

WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM

VARIANCE APPLICATION

OCT 02 2015



OFFICE USE ONLY

DOCKET #: 1511-VS-15 FILING DATE: 10/2/15
FILING FEE: \$ 600 FEE PLUS \$ PER ADDITIONAL VARIANCE (@ ) = \$ 600

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: Jesse Pahlman (STAFF NAME) DATE: 9/27/15

PRIOR OR RELATED DOCKET NUMBERS

CHANGE OF ZONING: AMENDMENTS: DEVELOPMENT PLAN:

PRIMARY PLAT: SECONDARY PLAT: VARIANCE(S):

APPLICANT INFORMATION

APPLICANT'S NAME: Joshua D. Netherton TELEPHONE: 317.752.8542

ADDRESS: 336 Elnora Lane EMAIL: jnetherton@misoenergy.org

PROPERTY OWNER'S NAME: Same TELEPHONE:

ADDRESS: EMAIL:

REPRESENTATIVE'S NAME: TELEPHONE:

COMPANY: EMAIL:

ADDRESS:

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION:

COUNTY PARCEL ID #(S): 09-09-11-00-15-041.000

EXISTING ZONING DISTRICT(S): EXISTING LAND USE(S):

VARIANCE REQUEST

[ ] VARIANCE OF LAND USE CODE CITATION:

[X] VARIANCE OF DEVELOPMENT STANDARD(S) CODE CITATION: Article 4.6 (E)(3)

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

STATEMENT OF INTENT (EXPLANATION OF REQUEST - ATTACH SEPARATE SHEET IF NECESSARY):

Request rear yard setback reduction from 30' to 17'.

An existing deck that is covered by a roof that is attached to the house was built. This attached roof covers the entire 13' deck and is over the rear yard setback.

WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM



APPLICANT AFFIDAVIT

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says that above information is true and correct as he/she is informed and believes and that Applicant owns or controls the property involved in this application.

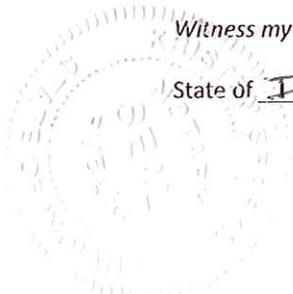
[Signature]  
Applicant/Representative (signature)

Joshua Netherton  
Applicant/Representative (printed)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the above party, who having been duly sworn acknowledged the execution of the foregoing Application.

Witness my hand and Notarial Seal this 16<sup>th</sup> day of October, 2015.

State of Indiana, County of Hamilton SS:



Kristen Sparks  
Notary Public Signature

Kristen Sparks  
Notary Public (printed)

PROPERTY OWNER AFFIDAVIT

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says they are the owners of the property involved in this application and that they hereby acknowledge and consent to the foregoing Application.

\_\_\_\_\_  
Property Owner (signature)\*

\_\_\_\_\_  
Property Owner (printed)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the Property Owner, who having been duly sworn acknowledged and consents to the execution of the foregoing Application.

Witness my hand and Notarial Seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

State of \_\_\_\_\_, County of \_\_\_\_\_, SS:

\_\_\_\_\_  
Notary Public Signature

\_\_\_\_\_  
Notary Public (printed)

\*A signature from each party having interest in the property involved in this application is required. If the Property Owner's signature cannot be obtained on the application, then a notarized statement by each Property Owner acknowledging and consenting to the filing of this application is required with the application.

**WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM**  
**FINDINGS OF FACT (VARIANCE OF DEVELOPMENT STANDARD)**



APPLICANT: Joshua Netherton

DOCKET #: \_\_\_\_\_

In taking action on a variance request, the Board of Zoning Appeals uses the following decision criteria to approve or deny a variance, as established by Indiana Code, and the Board may impose reasonable conditions as part of its approval. The applicant must address the criteria below (if multiple variances of development standard are being requested, then this sheet should be completed separately for each requested variance). A variance of land use may be approved by the Board of Zoning Appeals only upon a determination that the Board finds all of the following to be true:

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

The attached roof is over the attached deck and does not introduce any issues related to public health, safety, morals, and general welfare of the community.

