

Petition Number: 1310-VS-10
Date of Filing: 9/10/2013

**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 MARJORIE A. SMITH / ROBERT ROBey
 Address 17443 JULIET ROAD / 3501 WESTFIELD RD.
WESTFIELD, IN 46074 / WESTFIELD, IN 46062
 Telephone Number 317-896-3292 / 317-913-2300
 E-Mail Address MARGIE.JULIET@myfrontier.com
brobey@prudentialindiana.com
- 2. Landowner's Name MARJORIE A. SMITH
 Address 17443 JULIET ROAD
WESTFIELD, IN 46074
 Telephone Number 317-896-~~9371~~ 3292
- 3. *Representative ROBERT ROBey
 *Address 3501 WESTFIELD RD.
WESTFIELD, IN 46062
 *Telephone Number 317-913-2300
 *Email Address brobey@prudentialindiana.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.)
17531 JULIET ROAD
WESTFIELD, IN 46074
- 5. Legal description of property (list below or attach)
PT. OF S6; T18N; R3E CONTAINING .5 ACRES
(SEE ATTACHED) EXHIBITS A & B
- 6. Complete description of the nature of the development standard variance applied for:
VARIANCES ARE BEING REQUESTED TO PERMIT THE SPLITTING
AND SALE OF A .5 ACRE LOT AND HOME THAT PREVIOUSLY WAS
THE RESIDENCE OF THE APPELLANT'S MOTHER PRIOR TO HER
DEATH. A LIST OF THE PROPOSED VARIANCES IS ATTACHED
AS 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 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 VARIANCES BEING REQUESTED ARE FOR AN EXISTING HOME THAT HAS BEEN USED AS A SINGLE FAMILY RESIDENCE SINCE IT WAS BUILT IN 1973 AND WILL NOT CHANGE, DAMAGE, OR NEGATIVELY AFFECT IN ANY WAY THE HEALTH, SAFETY, MORALS OR 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:

SINCE THIS HOME HAS BEEN LOCATED ON THE PROPERTY SINCE 1973, IT WILL NOT AFFECT ANY USES OR VALUES IN THE AREA.

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

ADJACENT PROPERTIES TO THE NORTH AND TO THE WEST ARE OF SIMILAR SIZE AND USES AND THERE IS A NATURAL BREAK TO ALLOW FOR THIS HOME TO BE SPLIT OFF FROM THE ORIGINAL TRACT AND STILL ALLOW FOR THAT TRACT TO ~~BE~~ CONTINUE IT'S EXISTING USE.

