



Petition Number: 1603-VS-03

Subject Site Address: 17319 Joliet Road (the "Property")

Petitioner: Renee Beckner
(the "Petitioner")

Request: The petitioner is requesting a Variance of Development Standard to reduce the Minimum Lot Frontage in the AG-SF1: Agriculture/Single-Family Rural District (*Article 4.2(D)*).

Current Zoning: AG-SF1: Agriculture/Single-Family Rural

Current Land Use: Agriculture and Single-Family Residence

Approximate Acreage: 10 acres

Exhibits:

1. Staff Report
2. Location Map
3. Proposed Site Plan

Staff Reviewer: Pam Howard, Associate Planner

Petition History

This petition will receive a public hearing at the March 8, 2016, Board of Zoning Appeals meeting.

Analysis

Location: The subject property is 10 acres +/- in size and located at 17319 Joliet Road (see Exhibit 2). The Property is zoned the AG-SF1: Agriculture/Single-Family Rural District. The Property contains a single-family residence which is currently being rented out, as well land that is currently being farmed. The surrounding properties are also zoned AG-SF1.

Variance Request: The Petitioner is requesting this variance to reduce the Minimum Lot Frontage¹, as generally illustrated on the Proposed Site Plan (see Exhibit 3).

Article 4.2(D) AG-SF-1 Agriculture/Single-Family Rural District; Minimum Lot Frontage:
250 Feet

Comprehensive Plan: The Westfield-Washington Township Comprehensive Plan identifies this Property within the "Existing Rural Southwest" land use classification.

¹ The UDO defines "Lot Frontage" as "[t]he length of the Front Lot Line." The UDO defines "Lot Line, Front" as "[a] Lot Line abutting a Street (public or Private Street). A through Lot and Corner Lot will have multiple Front Lot Lines."



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 March 8, 2016, 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 UDO² 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 UDO³ 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 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.

² Article 10.14(I) Processes and Permits; Variances; Conditions of the UDO.

³ Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.



Department Comments

If the Board is inclined to approve the variance, then the Department recommends the following conditions and findings:

Recommended Condition:

1. A 25' access easement for the existing driveway be included on the Secondary Plat.

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 would be injurious to the public health, safety, morals, and general welfare of the community. The use and access to the property is not proposed to change.

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 use of the property is not proposed to change.

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 subdivide the property. The use of the property is not proposed to change, is a permitted use, and otherwise complies with the Unified Development Ordinance.