TOWN OF WESTFIELD

COMMUNITY DEVELOPMENT DEPARTMENT

WESTFIELD-WASHINGTON TOWNSHIP
ADVISORY PLAN COMMISSION
BOARD OF ZONING APPEALS
ZONING ENFORCEMENT
BUILDING PERMITS

Meeting Date:	June 18, 2007
Docket Number:	0706-VS-018
Appellant:	Washington Township Parks and Recreation Department
Property Address:	21107 U.S. 31 North (MacGregor Park)
Special Exception Request:	*WC 16.06.050, B2* Road Frontage Plantings

EXHIBITS

1.	Staff Report	06/18/2007
2.	Aerial Location Map, Zoning Map & Existing Land Use Map	06/18/2007
3.	Property Cards	06/07/2007
4.	Appellant's Application and Plans	05/21/2007

RELATED CASES

0706-VS-016	Parking lot island plantings – variance request
0706-VS-017	Buffer yard requirements – variance request
0706-VS-019	Side yard setback – variance request
0706-VS-020	On-site plantings – variance request

VARIANCE OF STANDARD REQUEST

This variance of standard request is to reduce the road frontage planting requirements from 1 shade tree per 40 linear feet of road frontage (*WC 16.06.050, B2*). The subject site has road frontage on U.S. 31.

PROPERTY INFORMATION

The subject property is currently approximately 43 acres in size (see Exhibit 3). The subject property is located on the east side of U.S. 31 and is approximately 60 feet north of S.R. 38. The subject property is zoned AG-SF1. The property is heavily wooded and is being used as a public park (identified as 'Vacant' on Exhibit 2 because of being largely a wooded area).

The subject property is surrounded on all sides by a combination of agricultural and single-family residential uses (see Exhibit 2). A single-family residence is also located in the middle of the park's area; a common drive is shared between the park and the residence. Property on all sides is also zoned AG-SF1. Portions of the subject property fall within the U.S. 31 Overlay District, however, the proposed impacted area of the subject property does not fall within the

U.S. 31 Overlay District. A utility easement for the high-tension power lines crosses the southern portion of the site from northeast to southwest.

PROPERTY HISTORY

There are no previous variance, special exception, development plan, subdivision plat, or rezoning cases on record for the subject property.

ANALYSIS

The submitted plans depict a new restroom/maintenance facility on the southeastern portion of the subject property; the facility would be located approximately 1,800 feet from U.S. 31. The submitted plans depict an eco-friendly design to the structure, drive and parking areas, and drainage system. The plans also depict an eight-foot (8') walking path. The path is generally located along the perimeter of the park's property and continues on private property, via an access easement, to create a complete loop.

The Westfield-Washington Township Zoning Ordinance does not adequately address the development of institutional uses, such as public parks – this is especially true when trying to apply the Town's landscaping standards to a park site. MacGregor Park is a nature-conservatory, and the intent of a nature-conservatory is to conserve, preserve, and maintain the natural habitat by making only minimal disturbances to the land for improvements. Applying linear, unnatural landscaping standards to a heavily wooded nature park is contrary to the intent of a nature-conservatory.

The subject site's northern section of road frontage along U.S. 31 is heavily wooded. The submitted plans indicate that the remaining section of road frontage along U.S. 31 has been recently planted for reforestation. The reforestation plantings are small seedlings and saplings and do not meet the minimum caliper requirements for shade trees.

Deed restrictions limit the available use of the subject property and require conservation of the wooded areas.

The proposed plans would be required to meet all remaining standards not varied by these requests and would require development plan approval from the Advisory Plan Commission.

The Westfield-Washington Township Comprehensive Plan recommends that this area remain rural in character and use. It is identified as part of the "Rural Northwest and Northeast" component of the future land use plan.

FINDINGS

No variance of standard shall be granted unless the BZA finds <u>all</u> of the following to be true:

a. That the approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:

Findings: It is unlikely that the approval of the requested variance of standard would be injurious to the public health, safety, morals, and general welfare of the community. The intent of road frontage shade trees is to provide visual interest, visual relief, and shade protection along the Town's street network. A portion of the subject site's road frontage is currently wooded and the remainder has recently been planted for reforestation. By not installing additional shade trees along U.S. 31, the public health and safety of the community would not be compromised.

b. That the use and value of the area adjacent to the property included in the variance of development standard will not be affected in a substantially adverse manner:

Findings: It is unlikely that the approval of the requested variance of standard would affect adjacent properties in a substantially adverse manner. A portion of the subject site's road frontage is currently wooded, and the remainder has recently been planted for reforestation. By not installing additional shade trees along U.S. 31, the use and value of neighboring properties would not be negatively impacted.

c. That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:

Findings: The intent of a nature-conservatory is to conserve, preserve, and maintain the natural habitat by making only minimal disturbances to the land for improvements. A portion of the subject site's road frontage is currently wooded and the remainder has recently been planted for reforestation. Requiring the planting of additional shade trees in an unnatural planting pattern on a nature conservatory would be contrary to the goals, use, and function of the subject property.