TOWN OF WESTFIELD, INDIANA

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

Marjorie A. Smith
Applicant

SUBSCRIBED AND SWORN TO ME THIS 10th DAY OF September 2013

B Willette Cooper
Notary Public
Hamilton County

My commission expires: 8/9/16

EXHIBIT A

JOLIET ROAD

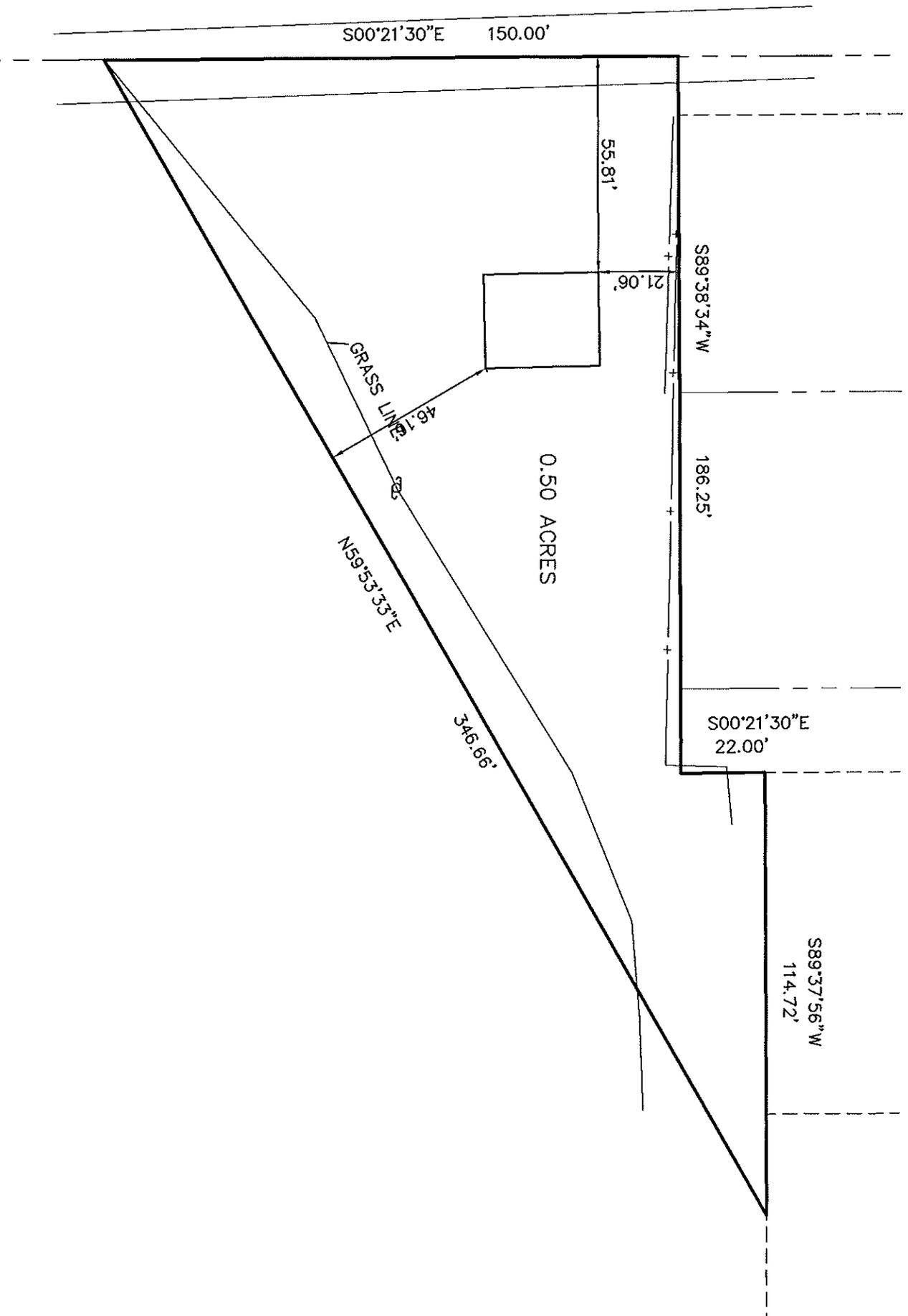


EXHIBIT B

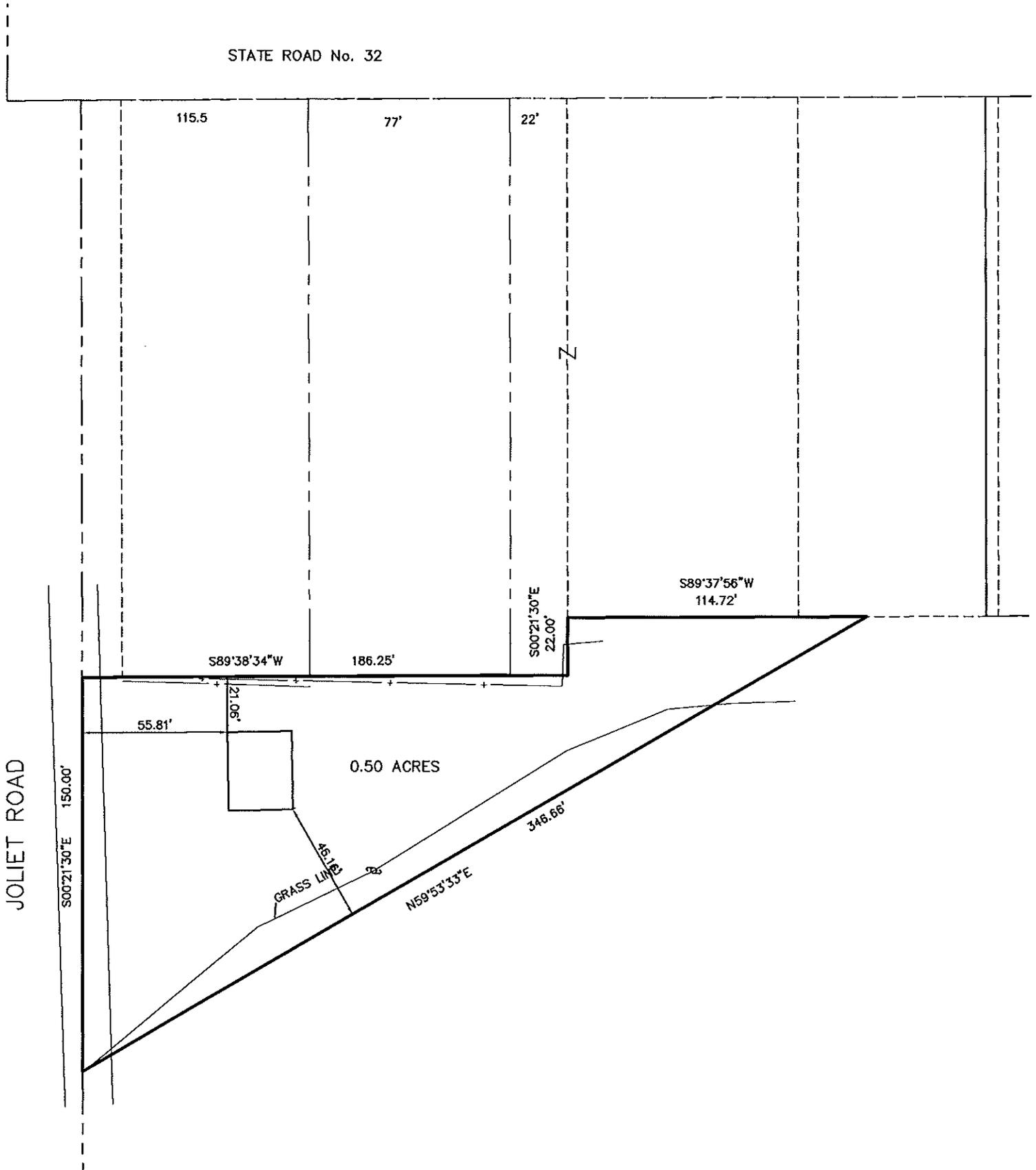


EXHIBIT ~~B~~ C

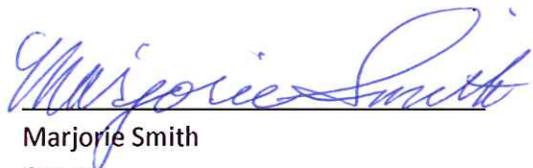
1. Min. Lot Area
2. Min. Lot Frontage
3. Min. Setback (Front)
4. Min. Setback (Side) – North Side Yard
5. Min. Ground Level Sq. Footage
6. To allow a subdivision in AG-SF1
7. Don't have to subdivide (process/definition)

September 10, 2013

Board of Westfield Washington Zoning Appeals
130 Penn Street
Westfield, IN 46074

To Whom It May Concern,

I, Marjorie Smith, owner of 17531 Joliet Road, Westfield, IN 46074, consent and grant permission to allow Robert Robey, Real Estate Broker for Prudential Indiana Realty Group, to represent my interests in obtaining variances on the above property.



