



**Petition Number:** 1304-VS-01

**Subject Site Address:** 15015 Little Eagle Creek Avenue (the “Property”)

**Petitioner:** Justin Foutz (Todd and Debra Foutz)

**Request:** The petitioner is requesting two (2) Variances of Standard from the Westfield-Washington Zoning Ordinance (the “Zoning Ordinance”) for the property commonly known as 15015 Little Eagle Creek Avenue, Zionsville, Indiana 46077. The request is to: (i) allow a Minimum Lot Frontage on Road of fifty (50) feet (WC § 16.04.030.B.5); and (ii) to allow a Minimum Lot Width at Building Line of fifty (50) feet (WC § 16.04.030.B.6.d).

**Current Zoning:** AG-SF1 (Agriculture-Single Family Rural) District

**Current Land Use:** Residential

**Approximate Acreage:** 7.968 acres

**Exhibits:**

1. Staff Report
2. Aerial Location Map
3. Survey Exhibit

**Staff Reviewer:** Jesse M. Pohlman, Senior Planner

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### **Petition History**

This petition will receive a public hearing at the April 9, 2013 Board of Zoning Appeals meeting. The petition was reviewed by the Technical Advisory Committee at its March 19, 2013, meeting and received no comments.

### **Analysis**

The subject property is 7.986 acres +/- in size and is located on the east side of Little Eagle Creek Avenue; approximately two-thirds of a mile north of 146<sup>th</sup> Street (see [Exhibit 2](#)). The Property is zoned Agriculture – Single Family 1 District (“AG-SF1”) and currently contains a single family home owned by the Petitioner’s family. The surrounding properties are zoned AG-SF1 and improved with single-family residential uses and/or agricultural/equestrian uses.



The approval of the requested variances would allow the Property to be split into two (2) parcels, as identified on the Survey Exhibit (see Exhibit 3). If approved, the Petitioner intends to construct a second home on the Property. As shown on the Survey Exhibit, Parcel II (3.696 acres+/-) would include the existing home and would comply with the AG-SF1 District standards. The requested variances would apply to Parcel I (4.272 acres+/-), which is proposed to include the Petitioner's home and would be located behind Parcel II. The access and driveway for Parcel II would be located along the northern edge of the Property.

Minimum Lot Frontage on Road (WC § 16.04.030.B.5): The standard for Minimum Lot Frontage on Road in the AG-SF1 District is two hundred and fifty (250) feet. The Property currently has a lot frontage of 374.19 feet+/- . The Petitioner is requesting a Minimum Lot Frontage on Road of fifty (50) feet for Parcel I, which would result a lot frontage of three hundred and twenty-one (321) feet+/- for Parcel II.

Minimum Lot Width at Building Line (WC § 16.04.030.B.6.d): The standard for Minimum Lot Width at Building Line in the AG-SF 1 District is one hundred (100) feet. Parcel I would have the Minimum Lot Width required where the home is proposed to be built; however, the Zoning Ordinance<sup>1</sup> measures the Lot Width at the Minimum Front Yard Setback Line, which in the AG-SF1 District is eighty (80) feet from Little Eagle Creek Avenue. As a result, the Petitioner is requesting a Minimum Lot Width of fifty (50) feet for Parcel I (as measured eighty (80) feet from Little Eagle Creek Avenue), which coincides with the requested Minimum Lot Frontage. Parcel II would still comply with the Minimum Lot Width standard.

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### Procedural

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:*

**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 because the AG-SF1 District permits the proposed residential use and the resulting parcels will otherwise comply with or exceed the applicable standards of the AG-SF1 District.

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<sup>1</sup> The Zoning Ordinance defines "Lot Width" as "[t]he dimension of a lot, measured between side lot lines on the building line" and "Building Line" as "[t]he line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of a building or structure and the front lot line as defined by the legal description."



- 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(s) should not have a negative impact on surrounding properties because: (i) the resulting parcels will otherwise comply with or exceed the applicable standards of the AG-SF1 District; and (ii) the approval of the variance(s) will allow for the development of the Property in a manner substantially consistent with the quality and character of the surrounding area.

- 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 split the Property, as proposed. The use is permitted by the zoning ordinance and the parcel would otherwise be permitted and comply with the zoning ordinance.

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### **Recommendation**

If the Board finds the application of the terms of the zoning ordinance would result in practical difficulties in the use of the Property and adjacent property values will not be affected in a substantially adverse manner, then the Department recommends approving 1304-VS-01 with the following conditions:

1. That the Petitioner dedicates a fifty (50) foot half right-of-way (pursuant to the Westfield Thoroughfare Plan) along the Property's Little Eagle Creek Avenue frontage to the City of Westfield prior to the issuance of a Certificate of Occupancy for any new home on the Property; and
2. That the Petitioner records an Acknowledgement of Variance with the Hamilton County Recorder's Office and returns a copy of the recorded instrument to the Economic and Community Development Department prior to the issuance of a building permit for the Property.