



**Petition Number:** 1802-VU-01

**Subject Site Address:** 17767 Sun Park Dr. (The “Property”)

**Petitioner:** Full Circle Renovation (The “Petitioner”)

**Request:** The Petitioner by Century 21 Scheetz is requesting a Variance of Use to allow for Construction Trade Office (Article 12) use within the US Highway 31 Overlay District (Article 13.2).

**Current Zoning:** EI: Enclosed Industrial District

**Current Land Use:** Commercial / Industrial

**Approximate Acreage:** 1.63 acres+/-

**Exhibits:**

1. Staff Report
2. Location Map
3. Existing Lot
4. Petitioner’s Application

**Staff Reviewer:** Matt Pleasant, Associate Planner

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## **OVERVIEW**

**Location:** The subject Property is 1.63 acres +/- and is located at 17767 Sun Park Dr. (see **Exhibit 2**). The Property currently has an empty building for sale. The surrounding properties are zoned EI with a storage facility south of the Property, office uses to the west, warehouse and distribution uses to the north and US Highway 31 bordering the east.

**Description:** The type of business uses proposed on this site is generally a flooring installation service with a showroom floor (30% of building), offices (30% of building), and warehouse storage for excess flooring materials (40% of building). These uses would constitute as a Construction Trade Office<sup>1</sup> use and not permitted in the US Highway 31 Overlay District as defined in Article 13.2 of the Westfield-Washington Township Unified Development Ordinance (the “UDO”). The Petitioner intends to reuse the building currently established on the Property.

**Variance Request:** The Petitioner is requesting a Variance of Use to allow a Construction Trade Office use to permit a showroom, office, and warehouse space within the US Highway 31 Overlay District.

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<sup>1</sup> Chapter 12 of the UDO defines “Office, Construction Trade” as: “electrical contractors, general contractors or construction offices, **home remodeling companies**, septic system contractors, heating and cooling contractors, painting contractors, landscaping contractors, and plumbing contractor offices, and the like, where such use is typically characterized to include some or all of the following aspects: **storage of product for sale or for installation, storage of materials related to the business, storage of equipment or other implements, office space**, parking of company vehicles, service areas for equipment and vehicles, **warehouse space, showroom space, and/or retail sales.**”



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### **SUMMARY OF VARIANCES**

The Petitioner is requesting the use within the definition of a Construction Trade Office on the Property to allow a showroom, warehouse, and office space. Chapter 13 of the UDO Use Table allows a Construction Trade Office use to be in zoned Enclosed Industrial and Open Industrial by right and General Business with the approval of a Special Exception. The use is specifically excluded from the US Highway 31 Overlay District thus necessity for the Variance request.

If the Board is inclined to approve this variance request, the Department recommends the conditions below:

- 1) Approve the Variance of Use with an expiration date on December 31, 2023,
- 2) Submit a compliant Landscape Plan to be reviewed and approved by the Department no later than December 31, 2018 and installed June 31, 2019,
- 3) Submit compliant building elevations to be reviewed and approved by the Department no later than December 31, 2018 and installed June 31, 2019.

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### **COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan:** The Westfield-Washington Township Comprehensive Plan identifies the property within the “Employment Corridor” land use classification of the “Highway Corridor” and the “Business Park” via the Land Use Concept Map.<sup>2</sup>

The Highway Corridor contemplates uses that would encourage employment growth in Westfield, including but not limited to: “office and service uses, research and development, and retail and institutional uses that are subordinate to and supportive of the office and service uses.”<sup>3</sup>

The Business Park classification is designed to: “accommodate manufacturing, research and development, processing activities, office and service uses that provide jobs and a tax base for the community.” The plan also contemplates business parks to be within a “campus atmosphere, attractive buildings, and extensive landscaping, or on large parcels, of at least 5 acres, with access to arterial streets only from frontage roads.” Business Parks encourages the following development policies:

- Industrial uses should be removed from residential neighborhoods,
- Storage to be indoors or not within sight of major roadways,
- Require parking areas to have interior landscaping and extra landscaping along street frontages

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<sup>2</sup> Page 24 of the Westfield and Washington Township Comprehensive Plan.

<sup>3</sup> Pages 53-55 of the Westfield and Washington Township Comprehensive Plan.



- Maintain attractive and appealing business and industrial areas.<sup>4</sup>

**The 2011 Family Sports Capital Addendum II to the Comprehensive Plan:** Encourages an extended mix of uses including, but not limited to: restaurants, higher density residences, healthcare and sports medicine, hotels, and retail. The Property is contemplated as a Regional Retail & Hospitality land use designation.<sup>5</sup>

**Thoroughfare Plan:** The plan identifies Sun Park Dr. as a Local Street and expected widening of the street is not anticipated.<sup>6</sup>

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## **PROCEDURAL**

**Public Notice:** The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Use. This petition is scheduled to receive its public hearing at the February 13, 2018, 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 UDO<sup>7</sup> 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 UDO<sup>8</sup> 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.

**Variations of Use:** The Board of Zoning Appeals shall approve or deny variances from the terms of the UDO. A variance may be approved under Indiana Code § 36-7-4-918.4 only upon a determination in writing that:

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<sup>4</sup> Pages 56-58 of the Westfield and Washington Township Comprehensive Plan.

<sup>5</sup> Pages 1-4 of the Family Sports Capital Addendum II to the Westfield and Washington Township Comprehensive Plan.

<sup>6</sup> Appendix B of the Westfield Thoroughfare Plan; Resolution 11-14.

<sup>7</sup> Article 10.14(I) Processes and Permits; Variances; Conditions of the UDO.

<sup>8</sup> Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.



- 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;
- 3) The need for the variance arises from some condition peculiar to the property involved;
- 4) The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property; and
- 5) The approval does not interfere substantially with the Comprehensive Plan.

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### **DEPARTMENT COMMENTS**

**Approval:** If the Board is inclined to approve the Variance of Use (1802-VU-01), then the Department recommends the Variance of Use (1802-VU-01) approval with one of the two following conditions:

- 1) Approve the Variance of Use with an expiration date on December 31, 2023,
- 2) Submit a compliant Landscape Plan to be reviewed and approved by the Department no later than December 31, 2018 and installed June 31, 2019,
- 3) Submit compliant building elevations to be reviewed and approved by the Department no later than December 31, 2018 and installed June 31, 2019.

In addition, the Department recommends the following written findings of fact related as set forth below, for the Variance of Use:

### **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 allowing the business to locate on the Property would alter the vision, public health and safety, and general welfare of this corridor. No actual construction will take place on site with the main impact being a retail and storage facility.

- 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 future of this area is contemplated as retail establishments. The use proposed would be a direct step in that direction.

- 3) *The need for the variance of use arises from some condition peculiar to the property involved.*

**Finding:** The US Highway 31 Overlay District prohibits a Construction Trade Office use. In an Enclosed Industrial zoning district outside of the overlay, the business would be able to locate by right.



WESTFIELD-WASHINGTON TOWNSHIP  
BOARD OF ZONING APPEALS

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Exhibit 1

- 4) *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:*

**Finding:** The Petitioner is relocated their business from Indianapolis to Westfield. The denial of this variance request would result in the Petitioner not purchasing the location and potentially not relocating to Westfield.

- 5) *The approval does not interfere substantially with the comprehensive plan:*

**Finding:** This use does not substantially alter the characteristics of the property and will be the next step toward a retail-centric corridor.

**Denial:** If the Board is inclined to deny the requested variance, then the Department recommends denying the variance, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.