

The Westfield Washington Township Board of Zoning Appeals met at 7:00 p.m. on Tuesday, November 11, 2014, at Westfield City Hall. Members present included Dan Degnan, Martin Raines and Ron Rothrock. Also present were Kevin Todd, Senior Planner; Andrew Murray, Associate Planner; Jeffrey Lauer, Associate Planner; and, Brian Zaiger, City Attorney.

APPROVAL OF MINUTES

Rothrock moved to approve the October 14, 2014, minutes.

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

Raines moved to adopt the 2015 Board of Zoning Appeals calendar.

Rothrock seconded, and the motion passed 3-0.

Todd reviewed the Public Hearing Rules and Procedures.

NEW BUSINESS

1411-SE-04

(PUBLIC HEARING)

20481 Horton Road

Horvath Communications LLC

By Clark, Quinn, Moses, Scott & Grahn, LLP

The petitioner is requesting approval of a Special Exception to allow a new Wireless Communication Service Facility in the AG-SF1: Agriculture/Single-Family Rural District (Chapter 13: Use Table).

Todd presented an overview of the requested Special Exception to allow a new Wireless Communication Service Facility in the Agriculture/Single-Family Rural (AG-SF1) District.

Russell Brown, Clark, Quinn, Moses, Scott & Grahn, LLP, Petitioner gave an explanation of the project.

Public Hearing opened at 7:21 p.m.

No public comment.

Public Hearing closed at 7:22 p.m.

Rothrock motioned to approve 1411-SE-04 with the following staff recommendations:

1. The tower be a monopole design;
2. The tower not exceed 175 feet in height; and,
3. The area around the tower be landscaped in a manner that is substantially similar to the submitted landscape plan (see Exhibit 4).

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

Raines moved to adopt the Staff's recommended findings of fact for approval.

Rothrock seconded, and the motion passed 3-0.

1411-VS-13 240 Creekwood Drive

(PUBLIC HEARING) *Ronald and Ellen Williams*

The petitioner is requesting a Variance of Standard for a reduction in the Side Yard Minimum Building Setback Line in the SF3: Single-Family Medium Density District (Article 4.6(E)(2)).

Lauer presented an overview of the requested Variance of Standard for a reduction in the Side Yard Minimum Building Setback Line in the Single Family Medium Density SF3 District.

Ellen Williams, Petitioner, gave an explanation of the project.

Public Hearing opened at 7:27 p.m.

No public comment.

Public Hearing closed at 7:28 p.m.

Raines motioned to approve 1411-VS-13.

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

Raines moved to adopt the Staff's recommended findings of fact for approval.

Rothrock seconded, and the motion passed 3-0.

1411-VS-14 140 East 161st Street

(PUBLIC HEARING) *James Meyers*

The petitioner is requesting a Variance of Standard to allow: (i) a reduction in the Minimum Lot Area (Article 4.2 C); (ii) a reduction in the Minimum Lot Frontage (Article 4.2(D)); (iii) a reduction in the Side Yard Minimum Building Setback Lines (Article 4.2C); and (iv) the total square footage of Accessory Buildings to exceed the Principal Building's square footage (Article 6.1(B)(2)).

Murray presented an overview of the requested Variances of Standard to allow: a reduction in the Minimum Lot Area, a reduction in the Minimum Lot Frontage, a reduction in the Side Yard Minimum Building Setback Lines and the total square footage of Accessory Buildings to exceed the Principal Building's square footage required in the AG-SF1 District.

Curtis Butcher, petitioner representative, gave an explanation of the project.

Public Hearing opened at 7:50 p.m.

Board members were presented a handout with Public Comment and pictures from Madison McCall, 27 Markelville Lane to review regarding McCall's concern with Petition 1411-VS-14. Her concerns were regarding the landscape mound between her property and the subject property. She felt the dirt was excessive and was causing the fence between the properties to deteriorate. She also stated that the dirt is causing her backyard to flood every time it rains.

Springmill Station Task Group submitted a statement regarding the request.

Public Hearing closed at 7:53 p.m.

Butcher explained that dirt was brought in to make 6' tall mounds to be a buffer between the subject property and the neighborhood yards to the north. He stated that trees were planted to also help buffer, but they died due to lack of water and not the dirt being contaminated.

Raines motioned to approve 1411-VS-14 with the following staff recommended conditions (to be completed within 30 days following determination made by the Board):

1. That the Petitioner dedicates a thirty (30) foot half right of way along the Property's 161st Street frontage to the City of Westfield; and
2. The exterior building materials for all structures shall be a finished siding material that is consistent and compatible with the Principal Building (e.g. wood, fiber cement).

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

Raines moved to adopt the Staff's recommended findings of fact for approval.

Rothrock seconded, and the motion passed 3-0.

1411-VU-04

2195 W 211th Street

(PUBLIC HEARING)

William Eagleson Jr.

The petitioner is requesting a Variance of Use to allow a Construction Trade Office (landscaping contractor business) in the AG-SF1: Agriculture/Single-Family Rural District (Chapter 13: Use Table)

Lauer presented an overview of the requested Variance of Use to allow a Construction Trade Office (landscaping contractor business) in the AG-SF1.

William J. Eagleson Jr., Petitioner, gave a presentation of the project.

Public Hearing opened at 8:07 p.m.

Ben Carr, 2204 W 211th Street; Lives across the street from the barn and has spent the last two years restoring the property himself and is concerned about a business so close to the street and directly across from their driveway. He expressed concern about the distance of the proposed parking from the road. He stated he would like to know how the parking will be screened from his property and expressed a concern with the impact of additional traffic on an already busy 211th Street and with night-time truck traffic and loading/unloading. He asked about security lighting for the parking and stated he does not support the variance request.

Public Hearing closed at 8:11 p.m.

Petitioner agreed there will be a buffer and that the area will keep the integrity and match the existing neighborhood. Petitioner stated he will work with all of the neighbors on any concerns that they may have.

Rothrock motioned to approve 1411-VU-14 with the staff recommendation:

- The Construction Trade Office use shall be limited to a landscaping contractor operation and limited in scope and operation to the Petitioner's Site Plan and Petitioner's Statement of Intent. Any expansion or substantial alteration to the scope and operation of the Variance of Use, as determined by the Director, shall require approval by the Board of Zoning Appeals.

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

Rothrock moved to adopt the Staff's recommended findings of fact for approval.

Raines seconded, and the motion passed 3-0.

REPORTS/COMMENTS

APC LIASON:

No report.

EDC STAFF:

Murray presented a report.

Rothrock motioned to adjourn the meeting.

Raines seconded, and the motion passed 3-0.

The meeting adjourned at 8:20 p.m.

Chairperson
Dan Degnan

Secretary
Matthew Skelton, Director