



CITY OF WESTFIELD, IN
BoardofZoningAppeals_Meeting_Agenda_12_08_2020

Tuesday, December 08, 2020 at 07:00 PM

BOARD OR COMMISSION: Board of Zoning Appeals (BZA)

MEETING DATE: Tuesday, December 08, 2020 at 07:00 PM

MEETING PLACE: Virtual Conference Call

THE FOLLOWING AGENDA IS SUBJECT TO CHANGE AT THE DISCRETION OF THE BOARD OF ZONING APPEALS

Viewable online at: <https://www.youtube.com/user/CityofWestfieldIN>

To submit a comment for the record on any Public Hearing item, please email planners@westfield.in.gov

OPENING OF REGULAR MEETING

Note the presence of a quorum

BZA Minutes - November 10, 2020
Tabled

Review Rules & Procedures

ITEMS OF BUSINESS:

2012-VS-39 [PUBLIC HEARING]

15367 Maple Ridge Drive

Natalie Maybee

The Petitioner requests a Variance of Development Standard to encroach sixteen (16) feet and six (6) inches into the thirty (30) foot Minimum Rear Yard Setback on 0.38 acres +/- in the Maple Ridge PUD District.

(Planner: Corey Harris - charris@westfield.in.gov)

Documents: [Exhibit 1: Staff Report](#) | [Exhibit 2: Location Map](#) | [Exhibit 3: Site Plan](#) | [Exhibit 4: Application](#)

ITEMS CONTINUED TO A FUTURE MEETING:

None

REPORTS/COMMENTS:

ADJOURNMENT



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

December 8, 2020
2012-VS-39
Exhibit 1

Petition Number: 2012-VS-39

Subject Site Address: 15367 Maple Ridge Drive (the "Property")

Petitioner: Natalie Maybee (the "Petitioner")

Representative: Jama Hufford of Oasis Outdoor Living (the "Representative")

Request: The Petitioner requests a Variance of Development Standard to encroach sixteen (16) feet and six (6) inches into the thirty (30) foot Minimum Rear Yard Setback on 0.38 acres +/- in the Maple Ridge PUD District.

Current Zoning: Maple Ridge PUD District

Current Land Use: Residential

Approximate Acreage: 0.38 acres +/-

Exhibits:

1. Staff Report
2. Location Map
3. Site Plan
4. Application

Staff Reviewer: Corey Harris, Associate Planner

OVERVIEW

Location: The subject property is 0.38 acres +/- in size and located at 15367 Maple Ridge Drive (see **Exhibit 2**). The Property is zoned the Maple Ridge PUD District. The Property currently contains a Single-family residence. All properties surrounding are in the Maple Ridge PUD District.

Property History: The Secondary Plat, Maple Ridge, Section 1, was recorded January 9, 2017 (Instrument No. 2017001173).

Variance Request: The Petitioner is requesting a Variance of Development Standard to build a pool that encroaches into the Rear Yard Building Setback Line¹.

¹ The UDO defines a "Building Setback Line" as [a] line parallel to a Right-of-way line, edge of a stream, or other Lot Line established on a parcel of land or Lot for the purpose of prohibiting construction of a building or structure in the area between such line and the Right-of-way, stream bank, or other Lot Line."



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SUMMARY OF VARIANCES

The Petitioner requests a Variance of Development Standard to encroach sixteen (16) feet and six (6) inches into the thirty (30) foot Minimum Rear Yard Building Setback Line² as depicted on the Site Plan (see **Exhibit 3**).

COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan identifies this property within the “Existing Suburban” land use classification.

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Development Standard. This petition is scheduled to receive its public hearing at the December 8, 2020, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals’ Rules of Procedure.

Conditions: The UDO³ and Indiana law provide that the Board of Zoning Appeals may impose reasonable conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of the UDO upon any Lot benefited by a variance as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject Lot or upon public facilities and services. Such conditions shall be expressly set forth in the order granting the variance.