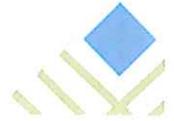
B. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because: \_\_\_\_\_

The attached roof was constructed out of high quality materials, matching roof shingles, is well maintained, and adds an attractive feature to the rear of the home.

C. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property because: \_\_\_\_\_

Strict adherence to the zoning ordinance would result in the inability to improve the property, as proposed, in accordance with the Unified Development Ordinance. The use is permitted by the Unified Development Ordinance and the proposed improvements and parcel would otherwise be permitted and comply with the Unified Development Ordinance.

**WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM**  
**VARIANCE APPLICATIONS**



**GENERAL INSTRUCTIONS**

A. **Pre-Filing Conference:** A pre-filing conference is required for all petitions. An appointment must be made with the Economic and Community Development Department (the "Department") to discuss a petition prior to filing. An application will not be considered filed until a pre-filing conference has occurred. Applicants are encouraged to incorporate the Department's comments into the application prior to filing.

B. **Filing Petition:** A petition shall be filed with the Department by the filing deadline in accordance with the Schedule of Meeting and Filing Dates. In order to be deemed a complete petition, a petition shall include the following:

- |   |   |
|---|---|
| <input type="checkbox"/> Completed Application  | <input type="checkbox"/> Filing Fee Check (made out to "City of Westfield")   |
| <input type="checkbox"/> Legal Description      | <input type="checkbox"/> Copy of Property Deed  |
| <input type="checkbox"/> Draft Public Notice    | <input type="checkbox"/> List of Adjoining Property Owners (as provided by County)  |
| <input type="checkbox"/> Property Owner Consent | <input type="checkbox"/> <del>TAC Delivery Affidavit (if TAC is determined to be necessary)</del>   |
| <input type="checkbox"/> Site Plan (to scale)   | <input type="checkbox"/> Vicinity Map (including property within 500 feet)  |
| <input type="checkbox"/> Statement of Intent    | <input type="checkbox"/> Elevations, photographs or other supporting information necessary to explain the nature of the requested variance(s) |

C. **Technical Advisory Committee (TAC):** The applicant is responsible for submitting a copy of the application and related information to Technical Advisory Committee members prior to filing, if determined by the Department to be necessary. An affidavit confirming delivery of information is required to be completed and signed by the applicant and submitted with the petition. Technical Advisory Committee meetings are held in the City Services Building (2728 East 171st Street, Westfield, IN 46074) in accordance with the Schedule of Meeting and Filing Dates. A representative must be present at this meeting.

D. **Public Hearing and Notice:** All variance petitions require a public hearing by the Board of Zoning Appeals. The public hearing is held at City Hall, 130 Penn Street, Westfield, Indiana, in accordance with the Schedule of Meeting and Filing Dates. Notice of the hearing is required in accordance with the Board's [Rules of Procedure](#):

1. **Newspaper Publication:** Notice of the hearing will be published in the Indy Star and The Times. The Department will handle the newspaper publication requirement.
2. **Mailed Public Notice:** The applicant is responsible to send public notice by mail to all interested parties by certified mail with return receipt requested (green card), postmarked at least ten (10) days prior to the hearing. A list of adjacent property owners may be obtained from the Hamilton County Auditor, Office of Transfers and Mapping (33 North 9th Street, Noblesville, IN 46060, (317) 776-9624), and shall include all owners of property to a depth of two (2) ownerships of no direct or indirect financial or other interest to the applicant or property owner or one-eighth of a mile (1/8), whichever is less.
3. **Public Notice Sign:** The applicant is responsible to post a public notice sign(s) on the property at least ten (10) days prior to the public hearing. The Department will determine sign locations and will make signs available for the applicant to obtain in the office of the Department.
4. **Affidavit of Notice of Public Hearing:** The applicant shall deliver a copy of the mailed notice and a signed affidavit, verifying that the notices were mailed and the public notice sign(s) was posted on the subject property, to the Department at least four (4) calendar days prior to the public hearing.

