



**Petition Number:** 1306-VS-05

**Subject Site Address:** Northeast corner of State Road 32 and Wheeler Road and more specifically identified as Parcel No.: 09-05-36-00-00-039.000

**Petitioner:** Wellbrooke of Westfield

**Request:** The petitioner is requesting a Variance of Standards from the Westfield-Washington Township Zoning Ordinance for a temporary Nonresidential Real Estate Sign (16.08.010 K. 4. c).

**Current Zoning:** General Business (GB) District

**Current Land Use:** Vacant/Undeveloped

**Approximate Acreage:** 1.122 acres (Lot 1 of the 32 at 31 – Henke Center Plat)

**Exhibits:**

1. Staff Report
2. Aerial Location Map
3. Petitioner’s Application

**Staff Reviewer:** Sarah L. Reed, AICP

---

**Petition History**

This petition will receive a public hearing at the June 11, 2013 Board of Zoning Appeals meeting.

---

**Property Location and Description**

The subject property is approximately one (1.122) acre in size and is located on the northeast corner of State Road 32 and Wheeler Road (the “Property”). The Property is zoned General Business (GB) District and is surrounded by property zoned Enclosed Industrial (EI) to the north, east, and west. The Property is adjacent to SR 32 on the south and the property across SR 32 is zoned the Hall and House Planned Unit Development (PUD).

The Petitioner desires to install a Nonresidential Real Estate sign on the Property for the Wellbrooke of Westfield assisted living facility. Wellbrooke of Westfield is the first business to locate in the Grand Park area, and the road network to get patrons to the facility is not yet completed. The new Wheeler Road extension, when completed, will be the primary access to the facility from State Road 32.



## **Analysis**

**Maximum Sign Area:** The Nonresidential Real Estate Sign standards have a maximum of 64 square feet in sign area. The proposed sign area is 48 square feet which is less than the maximum sign area for Nonresidential Real Estate Signs.

**Maximum Sign Height:** The maximum sign height for Nonresidential Real Estate Signs is six feet. The proposed sign face is six feet tall, with a thirty inch lift at the base for mower clearance.

**Installation:** Per the Nonresidential Real Estate Sign standards, temporary signs may only be erected or installed on the parcel that is being marketed for sale. The Property where the sign is proposed is not the specific parcel being marketed for sale. The property owners have agreed to provide this location for a temporary sign that identifies the future desired route of the Petitioner's facility.

**Removal:** The Nonresidential Real Estate Sign standards require that temporary signs be removed after closing on the parcel being marketed. As part of the request, the Petitioner has agreed to a time limitation of six months for the sign to remain on the Property.

**Maximum Number of Signs:** The Nonresidential Real Estate Sign standards limit the quantity of signs to one every 500 feet of street frontage. The Property currently has one Nonresidential Real Estate sign located on the Property and, the proposed sign would be in addition to this existing sign.



**Procedural**

A 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 Ind. 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 the requested variance will be injurious to the public health, safety, morals, and general welfare of the community because temporary Nonresidential Real Estate Signs are contemplated and permitted on the commercially zoned property.

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 because SR 32 is a highly traveled commercial corridor and the type of temporary signage requested is contemplated and permitted on the commercially zoned 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:** The strict application of the zoning ordinance would not permit the petitioner to locate a sign on the subject property because it would not be located on the parcel being marketed for sale. Wellbrooke of Westfield is the first business to locate in the Grand Park area, and the road network to the facility is not yet completed. The new Wheeler Road extension is currently being constructed by INDOT, and when completed, will get visitors to the facility from State Road 32. Until the road network is completed and available, the petitioner has indicated that it will continue to be difficult to market its business. Therefore, the requested sign will increase the efficiency in the traffic pattern to the site and allow for the site to be marketed during the construction of Wheeler Road, to overcome the practical difficulty.



**Recommendation**

Approve 1306-VS-05 based on the findings of this report with the following conditions:

1. That the approval of this variance shall expire in six months (December 11, 2013).
2. That any request to extend the time limit for this variance shall be reviewed and approved by the Board of Zoning Appeals prior to December 11, 2013.
3. 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.