NOTE: If the Board does not determine ALL findings of fact in favor of the appellant, then it may not legally approve the variance request.

RECOMMENDED CONDITIONS

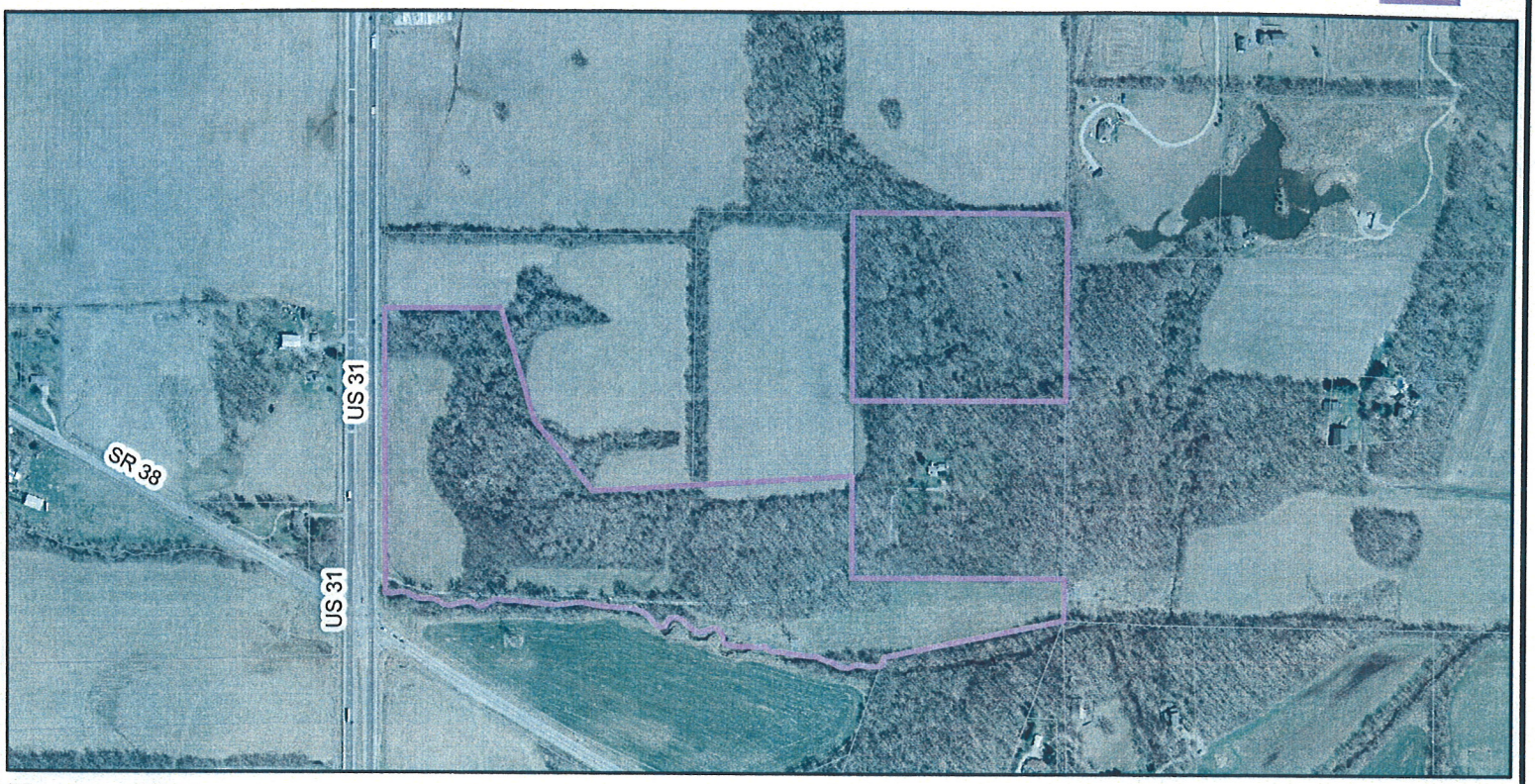
Should the Board approve this variance of standard request, the following condition would be appropriate:

1. That all conditions associated with variance requests 0706-VS-016, 0706-VS-017, 0706-VS-019 and 0706-VS-020 are binding on the subject property.

