

PETITION NUMBER:	0903-VS-04
SUBJECT SITE ADDRESS:	1424 East 191 st Street
APPELLANT:	Scott and Amy Kirkwood
REQUEST:	The Appellant is requesting a Variance of Standard from the Westfield-Washington Zoning Ordinance (WC 16.04.010, I) to allow to allow a second primary structure on one lot.
CURRENT ZONING:	AG-SF1
CURRENT LAND USE:	Residential
APPROXIMATE ACREAGE:	3.32 acres
RELATED CASES:	95-V-42
EXHIBITS:	1. Staff Report, 03/10/09
	2. Location Map, 03/10/09
	3. Property Card, 03/10/09
	4. Appellant's Application and Plans, 2/02/2009
	5. Appellant supplied photos, 2/02/2009
STAFF REVIEWER:	Jeremy Miller

PROCEDURAL

This item requires a public hearing.

PETITION HISTORY

The March 10, 2009 Board of Zoning Appeals meeting represents the first hearing of this petition before the Board.

PROPERTY HISTORY

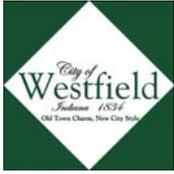
In 1961, a house was constructed on the subject property (Exhibit 3). Improvements to the property include a 24 foot by 36 foot room addition to the home in 1984 (Permit Number 84-IP-23) and 24 foot by 40 foot detached garage in 1988 (Permit Number 88-IP-165).

The property currently has one variance. A BZA case was filed in 1995 (95-V-42) for a variance of subdivision, lot frontage and lot size to permit the erection of a new single family residence and continue the use of the existing single family residence. The case was heard on November 20, 1995 and was approved and the property was divided and recorded.

There are no pending code enforcement actions on this property.

ANALYSIS

This variance request is to allow the existing 24 foot by 40 foot detached garage to be converted and used as a second primary structure. The existing detached garage would be converted into an apartment style living quarters for use by the appellant's relative. The proposed conversion would add a family area, study, sun room, closet, kitchen, bath, bedroom and a wood deck (Exhibit 4). The existing two car garage area will be reduced to accommodate one car. The



appellants have submitted plans showing that the exterior building materials will be 6 inch overlap siding and new roofing material (Exhibit 4).

The appellant's property falls within the U.S. 31 overlay district. The U.S. 31 overlay does not require changes or modifications to the plans that have been submitted for this case.

Staff advised the appellant to contact the Hamilton County Board of Health regarding the existing septic system. The Board of Health did not have a record of the septic system installed when the house was built in 1961. The appellants contacted an excavation company and had the existing septic system pumped and repaired. The newly repaired septic system can handle the demand of the existing home. The appellants have agreed to remove the old septic system and install a new septic system with sufficient capacity for both the existing and proposed primary structures if approved.

The appellant's are proposing to connect the proposed single car garage to the existing drive way. Plans have not been submitted to show the exact location and route of the drive extension. Aerial photos show two mature evergreen trees located between the existing primary structure and the existing two-car garage. Aerials indicate an approximate gap of 12 feet between the two evergreen trees. This gap is adequate width for the driveway extension. The submitted plans do not specify the width of the proposed driveway extension. A minimum drive width of 12 feet is ideal for adequate one way traffic. The existing asphalt drive measures approximately 12 feet wide. Plans do not indicate the material proposed for the driveway extension.

The appellant's have agreed that when the structure is no longer in use by the appellant's relative, the structure will not be rented or leased. The appellants have indicated that the structure could be used for other non-dwelling purposes.

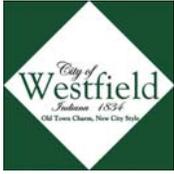
PROCEDURAL

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 IC 36-7-4-918.5 only upon a determination in writing that:

STANDARDS FOR VARIANCE REQUEST

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

Finding: The approval of such a variance will not be injurious to the public health, safety, morals and general welfare of the community. The existing structure is approximately 150 feet from the nearest neighbor. The existing garage is screened from view from the surrounding neighbors and from 191st Street. The driveway extension width will ideally need to be 12-foot wide to accommodate one-way traffic. The appellant's have committed to removing the existing septic system and installing a new septic system that will handle the demand of the existing primary structure and the proposed garage conversion.