E. **Ex-parte Communication:** In no event shall applicants or other interested parties contact or attempt to communicate with members of the Board in regard to a filed variance petition prior to the public hearing.

F. **Revised Materials:** If the applicant wishes to submit additional or revised information than what is filed, then the applicant shall submit those to the Department no later than ten (10) days prior to the public hearing.

G. **Board's Consideration:** Following the public hearing, the Board may either approve, approve with conditions, deny or continue the petition.

H. **Resource:** Please see the Board's [Rules of Procedure](#) for more detailed procedural information.

WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM

AFFIDAVIT OF NOTICE OF PUBLIC HEARING



DOCKET #: \_\_\_\_\_

PUBLIC HEARING DATE: 11/10/15

APPLICANT'S NAME: Joshua Netherton

REPRESENTATIVE'S NAME: \_\_\_\_\_ COMPANY: \_\_\_\_\_

PROJECT TO BE KNOWN AS: \_\_\_\_\_

APPLICATION TYPE:  CHANGE OF ZONING  TEXT AMENDMENT  COMMITMENTS  PRIMARY PLAT  
 DEVELOPMENT PLAN (SITE PLAN)  BOARD OF ZONING APPEALS (VARIANCE, SPECIAL EXCEPTION)

PUBLIC NOTICE AFFIDAVIT

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath does hereby certify that notice of public hearing to consider above petition was sent by certified, registered or first class mail to the last known address of each of the following persons, as attached hereto as Exhibit A, they being all persons to whom notice was required to be sent by the Plan Commission's Rules of Procedure, and that said notices were postmarked on the 8<sup>th</sup> day of October, 2015, being at least ten (10) days prior the scheduled public hearing.

I (We) further certify that the notice required to be posted on the subject property described in the above petition was posted on the subject property in accordance with the Plan Commission's Rules of Procedures on the 16<sup>th</sup> day of October, 2015, being at least ten (10) days prior the scheduled public hearing.

[Signature]  
Applicant/Representative (signature)\*

Joshua Netherton  
Applicant/Representative (printed)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the above party, who having been duly sworn acknowledged the execution of the foregoing instrument.

Witness my hand and Notarial Seal this 16<sup>th</sup> day of October, 2015.

State of Indiana, County of Hamilton SS:

Kristen Sparks  
Notary Public Signature

Kristen Sparks  
Notary Public (printed)





**WESTFIELD-WASHINGTON TOWNSHIP  
BOARD OF ZONING APPEALS PUBLIC NOTICE**

NOTICE IS HEREBY GIVEN THAT the Westfield-Washington Township Advisory Board of Zoning Appeals will hold a public hearing on Tuesday, \_\_\_\_\_, 20\_\_\_\_, at 7:00 p.m. at Westfield City Hall, 130 Penn Street, Westfield, Indiana, to consider petition(s) [insert docket #], filed by [insert representative's name (if applicable)] on behalf of [insert applicant's or property owner's name]. The request pertains to real estate comprising approximately [insert #] acres and generally located at [insert address or intersection location], Washington Township, Westfield, Indiana.

The request is for approval of a [insert application type (e.g., Variance of Use, Variance of Development Standard, Special Exception)] to allow [insert project description].

Specific details regarding this request, including the application, file, and property legal description, may be obtained from the Westfield Economic and Community Development Department, or by calling (317) 804-3170.

Written suggestions or objections relative to the request may be filed with the Westfield Economic and Community Development Department, at or before the public hearing. Interested persons desiring to present their views upon the request, either in writing or verbally, will be given the opportunity to be heard at the above mentioned time and place, which may be continued from time to time as may be found necessary.

