

Petition Number: 1010-VU-04  
Date of Filing: 09-01-2010

**Application for VARIANCE OF USE  
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 Garland C. and Jean A. Elmore  
Address 2719 South 1200 East  
Zionsville, IN 46077  
Telephone Number 317.732.4215  
garland.elmore@gmail.com
- 2. Landowner's Name Same  
Address Same  
Same  
Telephone Number \_\_\_\_\_
- 3. \*Representative \_\_\_\_\_  
\*Address \_\_\_\_\_  
\*Telephone Number \_\_\_\_\_  
\*Email Address \_\_\_\_\_

\*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.)  
2719 South C. R. 1200 East, Zionsville, a 9.52 tract located in Washington Township on the  
Hamilton County (east) side of the Boone-Hamilton line.
- 5. Legal description of property (list below or attach)  
PT. SW 1/4, Sec. 18, T18N, R3E, Washington Township, Hamilton County, Indiana  
Parcel #08-09-18-00-00-038.004
- 6. Complete description of the nature of the variance of use applied for:  
WC 16.04.030 B1

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DEVELOPMENT DEPARTMENT**

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:

True. The two-bedroom, 1200 square-foot apartment which is the subject of this request is in excellent condition and supplied by utilities (electric, well, septic) dedicated to its sole use.

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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:

True. The apartment was used by previous owners as a residence and temporarily by the current owners while their principal residence was being constructed. It is attached to a pole barn located near the center of a 9.52 acre track and is not visible from the road. It is shielded from neighbor's views by terrain, trees and other structures. It shares a driveway with the owners. No building changes or property modifications are needed or requested.

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

True. The barn was built (in 1997) before the petitioners purchased the property (2005) and built their residence (2008). The attached apartment is currently used to accommodate guests but remains vacant most of the year.

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- 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:

True. The owners anticipate retirement this year and wish to use income from the apartment to help maintain the property, offering an opportunity at a future time for a caretaker to live on site.

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

True. A new custom home was recently built on this tract which complements the surrounding land uses and is an asset to the neighborhood. The home increased the value of the property, improved ground maintenance and enhanced overall visual appeal. The currently existing apartment will provide an opportunity for the owners to meet their long term plans to continue to improve this 9.52 acre property without adversely impacting the adjacent properties or the comprehensive plan.

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

*Jean A. Elmore*  
*Jean A. Elmore*  
 Applicant

SUBSCRIBED AND SWORN TO ME THIS 1 DAY OF September, 2010.