2. 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:

Finding: The use and value of the area adjacent to the property will not be adversely impacted by converting the existing garage to a second primary structure. The existing garage is located behind the existing primary structure and has mature trees that fully screen the building from 191st Street. The mature plantings also screen the building from the adjacent neighbors. The existing garage structure has been on the property since 1988 and plans submitted show improvements to the structure that would increase the aesthetics of the building.

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 does not prevent the appellant from the using the property as zoned. The ordinance (WC 16.04.010, I) states that *“Every building hereafter erected shall be located on a lot. In no case shall there be more than one principal building used for residential purposes, and its accessory buildings, located on one lot, except as provided for multi-family type buildings.”* The property is currently being used residentially in accordance with AG-SF1 district standards and therefore does not have a practical difficulty.

RECOMMENDATIONS

Deny this request based on the findings of this report.

JCM



0903-VS-04
 08-05-25-00-00-021.000
 1424 East 191st Street
 Exhibit 2

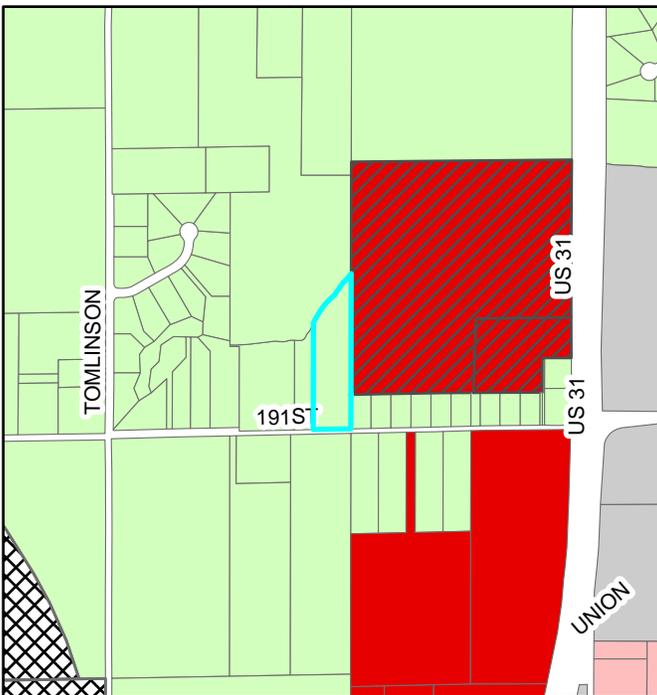


Aerial Location Map

Site

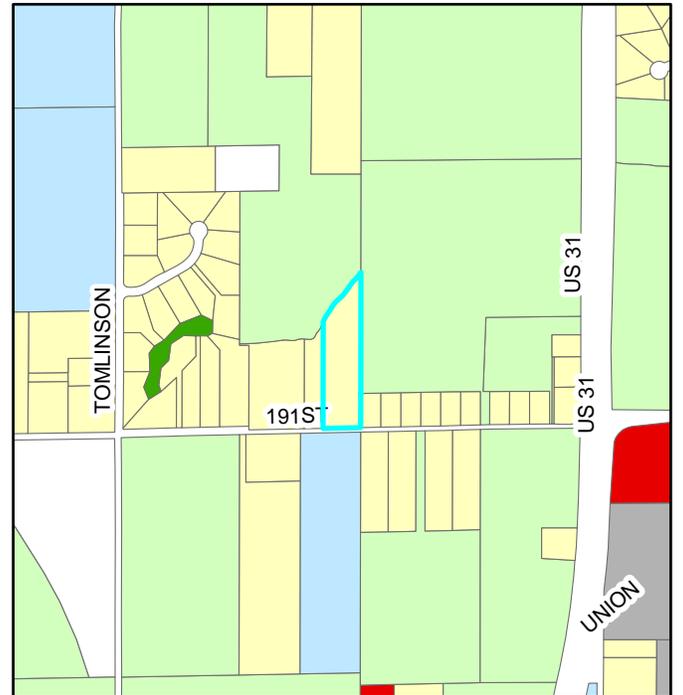


Zoning Map



- | | |
|--------------------------------------|--------------------------|
| Agricultural-Single Family 1 | Enclosed Industrial |
| General Business | Local Business |
| General Business Planned Development | Planned Unit Development |

Existing Land Use Map



- | | |
|---------------|--------------|
| Commercial | Recreational |
| Industrial | Residential |
| Institutional | Vacant |

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

Disclaimer:

This program allows you to view and print certain public records. **Each report reflects information as of a specific date;** so the information provided by different reports may not match. All information has been derived from public records that are constantly undergoing change and is not warranted for content or accuracy. It may not reflect the current information pertaining to the property of interest.

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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, 2007**. Improvement characteristics may differ from those used to determine the total assessed value listed.