APPLICANT:  
[insert name, address, contact information]

REPRESENTATIVE:  
[insert name, address, contact information]

CITY OF WESTFIELD:  
Economic and Community Development Department  
2728 East 171st Street  
Westfield, Indiana 46074  
Telephone: (317) 804-3170  
[www.westfield.in.us](http://www.westfield.in.us)



The Schneider Corporation  
 8901 Otis Avenue  
 Historic Fort Harrison  
 Indianapolis, Indiana 46218-1037  
 317-828-7100  
 317-828-7200 FAX

Engineering  
 Surveying  
 Landscape Architecture  
 GIS • LIS  
 Geology

# Schneider

This Plot Plan Prepared For: **M/I Homes**  
 Lot # 863, containing 11,146 S.F.±, in  
**COUNTRYSIDE**

Section # 11C  
 Instrument # 200400070804  
 P.C. # 3, Side # 499

Certificate of Corrections  
 Instrument # 200400079426  
 Hamilton County, Washington Township  
**SEC 11, T18N, R03E**

336 ELNORA LANE (50' R/W)  
 Westfield, IN 46074

Prepared Date: 08/22/07 : By: KAG

**Community Restrictions:**

Side Yard = 10' BH

Rear Yard = 30'

Aggregate = n/a

Zoning = SF3 Cluster

**M/I Homes**

**Finished Floor Elevation Information**

Pad Grade = 904.5 per calc.

Pad Grade + 0.2' = Garage FFE (904.7)

Garage FFE + 0.5' = Residential FFE (905.2)

Residence FFE - 9.0' = Basement FFE (896.2)

DRIVEWAY SLOPE: 7.1%

Note: The garage finished floor elevation is 2.8' above the curb at the drive, per plan.

**GROUND COVER CALCULATIONS:**

Drive = 946 SF±

Public Walk = 1,150 SF±

Private Walk = N/A SF±

Seeding = 5,880 SF±

Sod = 412 SY±,  
 from front of residence.

**APPROVED**

DATE: 8-27-07

BY: *[Signature]*

THIS IS A TRUE PLOT PLAN  
 SHOWING PROPOSED LOCATIONS OF  
 BUILDING AND EXISTING UTILITIES  
 ON THIS LOT OR PLOT

SIGNED: *[Signature]*

FLOOD HAZARD STATEMENT  
 CERTIFICATION



**Plot Plan Legend**

000.0	Proposed Grades
000.0	Existing Grades
000.0	Contour Grade
*	Approx. Lateral Location
—	Sanitary Sewer Lines
—	Storm Sewer Lines
—	Water Service Lines
---	Sub-Surface Drain Lines
●	Manhole (Sanitary or Storm)
●	Beehive Inlet (Storm)
●	Curb Inlet (Storm)
D	End Section (Storm)
●	Fire Hydrant
---	Flow Line of swale

Note: Sanitary Sewer  
 Top of Casting Information  
 Upstream Manhole, TC=904.30  
 Downstream Manhole, TC=904.20  
 per plan.

Note: Builder to ensure positive  
 drainage away from structure(s).

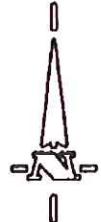
Note:  
 The contractor is to maintain a minimum  
 distance of ten feet (10') between the  
 sanitary sewer and water line laterals.

Note: This drawing is based on construction plans or record drawings, and is not based upon a field survey. The Schneider Corporation does not warrant the accuracy or sufficiency of this information. Contractors should verify existing conditions prior to any construction. Any discrepancy found on this drawing should be reported to The Schneider Corporation immediately; failing to do so results in the contractors assumption of all liability.