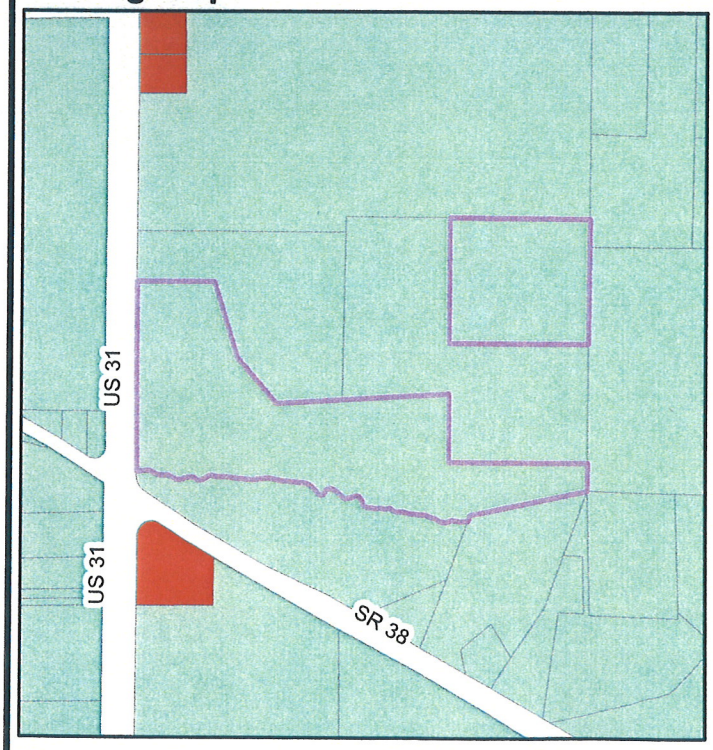
0706-VS-01, 0706-VS-017, 0706-VS-018, 0706-VS-019, 0706-VS-020
08-06-18-00-00-003-000
21107 US 31
Exhibit 2

Community Development Department

Aerial Location Map



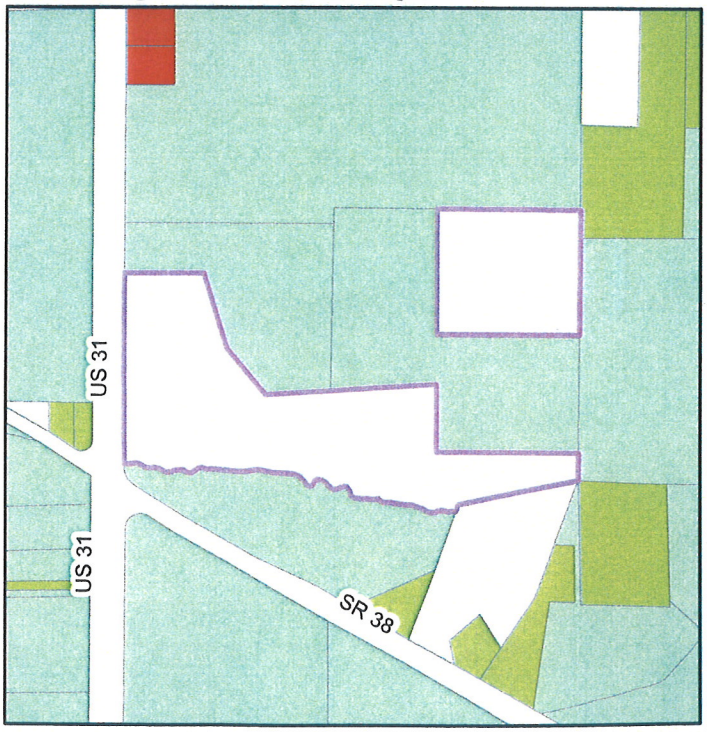
Zoning Map



Agriculture Single Family 1

General Business

Existing Land Use Map



Agriculture

Residential Non-urban

Vacant

I:\CD\Community Services Share\GIS\Projects\Zoning\2007\0706VS016 21107 US 31 North\Site Map.mxd (06/06/07)

EXHIBIT 3

co.HAMILTON.in.us
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Online Se

Property Card Report

1. report type Reset | **2. property search** new search | **3. view reports** general parcel info. | spring tax statement | tax payments | property card | fall tax statement

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Any, and all information contained on this web site report is the result of assessment data extracted on the most recent taxable year - **March 1, 200** Improvement characteristics may differ from those used to determine the total assessed value listed.

