



WESTFIELD-WASHINGTON TOWNSHIP
BOARD OF ZONING APPEALS

March 13, 2018
1803-VS-04
Exhibit 1

Petition Number: 1803-VS-04

Subject Site Address: 16133 Haddam Ln (The “Property”)

Petitioner: Gennedy Kelmanson (The “Petitioner”)

Representative: Raymond J. Hafsten, Jr.

Request: The Petitioner by Raymond Hafsten, Jr. request Variance of Development Standard to change the required Lot Standards (Article 4.2(C) and Article 4.2(D)) and amend the previously approved variance (99-V-28) to allow a fifth lot in Block A of the Woodshire subdivision within the Agriculture / Single-Family Rural District (Article 4.2).

Current Zoning: AG-SF1: Agriculture / Single-Family Rural District

Current Land Use: Residential

Property History: 99-V-28

Approximate Acreage: 3.75 acres +/-

Exhibits:

1. Staff Report
2. Location Map
3. Site Plan
4. 99-V-28
5. Petitioner’s Application

Staff Reviewer: Matt Pleasant, Associate Planner

OVERVIEW

Location: The subject Property is 3.75 acres +/- in size and is located at 16133 Haddam Lane (see **Exhibit 2**) zoned AG-SF1: Agriculture / Single-Family Rural District within the Woodshire subdivision. The Property is currently the residence of the Petitioner. The surrounding properties are zoned AG-SF1.

Property History: A variance was approved by the Board of Zoning Appeals (the “BZA”) in 1999 (see **Exhibit 4**) to allow four (4) lots to be established but not participate in the subdivision control ordinance otherwise required by the Westfield-Washington Township Unified Development Ordinance (the “UDO”). The variance also allows one lot (Lot 32) to have a smaller lot size and another lot to have no frontage requirement (Lot 30). The Property (Lot 29) is not affected by the two specific varying standards.

Variance Request: The Petitioner wishes to further subdivide the Property to allow the construction of a residential building. The variance standards requested to subdivide include



relief from the required lot frontage requirement, allow two (2) lots under the required lot area allotment, and amend 99-V-28 to allow five (5) lots within Block A of the Woodshire subdivision.

SUMMARY OF VARIANCES

The Petitioner is requesting the following changes to allow the subdivision of the Property:

- 1) Lot Standards¹ (see **Exhibit 3**):

	UDO Standard	Variance Request
Lot Frontage: Parcel A-3	250'	0'
Lot Area for proposed parcels	3 acres	1.83 acres

- 2) 99-V-28 was approved only allowing four (4) lots within Block A of the Woodshire subdivision. The Petitioner is requesting to allow five (5) lots in Block A.

COMPREHENSIVE PLAN

The Westfield-Washington Township Comprehensive Plan shows the project designated in the “Suburban Residential” within the Southeast Quadrant².

The Existing Suburban³ classification is designed to “...preserve and protect the stability and integrity of the area as it fills in.” The Existing Suburban encourages some of the following development policies:

- Promote the protection of the existing suburban character of the area,
- Encourage only compatible infill development on vacant parcels in existing neighborhoods as a means to avoid sprawl,
- Ensure that infill development is compatible in mass, scale, density, materials, and architectural style to existing development.
- Ensure that new development adjacent to existing suburban is properly buffered,
- Land Uses include detached dwellings, attached dwellings, institutional uses, and recreational uses.

The Comprehensive Plan is not law; rather, it is intended to serve as a guide in making land use decisions.

¹ Article 4.2 of the UDO.

² Page 24; Chapter 2: Land Use Plan: Land Use Classifications and Development Policies; Westfield-Washington Township Comprehensive Plan.

³ Page 38-39; Chapter 2: Land Use Plan: Suburban Residential; Westfield-Washington Township Comprehensive Plan.



PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Development Standard. This petition is scheduled to receive its public hearing at the March 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 UDO⁴ 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 UDO⁵ 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 Development Standard: The Board of Zoning Appeals shall approve or deny variations from the development standards (such as height, bulk, or area) of the underlying zoning ordinance. A variance may be approved under Indiana 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;
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; and
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.

⁴ Article 10.14(I) Processes and Permits; Variations; Conditions of the UDO.

⁵ Article 10.14(K) Processes and Permits; Variations; Acknowledgement of Variance of the UDO.



DEPARTMENT COMMENTS

Approval: If the Board is inclined to approve the Variance of Development Standards (1803-VS-03), then the Department recommends the Variance of Development Standards (1803-VS-03) approval with the following written findings of fact related to the Variance of Development Standards:

Recommended Findings for Approval:

- 1) **Criteria:** *The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*

Finding: The subdivision of the Property will not be injurious to the public health, safety, morals, and general welfare because the subdivision will only allow a residential structure to be constructed, cohesive with the neighborhood.

- 2) **Criteria:** *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 proposed variance should not have a negative impact on surrounding properties because the continued use and improvement of the property in a manner substantially consistent with the quality and character of the surrounding area and Comprehensive Plan.

- 3) **Criteria:** *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 split the property.

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.