KARA MARLIER CRABB, NOTARY PUBLIC  
 MY COMMISSION EXPIRES: 06/13/2013  
 COUNTY OF RESIDENCE: BOONE

*Kara Marlier Crabb*  
 Notary Public

My commission expires: 6-13-13

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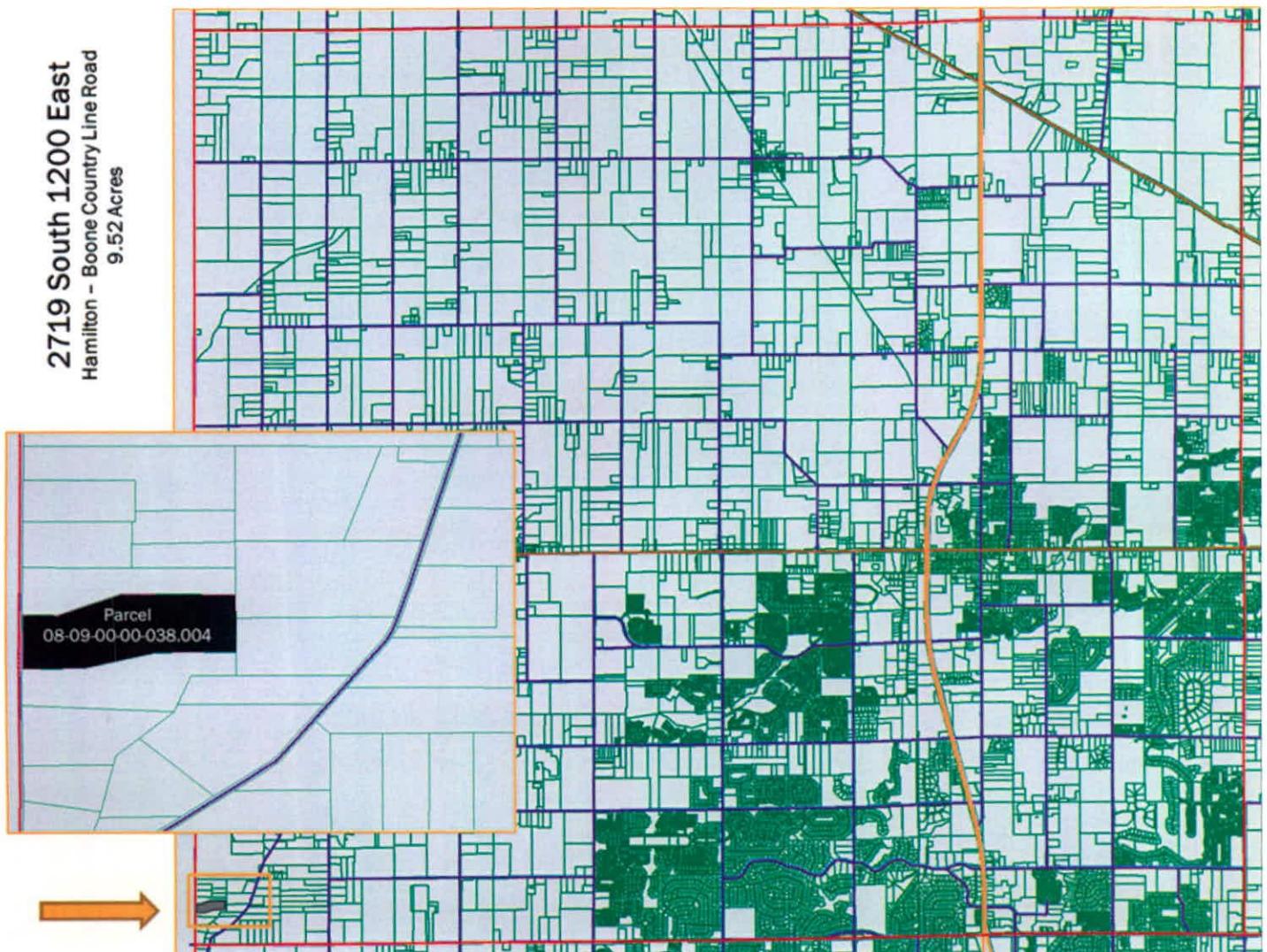
Landowner's Statement  
Garland C. and Jean A. Elmore

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DEVELOPMENT DEPARTMENT

After living the area for over 30 years, we purchased in 2005 property to accommodate us through the end of our careers and into retirement. This 9.52 acre track offered many attractive features found in the rural parts of Westfield and Washington Township. The property is adjoined by a small working farm to the north, a residence on wooded acreage to the south, and Little Eagle Creek to the east. The entrance is from County Line Road.

Two barns were built on the property by the previous owner. One is a small cattle barn that is now used as a hobby woodworking shop. The other, which is the subject of this petition, was constructed in 1997. It is a metal pole barn that has a two-bedroom, 1200 square foot apartment attached. The apartment is described in the legal documents as a "caretaker's lean-to." It was used by us as a temporary residence while our home was being built. Relative to the road, both barns and our home are situated on the far side of a knoll and are barely visible from the road.

The strict application of the ordinance would require that the apartment remain vacant except when used by guests. As we anticipate retirement and our future need for help in maintaining the property, we hope to rent this apartment. We have shared our goal with adjacent neighbors and ensured that they have no objections. Illustrations appended show the location of the property, its character and improvements.





Above: Aerial view of the neighborhood with the Elmore home and apartment noted.  
Below: Traveling north on CR 1200 East approaching the Elmore property entrance on the right.



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Above: Looking east on the Elmore driveway approaching the small barn just ahead.  
Below: Around the bend is a 40'x60' pole barn with a two-bedroom apartment described in the legal documents as a "caretaker's lean-to." The Elmore's propose to rent this apartment, anticipating that in their retirement it will be used by a person or couple who will help tend the 9.52-acre track.



Above: Interior view of the furnished family room. The apartment additionally offers two bedrooms, a bath, and a utility room.  
Below: Kitchen