

VARIANCE APPLICATION

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OFFICE USE ONLY

DOCKET #: 1511-15-16 FILING DATE: OCT 02 2015
FILING FEE: \$ FEE PLUS \$ PER ADDITIONAL VARIANCE (@) = \$

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: Jeff Lauer (STAFF NAME) DATE: October 2, 2015

PRIOR OR RELATED DOCKET NUMBERS

CHANGE OF ZONING: AMENDMENTS: DEVELOPMENT PLAN:
PRIMARY PLAT: SECONDARY PLAT: VARIANCE(S):

APPLICANT INFORMATION

APPLICANT'S NAME: Ronald Clifford TELEPHONE: 317-877-6055

ADDRESS: 2228 S.R. 38 East, Westfield, IN 46074 EMAIL: cliffeng@aol.com

PROPERTY OWNER'S NAME: same TELEPHONE:

ADDRESS: EMAIL:

REPRESENTATIVE'S NAME: E. Davis Coots TELEPHONE: 317-844-4693

COMPANY: Coots, Henke & Wheeler, P.C. EMAIL:

ADDRESS: 255 East Carmel Drive, Carmel, IN 46032

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 2228 S.R. 38 East, Westfield, IN 46074

COUNTY PARCEL ID #(S): 08-06-18--00-00-026 , 000

EXISTING ZONING DISTRICT(S): AGSF-1 EXISTING LAND USE(S): residential and classified forest

VARIANCE REQUEST

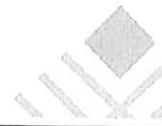
[] VARIANCE OF LAND USE CODE CITATION:

[x] VARIANCE OF DEVELOPMENT STANDARD(S) CODE CITATION:

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

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

Please see the attached sheet



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.

E. Davis Coots
Applicant/Representative (signature)

E. Davis Coots
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 2nd day of October, 2015.

State of INDIANA, County of Hamilton, SS:



Christine M. O'Hara
Notary Public Signature
Christine M. O'Hara
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.

Ronald M. Clifford
Property Owner (signature)*

Ronald M. Clifford
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 2nd day of October, 2015.

State of INDIANA, County of Hamilton, SS:



Christine M. O'Hara
Notary Public Signature
Christine M. O'Hara
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.



FINDINGS OF FACT (VARIANCE OF DEVELOPMENT STANDARD)

APPLICANT: _____

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: _____

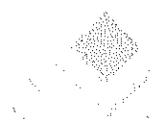
The Home Business as an accessory to the dwelling is conducted entirely within the enclosed garage, creates no noise, odors or other noxious effects and does not have any negative impact.

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: _____

All of the activity is conducted in an enclosed garage, deliveries are once or twice per month and do not impact traffic and nothing is visible to the exterior of the property.

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

The Applicant conducts his engineering and sales business from the accessory building, cannot perform the work within the dwelling and cannot physically combine the dwelling and garage.

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 checked="" type="checkbox"/> Completed Application | <input checked="" type="checkbox"/> Filing Fee Check (made out to "City of Westfield") |
| <input checked="" type="checkbox"/> Legal Description | <input checked="" type="checkbox"/> Copy of Property Deed |
| <input type="checkbox"/> Draft Public Notice | <input checked="" type="checkbox"/> List of Adjoining Property Owners (as provided by County) |
| <input checked="" type="checkbox"/> Property Owner Consent | <input type="checkbox"/> TAC Delivery Affidavit (if TAC is determined to be necessary) |
| <input checked="" type="checkbox"/> Site Plan (to scale) | <input checked="" type="checkbox"/> Vicinity Map (including property within 500 feet) |
| <input checked="" 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.

Ron Clifford is an electrical engineer who part-time operates engineering and sales business from the detached garage located at his primary residence at 2228 State Road 38 East, Westfield, IN 46074. Mr. and Mrs. Clifford purchased the 12.5 acre piece of property in 1998 and in approximately 2003 partitioned 1.26 acres including the residence from the larger tract in order to register the 10.72 acre portion under the Indiana Classified Forest Program. As the result of partitioning the 1.26 acre residence parcel from the larger parcel, setbacks for the house and accessory garage failed to meet the ordinance requirements of Article 6.1 (D)(2)(A),(D), Article 4.2(E)((2) rear set back and Article 4.2 (C) lot area. The purpose of the development standards variance request is to bring the parcel containing the residence into compliance with the zoning ordinance requirements for side yard setback, three acre lot area requirement, lot frontage and rear yard setback.