Summary Information - Parcel Number: 08-05-25-00-00-021.000

Property Data

Parcel Location	1424 191ST ST E,WESTFIELD
Taxing Unit	Westfield Ag Abated
Legal Description	147-253-254 AUD 1/25/
Section/Township/Range	S25 T19 R03
Subdivision Name	NULL
Lot and Block	Lot Block
Acres	3.32
Effective Frontage	
Effective Depth	
Property Class	Res-1-Family 0 - 9.99 acres

Exterior Features and Out Buildings

1 Attached Garage, 1 Detached Garage,

1 Enclosed Frame Porch, 1 Masonry Stoop, 1 Wood Deck,

Property Owner as of April 30, 2007

Grinstead, Ila

Most Recent Valuation as of March 1, 2007

Assessed Value: Land	60500
Assessed Value: Improvements	181200
Total Assessed Value:	241700

Building 1, Card ID R01

Physical Characteristics

Story Height	
Attic	none
Basement	none
Crawl	approx. 3/4
Year Built	1961

Floor Construction

1.0 (first)	Sub and joists
2.0 (second)	Sub and joists

Floor Finish

1.0 (first)	Carpet, Vinyl tile
2.0 (second)	Carpet, Carpet

Exterior Cover

1.0 (first)	Brick
2.0 (second)	Wood siding

Interior Finish

1.0 (first)	Drywall
2.0 (second)	Drywall

Accomodations

Finished Rooms	10
Bedrooms	4

Heating and Air Conditioning

Primary Heat	YES
Air Conditioning	YES

Plumbing

Full Baths	2
Partial Baths	1

Fireplace

Fireplace Stacks	YES
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Basement Rec Room

Rec Room Type	
Rec Room Square Footage	0

Area/Square Footage (based on exterior eave to eave area)

Building Level	Base Area	Approx. Finished Area
1.0 (first)	2224	2224
2.0 (second)	624	624

Garage

Garage Type	Brick
Garage Square Footage	900

This application is developed and maintained by the Information System Services Department. If you have any questions or comments, please contact the [Webmaster](#).
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**Application for VARIANCE OF DEVELOPMENT STANDARD
Westfield-Washington Township
Board of Zoning Appeals (BZA)**

1. **Appellant's Name (s):** Scott Kirkwood
Amy Kirkwood
Address: 1424 East 191st Street
Westfield, IN 46074
Telephone Number: (317) 896-2243 945-7990 cell ✱
E-Mail Address: skirkwood8303@tds.net

2. **Landowner's Name:** Ila Grinstead
Address: 1424 East 191st Street
Westfield, IN 46074
Telephone Number: (317) 896-2243

3. **Representative:** N/A

4. **Common description of property (address, location, etc.)**
The residential property is located at 1424 East 191st Street, Westfield, IN 46074. It is located on the north side of 191st Street and is across from The Trinity Baptist Church of Westfield Inc.