Acknowledgement of Variance: If the Board of Zoning Appeals approves this petition, then the UDO⁴ requires that the approval of the variance shall be memorialized in an acknowledgement of variance instrument prepared by the Department. The acknowledgement shall: (i) specify the granted variance and any commitments made or conditions imposed in granting of the variance; (ii) be signed by the Director, Property Owner and Applicant (if Applicant is different than Property Owner); and (iii) be recorded against the subject property in the Office of the Recorder of Hamilton County, Indiana. A copy of the recorded acknowledgement shall be provided to the

² Ordinance 14-50, Section 6, establishes the Minimum Rear Yard Building Setback Line at thirty (30) feet.

³ Article 10.14(I) Processes and Permits; Variances; Conditions of the UDO.

⁴ Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.



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Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

Variances of Development Standard: The Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the underlying zoning ordinance. A variance may be approved under Indiana Code § 36-7-4-918.5 only upon a determination in writing that:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
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; and
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.

DEPARTMENT COMMENTS

Approval: If the Board is inclined to approve the variance, then the Department recommends the following conditions and findings as provided by the Representative:

Recommended Conditions:

1. The approval is valid for the swimming pool and hardscape as generally illustrated on the Site Plan (**Exhibit 3**).
2. Construction shall be substantially compliant with the Site Plan (**Exhibit 3**).

Recommended Findings for Approval:

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

Finding: It is unlikely that approving the requested variance(s) would be injurious to the public health, safety, morals, and general welfare of the community. The use of the property will remain residential and the proposed improvements will be consistent in design with the existing structures.

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 the use and value of adjacent property will be affected in a substantially adverse manner. The proposed variance should not have a negative impact on surrounding properties because: (i) the proposed improvement will enhance the value



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Exhibit 1

of the subject property; (ii) the improvements will otherwise comply with or exceed the applicable standards; and (iii) the proposed improvements will be consistent in design with the Property.

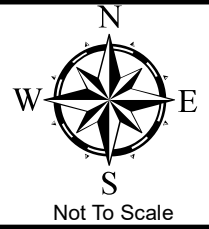
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.

Finding: 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 residential use of the property is otherwise permitted by the applicable ordinances.

Denial: If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.



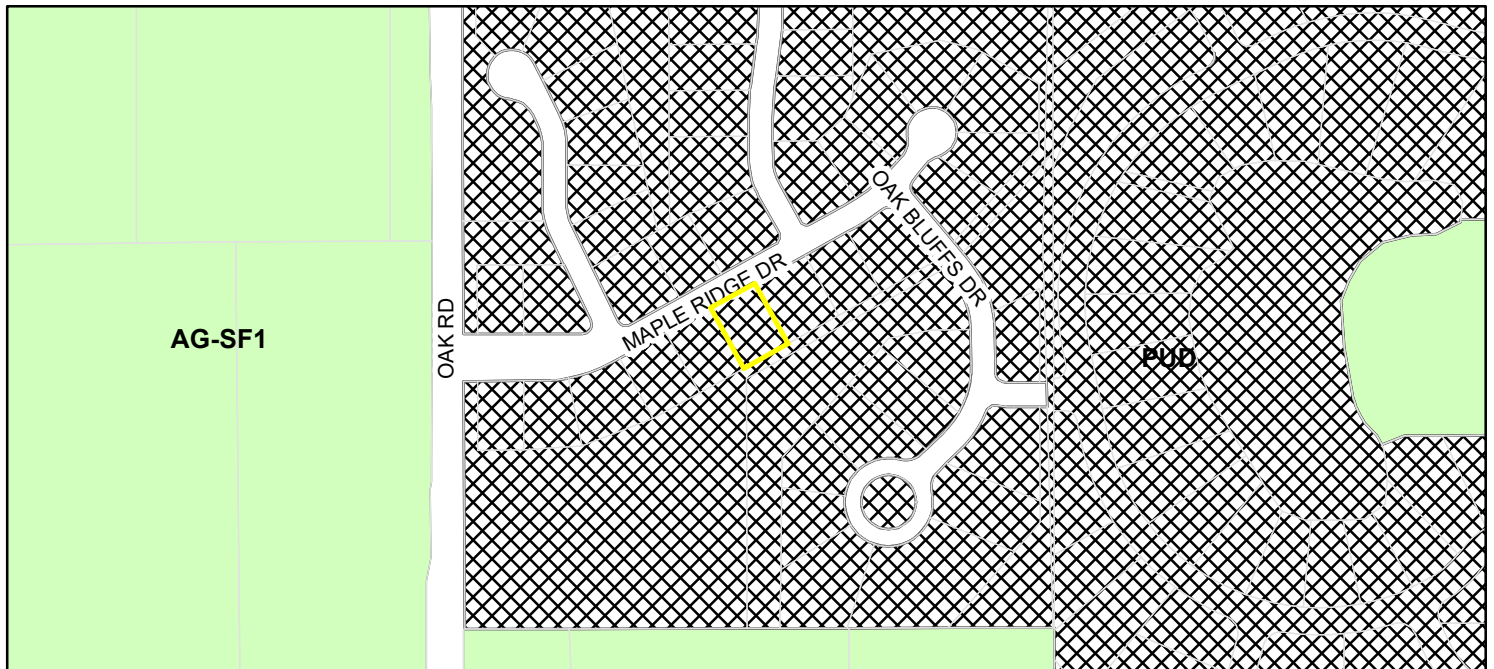
Property Location Map
15367 Maple Ridge Drive
Maybee Variance
2012-VS-39



