



**Petition Number:** 1401-VS-02

**Subject Site Address:** 236 North Street (the "Property")

**Petitioner:** James Investment Group, LLC (Sam Milligan, North Ridge Construction)

**Request:** The petitioner is requesting Variances of Standard from the Westfield-Washington Township Zoning Ordinance for a pre-existing non-conforming lot (WC 16.04.010.Y.1) and for a reduction in the minimum front yard setback line in the Single-Family 3 (SF-3) District (WC 16.04.030.E.6).

**Current Zoning:** SF-3 (Single Family-3) District

**Current Land Use:** Residential

**Approximate Acreage:** 0.22 acre+/-

**Exhibits:**

1. Staff Report
2. Aerial Location Map
3. Proposed Plans

**Staff Reviewer:** Kevin M. Todd, AICP

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### **Petition History**

This petition is scheduled to receive a public hearing at the January 14, 2014 Board of Zoning Appeals meeting.

### **Analysis**

The subject property is approximately 0.22 acre +/- in size and is located on the northwest corner of Cherry Street and North Street in Downtown Westfield (see Exhibit 2). The Property is zoned Single-Family-3 District ("SF-3") and currently contains a single family home and detached accessory building. The surrounding properties are zoned SF-3 and SF-4 and are improved with single-family residential structures.

Nonconforming Lot of Record (WC 16.04.010.Y.1): The lot was created prior to zoning regulations being established in Westfield-Washington Township. The lot does not meet the minimum lot size standard for an SF-3 residential lot, making it a pre-existing nonconforming lot. The lot does not meet the



“Nonconforming Lot of Record” provisions of the Zoning Ordinance (WC 16.04.010.Y.1), which state that a pre-existing nonconforming lot can be used if it meets three (3) criteria: 1) that the lot owner does not have sufficient adjacent land to enable the parcel to conform; 2) that the lot width is at least 100 feet; and 3) that the lot is at least three (3) acres in size. The Property does not meet these criteria, which is the reason for the requested variance.

Front Yard Setback (WC 16.04.030.E.6): The proposed residential structure would not meet the setback requirement from Cherry Street, which is twenty (20) feet. The proposed structure would be approximately three-and-one-half (3.5) feet from the east property line, which is the reason for the requested variance.

Grand Junction: The Property is located within Downtown Westfield, or Grand Junction. One of the overarching goals for Grand Junction is to have as many people living within walking distance of downtown as soon as possible. Building a new residential structure on this Property would help in achieving that goal. As downtown redevelops, requests of this nature are likely to increase.

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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 variances would be injurious to the public health, safety, morals, and general welfare of the community because the SF-3 District permits the proposed residential use. The Grand Junction Plan calls for increased residential uses within and around the downtown area. This proposal is consistent with that plan.

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 variances should not have a negative impact on surrounding properties because the Property and the surrounding area has been, and continues to be, used residentially. The proposed home design appears to be consistent and compatible with other nearby residential buildings.



- 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 build the proposed residential building on this Property. The property is not wide enough in order for the proposed building to meet all existing setback requirements.

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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 1401-VS-02 with the following condition

- 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.