Marjorie Smith
Owner
17443 Joliet Road
Westfield, IN 46074

the following described Real Estate in Hamilton..... County, in the State of Indiana, to-wit:

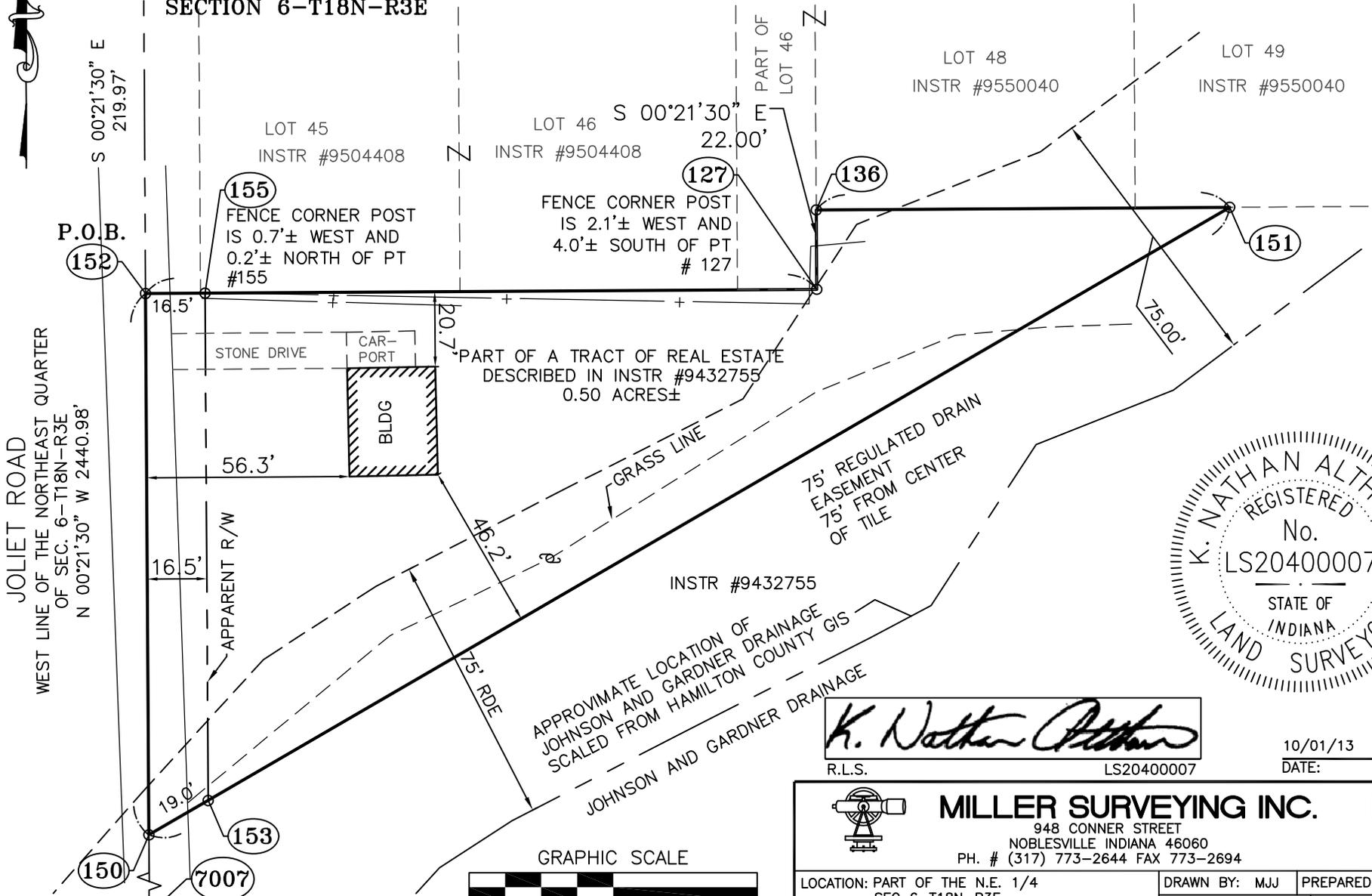
This is a part of the Northeast quarter (1/4) of Section six (6), Township eighteen (18) North, Range three (3) East, and more specifically described as follows:

Commencing at the Northwest corner of the Northeast quarter (1/4) of Section six (6), Township eighteen (18) North, Range three (3) East; thence South on and along the quarter (1/4) section line, two hundred twenty point zero (220.0) feet (measured), two hundred fourteen point five (214.5) feet (recorded) to the point of beginning marked by an iron pin; thence South on and along said quarter (1/4) section line, one thousand twenty-eight point two (1028.2) feet to a point marked by an iron pin; thence South eighty-nine degrees (89) and twenty-one minutes (21') East, one thousand three hundred twenty-seven point two (1327.2) feet to a point marked by an iron pin; thence North zero degrees (0) and eight minutes (8') West, one hundred forty point zero (140.0) feet to a point marked by an iron pin; thence North eighty-nine degrees (89) and five minutes (5') West; five hundred seventy point seven (570.7) feet to a point marked by an iron pin; thence North zero degrees (0) and five minutes (5') West, nine hundred nineteen point zero (919.0) feet to a point marked by an iron pin; thence South eighty-eight degrees (88) and fifty three minutes (53') West, five hundred eighty-three point five (583.5) feet to a point marked by an iron pin; thence South one degree (1) and forty-three minutes (43') West, sixteen point five (16.5) feet to a point marked by an iron pin; thence North eighty-nine degrees (89) and two minutes (2') West, one hundred seventy-one point zero (171.0) feet (measured), two hundred fourteen point five (214.5) feet (recorded) to the point of beginning.

The above described plat contains twenty point zero (20.0) acres, subject to legal highways.

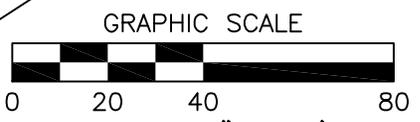
ORIGINAL SURVEY

7003
 N.W. CORNER, PART OF THE N.E. QUARTER, SECTION 6, TOWNSHIP 18 NORTH, RANGE 3 EAST
 N.E. QUARTER,
 SECTION 6-T18N-R3E
 WASHINGTON RIVER TOWNSHIP, HAMILTON COUNTY, INDIANA



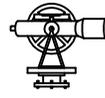
K. Nathan Althous
 R.L.S. LS20400007

10/01/13
 DATE:



THIS SURVEY IS NOT COMPLETE AND/OR VALID WITHOUT ALL 3 PAGES.

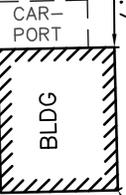
7007
 N.W. CORNER,
 N.E. QUARTER,
 SECTION 6-T18N-R3E

 MILLER SURVEYING INC. 948 CONNER STREET NOBLESVILLE INDIANA 46060 PH. # (317) 773-2644 FAX 773-2694			
LOCATION: PART OF THE N.E. 1/4 SEC 6-T18N-R3E WASHINGTON TWP., HAMILTON CO. INDIANA	DRAWN BY: MJJ SCALE: 1" = 40' DATE: 10/1/13	PREPARED BY: KNA FIELD BOOK: 571 PAGE: 158	
FIELD WORK COMPLETED: 9/05/13 CLIENT: BOB ROBEY	JOB NUMBER	SURVEY 4 FILE: 73 ROBEY	
DESCRIPTION: ORIGINAL SURVEY		B34748	

JOLIET ROAD
 WEST LINE OF THE NORTHEAST QUARTER
 OF SEC. 6-T18N-R3E
 N 00°21'30" W 2440.98'

S 00°21'30" E
 219.97'
 P.O.B.
 152

STONE DRIVE



PART OF A TRACT OF REAL ESTATE
 DESCRIBED IN INSTR #9432755
 0.50 ACRES±

GRASS LINE

75' REGULATED DRAIN
 EASEMENT
 75' FROM CENTER
 OF TILE

APPROXIMATE LOCATION OF
 JOHNSON AND GARDNER DRAINAGE
 SCALED FROM HAMILTON COUNTY GIS
 JOHNSON AND GARDNER DRAINAGE

APPARENT R/W

16.5'

56.3'

16.5'

19.0'