5. **Legal description of property (list below or attach)**
THE FOLLOWING DESCRIBED REAL ESTATE SITUATED IN HAMILTON COUNTY, STATE OF INDIANA, TO-WIT:

A PARE OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 19 NORTH, RANGE 3 EAST, DESCRIBED AS FOLLOWS:

BEGIN AT A POINT 1326.0 FEET WEST OF THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 19 NORTH, RANGE 3 EAST, RUN THENCE WEST ALONG THE SOUTH LINE OF THIS QUARTER 307.0 FEET TO A POINT, THENCE NORTH PARALLEL TO THE EAST LINE OF SAID QUARTER SECTION 484.7 FEET TO THE SOUTH BANK OF THE WHEELER AND BEALS DRAIN; THENCE FOLLOWING A NORTHEASTERLY COURSE ALONG THE SOUTH BANK OF THIS DRAIN TO BEGINNING; THENCE SOUTH 850.5 FEET TO THE PLACE OF BEGINNING.

6. **Complete description of the nature of the development standard variance applied for:**
A complete description of the nature of the development standard variance we are applying for will be done in accordance to WC 16.04.010, Title 16 Land Use Controls Zoning Ordinance. Our plan is to turn the already existing detached garage into an apartment style living quarters for our Grandmother. Please refer to the blue prints and property photos for both internal and external views and dimensions of our

planned renovation.

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

a. Lot shape and dimensions;

BEGIN AT A POINT 1326.0 FEET WEST OF THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 19 NORTH, RANGE 3 EAST, RUN THENCE WEST ALONG THE SOUTH LINE OF THIS QUARTER 307.0 FEET TO A POINT, THENCE NORTH PARALLEL TO THE EAST LINE OF SAID QUARTER SECTION 484.7 FEET TO THE SOUTH BANK OF THE WHEELER AND BEALS DRAIN; THENCE FOLLOWING A NORTHEASTERLY COURSE ALONG THE SOUTH BANK OF THIS DRAIN TO BEGINNING; THENCE SOUTH 850.5 FEET TO THE PLACE OF BEGINNING.

SEE ALSO ATTACHED: HIGHLIGHTED LOT

b. Location and dimensions of existing and proposed structures;

See attached paperwork.

c. Location and dimensions of existing and proposed points of ingress and egress; and

See attached paperwork.

d. All topographic and natural features and/or other unusual characteristics associated with the property.

See attached site plans for 7a-7c.

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 all 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:

The variance of development standard will become an apartment style living quarters for our Grandmother. There will be thorough inspections done by Certified Hamilton County contractors for the public health and safety. (See attached letter from Joe Hicks Excavating certified Hamilton County contractor.)

- 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:**

No area adjacent to the property included in the variance of development standard will be affected. All changes made will only affect the existing structure that is to be renovated, approval pending. All changes made will only affect the current property being occupied by the owner, but not in any substantially adverse manner.

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

After thoroughly reading WC 16.04.010, it is to our best understanding that the only practical difficulty may be section I., which states: "Every building hereafter erected shall be located on a lot. In no case shall there be more than one principal building used for residential purposes, and its accessory building, located on one lot, exceptions as provided for multi-family type buildings." It is to our best knowledge that the standard of variance we are applying for is for a 'multi-family' type of building. Our Grandmother is on a fixed income and the price of living and economical restrictions are increasing. We want our Grandmother to be able to maintain her independence while at the same time residing at the same address she has lived at for the last forty eight years, which is so near and dear to her heart.

TOWN OF WESTFIELD, INDIANA

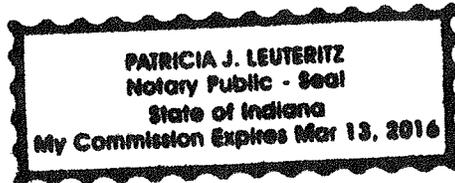
The Appellant hereby certifies that the information contained in and accompanying this application is true and correct.