Summary Information - Parcel Number: 08-06-18-00-00-003.002

Property Data	
Parcel Location	Us 31,Westfield
Taxing Unit	Washington
Legal Description	10/18/01 splt fr 003.000, 031.000 & combined w/025.000 2001-
Section/Township/Range	S18 T19 R04
Subdivision Name	NULL
Lot and Block	Lot Block
Acres	31.05
Effective Frontage	
Effective Depth	
Property Class	Exempt Township
Exterior Features and Out Buildings	

Property Owner as of April 29, 2006	
Washington Township of Hamilton County	
Most Recent Valuation as of March 1, 2005	
Assessed Value: Land	17300
Assessed Value: Improvements	0
Total Assessed Value:	17300

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Any, and all information contained on this web site report is the result of assessment data extracted on the most recent taxable year - **March 1, 200** Improvement characteristics may differ from those used to determine the total assessed value listed.

Summary Information - Parcel Number: 08-06-18-00-00-003.001

Property Data	
Parcel Location	Us 31,Westfield
Taxing Unit	Washington
Legal Description	10/18/01 splt fr 003.000 fr 2001-66698 10/31/01 drawing of
Section/Township/Range	S18 T19 R04
Subdivision Name	NULL
Lot and Block	Lot Block
Acres	11.56
Effective Frontage	
Effective Depth	
Property Class	Exempt Township
Exterior Features and Out Buildings	

Property Owner as of April 29, 2006	
Washington Township of Hamilton County	
Most Recent Valuation as of March 1, 2005	
Assessed Value: Land	1700
Assessed Value: Improvements	0
Total Assessed Value:	1700

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EXHIBIT 4

RECEIVED
MAY 21 2007
WESTFIELD COMMUNITY DEVELOPMENT DEPARTMENT

TOWN OF WESTFIELD, INDIANA

Petition Number: 0706-VS-018
Date of Filing: 5/21/07

~~Application for~~ VARIANCE OF DEVELOPMENT STANDARD
Westfield – Washington Township
Board of Zoning Appeals (BZA)

This application must be completed and filed with the Community Services Department of the Town of Westfield, Indiana in accordance with the meeting schedule.

1. Appellant's Name: Washington Twp. Parks & Rec
   Address: 1549 E. Greyhound Pass
   Carmel 46032
   Telephone Number: 317-574-1074
   E-Mail Address:

2. Landowner's Name: same
   Address:
   Telephone Number:

3. *Representative: Melody Sweat
   *Address: 1549 E. Greyhound Pass
   Carmel 46032
   *Telephone Number: 317-574-1074 x 4
   *Email Address: msweat@washingtontownship-ha.us

*If the applicant is not presenting a petition, please provide contact information for the party representing the applicant.

4. Common description of property (address, location, etc.)
   MacGregor Park
   21107 US 31 North
   Westfield 46074

5. Legal description of property (list below or attach)
   see attached boundary Survey

6. Complete description of the nature of the development standard variance applied for:
   WC 11.06.050 B 2 Road frontage standards

7. **ALL SITE PLANS SHALL BE LEGIBLE AND DRAWN TO SCALE.** Site plans must accompany this application and must depict at a minimum:

   a. Lot(s) shape and dimensions;
   b. Location and dimensions of existing and proposed structures;
   c. Location and dimensions of existing and proposed points of ingress and egress; and
   d. All topographic and natural features and/or other unusual characteristics associated with the property.

8. The Applicant must address the following criteria and establish at the public hearing that each of the following is true in order to obtain a favorable determination from the BZA.

   No variance of development standard shall be granted unless the BZA finds <u>all</u> of the following to be true:

   a. That the approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:

   will not

   b. That the use and value of the area adjacent to the property included in the variance of development standard will not be affected in a substantially adverse manner:

   will not

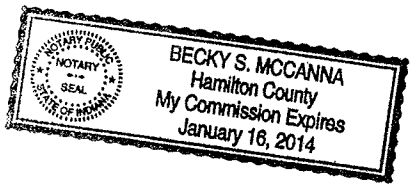
   c. That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:

   The impacted area lies within the IPL powerline easement which prohibits trees or bushes to be planted. The entire site is forested, and we planted an additional 1000 trees along US 31.

The Appellant hereby certifies that the information contained in and accompanying this application is true and correct.

Washington Twp Parks & Rec
Applicant
Melody Swaat, Director

SUBSCRIBED AND SWORN TO ME THIS 21st DAY OF May, 2007.



Becky S. McCanna
Notary Public

My commission expires: Jan 16, 2014