LOT 45
 INSTR #9504408

LOT 46
 INSTR #9504408

LOT 48
 INSTR #9550040

LOT 49
 INSTR #9550040

155
 FENCE CORNER POST
 IS 0.7'± WEST AND
 0.2'± NORTH OF PT
 #155

127
 FENCE CORNER POST
 IS 2.1'± WEST AND
 4.0'± SOUTH OF PT
 # 127

136

151

152

150

153



ORIGINAL SURVEY

PART OF THE N.E. QUARTER, SECTION 6, TOWNSHIP 18 NORTH, RANGE 3 EAST
WASHINGTON RIVER TOWNSHIP, HAMILTON COUNTY, INDIANA

LAND DESCRIPTION

DESCRIPTION OF REAL ESTATE

A PART OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 18 NORTH, RANGE 3 EAST OF THE SECOND PRINCIPAL MERIDIAN, WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 18 NORTH, RANGE 3 EAST; THENCE ON THE WEST LINE OF SAID NORTHEAST QUARTER SOUTH 00 DEGREES 21 MINUTES 30 SECONDS EAST ASSUMED BEARING 220.00 FEET TO A MAG NAIL ON THE SOUTH LINE OF SOUTH LINE OF LOT 45 IN THE TOWN OF JOLIETVILLE IN HAMILTON COUNTY, INDIANA AS PER PLAT THEREOF, RECORDED IN DEED BOOK 35, PAGE 581 AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING ON SAID WEST LINE SOUTH 00 DEGREES 21 MINUTES 30 SECONDS EAST 150.00 FEET TO A MAG NAIL; THENCE NORTH 59 DEGREES 53 MINUTES 33 SECONDS EAST 346.66 FEET TO A 5/8 INCH REBAR WITH YELLOW CAP STAMPED "S0083" ON THE SOUTH LINE OF LOT 49 IN THE TOWN OF JOLIETVILLE IN HAMILTON COUNTY, INDIANA AS PER PLAT THEREOF, RECORDED IN DEED BOOK 35, PAGE 581; THENCE ON SAID SOUTH LINE AND ON THE SOUTH LINE OF LOTS 48, 46, AND 45 THE FOLLOWING THREE COURSES 1) SOUTH 89 DEGREES 37 MINUTES 56 SECONDS WEST 114.72 FEET TO A 5/8 INCH REBAR WITH YELLOW CAP STAMPED "S0083"; 2) THENCE SOUTH 00 DEGREES 21 MINUTES 30 SECONDS EAST 22.00 FEET; 3) THENCE SOUTH 89 DEGREES 38 MINUTES 34 SECONDS WEST 186.25 FEET TO THE POINT OF BEGINNING, CONTAINING 0.50 ACRES MORE OR LESS.

POINT INVENTORY

POINT #	REMARKS
(150)(152)	MAG NAIL SET
(153)(155)(127)	5/8" IRON ROD WITH YELLOW CAP STAMPED "MILLER S0083" SET
(151)(136)	



K. Nathan Althouse

R.L.S.

LS20400007

10/01/13

DATE:



MILLER SURVEYING INC.

948 CONNER STREET
NOBLESVILLE INDIANA 46060
PH. # (317) 773-2644 FAX 773-2694



THIS SURVEY IS NOT COMPLETE AND/OR VALID WITHOUT ALL 3 PAGES.

PAGE 2 OF 3

LOCATION: PART OF THE N.E. 1/4 SEC 6-T18N-R3E WASHINGTON TWP., HAMILTON CO. INDIANA	DRAWN BY: MJJ	PREPARED BY: KNA
FIELD WORK COMPLETED: 9/05/13	SCALE: 1" = 40'	FIELD BOOK: 571
CLIENT: BOB ROBEY	DATE: 10/1/13	PAGE: 158
DESCRIPTION: ORIGINAL SURVEY	JOB NUMBER: B34748	SURVEY 4 FILE: 73 ROBEY

