



Petition Number: 1309-VS-09

Subject Site Address: 16950 Joliet Road (the "Property")

Petitioner: Jean Tague by E. Davis Coots, Esq.

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 16950 Joliet Road, Westfield, Indiana 46074. The request is to: (i) allow a Minimum Lot Frontage on Road of twenty-five (25) feet (WC § 16.04.030.B.5); and (ii) to allow a Minimum Lot Width at Building Line of twenty-five (25) feet (WC § 16.04.030.B.6.d).

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

Current Land Use: Residential

Approximate Acreage: 20.91 acres +/-

Exhibits:

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

Staff Reviewer: Jesse M. Pohlman, Senior Planner

Petition History

This petition will receive a public hearing at the September 10, 2013 Board of Zoning Appeals meeting. The petition was reviewed by the Department of Public Works and the recommendations set forth herein incorporate the Department's comments.

Analysis

The subject property is 20.91 acres +/- in size and is located on the west side of Joliet Road; approximately one-third of a mile north of 166th 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. 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](#)). As shown on the Survey Exhibit, Parcel II would comprise of 12.24 acres+/- and would comply with the AG-SF1 District standards. The requested variances would apply to Parcel I (8.67 acres+/-), which includes the existing home. The access and driveway for both parcels is proposed as a shared access easement that would be located along the existing driveway on the south edge of the proposed Parcel I. As a result, no new driveway cut would be requested to accommodate this parcel split.

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 313.59 feet+/- . The Petitioner is requesting a Minimum Lot Frontage on Road of twenty-five (25) feet for Parcel I, which would result in a lot frontage of 288.59 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. As proposed, Parcel II would have the Minimum Lot Width required. The width of Parcel I is greater than one hundred (100) feet where the existing home is located; however, the Zoning Ordinance¹ measures the Lot Width at the Minimum Front Yard Setback Line, which in the AG-SF1 District is eighty (80) feet from Joliet Road. As a result, the Petitioner is requesting a Minimum Lot Width of twenty-five (25) feet for Parcel I (as measured eighty (80) feet from Joliet Road), which coincides with the requested Minimum Lot Frontage.

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.

¹ 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.

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 1309-VS-09 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 Joliet Road frontage to the City of Westfield prior to the issuance of a Certificate of Occupancy for any new building permit on the Property;
2. That no new driveway cut shall be permitted onto Joliet Road for the Property;
3. That the Petitioner records an access easement with the Hamilton County Recorder's Office contemporaneous with the splitting of the Property 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. The access easement shall be located as generally shown on the Survey Exhibit and shall grant access in favor of Parcel II across the existing driveway; and
4. 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.