Amy Kirkwood
Applicant

SUBSCRIBED AND SWORN TO ME THIS 26th DAY OF Feb, 2009.

Patricia J. Leuteritz
Notary Public

My commission expires: 3/13/2016



February 1, 2009

Ila Grinstead
1424 East 191st Street
Westfield, IN 46074

To Whom It May Concern:

I am selling my residential property located at 1424 East 191st Street to Scott and Amy Kirkwood. Our closing date is February 9th, 2009. At this time the property will become theirs'. The deadline for the Application for Variance of Development Standard is February 3rd, 2009, at which time I will still be the owner of this property. I am in full agreement with the plans my Grandchildren have set forth and support their request for the Variance.

Sincerely,

A handwritten signature in cursive script that reads "Ila Grinstead".

Ila Grinstead

7a:



7b.

Secondary Primary Structure.



1424 E 191st St, Westfield, IN 46074

Image IndianaMap Framework Data
© 2009 Tele Atlas

Google

40°03'54.23" N 86°07'57.58" W elev 896 ft Eye alt 1216 ft

7b.



Secondary
Primary
Structure

1424 E 191st St, Westfield, IN 46074

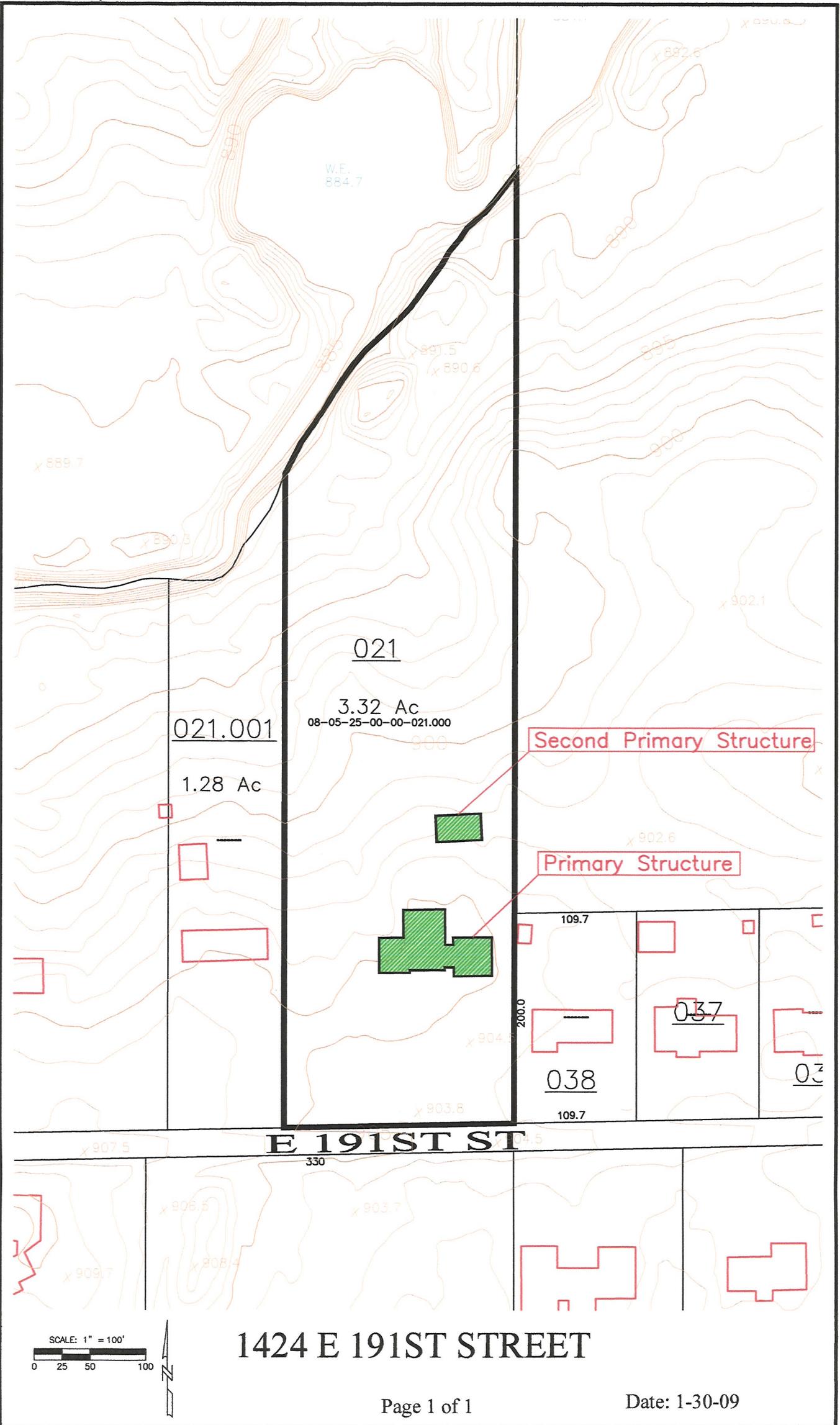
Image IndianaMap Framework Data
© 2009 Tele Atlas