ORIGINAL SURVEY

PART OF THE N.E. QUARTER, SECTION 6, TOWNSHIP 18 NORTH, RANGE 3 EAST
WASHINGTON RIVER TOWNSHIP, HAMILTON COUNTY, INDIANA

SURVEYOR'S REPORT

IN ACCORDANCE WITH TITLE 865, ARTICLE 1, CHAPTER 12 OF THE INDIANA ADMINISTRATIVE CODE ("RULE 12"), THE FOLLOWING OBSERVATIONS AND OPINIONS ARE SUBMITTED REGARDING THE VARIOUS UNCERTAINTIES IN THE LOCATIONS OF THE LINES AND CORNERS ESTABLISHED THIS SURVEY AS A RESULT OF UNCERTAINTIES IN REFERENCE MONUMENTATION; IN RECORD DESCRIPTIONS AND PLATS; IN LINES OF OCCUPATION; AND AS INTRODUCED BY RANDOM ERRORS IN MEASUREMENT ("RELATIVE POSITIONAL ACCURACY"). THERE MAY BE UNWRITTEN RIGHTS ASSOCIATED WITH THESE UNCERTAINTIES. THE CLIENT SHOULD ASSUME THERE IS AN AMOUNT OF UNCERTAINTY ALONG ANY LINE EQUAL IN MAGNITUDE TO THE DISCREPANCY IN THE LOCATION OF THE LINES OF POSSESSION FROM THE SURVEYED LINES.

THERE MAY BE DIFFERENCES OF DEED DIMENSIONS VERSUS MEASURED DIMENSIONS ALONG THE BOUNDARY LINES SHOWN HEREON AND LIKEWISE, THERE MAY BE FOUND SURVEY MARKERS NEAR, BUT NOT PRECISELY AT, SOME BOUNDARY CORNERS. IN CASES WHERE THE MAGNITUDE OF THESE DIFFERENCES ARE LESS THAN THE RELATIVE POSITIONAL ACCURACY AND LESS THAN THE UNCERTAINTY IDENTIFIED FOR THE REFERENCE MONUMENTATION (DISCUSSED BELOW), THE DIFFERENCES MAY BE CONSIDERED INSIGNIFICANT AND ARE SHOWN ONLY FOR PURPOSES OF MATHEMATICAL CLOSURE. SUCH DIFFERENCES THAT ARE GREATER THAN THE RELATIVE POSITIONAL ACCURACY AND THE UNCERTAINTY IN REFERENCE MONUMENTATION SHOULD BE CONSIDERED WORTHY OF NOTICE AND ARE THEREFORE DISCUSSED FURTHER BELOW.

THIS SURVEY AND REPORT ARE BASED IN PART UPON OPINIONS FORMED IN ACCORDANCE WITH AN INDIANA LAND SURVEYOR'S RESPONSIBILITY TO CONDUCT A SURVEY IN ACCORDANCE WITH "LAW OR A PRECEDENT" (865 IAC 1-12-11(5), RULES OF THE INDIANA STATE BOARD OF REGISTRATION FOR LAND SURVEYORS). SINCE INDIANA HAS NO STATUTES ADDRESSING HOW TO RESOLVE BOUNDARY LINES, A SOLUTION BASED ON PRINCIPLES DERIVED FROM COMMON LAW PRECEDENT MUST BE RELIED UPON AS THE BASIS FOR A BOUNDARY RESOLUTION. UNLESS OTHERWISE NOTED OR DEPICTED HEREON, THERE IS NO EVIDENCE OF OCCUPATION ALONG THE PERIMETER LINES OF THE SUBJECT TRACT. ALL SURVEY MONUMENTS SET OR FOUND THIS SURVEY ARE FLUSH WITH EXISTING GRADE UNLESS OTHERWISE NOTED.

THE RELATIVE POSITIONAL ACCURACY (DUE TO RANDOM ERRORS IN MEASUREMENT) OF THE CORNERS OF THE SUBJECT TRACT ESTABLISHED THIS SURVEY DOES NOT EXCEED THAT ALLOWABLE FOR A RURAL CLASS SURVEY (0.26 FEET PLUS 200 PPM) AS DEFINED IN IAC 865.

