



Petition Number: 1109-VS-05

Subject Site Address: 15577 Oak Road

Petitioner: Tim Swinney

Request: The petitioner is requesting a Variance of Standard from the Westfield-Washington Zoning Ordinance (WC 16.04.030, B, 6, a) to reduce the front yard setback requirement from 80 feet to 5 feet, for the construction of an attached garage.

Current Zoning: AG-SF1

Current Land Use: Residential

Approximate Acreage: 3 acres

Exhibits:

1. Staff Report
2. Aerial Location Map
3. Approval Letter, 81-V-4
4. Petitioner's Plans

Staff Reviewer: Kevin M. Todd, AICP

Petition History

This petition will receive a public hearing at the September 13, 2011 Board of Zoning Appeals meeting.

Property History

On April 20, 1981, the Board of Zoning Appeals approved a variance request to reduce the road frontage requirement of the subject property (81-V-4). The variance allowed the construction of a single-family home on a property that did not have any road frontage.

Property Location & Project Description

The subject property is used residentially and is located at 15577 Oak Road (the "Property"). The Property is located in the Agricultural-Single Family 1 (AG-SF1) District. Single family residential uses and accessory uses thereof are permitted in the AG-SF1 District. The Property is accessed via a private



access easement, located to the south of the Property (the "Property Access"). As a result, the southern property line is defined as the "front lot line", according to the Zoning Ordinance. The property on the south side of the Property Access (the "Southern Property") is a densely wooded residential property (with a wooded area abutting the Property Access). The "Southern Property" does not share the Property Access with the Property.

The proposal is to build an attached garage on the south side of the existing residential structure. The garage would be located approximately five (5) feet from the southern property line. The required setback from the southern property line is eighty (80) feet.

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 Ind. 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 would be injurious to the public health, safety, morals, and general welfare of the community. The proposed residential addition is a contemplated and acceptable use in the AG-SF1 District, and locating it closer to a private property access road should not have a negative impact on the community's health and safety.

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 that the use and value of adjacent property will be affected in a substantially adverse manner. The proposed garage would be across a private drive from the wooded portion of the Southern Property. Feedback from adjacent property owners should provide insight about the impact on adjacent properties.

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 construct the attached garage, as proposed. Septic system infrastructure would prohibit locating the garage on the east side of the residential building.



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

September 13, 2011

1109-VS-05

Exhibit 1

Recommendation

If the Board finds that the use and value of adjacent property will not be affected in a substantially adverse manner, then approve 1109-VS-05 based on the findings of this report.