

The Westfield Washington Township Board of Zoning Appeals met at 7:00 p.m. on Tuesday, August 12, 2014, at Westfield City Hall. Members present included Dan Degnan, Randy Graham Ron Rothrock. Also present were Jesse Pohlman, Senior Planner; Kevin Todd, Senior Planner; Jeffrey Lauer, Associate Planner; and, Brian Zaiger, City Attorney.

APPROVAL OF MINUTES

Graham moved to approve the July 8, 2014, minutes.

Rothrock seconded, and the motion passed by 3-0 vote.

Pohlman reviewed the Public Hearing Rules and Procedures.

NEW BUSINESS

1408-VS-10

(PUBLIC HEARING)

16960 Little Eagle Creek Avenue

Gerald and Nancy Gobel

The petitioner is requesting Variances of Standard from the Westfield-Washington Township Zoning Ordinance for reductions in the Minimum Lot Area (WC 16.04.030.B.4), Minimum Lot Frontage on Road (WC 16.04.030.B.5) and Minimum Front Yard Setback (WC 16.04.030.B.6.a) in the Agriculture-Single Family Rural (AG-SF1) District.

Pohlman presented an overview of the requested Variances of Standard for reductions in the Minimum Lot Area, Minimum Lot Frontage on Road and Minimum Front Yard Setback in the Agriculture-Single Family Rural (AG-SF1) District as detailed in the staff report.

Public Hearing opened at 7:04 p.m.

No public comments.

Public Hearing closed at 7:05 p.m.

Graham motioned to approve 1408-VS-10 with the condition 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.

Rothrock seconded, and the motion was passed 3-0.

Degnan moved to adopt the Staff's recommended findings of fact.

Graham seconded, and the motion passed 3-0.

1408-VU-01
(PUBLIC HEARING)

1030 East 169th Street

John Laughlin, Jr

The petitioner is requesting approval of a Variance of Use to allow auto sales in the Enclosed Industrial (EI) District (WC 16.04.060.B.1)

Lauer presented an overview of the requested Variance of Use to allow auto retail in the Enclosed Industrial (EI) District. Lauer distributed written comments received by the Department in opposition of the requested Variance of Use.

John Laughlin, Jr., on behalf of the petition, presented an additional overview of the requested Variance of Use including details regarding the building floor plan and site plan.

Degnan inquired about the hours of operation.

Laughlin responded typically between 9:00 a.m. and 6:00 p.m. on Monday through Friday and 9:00 a.m. until 4:00 p.m. on Saturday and they would be closed Sunday.

Public Hearing opened at 7:15 p.m.

David Surette, 11715 Lenox Lane, Carmel: Presented that based on the information that was sent out by the Petitioner it appeared the use of the property would be for a catering business, not a car dealership. He commented he believes there should be hotels, motels, and restaurants, and not used car operations because used car lots come and go. He believed a better location would be closer to U.S. Highway 31 or State Road 32 and not at this property that will be cut off from U.S. Highway 31 in 2015.

Public Hearing closed at 7:21 p.m.

Degnan asked if there would be outside storage of cars and about the security concerns and traffic in an industrial area on the weekends that were raised in the written public comments.

Laughlin responded the cars would be displayed as shown on the site plan and some cars would be displayed inside the building. He further commented there were several options including limitations on storage, number of vehicles, hours of operation, etc. to address the concerns. Laughlin explained his plans regarding property lighting and gated access for security that would prevent vehicular access onto the property outside the hours of operation.

Degnan said that what it sounds like is he wanted to sell cars and secondary is the commissary.

Graham asked how the commissary use relates to the requested Variance of Use.

Laughlin explained the primary use of the property is planned as a commercial commissary for caterers and food trucks to use the kitchen which would subject to strict board of health requirements. Related improvements would include walk in freezers, walk in refrigerators,

cooking and preparation areas; however, financing for the commissary has been difficult because the people who would use the commissary facility wanted to see it finished before committing. As a result, the amount of activity the commissary will generate is unknown and the ability to sell cars will allow the property to be viable until the commissary gets up and running.

Degnan asked if the petitioner had talked to any of the other businesses in the area.

Laughlin said he had spoken with two individuals that called him and they had the same concerns as the people who submitted written comments, but that after discussing his proposal they wished him good luck.

Degnan asked if petitioner wanted to run the car operation until the commissary was running and making a profit and if so, would he be willing to consider a timeline for the Variance of Use?

Laughlin said that would work and that maybe a two to three year time period would work and he believes that his proposed investment will help property values in the area, not make them worse.

Degnan noted based on the public comments, there does not appear to be an agreement between neighbors and the petitioner.

Laughlin requested a continuance for one month, which was granted by acclamation.

1408-VU-02

(PUBLIC HEARING)

747 West 161st Street (Shamrock Springs Elementary)

Verizon Wireless by Russell Brown, Esq.

The petitioner is requesting approval of a Variance of Use to allow a new Wireless Communication Service Facility in the Single-Family 2 (SF-2) district (WC16.04.125.A)

Todd presented an overview of the requested Variances of Use to allow a new Wireless Communication Service Facility in the Single-Family 2 (SF-2) District. Todd distributed written comments received by the Department in opposition of the requested Variance of Use.

Will Gooden, attorney for the petitioner, made a presentation regarding the requested Variance of Use and presented an updated site plan that incorporated the enhanced landscaping referenced in the staff report's recommended conditions. Gooden further presented the details of the design and site plan, level of service exhibits and provided an explanation regarding the inability for the existing water tower on the north side of 161st Street to be able to accommodate the petitioner.

Degnan asked who would be responsible to maintain the flag.

Elizabeth Vince Williams, land planner on behalf of the petition, responded they would coordinate the details with the school, but that in similar arrangements Verizon provided the property owner with a new flag annually.

Todd confirmed the facility has the capacity for two more users as required by the Zoning Ordinance.

Public Hearing opened at 8:03 p.m.

No public comments.

Public Hearing closed at 8:05 p.m.

Rothrock motioned to approve 1408-VU-02 with the following conditions:

1. That a U.S. flag, proportionally sized in relation to the height and size of the stealth flag pole, always be raised on the stealth flag pole, unless otherwise dictated by federal, state, or local law or edict and maintained accordingly;
2. That any building constructed on the Property be completely screened from view on all sides by evergreen trees that are a minimum of eight (8) feet in height at installation and are spaced in a manner that creates a complete visual screen; and
3. 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 permit approval.

Graham seconded, and the motion was passed 3-0.

Graham moved to adopt the Staff's recommended findings of fact.

Rothrock seconded, and the motion passed 3-0.

REPORTS/COMMENTS

APC LIASON:

No report.

EDC STAFF:

No report.

The meeting adjourned at 8:07 p.m.

Chairperson
Dan Degnan

Secretary
Matthew Skelton, Director