THE WITHIN SURVEY IS AN ORIGINAL SURVEY OF A 0.50 ACRES TRACT OF REAL ESTATE, BEING PART OF THE TRACT OF REAL ESTATE DESCRIBED IN INSTRUMENT No. 9432755 IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA. THE NORTH LINE OF THE SUBJECT PARCEL IS THE SOUTH LINE OF LOT 45, 46, 47, AND 49 IN THE TOWN OF JOLIETVILLE IN HAMILTON COUNTY, INDIANA AS PER PLAT THEREOF, RECORDED IN DEED BOOK 35, PAGE 581. THE SOUTH LINE OF THE SUBJECT PARCEL WAS ESTABLISHED PER THE CLIENT'S REQUEST. THE WEST LINE OF THE SUBJECT PARCEL IS THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP NORTH, RANGE 3 RANGE.

BASIS OF BEARING: ASSUMED BEARING

CONTROLLING MONUMENTS:

- (7003)** NW CORNER, NE 1/4, SECTION 6-18-3 HOLE FOUND (PER CO. SURVEYOR REFERENCE)
- (7007)** SW CORNER, NE 1/4, SECTION 6-18-3 HARRISON MONUMENT FOUND (PER CO. SURVEYOR REFERENCE)
- (7006)** NE CORNER, NE 1/4, SECTION 6-18-3 HARRISON MONUMENT FOUND (PER CO. SURVEYOR REFERENCE)

IN MY OPINION, THERE IS 0.5 FEET OF UNCERTAINTY IN THE LOCATION OF THESE MONUMENTS.

NO TITLE "GAPS" AND/OR "OVERLAPS" WERE FOUND WITH CURRENT DEED OF RECORDS.

1. POSSESSION TO THE WEST IS THE IMPROVEMENTS OF JOLIET ROAD. POSSESSION TO THE NORTH IS TO THE EXISTING FENCE LINE. THE SOUTH LINE IS AN ORIGINAL LINE.
2. THE ACCURACY OF ANY FLOOD HAZARD DATA SHOWN ON THIS REPORT IS SUBJECT TO MAP SCALE UNCERTAINTY AND TO ANY OTHER UNCERTAINTY IN LOCATION OR ELEVATION ON THE REFERENCED FLOOD INSURANCE RATE MAP. THE WITHIN DESCRIBED TRACT OF LAND LIES WITHIN FLOOD HAZARD ZONE "X" AS SAID TRACT PLOTS BY SCALE ON COMMUNITY PANEL NUMBER 18057C0115F OF THE FLOOD INSURANCE RATE MAPS FOR HAMILTON COUNTY, INDIANA (MAPS DATED 2/19/2003)
3. OWNERSHIP INFORMATION INDICATED HEREON IS AS IDENTIFIED IN COUNTY RECORDS.
4. THE WITHIN PLAT AND SURVEY WERE PREPARED WITHOUT BENEFIT OF A CURRENT TITLE POLICY FOR THE SUBJECT TRACT OR ADJOINERS AND ARE THEREFORE SUBJECT TO ANY STATEMENT OF FACTS REVEALED BY EXAMINATION OF SUCH DOCUMENTS.



K. Nathan Althous
R.L.S. LS20400007

10/01/13
DATE:



MILLER SURVEYING INC.

948 CONNER STREET
NOBLESVILLE INDIANA 46060
PH. # (317) 773-2644 FAX 773-2694



LOCATION: PART OF THE N.E. 1/4 SEC 6-T18N-R3E WASHINGTON TWP., HAMILTON CO. INDIANA	DRAWN BY: MJJ	PREPARED BY: KNA
FIELD WORK COMPLETED: 9/05/13	SCALE: 1" = 40'	FIELD BOOK: 571
CLIENT: BOB ROBEY	DATE: 10/1/13	PAGE: 158
DESCRIPTION: ORIGINAL SURVEY	JOB NUMBER: B34748	SURVEY 4 FILE: 73 ROBEY

THIS SURVEY IS NOT COMPLETE AND/OR
VALID WITHOUT ALL 3 PAGES.

PAGE 3 OF 3