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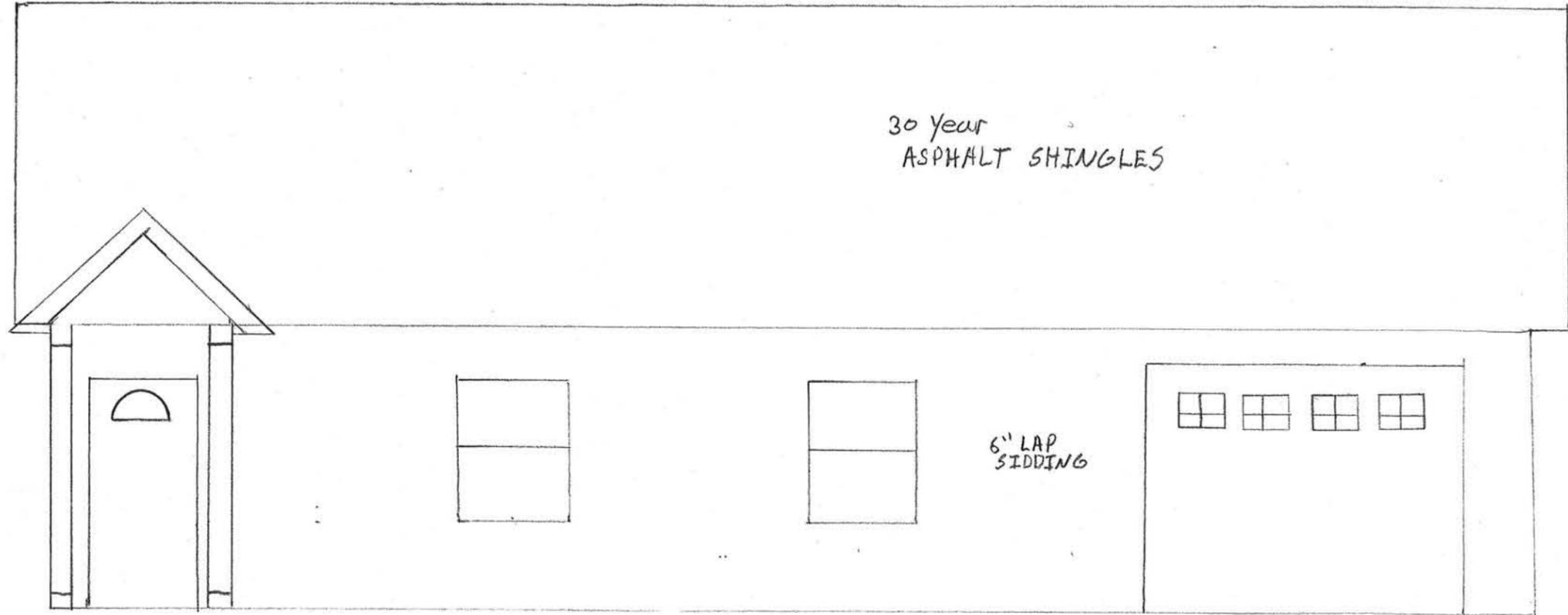
40°03'55.20" N 86°07'57.67" W elev 896 ft Eye alt 1426 ft

7b.

