

The Westfield Washington Township Board of Zoning Appeals met at 7:00 p.m. on Tuesday, October 15, 2013, at Westfield City Hall. Members present included Dan Degnan, Randy Graham, Martin Raines, and Bill Sanders. Also present were Kevin Todd, Senior Planner; Sarah Reed, Associate Planner and Brian Zaiger, City Attorney.

APPROVAL OF MINUTES

Degnan moved to approve the September 10, 2013 minutes.

Raines seconded, and the motion passed by voice vote.

Todd reviewed the Public Hearing Rules and Procedures.

NEW BUSINESS

1310-VS-10
(Public Hearing)

17443 Joliet Road

Marjorie Smith by Robert Robey

The petitioner is requesting Variances of Standard from the Westfield-Washington Township Zoning Ordinance to allow a lot split within the Agriculture-Single Family Rural (AG-SF1) District (WC 16.04.030.B.10), which includes Variances of Standard from the following standards to create a legal lot:

- | | |
|--------------------|------------------------------------------------------------------|
| WC 16.04.030 B.4 | Minimum Lot Area |
| WC 16.04.030 B.5 | Minimum Lot Frontage on Road |
| WC 16.04.030 B.6.a | Minimum Front Yard Setback |
| WC 16.04.030 B.6.b | Minimum Side Yard Setback (north side yard) |
| WC 16.04.030 B.8.a | Minimum single-family ground level square footage (single story) |
| WC 16.04.030 B.10 | Subdivisions are not permitted in the AG-SF1 District |
| WC 16.04.220 | Procedures |

Reed presented an overview of the Variances of Standards to allow an existing home on a large agricultural lot to remain and the rest of the lot to be parceled off and sold. In order to permit a subdivision in the AG-SF1 District, several other variances are necessary for the new Lot 1 to be a legal conforming lot. Staff has been diligent to identify all variances needed and those have been detailed in the Staff Report.

Robert Robey with Prudential Realty Group introduced himself as the representative for Marjorie Smith, the property owner, and stated they are available for any questions.

Degnan had a question regarding condition “c.” in the Staff Report. Reed confirmed that if Lot 2 were subdivided in the future, then a variance would be required at that time to allow the lot to be split.

Public Hearing opened at 7:10 p.m.

Donald Conaway has survey stakes in the wrong yard according to his survey's map. Millers Survey Company just completed this survey. Conaway needs to discuss with the County.

Public Hearing closed at 7:12 p.m.

Staff recommends approval of 1310-VS-10 with the following conditions:

- a. That the variance to allow a subdivision in the AG-SF1 District (WC 16.04.030.B.10) only applies to the division of the Parent Parcel to the extent needed to permit the creation of Lot 1 and Lot 2.
- b. That the variance from the subdivision process (WC 16.04.220) only applies to the division of the Parent Parcel to the extent needed to permit the creation of Lot 1 and Lot 2.
- c. Any future subdivisions of Lot 1 and Lot 2 would require a variance or compliance with the Subdivision Control Ordinance.

Degnan motioned to approve 1304-VS-10 be approved with Staff's recommended conditions.

Raines seconded, and the motion passed 4-0.

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

Sanders seconded, and the motion passed 4-0.

1304-VU-04
(Public Hearing)

817 East 199th Street

Wesley's Landscaping, Inc.

The petitioner is requesting a Variance of Use from the Westfield-Washington Township Zoning Ordinance to allow a landscaping business to be permitted in the Agriculture-Single Family Rural (AG-SF1) District (WC 16.04.030.B.1).

Todd presented details of the Variance of Use request to allow a landscaping business for a property that previously had a landscape business that was not properly zoned. He also noted that the public notice sign was in place for six (6) days, rather than ten (10) days as required by the BZA Rules of Procedure.

Raines motioned to suspend the BZA rule to allow the public notice sign to be in place for six (6) days instead of ten (10) days.

Degnan seconded and motion passed 4-0.

Public Hearing opened at 7:24 p.m.

Karl Manders, 815 East 199th Street, lives across the street and does not support this request due to traffic, noise and unsafe equipment.

Greg Fettig, 817 E. 199th Street, owner of the property subject of the variance request, commented that twenty-five plus years ago, staff told him that his business was permitted. He also stated that he had never heard a complaint from Manders. Fettig commented the property is well landscaped and maintained, unlike some of the other properties. He noted that the high volume of traffic is not from this business; rather, it is due to construction on US Highway 31 and people using 199th Street to get around construction.

Public Hearing closes at 7:32 p.m.

Staff recommends approval of 1304-VU-04 with the following conditions:

1. That all outdoor activity and storage of equipment and materials occur behind the front setback line;
2. That all outdoor activity and storage of equipment and materials be screened from view from adjacent right-of-way;
3. That all signage follow the requirements found in WC 16.08.010, except that monument signage shall be prohibited on this Property; 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 occupying the Property.

Graham motioned to approve 1304-VU-04 with Staff's recommended conditions.

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

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

Graham seconded, and the motion passed 4-0.

REPORTS/COMMENTS

APC LIASON:

Degnan provided a report regarding the last Plan Commission meeting.

EDC STAFF:

No report.

The meeting adjourned at 7:43 p.m.

Chairperson
Randy Graham

Secretary
Matthew Skelton, Director