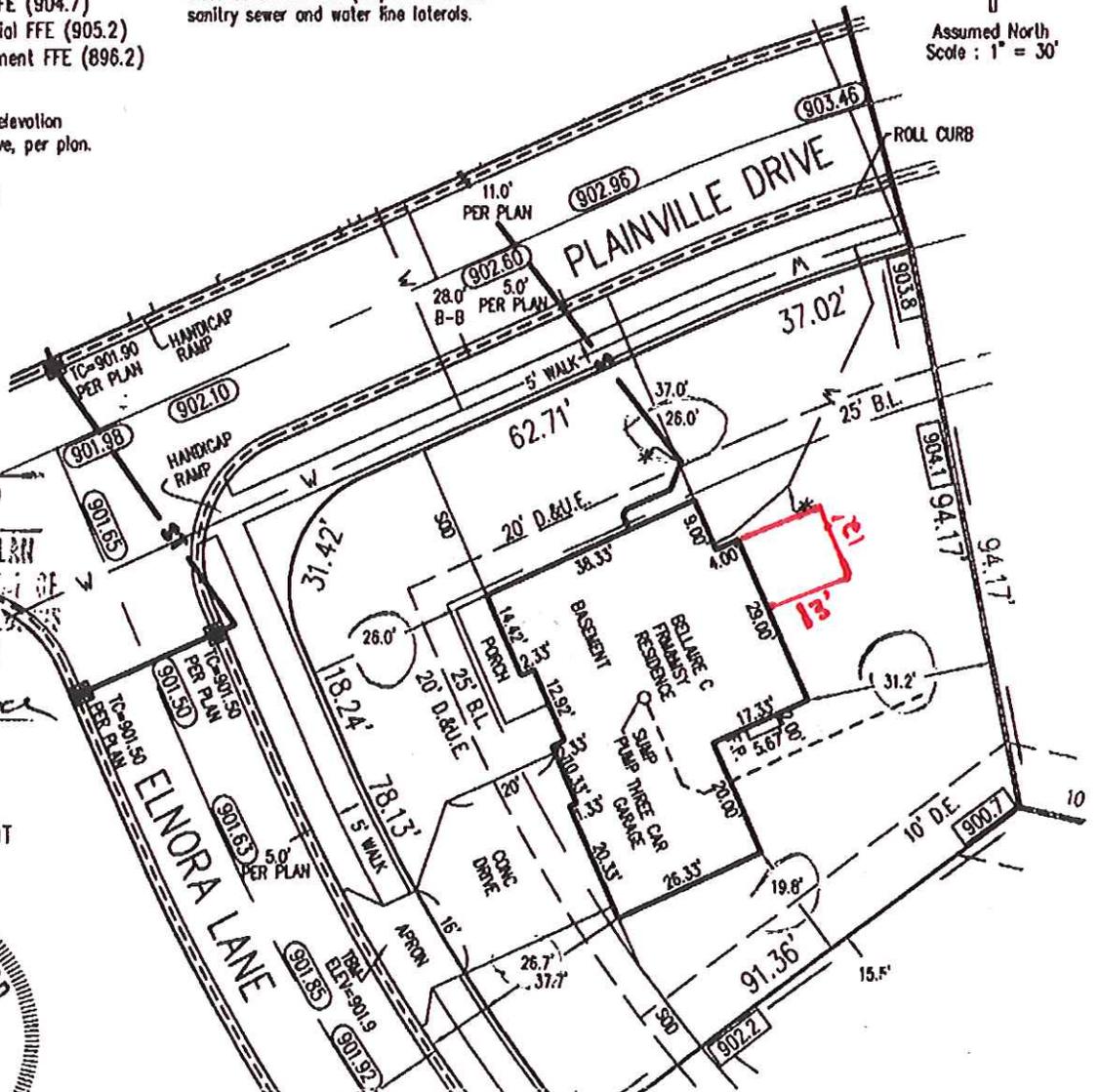
Note:  
 The basement elevation, depicted hereon, has been determined and based on the pod grades and/or contours taken from the construction plans for this subdivision. Unless stated, no information about fluctuating water tables, soil conditions, or soil types has been provided or stated on said plans. This lot is located near a body of water. Lot or soil conditions may require that the basement floor elevation be held 2 foot above normal pool elevation. Site investigation may be needed if water is encountered during the excavation process or if other known water elevation or soils conditions are present. Investigation and any remedial procedures is at the discretion of the builder to determine and take appropriate steps of action. If any ground water is encountered during excavation the builder is encouraged to contact The Schneider Corporation to discuss possible courses of action.

NOTE:  
 SUMP PUMP(S) TO BE PLACED  
 BY BUILDER AS NEEDED.

