

The Westfield Washington Township Board of Zoning Appeals met at 7:00 p.m. on Tuesday, September 10, 2013, at Westfield City Hall. Members present included Randy Graham, Martin Raines, Ron Rothrock and Bill Sanders. Also present were Jesse Pohlman, Senior Planner; and Brian Zaiger, City Attorney.

APPROVAL OF MINUTES

Sanders moved to approve the July 9, 2013 minutes with corrections.

Raines seconded, and the motion passed by voice vote.

Pohlman reviewed the Public Hearing Rules and Procedures.

NEW BUSINESS

1309-VS-09

(Public Hearing)

16950 Joliet Road

Jean Tague by E. Davis Coats, Esq.

The petitioner is requesting Variances of Standard from the Westfield-Washington Township Zoning Ordinance to allow the Minimum lot frontage on road and minimum lot width at building line to be 25 feet in the Agriculture-Single Family Rural (AG-SF1) District (WC 16.04.030.B.5 and WC 16.04.030.B.6d).

Pohlman presented details of the Variance of Standards request describing the petitioner wishes to split the property into a second parcel to allow for the construction of a second single family home. The minimum lot area for the AG-SF1 District is three (3) acres and both of the proposed parcels would meet or exceed that requirement. Pohlman stated Staff supports the approval of 1309-VS-09 subject to the conditions outlined in the Staff Report.

Dan Coats presented the request on behalf of the petitioners, Tim and Jean Tague, and described the two variances and that parcel one is the current residence and parcel two is proposed for a yet to be constructed second residence. Both parcels would otherwise comply with the AG-SF1 District Standards.

Public Hearing opened at 7:09 p.m.

Ginny Kelleher, 3920 West 166th Street, presented her letter (attached) and stated she supports the petition with the conditions outlined in her letter:

1. There will be only one curb cut for the two parcels and no further requested.
2. There will be no further subdivision of either of the two (2) parcels.
3. Any home built on the southern parcel will follow the building materials standards currently in Westfield/Washington Township's DPR for single family homes as found in the WC 16.04.165 providing that:
 - a) No single family dwelling shall utilize rolled roofing or tar paper as the visible final layer of roofing materials.

- b) No single family dwelling shall utilize vinyl siding on more than twenty-five (25) percent (exclusive of window or door areas) of any façade.

Jen Smith, 16941 Joliet Road stated she supports the petition and would also request that conditions include standards for any animals kept on the second parcel including a two hundred (200) foot setback from the property line for stables.

Public Hearing closed at 7:14 pm.

Sanders clarified with Staff how the conditions suggested in the written comments compare to the Staff's recommended conditions.

Sanders motioned to approve 1309-VS-09 with Staff recommendations, and the third condition suggested by public comments:

1. That the Petitioner dedicates a fifty (50) foot half right-of-way (pursuant to the Westfield Thoroughfare Plan) along the Property's Joliet Road frontage to the City of Westfield prior to the issuance of a Certificate of Occupancy for any new building permit on the Property;
2. That no new driveway cut shall be permitted onto Joliet Road for the Property;
3. That the Petitioner records an access easement with the Hamilton County Recorder's Office contemporaneous with the splitting of the Property and returns a copy of the recorded instrument to the Economic and Community Development Department prior to the issuance of a building permit for the Property. The access easement shall be located as generally shown on the Survey Exhibit and shall grant access in favor of Parcel II across the existing driveway; and
4. That the Petitioner records an Acknowledgement of Variance with the Hamilton County Recorder's Office and returns a copy of the recorded instrument to the Economic and Community Development Department prior to the issuance of a building permit for the Property.
5. Any home built on the southern parcel shall follow the building material standards in the Zoning Ordinance's Development Plan Review section for single family homes, as found in the WC 16.04.165, which provides that:
 - c) No single family dwelling shall utilize rolled roofing or tar paper as the visible final layer of roofing materials.
 - d) No single family dwelling shall utilize vinyl siding on more than twenty-five (25) percent (exclusive of window or door areas) of any façade.

The motioned failed.

There was a discussion among the Board members regarding the condition pertaining to building materials.

Graham motioned to approve 1309-VS-09 with Staff's recommendations:

1. That the Petitioner dedicates a fifty (50) foot half right-of-way (pursuant to the Westfield Thoroughfare Plan) along the Property's Joliet Road frontage to the City of Westfield prior to the issuance of a Certificate of Occupancy for any new building permit on the Property;
2. That no new driveway cut shall be permitted onto Joliet Road for the Property;
3. That the Petitioner records an access easement with the Hamilton County Recorder's Office contemporaneous with the splitting of the Property and returns a copy of the recorded instrument to the Economic and Community Development Department prior to the issuance of a building permit for the Property. The access easement shall be located as generally shown on the Survey Exhibit and shall grant access in favor of Parcel II across the existing driveway; and
4. That the Petitioner records an Acknowledgement of Variance with the Hamilton County Recorder's Office and returns a copy of the recorded instrument to the Economic and Community Development Department prior to the issuance of a building permit for the Property.

Raines seconded, and the motion passed 3-1 (Sanders).

Graham moved to adopt the Staff's findings of facts.

Raines seconded, and the motion passed 4-0.

REPORTS/COMMENTS

APC LIASON:

No report.

EDC STAFF:

No report.

The meeting adjourned at 7:35 p.m.

Chairperson
Randy Graham

Secretary
Matthew Skelton, Director