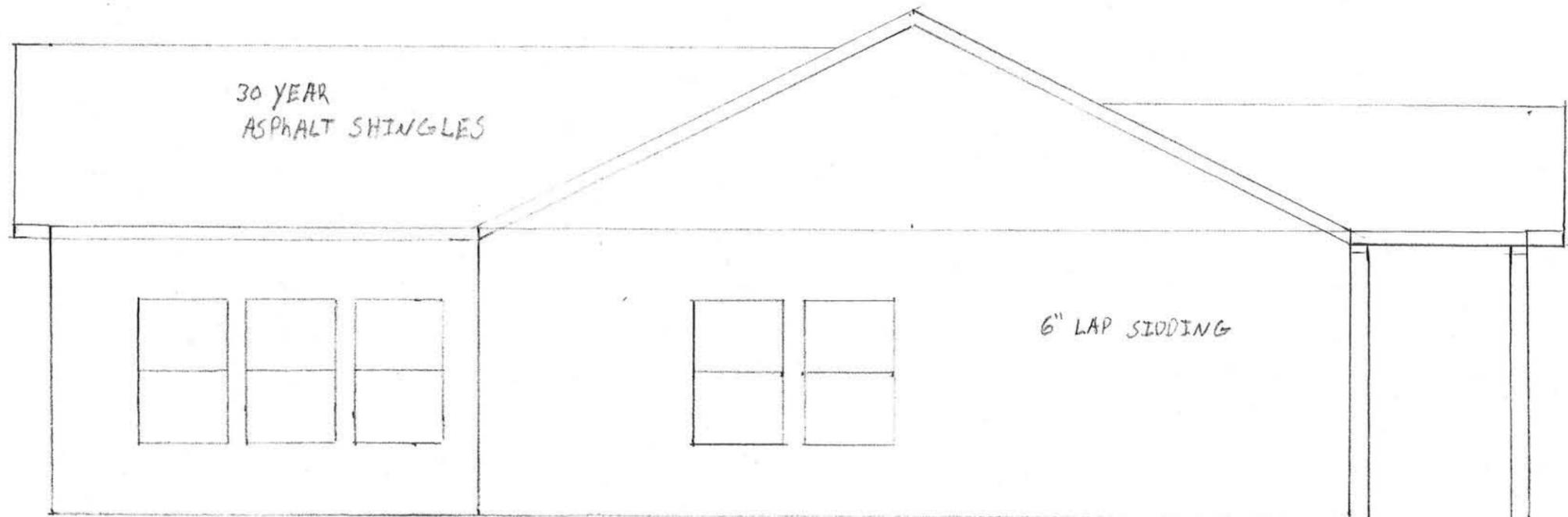
LOCATION: C:\JimShields\Scott Kirkwood\kirkwood base.dwg
DATE/TIME: January 30, 2009 - 4:44pm
PLOTTED BY: shieldsj



7b.



