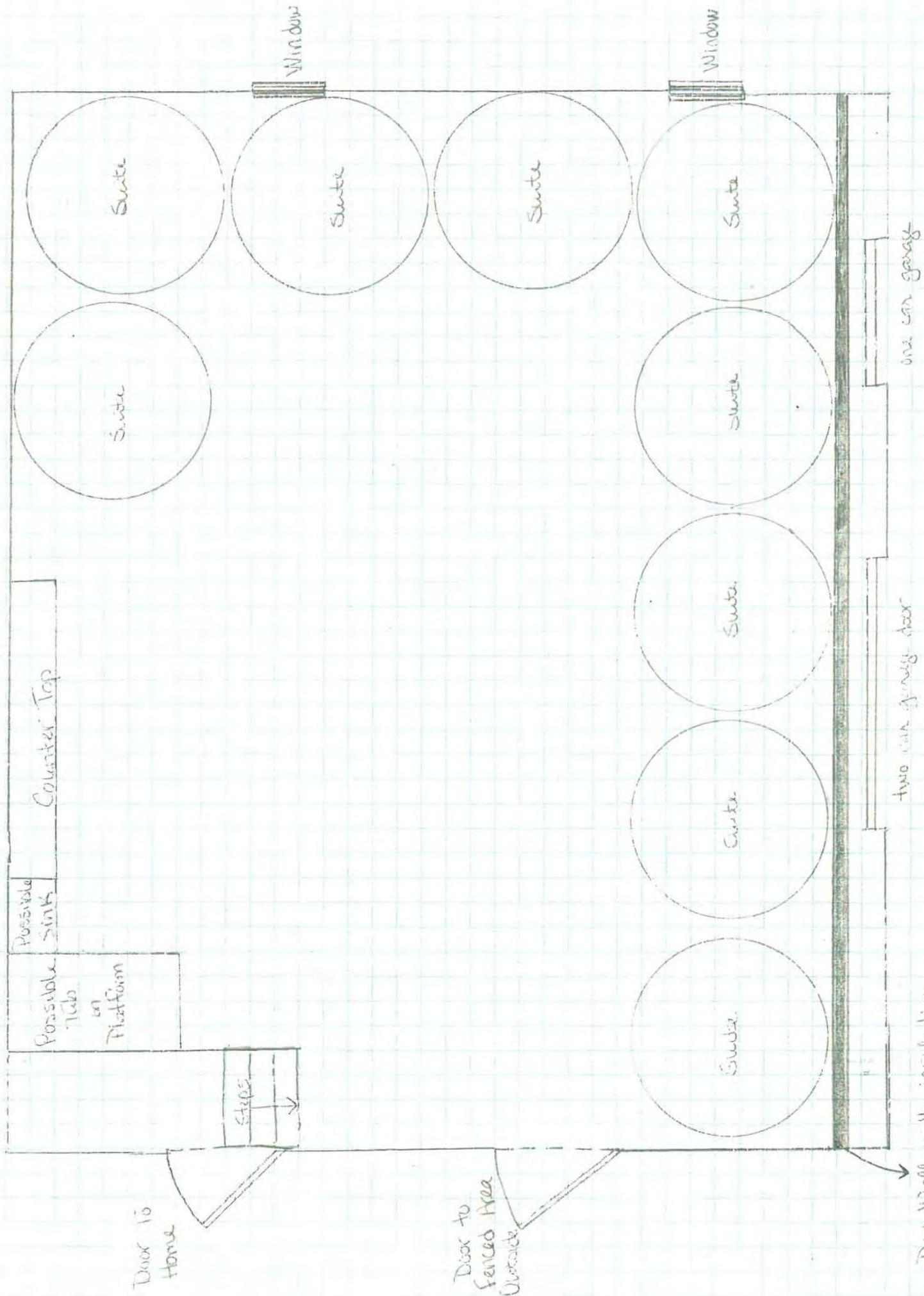
South view from Back yard



**Southwest**

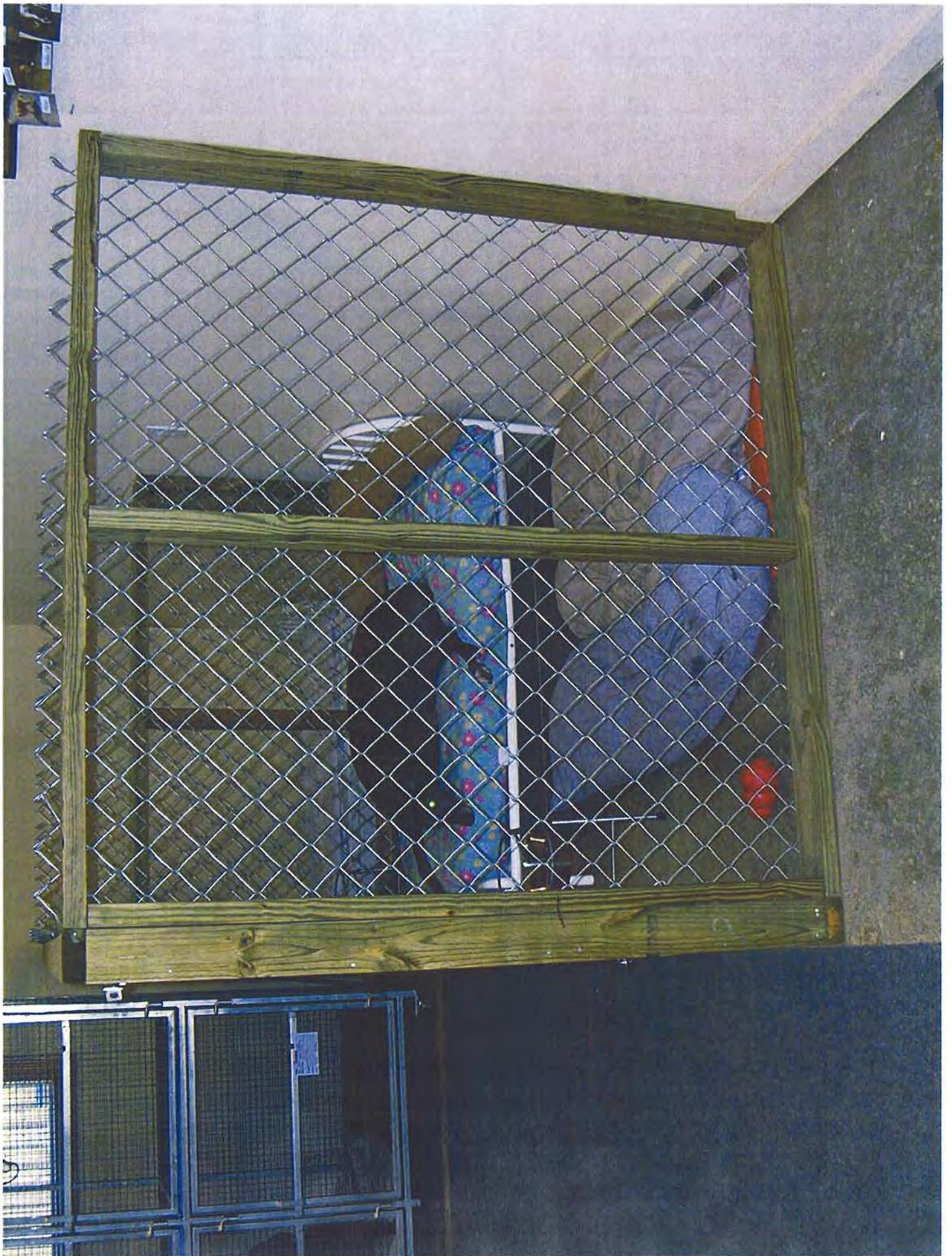


West



Total Sq. Ft. = 816  
711 + 105





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 Hession 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 191<sup>st</sup> Noblesville In 46062  
Carol Brost 18972 Moontown Rd  
Judy Savage 19020 Moontown Rd. 46062  
Meghan Ferris 19060 Moontown Rd 46062  
Jane Susan Carney 4651 E 191<sup>st</sup> 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. 191<sup>st</sup> 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.