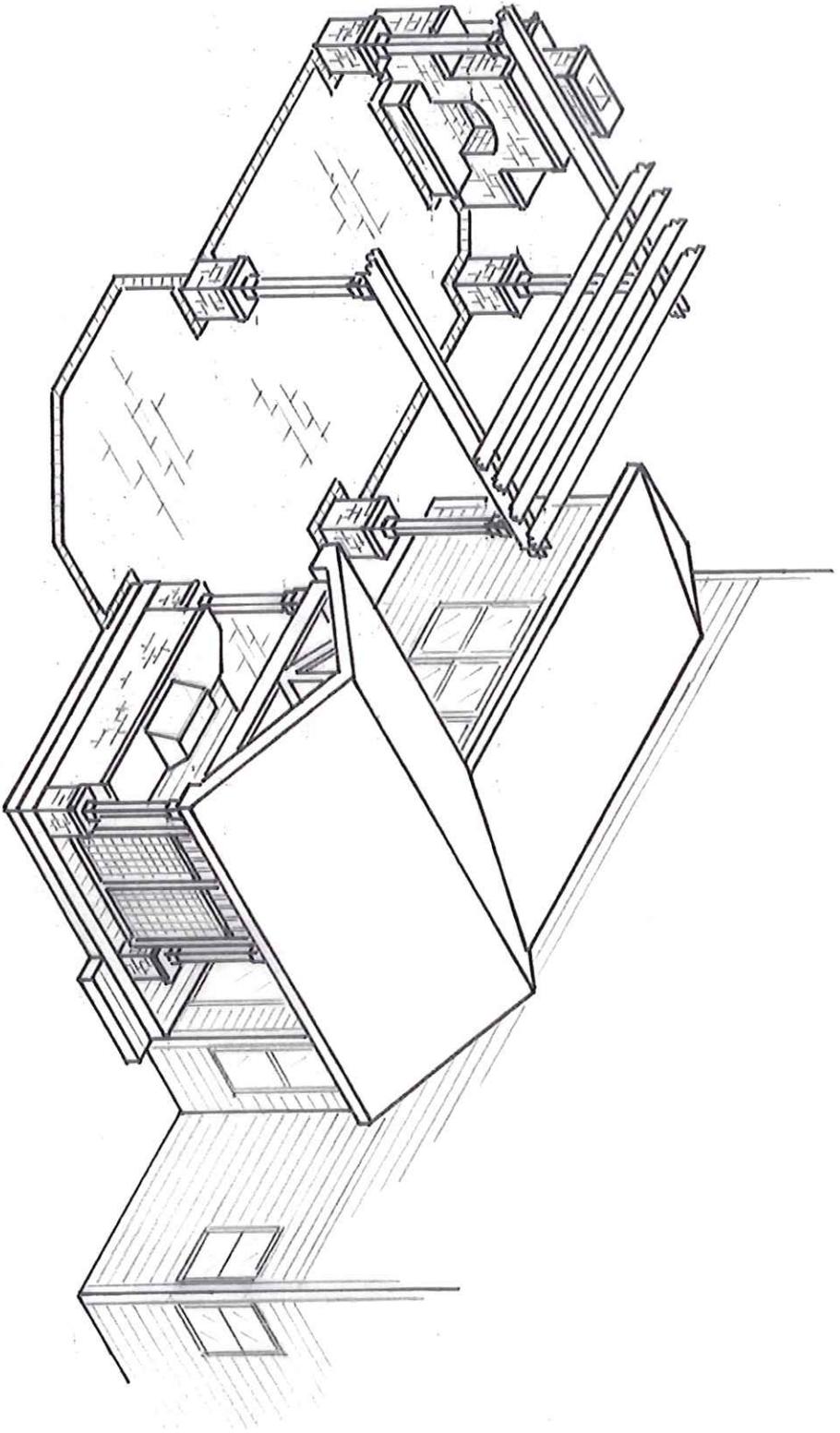
LOT # 863  
 VB07.0077904



Assumed North  
 Scale: 1" = 30'



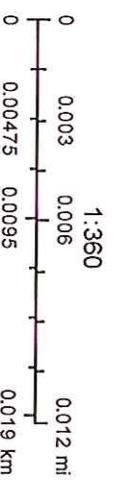
NETHERTON RESIDENCE





September 28, 2015

Parcels



Basemap information here