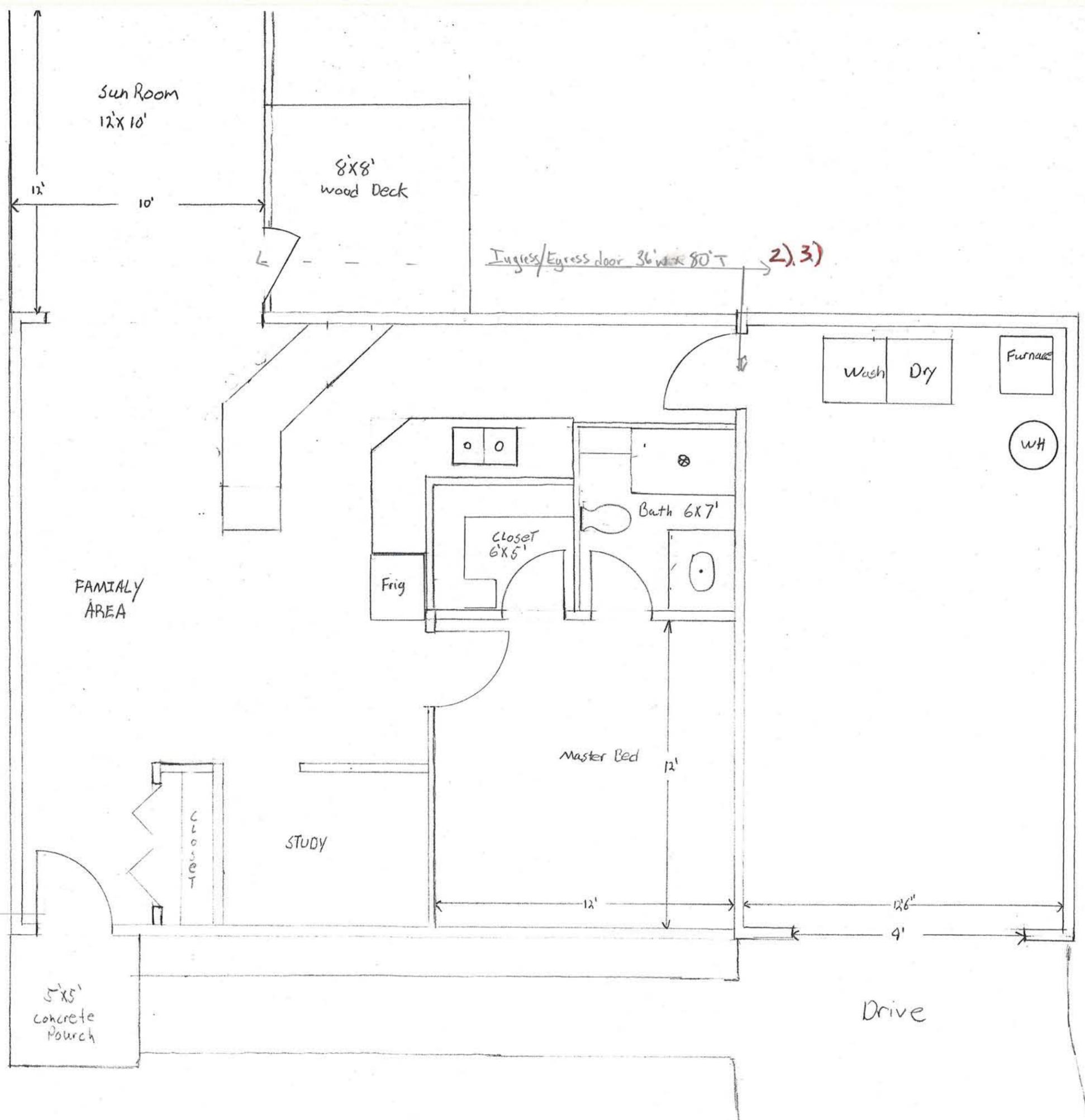
SOUTH ELEVATION



WEST ELEVATION

7C.

Dimensions
Ingress/Egress points 1-4



1) Ingress/Egress Front door 36' w x 80' T.

4) Ingress/Egress Garage door 9'4" w x 7'4" T.

8a.

Joe Hicks Excavating
9561 Indianapolis Road
Zionsville, IN 46077

1-31-09

To: Hamilton County Health Dept.

Repaired line from house to septic tank. Had septic tank pumped. System back to original operating condition. Due to age of system and condition, the whole system needs to be replaced. System located at 1424 East 191st Street, Westfield, IN.

Joe Hicks
Joe Hicks
Joe Hicks Excavating

Exhibit 5









