



Petition Number: 1212-VS-16

Subject Site: Generally located at the northeast corner of SR 32 and Wheeler Road

Petitioner: City of Westfield Economic and Community Development Department

Request: The petitioner is requesting a Variance of Standard from the Westfield-Washington Zoning Ordinance (*WC 16.04.070*) to exempt the US 31 Overlay from the subject property.

Current Zoning: General Business

Current Land Use: Vacant

Approximate Acreage: 7.2 acres

Zoning History: (1203-REZ-01) Change in zoning from EI to GB – Approved 3/12/12

Exhibits:

1. Staff Report
2. Aerial Location Map

Staff Reviewer: Ryan Clark, Associate Planner

Petition History

This petition will receive a public hearing at the December 11, 2012 Board of Zoning Appeals meeting.

Property History

The property located at the northeast corner of State Road 32 and Wheeler Road (the "Property") was rezoned from EI (Enclosed Industrial) to GB (General Business) by the Advisory Plan Commission (the "APC") on March 12, 2012.



Analysis

The subject property was recently rezoned by the APC from EI to GB with the intention of accommodating uses such as restaurants, convenience stores, and other similar retail uses. The rezoning also acknowledged the Property could serve as a potential location for uses that were displaced from US 31 Major Moves Project. However, the Westfield-Washington Township US 31 Overlay (section WC 16.04.070) also impacts the Property. The US 31 Overlay requirements, such as permitted uses, minimum lot size (5 acres), minimum front yard (60ft), minimum building height, and minimum aggregate gross floor area (15,000 Square feet) all prohibit the Property from developing as it was contemplated when it was rezoned to General Business. The variance request to exempt the US 31 Overlay from applying to the property will allow the Property to be a beneficial part of the redevelopment of the US 31 and State Road 32 intersection.

For reference, the Hall and House PUD, located directly south of the Property, was recently rezoned to PUD and also exempted the US 31 Overlay from applying to the property within the PUD. All applicable State Road 32 Overlay Zone requirements will still be met.

Procedural

The Board of Zoning Appeals shall approve or deny variances of standard from the terms of the zoning ordinance. The Board may impose reasonable conditions as a part of its approval. 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 exempting the US 31 Overlay would 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:*

Finding: It is unlikely the use and value of the area adjacent to the Property included in the variance will be affected in a substantially adverse manner. The neighboring property to the south has already exempted the US 31 Overlay from applying and helps make the Property developable from a vacant field as it stands today.



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 US 31 Overlay when strictly applied to the property will not allow the subject site to develop as both parcels are under the five (5) acre minimum lot requirement. The permitted uses, minimum aggregate gross floor area, and minimum building height all prevent the property from being developed as contemplated in the rezoning.

Recommendations

Approve the request based on the findings of this report.