Aerial Location Map



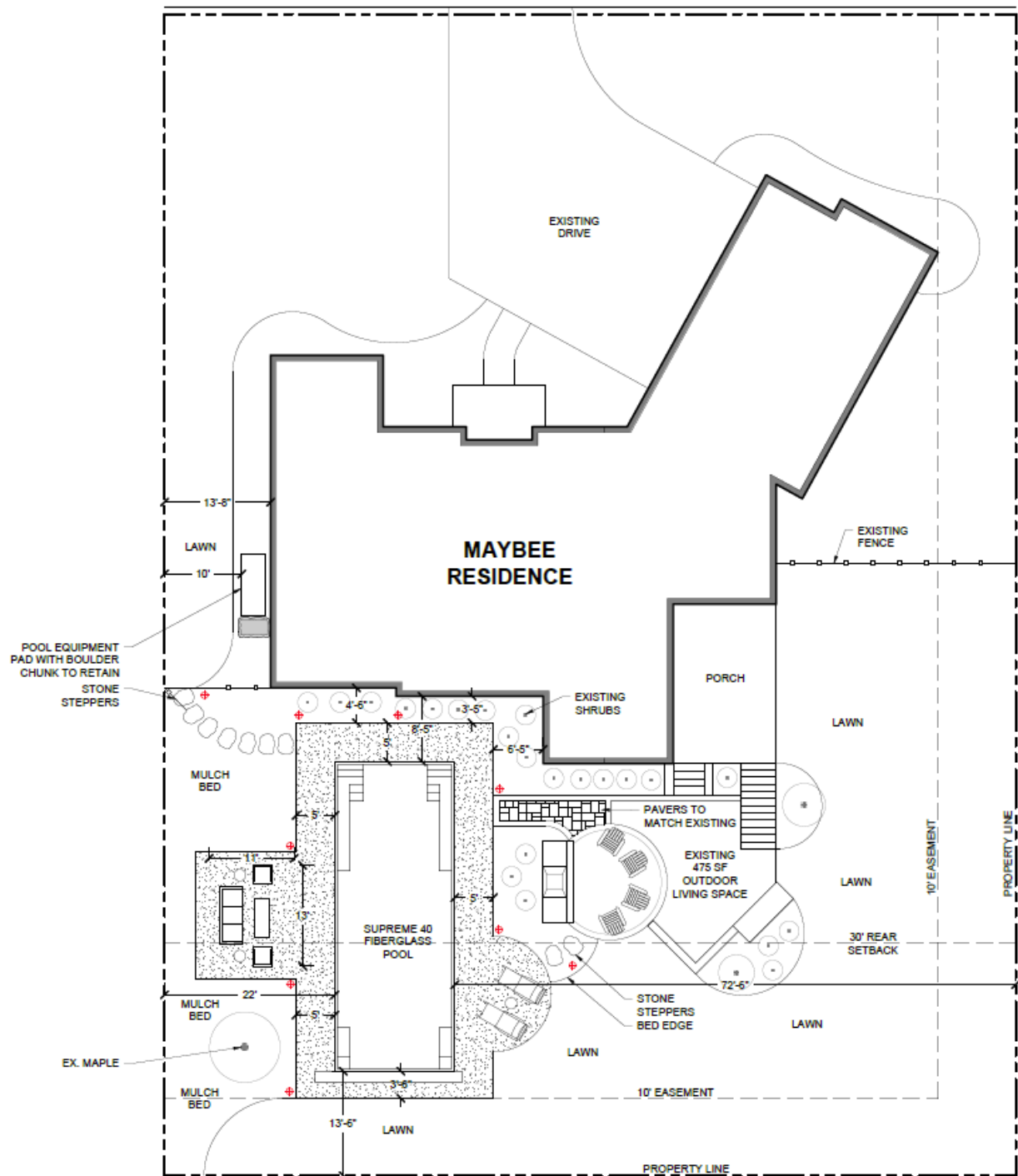
Zoning Map



Parcel Zoning
Zoning - All AG-SF1 (Agriculture - Single Family - 1)
 PUD (Planned Unit Development)

Exhibit 3

Site Plan



VARIANCE APPLICATION

OFFICE USE ONLY

DOCKET #: 2012-VS-39

FILING DATE: 10/30/2020

FILING FEE: \$ _____ FEE PLUS \$ _____ PER ADDITIONAL VARIANCE (@ _____) = \$ _____

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: _____ (STAFF NAME) DATE: _____

PRIOR OR RELATED DOCKET NUMBERS

CHANGE OF ZONING: _____ AMENDMENTS: _____ DEVELOPMENT PLAN: _____

PRIMARY PLAT: _____ SECONDARY PLAT: _____ VARIANCE(S): _____

APPLICANT INFORMATION

APPLICANT'S NAME: Oasis Outdoor Living

ADDRESS: PO Box 314, Fortville, IN 46040

TELEPHONE: 317-485-6514

EMAIL: jama@myoasisoutdoor.com

PROPERTY OWNER'S NAME: Natalie Maybee

ADDRESS: 15367 Maple Ridge Dr, Carmel IN 46033

TELEPHONE: 214-215-2236

EMAIL: nataliemaybee@yahoo.com

REPRESENTATIVE'S NAME: Jama Hufford

COMPANY: Oasis Outdoor Living

ADDRESS: PO Box 314, Fortville, IN 46040

TELEPHONE: 317-485-6514

EMAIL: jama@myoasisoutdoor.com

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 15367 Maple Ridge Dr, Carmel, IN 46033

COUNTY PARCEL ID #(S): 08-10-18-00-05-006.000

EXISTING ZONING DISTRICT(S): Washington EXISTING LAND USE(S): lawn area

PROPERTY AND PROJECT INFORMATION

☒ VARIANCE OF LAND USE CODE CITATION: _____

☐ VARIANCE OF DEVELOPMENT STANDARD(S) CODE CITATION: _____

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

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

We plan to install an in-ground pool with an automatic cover in the rear of this property.

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.

Jana Huford
Applicant/Representative (signature)

Jana Huford
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 29 day of October, 2020
State of Indiana, County of Hamilton, SS: _____

Stacey DeClue
Notary Public (signature)

Stacey DeClue
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.

Natalie Maybee
Property Owner (signature)*

Natalie Maybee
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 29 day of October, 2020
State of Indiana, County of Hamilton, SS: _____

Stacey DeClue
Notary Public (signature)

Stacey DeClue
Notary Public (printed)



*A signature from each party having interest in the property involved in this application is required. If the Property Owner 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: Oasis Outdoor Living

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 in ground pool will be protected by an automatic cover so will not be injurious to public. The pool will add to the property value of the home.

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 pool will only increase the property value of the neighborhood.

C. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property because: _____
If the 30' setback is not approved for a variance, the homeowner will not be able to install rear upgrades. Included in our plan is an in-ground pool, patio, walkway, and a pergola that the homeowner hopes to install in the future.